

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20647 of 2017

Date of decision: September 20, 2017

Punjab State Power Corporation Limited

...Petitioner

Versus

HIM Foods and Cold Storage & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. I.S. Saggu, Advocate for the petitioner.

Rajan Gupta, J.(oral)

This petition is filed by the Punjab State Power Corporation Limited (hereinafter referred to as the "Corporation") to challenge the order of the Ombudsman dated 2.12.2016.

In brief, respondent no.1 was having a large supply category connection bearing A/c No.LS13 with sanctioned load of 197.472 KW under Operation Sub Division of Mansa. The data of the meter installed in the premises of respondent no.1 was downloaded by the Senior Executive engineer/MMTS, Bathinda on 03.06.2015, 11.8.2015 and 20.10.2015. After scrutiny of the printouts it was pointed out that the consumer-respondent No.1 had violated the peak load hours and as such a penalty of Rs.45,566/- was imposed upon respondent No.1.

The case of the petitioner is that the Corporation had issued PR Circular No.1/2015 dated 31.03.2015 regarding timing of evening peak load hours restrictions by changing the earlier timings. The said peak load

restrictions hours were applicable to the large supply consumer only. The said circular was made effective from 01.04.2015 and was uploaded on the website of the Corporation but due to non-publicity of the same, some of the consumers were not able to observe the changes in the peak load restriction hours, therefore, a new PR Circular No.25/2015 dated 16.06.2015 was issued to the effect that the consumer, who kept on observing previous peak load hours restriction timings, shall not be penalized till the issuance of first bill of large supply consumer.

It is submitted that the Divisional Dispute Settlement Committee decided the matter against respondent no.1 and its order was upheld by the Forum for Redressal of Grievances of Consumers, which was challenged by respondent no.1 before the Ombudsman, Electricity, Punjab, who has allowed the appeal vide its order dated 2.12.2016 on the ground that PR Circular No.01/2015 contains a specific provision that the changes in peak load restriction hours are to be got noted from all the concerned consumers well in time but the same has not been done by the Corporation.

Counsel for the petitioner has submitted that the finding recorded by the Ombudsman are erroneous because the matter was brought to the notice of the consumers by uploading the same on the website.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no error in the order of the Ombudsman because it is specifically mentioned in the PR Circular No.01/2015 that the changes in the peak load restriction hours/timings are to be got noted from all the concerned consumers well in time.

In view of the well reasoned order passed by the Ombudsman, I do not find any merit in the present petition. Same is hereby dismissed being without any merit.

(RAJAN GUPTA)
JUDGE

September 20, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No