

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO 220-221, SECTOR 34A, CHANDIGARH

PUBLIC NOTICE

The Ministry of Law and Justice in consultation with Attorney General of India while interpreting the Open Access provisions such as section 42, 45, 49, 62 and 86 of the Electricity Act, 2003 has given its opinion as per Ministry of Power, Govt. of India letter no. 23/1/2008-R&R (Vol. IV) dated 30th Nov, 2011 (Annexure 'A').

2. Earlier APTEL in its Judgement in Appeal No.1 of 2006 dated 11th July, 2006 (Annexure 'B'), held as under:

- Neither Sec. 38 (2) (d) nor Sec. 39 (2) (d) nor Sec. 42 (2) which provides for Open Access warrants or stipulates that an existing consumers who seek an open access shall cease to be a consumer of a area Discom.
- In law and as per statutory provisions so long as Appellant desires to continue its relationship with area distribution licensee and agreed to abide by the stipulation, there can be no direction or compulsion to sever its contractual relationship as a consumer.

3. Ministry of Power letter dated 30.11.2011 (Annexure 'A') and APTEL Judgement dated 11.7.2006 (Annexure 'B') are available on website of the Commission i.e. 'www.pserc.nic.in' which may be referred to.

4. The Open Access consumers and others, if any, are requested to furnish their views/comments on the interpretation of Open Access provisions by Ministry of Law & Justice and the aforesaid Judgement of the APTEL, to the Commission within a period of 30 days so as to enable the Commission to take further action in the matter.

SECRETARY

[Click Here For Annexure A](#)

[Click Here For Annexure B](#)