

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

**Petition No. 46 of 2017
Date of hearing: 20.12.2017
Date of Order: 03.01.2018**

In the matter of: Petition under Section 142 and other applicable sections of Electricity Act 2003, applicable provisions of the PSPCL instruction manual and supply code of 2014, for issuance of appropriate directions to the Respondent No.4, the licensee, to take appropriate action against the Respondents No.1 to 3 for gross violation of various provisions of the Act.

AND

In the matter of: Shop Owners Welfare Association, House No.3157, Sector 37-D, Chandigarh. Petitioner

Versus

1. Paras Buildtech India P.Ltd., 11th Floor, Paras Twin Towers (Tower) (B), Golf Course Road, Sector 54, Gurgaon – 122002;
2. Yogesh Mittal C/o Paras Buildtech India P.Ltd., 11th Floor, Paras Twin Towers (Tower) (B), Golf Course Road, Sector 54, Gurgaon – 122002
3. Paras RE Facilities, 11th Floor, Paras Twin Towers (Tower) (B), Golf Course Road, Sector 54, Gurgaon – 122002
4. Punjab State Power Corporation Limited, The Mall, Patiala.

.... Respondents

Present: Ms. Kusumjit Sidhu, Chairperson
Ms. Anjali Chandra, Member

For Petitioner: Sh. Rajesh Garg, Senior Advocate
Ms. Nimrata Shergill, Advocate
Sh. Pankaj Josen

For Paras Buildtech India P. Ltd.: Ms. Gurpreet Randhawa, Advocate
Sh. Devinder Katoch

For Yogesh Mittal C/o Paras Buildtech India P. Ltd.: Ms. Gurpreet Randhawa, Advocate
Sh. Devinder Katoch

For Paras RE Facilities: Ms. Gurpreet Randhawa, Advocate
Sh. Devinder Katoch

For PSPCL: Sh. Rohit Aggarwal, Advocate
Sh. A.K. Sharma SE/TR-2
Sh. V.P.S. Kailay, Addl. SE/TR-5
Sh. Ajay Bansal, Addl. SE
Sh. Inderpreet Singh, AEE
Sh. Sawarnjit Singh, AAE,

ORDER

During the hearing, Ms. Gurpreet Randhawa, Advocate submitted that she is appearing on behalf of respondents no. 1 to 3 and placed on record Vakalatnama and Memorandum of Appearance. The Counsel requested that the copy of the petition and reply of PSPCL may be provided, so that reply on behalf of respondents is submitted. The Ld. Counsel for the petitioner requested that PSPCL may be directed to process the application of individual shop keepers for direct connections from PSPCL. The petitioner may note that since PSPCL has signed the franchisee agreement with the respondent no.2, all shopkeepers of the complex connected to PSPCL's mains are the consumers of distribution licensee within the meaning of section 2 (15) of the Act.

The officer representing PSPCL submitted that a 30 days notice has been issued to the franchisee on 24.11.2017 directing him to fulfill the terms & conditions of the Franchisee Agreement. He further submitted that the franchisee agreement was signed in March, 2017 and notice was issued in May, 2017 to deposit bank guarantee as per clause 17 of the agreement, but no response was received. PSPCL is directed to place on record the copy of the franchisee agreement signed by PSPCL with respondent no. 2. Further queries were raised by the Commission and the officer of PSPCL failed to reply to the queries of the Commission on the matter with the plea that he has been deputed to attend proceedings today on short notice as the concerned Sr. Xen was busy in some meeting and that he is not fully aware of the details of the case. Also, the

Counsel representing PSPCL was not present though he appeared when the hearing in the petition was already over. The Commission took a serious note of this lackadaisical approach of PSPCL in the matter and directed that on the next date of hearing, the concerned Chief Engineer/ Distribution should be present.

The Commission directs PSPCL to explain how the franchisee is being allowed to charge electricity tariff higher than the rates approved by the Commission and why no action has been taken in the last 9 months against the franchisee. The Ld. Counsel for the petitioner stated that the meters are under the lock and key of the developer and they have no access to the meters to check the consumption being recorded by the meter. PSPCL is further directed to check and report whether the meters have been installed as per Central Electricity Authority Metering Regulations or not. PSPCL is also directed to check and report whether dual meters have been installed to record the backup supply separately by the Franchisee as per the terms & conditions of the Franchisee Agreement.

The Commission further directs PSPCL to ensure that no extra charges, other than approved by the Commission, are recovered from the consumers of the franchisee area. PSPCL shall also be responsible to ensure that electric supply to any consumer is not disconnected except due to non-payment of energy bill as per regulation 32 of the Supply Code, 2014.

The Commission also directs the counsel for the respondents no.1 to 3 to file reply to all the issues raised in the petition and also those raised during the hearing particularly the allegation that electricity tariff higher than the rates approved by the Commission is being recovered from the consumers.

The reply/submissions be filed by all the respondents latest by 19.01.2018 with copy to the petitioner (through email and hard copy). Rejoinder, if any, be filed by the petitioner by 25.01.2018.

The petition is fixed for hearing on 31.01.2018 at 11:30 A.M.

Sd/-
(Anjali Chandra)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 03.01.2018