**IN THE COURT OF OMBUDSMAN ELECTRICITY PUNJB,**

**66KV GRID SUB-STATION, PLOT, NO. A-2, INDL. AREA,**

**PHASE-1, S.A.S. .SNAGAR, (MOHALI).**

**ORDER/REPORT DATED: 25.07.2017**

**IN APPEAL NO. 53/2016 FILED UNDER REGULATION 3.26 OF PSERC (FORUM & OMBUDSMAN) REGULATION-2016 BY M/S TANPAL PHARMACEUTICAL, NABHA AGAINST PUNJAB STATE POWER CORPORATION LTD. (RESPONDENTS) FOR NON-IMPLEMENTATION OF OMBUDSMAN ORDERS IN APPEAL CASE NO. 53 / 2016 DECIDED ON 15.12.2016.**

Before me for consideration are applications dated 13.06.2017 and 10.07.2017 submitted by M/s Tanpal Pharmaceuticals, Nabha mentioning that an Appeal in case No. 53 of 2016 was allowed by this Court vide orders dated 15.12.2016 vide which directions were issued to the Respondents to overhaul the account of the Petitioner as per provisions contained in Regulation 21.5.1 of Supply Code-2014 for six months prior to checking by the Enforcement i.e. 04.08.2015 with slowness factor of 80.11%. Besides, the Respondents were also directed to recalculate the demand accordingly and recover / refund the excess / short after adjustment, if any, from / to the Petitioner with interest under the provisions of ESIM - 114.

1. I have gone through the provisions contained in Regulation 3.26 of PSERC (Forum & Ombudsman) Regulations-2016 which read as under:-

*“The Licensee shall comply with the award/order within 15 days of the date of receipt. Non-compliance of the award / Order within the stipulated period shall be treated a violation of these Regulations and liable for appropriate action by the Commission under the provisions of the Act. Such violation, if any, may be brought to the notice of the Ombudsman by the consumer. The Ombudsman will provide the consumer as well as the Licensee an opportunity of being heard and send a report to the Commission within 30 days of the date of such hearing. On consideration of the report of the Ombudsman, the Commission will take further action including that under Section 142 of the Act as it may deem fit.”*

1. On receipt of application dated 13.06.2017 from the Petitioner intimating that it had not received Demand Notice in compliance to orders passed by this Court, the Respondents were directed vide Memo. No. 740 dated 14.06.2017 to furnish parawise comments on the application ibid. In response thereto, Addl. Superintending Engineer, PSPCL, Nabha intimated vide letter dated Nil that a CWP No. 6058 of 2017 has been preferred before Hon’ble Punjab & Haryana High Court and is under consideration.
2. The Respondents were directed vide Memo. No. 815 dated 29.06.2017 to submit a copy of Stay orders, if any, passed by Hon’ble Punjab & Haryana High Court or alternatively, implement the decision dated 15.12.2016 of this Court.
3. Both the sides viz; the Petitioner and Respondents were directed to appear in this Court on dated 18.07.2017 at 12.00 Noon, but neither of the two appeared on the appointed date and time.
4. Another opportunity was afforded by fixing a hearing for dated 24.07.2017 at 11.30 A.M.
5. On 24.06.2017, Shri Daljeet Sethi, Partner and Shri Deepak Sharma, Petitioner’s representatives attended the Court on behalf of the Petitioner. Er. Saleem Mohamad, Addl. S.E. “OP” Division, PSPCL, Nabha and Er. Ashvin Sharma, AEE, Sub-urban, PSPCL, Nabha attended the Court on behalf of Respondents.
6. During the course of hearing, Er. Saleem Mohammad Addl. S.E., PSPCL informed that no stay had been granted till date in this case by Hon’ble High Court and gave in writing that Demand Note will be issued by 28.07.2017 as part of implementation of decision of this Court.
7. The Petitioner submitted during the hearing dated 24.07.2017 that his industry is a tiny unit and average billing was to the tune of Rs. 20,000/- per month and as such, refund of amount due alongwith interest as per rules be made in lump instead of by way of adjustment through monthly Electricity Bills.
8. As directed by this Court, the Respondent has sent details by mail dated 25.07.2017 the billing pattern of Petitioner for the period from 02/2017 to 07/2017 which reveals that average billing amount is in the range of Rs. 37,716/- per month.

After deliberating the matter at length, I am of the view that in case, the amount payable is adjusted in monthly bills is equated in instalments, this may lead to creation of extra liability by way of payment of interest on reducing balance . Thus, with a view to avoid additional financial implication, it will be more appropriate to make payment having become due alongwith interest as per rules in lump. The Respondents are accordingly directed to refund the payable amount in lump through Demand Draft expeditiously but not later than 14.08.2017. Non implementation of these orders within stipulated time may lead to initiation of proceedings under Section 142 of Indian Electricity Act-2003.

(MOHINDER SINGH)

Ombudsman

Place: SAS Nagar (Mohali Electricity, Punjab,

Date: 25.07.2017 SAS Nagar (Mohali)