

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO NO. 220-221, SECTOR 34-A, CHANDIGARH**

**Review Petition No.04 of 2018
in Petition No.: 64 of 2017
Date of order: 26.09.2018**

Present: Ms. Kusumjit Sidhu, Chairperon
Sh. S.S. Sarna, Member
Ms. Anjuli Chandra, Member

In the matter of : Review Petition under Regulation 64 of PSERC
(Conduct of Business) Regulations, 2005 against
PSERC Order dated 07.05.2018 in Petition No.
64 of 2017 for refund of security (works) in
excess of actual expenditure

AND

In the matter of: SEL Manufacturing Company Ltd. Vill.
SekhanMazara, Rahon-Machhiwara Road, Distt.
S.B.S. Nagar, through its President (Engg.)
Pradeep Kumar Aggarwal
... Petitioner

Versus

Punjab State Transmission Corporation Ltd.,
(PSTCL), Patiala
... Respondent

ORDER

SEL Manufacturing Company Ltd. (SEL) has filed the present review petition under Regulation 64 of Punjab State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 against the Order dated 07.05.2018 passed in Petition No. 64 of 2017 regarding refund of security (works) in excess of actual expenditure and prayed that the said Order dated 07.05.2018 be reviewed in the interest of justice & directions be

issued to the respondent, accordingly. SEL also filed an application for condonation of delay submitting that review petition is delayed by about two weeks which is on account of the fact that SEL was waiting for the response of PSTCL with regard to implementation of the Order dated 07.05.2018 which was received through memo no. 2158 dated 13.06.2018. SEL will suffer an irreparable loss in case review petition is not heard and delay of a few days in filing the review petition may be condoned in the interest of justice.

2. The petition was fixed for condonation of delay and admission on 12.09.2018. After hearing the petitioner the delay in filing the review petition was condoned and the petitioner has been heard on admission of the review petition. The review petitioner submitted that Sr. XEN Grid Construction Division PSTCL, Jalandhar vide memo. dated 13.06.2018 intimated that no amount is refundable as the actual expenditure incurred on electrical work of 132 kV Bay at 132 kV Sub-Station, Jadla is Rs. 28,48,808/- and after adding Rs. 20,12,120/- on account of proportionate cost of Sub-Station assets, the total cost of the Bay is Rs. 48,60,928/-. Accordingly, nothing is refundable since a sum of Rs. 48,25,000/- only was deposited for this work. The petitioner submitted that it is wrong to say that a sum of Rs. 48,25,000/- only was deposited for the said work of 132 kV Bay. In fact, another sum of Rs. 5,00,000/- was transferred by Sr. XEN, Nawanshahar Divn., PSPCL to Sr. XEN, Civil Const. Divn., PSTCL for the civil works. Thus, a total sum of Rs. 53,25,000/- was deposited by the petitioner for erection of 132 kV Bay and not Rs. 48,25,000/- as alleged. Moreover, cost of Rs. 20,12,120/- worked out by PSTCL is

totally wrong and without any basis. As per cost data approved by PSERC vide memo no. 13759 dated 18.12.2014 for 132 kV Bay, the provision for cost of land etc. is only Rs. 3.47 lakh in the table for cost computation.

The petitioner further submitted that the cost of Bay is a wasteful expenditure since the same is of no use to it in the absence of 132 kV line which could not be erected by PSTCL citing right of way problem. The petitioner, under compelling circumstances, had to withdraw the request for availing load at 132 kV. The land/material utilized for erection of 132 kV bay will be of no use to the Petitioner. So charging the cost for land/common assets is not justified. As a matter of fact, the material used on the erection of this Bay should be returned to the Petitioner along with balance refundable amount.

The present review petition has been filed as there is no grievance settlement mechanism in PSTCL and the Order dated 07.05.2018 in Petition No. 64 of 2017 itself is not strictly in accordance with the cost data approved by the Commission.

3. The Commission notes that Regulation 64 (1) of PSERC (Conduct of Business) Regulations, 2005 reads as under:

“ (1) Any person aggrieved by a decision or order of the Commission, from which appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decision/order was passed by the Commission or on account of some mistake or error apparent on the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of decision/order of the Commission” ...

The Commission finds that the aforementioned conditions for considering review of the Order dated 07.05.2018 in Petition No. 64 of 2017 are not met with. No new issues can be entertained in the Review Petition. The Commission opines that, the issues raised in the purported review petition are in the nature of billing dispute(s). In this regard, the Commission in its above mentioned Order dated 07.05.2018 has already held that in case the petitioner is not satisfied with the amount calculated by PSTCL for refund of expenditure on 132 kV Bay as directed in the said Order, the petitioner shall be free to approach the grievances settlement mechanism of the licensee as per law. The submission of the petitioner in this regard that there is no grievances settlement mechanism in PSTCL, the Commission finds that as the petitioner is a consumer of PSPCL, it is required to approach the Forum for Redressal of Consumer Grievances of PSPCL established under Section 42 (5) of the Electricity Act, 2003. The Forum may summon PSTCL, if required. The Commission directs PSTCL to appear before the Forum as and when summoned for this purpose.

The review petition is not admitted and disposed of in terms of above.

Sd/-

(Anjuli Chandra)
Member

Sd/-

(S.S. Sarna)
Member

Sd/-

(Kusumjit Sidhu)
Chairperson

Chandigarh
Date : 26.09.2018