



HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTAL COMPLEX, SHIMLA-171002
Phone: 0177-2624525, email: ombudsmanelectricity.2014@gmail.com

In the matter of:

M/S Plato Industries Limited, Plot No. 10, Sector-3, Industrial area, Tehsil Kasauli, Parwanoo,
District Solan, HP-173220 - Complainant

Vs

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004
2. Sr Executive Engineer, Electrical Division, HPSEBL, Parwanoo, District Solan, HP-173220
3. The Assistant Executive Engineer (E), Electrical Sub-Division, HPSEBL, Parwanoo, District Solan, HP-173220 - Respondents

Complaint No. 46/2020, Registered on 17/11/2020
(Decided on 30/12/2020)

CORAM

Er. K.L.Gupta
HP Electricity Ombudsman

Counsel for:

The Complainant: Sh. O.C. Sharma, Advocate
The Respondents: Sh. Anil Kumar God, Advocate

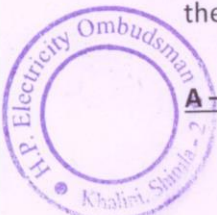
Order

The case was first registered on 17/11/2020 and was sent for reconciliation to both parties on 19/11/2020 to be returnable by 03/12/2020. Since no communication was received from either of the parties about reconciliation, the case was first listed for 21/12/2020. The Respondents were to file the reply by 18/12/2020. The rejoinder was to be filed by 21/12/2020. The Respondents filed their reply on 21/12/2020 and the Complainant chose not to file any rejoinder and instead argued the case regarding non-implementation of the Consumer Grievances Redressal Forum orders dated 20/08/2020. The Respondents were directed to submit copy of the energy bill wherein 1/3rd amount deposited by the Complainant have been refunded by 23/12/2020 which they have submitted through email dated 22/12/2020.

A – Brief facts of the Case:

1. M/S Plato Industries Limited, Plot No. 10, Sector-3, Industrial area, Tehsil Kasauli, Parwanoo, District Solan, HP-173220 have filed an application through Sh. Anurag Bhanot (hereinafter referred to as 'The Complainant') under Regulation 28 (1) (b) and 37 (6) of

Handwritten signature: K. Gupta, 30/12/2020





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Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 with prayer to make Compliance of orders passed by the Forum on dated 20/08/2020 in Complaint No. 1421/1/20/003, dated 16/01/2020 with additional prayer for 15% interest there upon from date of deposit till actually refunded. Further he has prayed to refer the case to Hon'ble Commission in case of default by the Respondents.

B – The Complainant's submissions:

1. The Complainant submitted that he is a limited Company duly incorporated under the Companies Act and is having its registered office at Plot No. 10, Sector-3, Parwanoo, Tehsil Kasauli, District Solan, H.P. having its registered office at Village and P.O. Saproon, near Central Bank of India, Tehsil and District Solan, H.P. The Complainant/Appellant Company is a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and can by the said name sue or be sued. Shri Anurag Bhanot is its Director and is a competent person to file, sign and verify the present representation.
2. That the Complainant/ Appellant Company has been provided electricity supply connection with a connected load of 77.20 kW with a Contract Demand of 68.622 kVA. The electricity connection of the Complainant/Appellant falls under the category M.S.
3. The Complainant submitted that the Respondents have installed electronic trivector meter in the premises of the Complainant/ Appellant Company for recording the maximum demand and energy consumption. The electronic Trivector meter installed in the premises of the Complainant/ Appellant Company is having features of recording consumption of units during normal hours, peak hours and nigh time and is capable of distinguishing the consumption of normal, peak and night hours since the years 2004.
4. The Complainant submits that the Respondent No. 3 herein issued demand notice dated 22/07/2019 and demanded therein an amount of Rs. 3,89,727/- on account of peak load violation charges w.e.f. August, 2004 to December, 2010. The Respondents also enclosed with the said demand notice the calculation sheet of alleged PLVC of Rs. 3,89,727/-. The Respondents have demanded the aforesaid amount within 15 days and in case of default threatened to raise the same in next energy bill bearing I.D. No. 100012000642. The calculation sheet clearly demonstrates that the alleged PLVC amount of Rs. 3,89,727/- has been pointed out by the Audit Party of the Board. In the alleged calculation sheet the Audit Party has shown initial reading at the time of installation of meter as 375040 kVAh and main reading upto audit as 592374 kVAh, peak slot units as per audit as 195773 kVAh, Initial reading to be counted for peak load consumption as 123947 kVAh and units to be charged as 71826 kVAh and consequently amount to be recorded has been shown as Rs. 3,89,727/-



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. The Respondents have raised bill dated 19/11/2019 and have demanded Rs. 3,89,727/- under the head Sundry.

5. The Complainant further submits that the demand of the Respondents through demand notice dated 22/07/2019 and thereafter through bill dated 19/11/2019 for RS. 3,89,727/- is absolutely wrong, arbitrary, unjustified and illegal. The electronic Trivector meter installed in the premises of the Complainant/ Appellant Company is capable of distinguishing the consumption of units for normal hours, peak hours and night time and the MRI data to this effect can be downloaded from the same. In absence of MRI data depicting the consumption of units during peak load hours w.e.f. August 2004 to December, 2010, it is not permissible for the Respondents to levy PLVC @ Rs. 5.67 on alleged 71826 kVAh units for Rs. 3,89,727/- and consequently the demand notice dated 22/07/2019 and energy bill dated 19/11/2019 are wrong, arbitrary, illegal. There is no provision in the tariff orders issued during the years 2004 to 2010 for the levy of PLVC in absence of MRI data showing the consumption of units during the peak hours more particularly in the situation when the meter is capable of distinguishing the consumption during normal, peak and night hours.
6. The Complainant submits that apart from the above, the Complainant /Appellant Company has not made consumption of energy during the period August 2004 to December, 2010 in peak hours warranting the levy of alleged peak load violation charges @ Rs. 5.67. The consumption of energy during peak load hours can be identified by the demand drawn during the peak load hours and there is no MRI data depicting the demand/ load drawn during peak load hours.
7. The Complainant submits that the demand of Rs. 3,89,727/- on account of PLVC is unrecoverable being time barred as the same has been raised through demand notice dated 22/07/2019 despite the fact that the audit party of the Respondent Board has detected/ calculated the said demand of PLVC for Rs. 3,89,727/- in the month of December 2010 and thereafter the same was neither reflected in the next following monthly energy bills nor there was any demand notice issued by the Board qua the same and as such, the aforesaid amount had become unrecoverable.
8. The Complainant submits that the complaint filed by the Complainant/ Appellant herein was registered by the Ld. C.G.R.F. Shimla as complaint No. 1421/1/20/003 and the Respondents herein filed reply to the Complaint and the rejoinder was also filed by the Complainant/ Appellant.

9. The Complainant submits that the Ld. C.G.R.F. Shimla after perusing the pleadings and documents tendered in evidence has decided the complaint of the Complainant/ Appellant Company on 20/08/2020 by making observation that the peak load violation charges w.e.f.



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08/2004 to 12/2010 are illegal, wrong and the demand notice dated 22/07/2019 Annexure C-1 qua the same has been accordingly quashed and set-aside.

10. The Complainant submits that the copy of Order dated 20/08/2020 has been sent to the Respondents for making compliance of the same. He further mention that in terms of mandate of Regulation 27 of H.P.E.R.C. (C.G.R.F.) and Ombudsman Regulations 2013, the Respondents were to comply with the Order passed by the Ld. C.G.R.F. within 21 days in letter and spirit.
11. The Complainant submits that the Respondents have intentionally and willfully failed to make compliance of the Order dated 20/08/2020 passed by the Ld. C.G.R.F. despite the receipt of the copy of order dated 20/08/2020 and the said wrongful and illegal acts of the Respondents warrants the indulgence of this Hon'ble Authority to proceed against the Respondents for non-compliance of the Order passed by the Ld. C.G.R.F. The non-compliance of Order dated 20/08/2020 passed by the Ld. C.G.R.F. tantamount to compliance of Rules and Regulations made by the Hon'ble H.P.E.R.C. and as such the Respondents deserve to be prosecuted under Section 142 of Electricity Act 2003.
12. He further submits that the Complainant/ Appellant Company has deposited 1/3rd amount i.e. Rs. 1,29,909/- on 30/01/2020 through D.D. No. 816204 drawn on SBI Solan in pursuance of Order of Ld. C.G.R.F.
13. The Complainant submits that the Respondents ought to have refunded Rs. 1,29,909/- after passing of Order dated 20/08/2020 by Ld. C.G.R.F. in case No. 1421/1/20/003. The Respondents have intentionally and willfully disobeyed and flouted the order dated 20/08/2020 passed in case No. 1421/1/20/003 by not making refund of Rs. 1,29,909/- to the Complainant/ Appellant.
14. The Complainant further submits that the Respondents have not till date refunded the amount of Rs. 1,29,909/- as has been deposited on 30/01/2020 against the demand of Rs. 3,89,727/- which was subject matter of complaint No. 1421/1/20/003 decided on 20/08/2020 by the Ld. C.G.R.F. The said acts of the Respondents constitute contravention of rules and regulations made by the H.P.E.R.C. and the Respondents are liable to be dealt with under Section 142 of the Electricity Act, 2003.
15. The Complainant submits that the Respondents have willfully, deliberately and intentionally disobeyed the order dated 20/08/2020 passed in complaint No. 1421/1/20/003 by Ld. C.G.R.F. and are continuing to do so.
16. He submits that there is no representation filed by the Complainant/ Appellant, in respect of the same grievances, nor is pending in any proceedings before any Court or Tribunal or Arbitrator or any other authority.



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17. He further submits that no representation was earlier made in respect of the present grievances before this Hon'ble Authority.
18. The Complainant submits that he is not satisfied with the redressal of grievances as the Respondents have failed to make compliance of the order dated 20/08/2020 passed by Ld. C.G.R.F. in complaint No. 1421/1/20/003 in letter and spirit.
19. The Complainant submits that the present representation for non-compliance of Order dated 20/08/2020 is within the statutory period of limitation as the Respondents have not till date complied with the aforesaid orders and are continuing to make contravention of the same which constitute contravention of the rules and regulations by the H.P.E.R.C. and consequently liable to be dealt with under Section 142 of the Electricity Act, 2003.
20. The Complainant prayed that the Respondents may be directed to make compliance of Order dated 20/08/2020 passed in complaint No. **1421/1/20/003** by Ld. C.G.R.F. by way of making refund of Rs. 1,29,909/- to the Complainant alongwith 15% interest thereupon from the date of deposit till the date of actual payment to the Complainant and in case of default, the case may be referred to the Hon'ble H.P.E.R.C. for initiating appropriate proceedings under Section 142 of the Electricity Act 2003, in the interest of justice.

C – The Respondents' submissions:

1. The Respondents submits that the Complaint of the Complainant is not maintainable in the present form and same is liable to be dismissed in limine and the Complainant is stopped to file the present complaint by his own act and conduct.
2. The Respondents submits that the Complainant has no cause of action and locus standi to file the present complaint, hence the complaint deserves only to be dismissed. Further, the Complainant has not come to this Hon'ble Forum with clean hands and has suppressed and concealed the martial facts and has filed the present complaint on twisted and distorted facts which are far off from the reality and same is liable to be dismissed.
3. The Respondents submits that the replying Respondents have served the demand notice as per rules and regulations for the time being in force and Complainant is liable to make the payment of the demand notice. They submitted that as a matter of an audit was done in the year 2011-2012 by the RAO party in respect of Electrical Sub-Division Parwanoo and it was pointed out by the RAO party that the HPERC in its tariff order applicable from time to time introduced the concept of two part tariff which inter alia provides levy of demand and energy charges besides peak load violation and exemption charges for the drawl of power during peak load hour. In order to implement the two part tariff for various categories of the consumers from time to time the replying Respondents had installed the electronic meters on the premise



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of the Consumers to record the demand and energy consumption for normal, peak and night hours for the levy of normal energy charges and demand charges, peak load violation for the demand and energy and peak load energy charges for the exempted load. Since peak load violation charges for demand and energy were much higher than the normal energy charges, as such the downloading of data through Meter Reading Instrument (MRI) for above mentioned slots was utmost importance. During audit it was noticed that data in respect of drawl of power during peak hours by the medium supply consumers having connected load above 20 kW was recorded from time to time but the recording/ downloading of data relating to energy consumption during peak hours was commenced during October 2010. Scrutiny of the record further revealed that 32 medium supply consumers to whom no sanction to run their units during peak load hours was accorded had drawn power/ run their units during peak load hours. While billing the consumers for peak load violation, charges for the quantum of load drawn were levied but no violation charges for the energy consumption of 1419582 units during peak load hours were levied. This has resulted into non recovery of peak load violation energy charges and electricity duty to the extent of Rs. 80,49,029/- and 10,46,374 respectively. They further submitted that since the Complainant had not availed the peak load hours exemption as such Complainant is liable to pay the peak load violation charges. The replying Respondents on the basis of the audit prepare and calculated the amount of Rs. 3,89,727/- on account of peak load violation charges w.e.f 08/2004 to 12/2010 which had not been charged from the Complainant and issued a demand notice dated 22/07/2019.

4. The Respondents further submitted that the Complainant had given an undertaking that Complainant shall be strictly abide by the peak load hour restrictions as well as peak load hour charges and such other restriction as may be enforced by the replying Respondents from time to time. The Complainant had also undertook that it will pay the PLVC charges detected by the MRI or otherwise shall be borne by the Complainant as is evident from as such the demand of the replying Respondents is just and in accordance with rules and regulations and the Complainant is liable to pay the same. They further submitted that a meter records the consumption of energy as consumed by the consumer uninterruptedly on continuous basis and for such consumption the liability for payment of corresponding amount of charges by the consumer is continuously created but will not be due for payment unless the amount is raised through a bill or a demand notice. They further submitted that prior to 2010 the meter reading was being done manually and the process of downloading the meter reading data had begun in the year 2010. The demand of the replying Respondents is based upon the audit done by the RAO party and after calculating the amount of energy consumption charges consumed by the Complainant during peak load hour in accordance with the relevant tariff order the demand notice was issued to the Complainant and the Complainant is legally liable to make the payment of the same, because the demand of the replying Respondents is legally just and is in respect of electricity actually consumed by the Complainant in these past years during peak load hours without seeking exemption to run its unit during the peak load hours as such the complaint is not maintainable and same is liable to be dismissed.



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5. The Respondents submits that the demand has been raised by the replying Respondents which is based upon the audit done of the RAO party and the Complainant has not obtained permissions to run its industry during peak load hours as such the Complainant is liable to pay the PLVC for the electricity consumptions charges during Peak load hours.
6. The Respondents submits that the demand as is raised by the replying Respondents is not hit by the provisions of Section 56 (2) of the Electricity Act 2003 and by the provisions of the Limitation Act 1963. The demand has been raised by the replying Respondents by way of demand notice dated 22/07/2019 for the first time and the period of limitation of two years will start to run from 18/07/2019 and not from earlier date as such the demand of the replying Respondents is well within time. The word "due" under Electricity Act, 2003 section 56 (2) means due and payable after a valid bill has been sent to the consumer and not prior thereto. The Delhi High Court in **H.D. Shourie Vs. Municipal Corporation of Delhi**, has hold that, *"The amount of charges would become due and payable only with the submission of the bill and not earlier. It is the bill which stipulates the period within which the charges are to be paid. The period which is provided is not less than 15 days after the receipt of the bill. If the word "due" in section 56 (2) of the Electricity Act 2003, is to mean consumption of electricity, it would mean that electricity charges would become due and payable the moment electricity is consumed and if charges in respect thereof are not paid then even without a bill being issued a notice of disconnection would be liable to be issued under in section 56 (2) of the Electricity Act 2003,. This certainly could not have been the intention of the Legislature. In section 56 (2) of the Electricity Act 2003, gives a right to the licensee to issue not less than 7 days' notice if charges due to it are not paid. The word "due" in this context must mean due and payable after a valid bill has been sent to the consumer. It cannot mean 7 days' notice after consumption of the electricity and without submission of the bill"*.
7. The Respondents further submitted that the Hon'ble Appellate Tribunal for Electricity (**Appellate Jurisdiction**) in their judgment dated 14/11/2006 delivered in Appeal No. 202 & 203 of 2006 in the matter of Ajmer Vidyut Vitran Nigam Chittorgarh, Rajasthan V/S M/s Sisodia Marble & Granites Pvt. Ltd. & Ors, F-101, 102 RIICO Industrial Area, Chittorgarh- 312 001 & Ajmer Vidyut Vitran Nigam Chittorgarh, Rajasthan V/s Safe Polymers Pvt. Ltd. & Anr., 64-65, Udyog Vihar, Sukher, Udaipur, Rajasthan held as under:-

"Thus, in our opinion, the liability to pay electricity charges is created on the date electricity is consumed or the date the meter reading is recorded or the date meter is found defective or the date theft of electricity is detected but the charges would become first due for payment only after a bill or demand notice for payment is sent by the licensee to the consumer. The date of the first bill/demand notice for payment, therefore, shall be the date when the amount shall become due and it is from that date the period of



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limitation of two years as provided in Section 56(2) of the Electricity Act, 2003 shall start running”.

8. The Respondents further submitted that the APTEL in the matter of Ajmer Vidyut Vitran Nigam Limited vs. M/s Sisodia Marble & Granites Private Limited and others, has held that the charges would become first due for payment only after a bill or demand notice for payment is sent by the licensee to the consumer and, thus, the date of the first bill/demand notice for payment shall be the date when the amount shall become due and the period of two years has to be counted from the said date in terms of Section 56 (2) of the Act. The decision in M/s Sisodia Marble & Granites Private Limited's case (supra) was upheld by the Supreme Court in Civil Appeal No. D. 13164 of 2007. Similar is the view of the High Court of Punjab and Haryana **CWP No.8228 of 2015 titled as Bank of India versus The Punjab State Power Corporation Limited and others** decided on 21/08/2017.
9. The Respondents submits that the complaint of the Complainant is not maintainable in the present form as well as similar natures (Peak Load Violation Charges) 12 Complaints are still challenging by HPSEB Ltd in Hon'ble High Court, Shimla against the Ld. Forum impugned Order passed on 17/12/2019 and 18/12/2019 respectively
10. The Replying Respondent submitted that they have also not done anything wittingly or unwittingly which could be termed as lowering the majesty or grandeur of Ld. CGRF. The HPSEB Ltd Parwanoo is law abiding organization and already submitted the case to higher authority for implement or assail the impugned order after getting the legal opinion from the Ld. LA-cum-SC Sh. Anil Kumar God, Advocate, vide sub division office letter No HPSEB Ltd/ESD/Court Cases/2020-21 3499 dated 09/10/2020 & Sr. Executive Engineer office letter No HPSEBL/PED/WS/Court Cases/M/s Modulous Spring Pvt. Ltd/ HPSEB/2020-21 4902-03 dated 13/10/2020 and ibid case is still pending in the higher office for their kind consideration before implementation.
11. The Respondents prayed that the complaint filed by the Complainant may kindly be dismissed, in the interest of justice.

D – The Complainant submission through rejoinder:

1. The Complainant chose not to file rejoinder and instead argued the case on 21/12/2020, admission hearing and prayed that the since the Respondents have now refunded the 1/3rd



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amount, the interest as prayed for by him in the application for delay in the refund may be ordered.

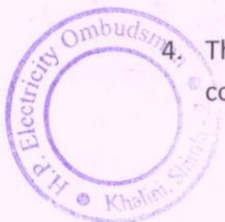
E – The Respondents’ additional submissions:

1. As per Interim Order dated 21/12/2020, the Respondents submitted through email dated 22/12/2020, a copy of the energy bill issued on 08/12/2020 wherein they have given a sundry credit for Rs 1,29,909/- 1/3rd amount deposited by the Complainant with them.

F – CGRF Order:

1. We find it hard and no plausible to agree to the arguments of the Respondent board to allow the demand raised that to without any, supporting factual (MRI) data available for relevant period. Without any supporting record of actual consumption of electricity made by complainant during peak load hours during August, 2004 to December, 2010 , how the demand can be justified purely on relevant tariff orders. The demand of Rs. 3, 89,727/- raised through demand notice dated 22/07/2019 and subsequently through monthly energy bill dated 19/11/2019 on account of Peak Load Violation Charges (PLVC) for the period of August,2014 to December,2010 ,is found to be without any supporting MRI data relating to energy consumption , and thus not legally and factually sustainable in the eyes of law.
2. The complainant consumers was levied charges during August, 2004 to December, 2010 for the quantum of load drawn, as per admission of Respondents in reply, for the consumption of 1419582 units during peak load hours. Thus, there is no justification and legality in the demand notice dated 22/07/2019 Annexure C-1 for Rs. 3,89,727/- on account of peak load violation charged w e.f. 08/2004 to 12/2010 , that too without any supporting (MRI) data of energy consumption during peak load hours for said period to establish violation of peak load against complainant.
3. Accordingly the complainant is allowed. The demand notice dated 22/07/2019 Annexure C-1 , raised against the complainant for Peak Load Violation Charges w.e.f. 08/2004 to 12/2010, is found to be illegal/wrong and quashed and set-aside accordingly. In aforesaid terms and on facts on record adduced during the course of hearing by the parties before this Form, the complaint is decided in favour of the complainant in the interest of justice. The Respondent Board is further directed not to disconnect the power supply connection of complainant qua aforesaid demand.

The interim order, if any, shall also stand vacated. The parties are left to bear their own costs.



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G – Analysis of the Complaint:

1. The case file at Consumer Grievances Redressal Forum has also been requisitioned and gone through. The issue before me is only non-implementation of the Forum's orders dated 20/08/2020 and simple interest on delay of refund.
2. The Complainant have an electricity connection for 77.20 kW with a Contract Demand of 68.622 kVA under tariff category Medium Supply (MS). The Respondent No. 3 issued a demand notice dated 22/07/2019 for a demand of Rs 3,89,727/- on account of Peak Load Violation Charge (PLVC) w.e. from August 2004 to December 2010 based on audit observation alongwith calculation sheet provided by the Audit.
3. The audit was conducted for the year 2011-12 and the audit reported short recovery on account of PLVC for the Complainant for Rs 3,89,727/- based on scrutiny of record that for some industries, peak load exemption have not been accorded and they had drawn power during peak hours. Since there was no MRI data prior to 2010, the audit made their own assumption in calculating the peak load violation charges.
4. The Respondent No. 3 raised demand on 22/07/2019 for the charges calculated by the audit in 2012 and when left unpaid, included the same in energy bill of the Consumer issued on 19/11/2019. Feeling aggrieved the Complainant filed a Complaint at Consumer Grievances Redressal Forum vide Complaint No. 1421/1/20/003, dated 16/01/2020.
5. The Forum passed orders on the Complaint on dated 20/08/2020. The Complainant deposited 1/3rd of the disputed amount for Rs 1,29,909/- through DD dated 30/01/2020. The Forum decided the demand raised on 22/07/2019 as unfair in absence of any supporting MRI data or other record since prior to 2010, there was no MRI being done.
6. Since the Forum set aside the demand for Rs 3,89,727/- on 20/08/2020, the 1/3rd amount ought to have been refunded to the Complainant within implementation period of 21 days in line with provisions under Part-I (7) of Annexure-I of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.
7. Since the Respondents didn't refunded the 1/3rd amount deposited with them, the Complainant filed the present Complaint. The scrutiny of the reply given by the Respondents is based on merit of the case filed at Consumer Grievances Redressal Forum justifying their demand for Rs 3,89,727/- based on audit calculations whereas the Forum had already set aside the demand and the Respondents have not assailed the same before any appropriate authority.



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8. The reply filed by the Respondents is not based on the application filed by the Complainant at HP Electricity Ombudsman for non-implementation of the orders of the Forum and in fact the Respondents have also not defended their action so far not to refund the 1/3rd amount deposited by the Complainant with them during pendency of their Complaint at Consumer Grievances Redressal Forum with 21 days i.e. by 10/09/2020.
9. However during last hearing on 21/12/2020, Respondents informed that they have already taken action to refund the 1/3rd amount in the energy bill of the Complainant which they submitted through e-mail dated 22/12/2020. The same was also confirmed by the Complainant in last hearing on 21/12/2020. Scrutiny of the energy bill issued on 08/12/2020 shows that the Respondents have given a Sundry credit for Rs 1,29,909/- to the Complainant.
10. The Forum had not ordered any interest since the amount was required to be refunded to the Complainant within 21 days i.e. by 10/09/2020 as per provisions of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.
11. The Complainant have requested for simple interest @ 15% since the Respondents have defaulted in issue of refund and implementation of the orders of the Forum dated 20/08/2020. Since the Respondents have delayed in releasing the refund and they have also not assailed the orders of the Forum further, the Complainant is entitled to simple interest in line with provisions under Clause 5.7.3 of Himachal Pradesh Electricity Supply Code, 2009.

H – Issues in question:

1. **Issue No. 1:** Whether the Respondents have failed to implement the orders passed by the Consumer Grievances Redressal Forum on 20/08/2020 in Complaint No. 1421/1/20/003, dated 16/01/2020 with a period of 21 days?
2. **Issue No. 2:** Whether the Complainant is entitled to simple interest as prayed for in his application?

I – Findings on the Issues:

Issue No.1:

1. As is evident from the analysis done above, the Respondents have failed to issue refund for Rs 1,29,909/- deposited by the Complainant on 30/01/2020 on the directions of the Forum during pendency of the Complaint within 21 days i.e. by 10/09/2020 through adjustment in the energy bills of the Complainant and instead have issued the refund through Sundry



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HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTHAL COMPLEX, SHIMLA-171002
Phone: 0177-2624525, email: ombudsmanelectricity.2014@gmail.com

Credit in the energy bill issued on 08/12/2020, during pendency of the Complaint/ appeal at HP Electricity Ombudsman. There is definite delay of three months in release of 1/3rd amount deposited by the Complainant with them.

Issue No. 2:

1. As is evident from the analysis done and outcome of issue No. 1 above, there is delay on part of Respondents to issue the refund of 1/3rd amount for Rs 1,29,909/- by atleast three months and the Complainant is entitled to simple interest in line with provisions under Clause 5.7.3 of Himachal Pradesh Electricity Supply Code, 2009 for the excess amount kept by them beyond 21 days of implementation period of orders of the Forum dated 20/08/2020.

J – Order:

1. The Respondents are directed to pay a simple interest @ 15% per annum w.e. from 11/09/2020 onwards till 07/12/2020 on the 1/3rd amount of Rs 1,29,909/- kept by them in excess beyond 21 days of the implementation period of the Forum's orders dated 20/08/2020 through adjustment in future energy bills of the Complainant within a period of 15 days from the date of issue of this order.
2. The Respondents are directed to provide calculations to the Complainant in respect of simple interest paid on the 1/3rd amount of Rs 1,29,909/- within a period of 15 days from the date of issue of this order.
3. The Respondents are further directed to report direction wise Compliance within a period of 21 days from the date of issue of this order failing which the case shall be reported being violations of the directions under Regulation 37 (6) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
4. The Complaint file by M/S Plato Industries Limited, Plot No. 10, Sector-3, Industrial area, Tehsil Kasauli, Parwanoo, District Solan, HP-173220 is hereby disposed off.
5. No cost to litigation.

Given under my hand and seal of this office.



Leapt
Electricity Ombudsman 30/12/2020