

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27887 of 2017
Date of Decision:09.01.2018

M/s Mada Cotton & Oil Mills

. . . . Petitioner

Vs.

Punjab State Power Corporation Limited and others

. . . .Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.K.K. Goel, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner, a seasonal industry, has challenged the order dated 25.7.2017 passed by the Consumer Grievances Redressal Forum [for short 'the Forum'] and the order dated 2.11.2017 passed by the Lokpal (Ombudsman), Electricity, Punjab [for short 'the Ombudsman'].

The petitioner was having a Large Supply (LS) category Mixed Load Connection (Seasonal & General Load) with sanctioned load of 198 kW (163.52 kW General + 34.48 kW Seasonal) and CD of 134 kVA (104 kVA General + 30 kVA Seasonal) operating under City Sub division, Punjab State Power Corporation Limited (PSPCL), Maur. The petitioner requested to disconnect its Seasonal Load & reduction of General Load from 163.520 kW to 127.160 kW on 6.12.2016. Hence, the Seasonal Load was disconnected and General Load was reduced on 30.12.2016. The petitioner was served with a bill in January, 2017 for the period from 30.12.2016 to 31.1.2017 of ₹1,25,270/- wherein a sum of ₹99,720/- was charged on account of Monthly Minimum Charges (MMC) for the seasonal period i.e.

1.9.2016 to 30.12.2016 on prorata basis. The petitioner deposited the whole amount of bill including sundry charges under protest vide CCR No.51 dated 20.2.2017 and also submitted a representation on 15.2.2017 to withdraw the sundry charges. The request made by the petitioner was dealt with by the Additional SE, Computer Billing Cell, PSPCL, Bathinda, who vide memo No.129 dated 22.2.2017 intimated that the amount has been charged as per regulations of the PSPCL. The respondents had allegedly charged the MMC on prorata basis from the start of the seasonal period i.e. 1.9.2016 to 30.12.2016 i.e. from the date on which the Seasonal Load was disconnected on the request dated 6.12.2016 of the petitioner, as per Regulation 18.5(iii) of the General Conditions of Tariff for the year 2016-17 issued by the Punjab State Electricity Regulatory Commission [for short 'the PSERC']. The Ombudsman directed the respondents before him to recalculate the demand as per his directions and recover the same with interest in terms of the provisions contained in Regulation 35.1.3 of Supply Code – 2014 amended vide PSERC notification dated 22.6.2016.

Learned counsel for the petitioner has submitted that the PSPCL has failed to go through the consumption data of the disputed period i.e. September, 2016 to 30.12.2016 during which it was very nominal as only the lights and General Load was running. It is also submitted that the load was disconnected as there was no work and business. The petitioner did not run the cotton unit during the year 2016-17 and finally got the load disconnected w.e.f. 30.12.2016 in order to avoid billing of MMC which has been charged illegally on prorata basis without any instructions.

I have heard learned counsel for the petitioner and perused the record.

The Ombudsman, while interpreting Regulation 18.5(iii) of the General Conditions of Tariff for the year 2016-17 has recorded the findings in detail which does not call for any interference by this Court as the MMC has been charged for minimum period of 4 ½ months as provided. Consequently, I do not find any reason to interfere in this petition and the same is hereby dismissed.

09.01.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No