

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

**Petition No. 59 of 2017
Date of hearing: 03.01.2018
Date of Order: 15.01.2018**

In the matter of: Petition under Supply Code (2007) Regulation 49 & Supply Code (2014) Regulation 46 for setting aside the illegal demand of Rs.5,40,97,475/- raised by PSPCL on account of voltage surcharge for the period 01.04.2011 to 11.09.2017 in violation of the Electricity Act, 2003 & Supply Code Regulations.

AND

In the matter of: SEL Manufacturing Company Ltd., Village Lall Kalan, Ludhiana-Samrala Road, District Ludhiana, through its President (Engg.) Pardeep Kumar Aggarwal.

.. Petitioner

Versus

Punjab State Power Corporation Ltd.,The Mall, Patiala.

.. Respondent

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

For Petitioner: Sh. V.K. Singla, Advocate
Sh. R.S. Dhiman
Sh. M.R. Singla

For PSPCL : Sh. Vinod S. Bhardwaj, Advocate
Sh. A.K. Sharma SE/TR-2
Sh. V.P.S. Kailay, Addl. SE/TR-5
Sh. Sukhjit Singh, Addl. SE/Samrala
Sh. Mukhtiar Singh, AE/Katani Kalan
Sh. Amrit Pal Singh, RA/Kohara

ORDER

The petition was taken up for hearing / arguments. The petitioner submitted as under:

All the conditions of the demand notice including deposit of the charges demanded by PSEB (now PSPCL) in the demand notice for release of connection at 66 kV have been complied with by the petitioner and the 66 kV grid sub-station completed by incurring an expenditure of approximately Rs.1.5 crore. As per regulation 5 of the Supply Code, it is the duty of the licensee to release the connection within the time period specified in regulation 6. PSPCL has failed to release the connection at the specified voltage within time period and the demand of voltage surcharge from back date is totally unjustified. As per section 67 and 68 of the Electricity Act, 2003 read with Punjab Works of Licensee Rules, 2008, PSEB (now PSPCL) was required to approach the District Magistrate and get the compensation amount determined as per law but the respondent never carried out its responsibility as required under the law. The petitioner was always ready to pay compensation to the affected farmers but was never asked to deposit the compensation amount by concerned authority / PSPCL. There was no constraint for release of connection at 66 kV and the delay for release of connection at 66 kV was entirely that of PSEB (now PSPCL) for which the petitioner cannot be penalized by levy of voltage surcharge.

The Ld. counsel for PSPCL argued that out of 16 towers, 10 number towers were erected but the remaining 6 towers could not be erected due to non-settlement of compensation amount to the affected farmers in accordance with the orders of Hon'ble High Court of Punjab & Haryana.

The Commission directed PSPCL to submit copy of the public notice issued by PSPCL for inviting objections for the erection of 66 kV line and also the objections received, if any, in this regard. PSPCL should inform the Commission as to what action PSPCL has taken to resolve the issue of compensation to the affected farmers in accordance with Punjab Works Licensee Rules, 2008. PSPCL should also explain why no approval for extension in the time period specified for release of connection under regulation 6(b) of the supply

Code, 2007 was sought from the Commission. The Commission raised queries regarding the delay on the part of PSPCL for which the counsel appearing for PSPCL requested for grant of some time. PSPCL should intimate the interest/penalty payable by PSPCL to the petitioner for delay in release of connection as per the regulations. PSPCL shall file a detailed reply regarding delay including the details of proceedings before the competent authority for awarding compensation to the land owners who are said to have raised dispute in the erection of 66 kV line by 22.01.2018 with copy to the petitioner (through e-mail as well as hard copy) and the petitioner may file rejoinder, if any, by 29.01.2018.

The recovery of voltage surcharge amounting to Rs.5,40,97,475/- raised by PSPCL vide Memo No.474 dated 10.10.2017 is stayed.

The petition is fixed for hearing / arguments on 07.02.2018 at 11.30 A.M.

Sd/-
(Anjali Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 15.01.2018