

Execution Petition No.136/07

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Present for: M/S H.M. Stees Ltd, Petitioner :Sh. P.C.Dewan

HPSEB, Respondent

:Er.V.D. Sharma,  
C.E. (Comm)

**Order**

In petition No. 136/07, M/S H.M. Stees Ltd, Kala Amb, Distt. Sirmour (the petitioner) have stated that the HPSEB (the respondent), have not complied with the orders of the Commission, passed on 30.3.2007 in Review Petition No. 173/2006, whereby the demand charges applicable to the Power Intensive Units category in the order dated 3.7.2006 were relegated to the level of other Large Supply Consumers. In accordance with the Commissions Order, the petition calculated the refund due to him from the respondents and submitted 45 days ago to the authorities of the Board, with the request to adjust the said amount in the ensuing bill. The said orders are yet not complied with.

The petitioner has stated that he is facing financial crunch and is availing loan at high rates of interest. In view of these circumstances, the petitioner has approached this Commission for the directions to the respondents under section 146 under the Electricity Act, 2003, to refund the amount due to the petitioner with interest at the same rates as applied by the respondents on their dues.

2. The reply of the respondent Board has not been filed and received in this Commission. M.A No. 142/07 filed by the petitioner is the rejoinder to the reply purported to have been filed by the respondent Board.

3. The representative of the respondent Board have submitted that the Board has made the petition for review and has requested the Commission to defer the implementation of the decision of the Commission concerning the relegation of the demand charges, as it would have impact on the fiscal health of the Board, till the review petition moved by them is decided. The Commission finds this argument to be specious as impact on ARR was not accounted for in the Tariff Order.

4. After hearing the parties and arguments advanced by the parties, the Commission finds no plausible reasons for deferring the implementation of the decision of the Commission, passed on 30.3.2007 in the Review Petition No. 173/2006 and hereby directs the respondents Board to refund to the petitioner

and all other affected parties within one month from the date of this order.  
No interest will be paid by the licensee on the refunded amount.

Announced in open Court.

File be consigned to the record room

Dated 16<sup>th</sup> June, 2007

(Yogesh Khanna)

Chairman