

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

Petition No. 20 of 2017  
&  
I.A. No. 9 of 2017  
Date of Hearing: 11.04.2017

Present: Shri D.S. Bains, Chairman  
Shri S.S. Sarna, Member

In the matter of : Petition under Section 142, 146 of the Electricity Act, 2003 read with Regulation 69 of the PSEERC (Conduct of Business) Regulation 2004, for taking necessary actions, against the Respondent Nos. 1 to 3 for violation / non-compliance of the order dated 25.01.2017 passed in Petition No.9 of 2016, titled as M/s ACME Solar Rooftop Systems Private Limited V/s PSPCL and another, by this Hon'ble Commission and for issuance of appropriate directions to the respondents for complying with the above said order.

AND

In the matter of: ACME Solar Rooftop Systems Private Limited, through its Manager Mrs. Shafali Pawar, Plot No.152, Sector 44, Gurgaon, Haryana  
...Petitioner

Versus

1. Punjab Energy Development Agency, Solar Passive Complex, Plot No. 1 & 2, Sector 33-D, Chandigarh.
2. Shri R.K.Gupta, Senior Manager (P), Punjab Energy Development Agency, Solar Passive Complex, Plot No. 1 & 2, Sector 33-D, Chandigarh
3. Punjab State Power Corporation Limited (PSPCL) Patiala, Punjab.

For Petitioner: Shri Anurag Sharma, Advocate  
Dr. Maneesh Karna, GM, Business Development  
Shri Manoj Kumar Gupta, AVP

For PEDDA: Shri Aditya Grover, Advocate  
Shri R.K.Gupta, Sr. Manager  
Shri Lovkesh Khanna, PA to Jt./Dir

For PSPCL: Shri Ashok Kumar Goyal, ASE/TR-5  
Shri Mohinder Singh, Sr. Xen/IPC  
Shri Mayank sharma, Advocate

## **ORDER**

To-day the matter was taken up for hearing. PSPCL has submitted a reply to the petition. The same be taken on record. The copies of the reply were also handed over to the opposite parties.

The Petitioner seeks time to file a rejoinder to the reply filed by PSPCL. The Prayer is allowed. The petitioner shall file a rejoinder with a copy to the respondents by 18.04.2017 (through email and hard copy).

PEDA is also directed to file a reply to the petition with a copy to the petitioner and PSPCL by 18.04.2017 (through email and hard copy).

From the perusal of the documents placed on record and averments made by the Learned Counsel of parties, the Commission noted that Respondent No.1 and Respondent No.3 have willfully not complied with the order dated 25.01.2017 passed by the Commission in Petition No. 09 of 2016. The relevant part of the Order is reproduced below :-

*“ xxix) Consequently, the Commission directs PEDA to forthwith release the PBGs to the petitioner. PSPCL is directed to refund the amount of Rs. 93 lakh or any other amount deducted by it from the bills of the petitioner on account of levy of liquidated damages forthwith to the petitioner. In case PEDA and PSPCL fail to comply with the above directions within seven working days from the date of this Order, they shall be liable to pay penal interest to the petitioner at the rate of 1.25% per month payable on pro-rata basis for each day's delay beyond seven working days. ”*

A serious view has been taken by the Commission for this lapse. The Ld. Counsel for PEDA stated at the Bar that PEDA had taken conscious decision to pay 1.25 % interest per month instead of releasing the PBG. The GM business development for the petitioner company requested that this statement be taken

on record. He asked if the decision was only to retain the PBG and to pay 1.25 % interest charges per month, why was the bank instructed to encash the PBG on dated 01.03.2017 at page 125 of the Petition in complete defiance of the Hon'ble Commission's Orders.

The Commission sought an answer from the Senior Manager, PEDDA whether this amount (which worked out to about Rs. 32 Lakhs till 11.04.2017) was to be paid out of public funds or would it be paid by PEDDA officers pro-rata in case PEDDA failed to obtain relief from the Hon'ble APTEL / Hon'ble Supreme Court of India.

Similarly, the GM of the Petitioner Company sought the directions of the Commission for refund of Rs. 93 Lakh by PSPCL whose value has now increased by Rs. 2.48 Lakh. The Commission deprecated the actions of the Respondents and wondered why the Govt. owned public sector units were working against the stated policy of the Hon'ble Prime Minister of India. i.e. "Ease of Doing of Business"

Since PEDDA has not got a stay against the Order passed by the Commission on 25.01.2017, PEDDA is hereby directed to release the PBGs to the petitioner immediately along with interest @1.25% per month on pro-rata basis on the amount of PBGs as per the order passed by the Commission on 25.01.2017 till the date of release of the PBGs.

Also, PSPCL is directed to refund the amount of Rs.93 Lakh and any other amount deducted by them from the bills of the petitioner on account of levy of liquidated damages, to the petitioner along with 1.25% interest per month on pro-rata basis as per the order passed by the Commission on 25.01.2017 till the date of the refund of the amount.

During the hearing, the Ld. Counsels for PEDDA as well as of PSPCL have assured that complete compliance of the Order dated 25.01.2017 passed by the Commission will be made immediately.

The matter shall be taken up for arguments on 25.04.2017 at 11.30 A.M.

**Sd/-  
(S.S. Sarna)  
Member**

**Sd/-  
(D.S. Bains)  
Chairman**

**Chandigarh  
Dated: 12.04.2017**