



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

In the matter of:

Sh. Vineet Kumar S/O Sh Sushil Sharma, R/O Vill Shungal, PO Kaithlighat, Tehsil Kandaghat,  
District Solan, HP-173234  
- Complainant

Vs

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004
2. The Assistant Executive Engineer (E), Electrical Sub-Division, HPSEBL, Kandaghat, District Solan HP-173215  
- Respondents

Complaint No. 27/2020, Registered on 18/08/2020  
(Decided on 22/12/2020)

CORAM

Er. K. L. Gupta  
HP Electricity Ombudsman

Counsel for:

Complainant: Sh. O.C. Sharma, Advocate  
Respondent: Mr Anil Kumar God, Advocate

**Order**

The case was registered on 18/08/2020 and was first listed for 11/09/2020. The reply was not submitted by 11/09/2020 by the Respondents and the case was listed for 09/10/2020. The Respondents submitted their reply on 09/10/2020 and the Complainant chose not to file the rejoinder. The case was listed for final arguments on 28/11/2020. The Respondents were directed to file copies of energy bills since November 2018 onwards by 05/12/2020 and orders were reserved. Hence the delay.

**A – Brief facts of the case:**

1. Sh. Vineet Kumar S/O Sh Sushil Sharma, R/O Vill Shungal, PO Kaithlighat, Tehsil Kandaghat, District Solan, HP-173234 has filed an application (hereinafter called as 'The Complainant') under Regulation 28 (1) (b) and 37 (6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 with prayer to make compliance of the order of the Consumer Grievances Redressal Forum in Complaint No. 1414/3/18/054, dated 30/08/2018 passed on 15/11/2018 by refund of 1/3<sup>rd</sup> amount deposited with the Respondents and with

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additional prayer to pay the same alongwith 12% simple interest till actually paid. 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 submits that he has filed Complaint against the Respondents under Regulation 17 of HPERC (CGRF) and Ombudsman Regulation 2013 before the Ld CGRF, Shimla and the same was registered as Complaint No.1414/3/18/054. The said Complaint has been decided by the Ld. CGRF, Shimla on 15/11/2018 and the Ld. CGRF has quashed the demand amounting to Rs.7,45,212/- raised through notice dated 10/11/2017. The Ld. CGRF has further directed the Respondents to refund the 1/3<sup>rd</sup> amount already deposited towards the aforesaid amount of Rs. 7,45,212/- by the Applicant /Complainant.
2. The Complainant submits that the Ld. Forum has sent the copy of order dated 15/11/2018 to the Respondents after passing of the said order dated 15/11/2018. The Applicant/Complainant wrote various letters to the Respondents for the refund of 1/3<sup>rd</sup> amount deposited towards the disputed amount of Rs. 7, 45,212/- but the Respondents are till date reluctant to make the compliance of order dated 15/11/2018 by making refund of said 1/3<sup>rd</sup> amount to the Applicant/ Complainant.
3. That the Respondents have willfully, deliberately and intentionally disobeyed the order dated 15/11/2018 and are continuing to do so.
4. He further submits that there is no representation by the Applicant/Complainant, in respect of the same grievances, pending in any proceedings before any Court or Tribunal or Arbitrator or any other authority.
5. The Complainant submits that no representation was earlier made in respect of the same subject matter before this Hon'ble Authority.
6. The Complainant submits that the present Applicant is not satisfied with the redressal of grievances as the Respondents have failed to make compliance of the order passed by the Ld. CGRF.
7. The Complainant submits that the present representation for non-compliance of order dated 15/11/2018 is within statutory period of limitation as the Respondents have not till date complied with the aforesaid order.



*Accepted*  
*22/12/2020*





8. The Complainant further prayed that the Respondents may kindly be directed to make compliance of order dated 15/11/2018 passed in Complaint No. 1414/3/18/054 by Ld. CGRF, Shimla in letter and spirit by way of making refund 1/3<sup>rd</sup> amount of Rs. 7,45,212/- deposited by the Applicant along with 12% interest thereupon from the date of its deposit till the date of actual payment to the Applicant and in case of default, the case may be referred to the Hon'ble HPERC for initiating proceedings under Section 142 of the Electricity Act, 2003, in the interest of justice.

**C – The Respondents' submissions:**

1. The Respondents submits that they had issued notice of recovery of Rs 7,45,212/- in the year 2017 and the same has not been deposited by the Applicant which increased to Rs 8,46,800/- till August 2018 with surcharge and the same was quashed and set aside by the Ld Forum. The Complainant had deposited Rs 2,82,300/- 1/3<sup>rd</sup> amount with the Respondent. The Respondent has already refunded the amount of 1/3<sup>rd</sup> amount of Rs 2,82,300/- to the applicant/ Complainant through sundry in the month of September 2019 and credit of notice amount Rs 7,45,212/- alongwith Rs 8,74,982/- given to the Complainant in the month energy bill of October 2020 which is evident from the balance sheet prepared and also from the monthly energy bills of the Complainant.

**D – The Complainant's submission through rejoinder:**

1. The Complainant has chosen not to file any rejoinder and instead argued the case on last day of hearing i.e. 28/11/2020.

**E – The Respondents' additional submissions:**

1. As directed vide Interim Order dated 28/11/2020, the Respondents submitted copies of the energy bills issued to the Complainant since November 2018 till November 2020 on 03/12/2020.

**F – CGRF Order:**

1. The Forum order that no proper procedure has been adopted before raising the demand of Rs 7,45,212/- as required under Section 126 of Electricity Act, 2003 and instructions imparted in the circular No. 05/2001 dated 11/04/2001. So the Demand amounting to Rs 7,45,212/- raised by notice No. KES/RAO-1/2017-18-1035, dated 10/11/2017 is quashed and set aside. The Respondent Board is directed to adopt the proper procedure as per Electricity Act, 2003 and Supply Code, 2009 amended within 21 days and action be initiated accordingly, if required. The 1/3<sup>rd</sup> amount already deposited may be refunded, if after adopting the proper procedure no amount is due from the Complainant.



*Accepted*  
*22/12/2020*



**G – Analysis of the Complaint:**

1. The case file at Consumer Grievances Redressal Forum have also been requisitioned and gone through.
2. The Complainant is proprietor of a Resort known as Oakwood Hamlet, Village Shungal, PO Kaithlighat, Tehsil Kandaghat, District Solan HP.
3. The Complainant initially had two electricity connections, one domestic and one commercial in separate building/ huts of 6.12 kW and 8.60 kW respectively. The existing Domestic connection was later converted to Commercial category. He applied for another electricity connection for 10 kW which was also provided to him. Another commercial connection for 24.90 kW was also provided later.
4. All commercial category connections have been provided to independent premises and supply can't be diverted for use in other connections.
5. He was issued a demand notice for Rs 7,45,212/- on 10/11/2017 on account of audit para which was provided to him in April 2018 on request. The Respondents later included the demand in next energy bill on 13/01/2018. The audit vide audit memo No. 22 recommended clubbing of four connections since the same has been issued in the name of Oakwood Hamlet and further recommended to provide single point of supply on HT.
6. The Audit further stated that the Flying Squad Unit on surprise inspection for period 21/07/2015 to 25/07/2015 of ESD Kandaghat had found the combined Connected Load at 88.70 kW after including load of 22 Geysers @ 2kW each and have recommended for clubbing of entire load on single point of supply on HT which was never implemented. They had referred to Sales circular No. 05/2001 which allowed for clubbing of load of consumer in same premises.
7. The Audit had also worked out the demand of Rs 7,45,212/- for period December 2014 to July 2017. They further included the amount in arrears and also applied surcharge.
8. The Complainant requested for withdrawing the illegal demand since the premises for which clubbing of load was recommended by Flying squad unit and later by audit were separate premises and the connections could not have been used for supply to other premises.
9. The Complainant filed the case at Consumer Grievances Redressal Forum vide Complaint No. 1414/3/18/054, dated 30/08/2018 which was decided on 15/11/2018. The Forum



*Accepted*  
*22/12/2020*





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ordered to follow the procedure under Section 126 and take action as per Sales Circular 5/2001 of CE (Commercial) and ordered to refund the 1/3<sup>rd</sup> amount deposited during pendency of Complaint to Complainant.

10. During the course of hearing the Respondents stated that their higher authorities have now decided not to pursue the case under Section 126 and instead decided to refund the 1/3<sup>rd</sup> amount deposited by the Complainant on direction of the Forum in its orders dated 15/11/2018.
11. The Respondents stated that they have already refunded the 1/3<sup>rd</sup> amount to the Complainant in the month of September 2019 for which they produced a copy of the energy bill issued by them. But the Complainant during argument stated that they have received nothing.
12. Scrutiny of the energy bills now submitted on 03/12/2020 by Respondents shows that the Respondents were charging arrears since January 2018 issued on 13/01/2018 onwards as per **Table-1** given below and have adjusted the 1/3<sup>rd</sup> amount deposited by the Complainant in the energy bills issued on 13/09/2018 after registration of Complaint at the Forum and interim order on 30/08/2018:

**Table-1**

Sr. No.	Date of issue and month and reading period	Arrear posted (In Rs)	ED (In Rs)	Total Arrear (In Rs)	Remarks
1.	16/11/2017, September to November 2017	0	0	0	Regular energy bill of 8,965/-
2.	13/01/2018, November 2017 to January 2018	7,45,212/-	0	7,45,212/-	Sundry posted
3.	21/03/2018, January to March 2018	7,67,431/-	0	7,67,431/-	Includes surcharge on arrear
4.	25/04/2018, March and April 2018	7,94,000/-	836/-	7,94,836/-	Includes unpaid amount of last energy bill plus surcharge of Rs 15,569/-
5.	26/05/2018 April and May 2018	7,97,552/-	957/-	7,98,509/-	Includes arrear on surcharge
6.	13/06/2018, May & June 2018	8,12,869/-	1,579/-	8,14,448/-	Includes surcharge on arrear
7.	09/07/2018, June & July 2018	8,28,980/-	1,816/-	8,30,701/-	Includes unpaid amount of last bill plus surcharge on arrear



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Sr. No.	Date of issue and month and reading period	Arrear posted (In Rs)	ED (In Rs)	Total Arrear (In Rs)	Remarks
8.	13/09/2018, August & September 2018	5,78,600/-	2,780/-	5,81,380/-	After adjustment of RS 2,82,300/- 1/3 <sup>rd</sup> amount deposited on direction of CGRF.
9.	10/10/2018, September & October 2018	5,78,257/-	3,013.44	5,81,270.44	Includes surcharge on arrear
10.	13/11/2018, October 2018	5,89,530.86	3,298.42	5,92,829.28	
11.	09/12/2018, November 2018	6,09,724.72	3,771.34	6,13,496.06	Includes unpaid amount of 8,711.39 + 11,955.39 surcharge
12.	09/01/2019, December 2018	6,31,995.36	4,366.82	6,36,362.18	Includes unpaid amount of 10,474.05 and 12,392.07 surcharge
13.	10/02/2019, January 2019	6,62,009.58	5,449.01	6,67,458.59	Includes unpaid amount of 18,115.83 and 12,980.58 surcharge
14.	13/03/2019, February 2019	6,73,623.19	7,044.36	6,80,667.55	Includes unpaid amount of 25,843.80 and 13,725.16 surcharge
15.	12/04/2019, March 2019	6,96,181.18	7,570.79	7,03,751.97	Includes unpaid amount of 9,433.81 and 13,650.61 surcharge
16.	14/05/2019, April 2019	7,26,678.50	8,606.92	7,35,285.42	Includes unpaid amount of Rs 17,284.85 and 14,248.60 surcharge
17.	12/06/2019, May 2019	7,57,537.04	9,701.15	7,67,238.19	Includes unpaid amount of 17,099.10 and 14,853.67 surcharge
18.	12/07/2019, June 2019	7,64,530.28	10,243.19	7,74,773.47	Includes unpaid amount of 9,644.49 and 15,332.79 surcharge
19.	14/08/2019	7,98,663.81	11,572.81	8,10,236.62	Includes unpaid amount of 20,276.84 and 15,660.07 surcharge and excludes 473.76 interest on security
20.	13/09/2019, August 2019	8,30,620.78	12,630.61	8,43,251.39	Includes unpaid amount of 16,728.09 and 16,286.68 surcharge and credit sundry for 2,82,300.00
21.	15/10/2019, September 2019	5,67,567.50	13,093.89	5,80,661.39	Includes unpaid amount 8581.23 and 11,128.77 surcharge
22.	13/11/2019, October 2019	5,86,760.75	13,522.78	6,00,283.53	Includes unpaid amount of 8,117.03 and 11,505.11 surcharge

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Sr. No.	Date of issue and month and reading period	Arrear posted (In Rs)	ED (In Rs)	Total Arrear (In Rs)	Remarks
23.	13/12/2019, November 2019	5,99,917.84	14,034.99	6,13,152.83	Includes unpaid amount of 9,241.89 and 11,909.81 surcharge
24.	09/01/2020, December 2019	6,22,983.70	14,780.87	6,37,764.57	Includes unpaid amount of 12,396.37 and 12,215.37 surcharge
25.	11/02/2020, January 2020	6,60,226.57	16,314.29	6,76,540.86	Includes unpaid amount of 25,830.69 and 12,945.62 surcharge
26.	12/03/2020, February 2020	6,89,807.74	17,404.17	7,07,211.91	Includes unpaid amount of 17,145.43 and 13,525.64 surcharge
27.	14/04/2020, March 2020	7,07,241.31	18,606.54	7,25,847.85	Includes unpaid amount of 18,635.94 and 14,144.83 surcharge
28.	13/05/2020, April 2020	7,26,453.60	18,811.22	7,45,264.82	Includes unpaid amount of 5,172.81 and 14,244.19 surcharge
29.	12/06/2019, May 2020	7,43,576.15	19,010.63	7,62,586.78	Includes unpaid amount of 2,742.07 and 14,579.93 surcharge
30.	12/07/2020, June 2020	7,59,324.09	19,183.32	7,78,507.41	Includes unpaid amount of 3,203.53 and 14,932.14 surcharge
31.	14/08/2020, July 2020	7,74,297.01	19,183.32	7,93,480.33	Includes unpaid amount of 2,327.00 and 11,424.77 surcharge
32.	08/09/2020, August 2020	7,94,049.85	19,598.27	8,13,648.12	Includes unpaid amount of 7,928.78 and 11,721.01 surcharge and interest credit of 410.40
33.	22/10/2020, September 2020	8,10,003.96	19,730.80	8,29,734.76	Includes unpaid amount of 4,116.14 and 11,970.50 surcharge
34.	10/11/2020, October 2020	-34,424.06	0	-34,424.06	Includes unpaid amount of 7,954.86 and sundry credit of 8,55,251.00 and ED credit of 19,731.00

13. Further scrutiny of the energy bills issued since 16/11/2017 reveals that the Respondents first included the demand in energy bills for November 2017 to January 2018 period issued on 13/01/2018 and continued to levy surcharge on same in subsequent energy bills. The Complainant deposited 1/3<sup>rd</sup> amount before 10/09/2018 (Deposit date not in record) on directions of the Forum and the Respondents reduced their arrear



*Accepted*  
*22/12/2020*



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accumulated till that date in the energy bill for August & September 2018 issued on 13/09/2018 and continued to levy surcharge on the unpaid arrears.

14. The Complainant has also defaulted at depositing even the regular energy bill amount and the surcharge continued to be levied by the Respondents on such unpaid amount and arrears.
15. The Consumer Grievances Redressal Forum issued orders on 15/11/2018 and quashed the demand and ordered to refund the 1/3<sup>rd</sup> amount if there is no amount due after following the proper procedure.
16. Since the Respondent Board decided not to pursue the procedure under Section 126, the 1/3<sup>rd</sup> amount should have been refunded immediately which was not done by the Respondents till September 2019.
17. The Respondents continued to levy the arrear and surcharge on energy bills of the Complainant even after orders of the Forum on 15/11/2018 and added surcharge month after month. The Respondents further gave credit of Rs 2,82,300/- in September 2019 but continued to levy the balance arrear and surcharge even after that.
18. From the scrutiny of energy bill further reveals that the Respondents gave further credit of Rs 8,55,251/- in SoP and Rs 19,731/- in ED in the energy bill issued on 22/10/2020 and nullified the entire arrear and surcharge till that date but also levied surcharge of Rs 8,10,003.96 in SoP and 19,730.80 in ED which is somewhat confusing. But there are no detailed calculations provided or revised statement since January 2018 onwards for arrear and surcharge details since the Complainant have also default at many occasions to pay even the regular energy bills and surcharge accumulated on same.
19. The information at **Table-1** above prepared from the copies of the energy bills supplied by the Respondents for the convenience of the clarity on the issue but the same is also confusing and not clear of arrear or surcharge or unpaid amount of current bill and surcharge thereon. The information will become clear only after the statement of calculations right from January 2018 onwards is prepared with details of adjustments, unpaid bills etc.
20. The Respondents have not advanced any arguments in respect of interest demanded by the Complainant except that they had refunded the 1/3<sup>rd</sup> amount in September 2019 but the same exercise is futile since they have not nullified the arrear right from the date of first demand till orders of the Forum on November 2018 in a transparent manner and gave credit in September 2019 after a period of 10 months of orders of the Forum but continued to levy the balance arrear demand.



*Accepted*  
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21. The Complainant is entitled for the interest immediately after 21 days of implementation period as per Part-I (7) of Annexure-I of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 i.e. after 06/12/2018 till adjustment in September 2019 as per statement to be prepared by the Respondents since January 2018. The Respondents will also account for the unpaid amount of the regular energy bills by the Complainant at many occasions with surcharge which will be clear only after the said statement. The interest is required to be paid in line with provisions of Clause 5.7.3 of Himachal Pradesh Electricity Supply Code, 2009.

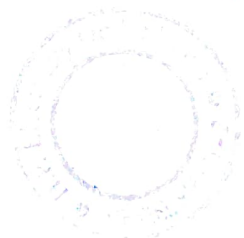
**H – Issues in question:**

1. **Issue No. 1:** Whether the orders passed by the Consumer Grievances Redressal Forum on dated 15/11/2018 in Complaint No. 1414/3/18/054, dated 30/08/2018 have been complied with by the Respondents in letter and spirit?

**I – Findings on the Issues:**

**Issue No. 1:**

1. As is evident from the analysis done above, the orders of the Consumer Grievances Redressal Forum in Complaint No. 1414/3/18/054, dated 30/08/2018 passed on 15/11/2018 have not been complied with by the Respondents timely and in letter and spirit. The refund have been made one year after the orders of the Forum and that too is not clear since the Respondents have continued to levy the arrear and surcharge thereon even after orders of the Forum.
2. The Respondents have given credit of refund through sundry but have levied the arrear even after that with surcharge.
3. The arrear and surcharge said to have been nullified by the Respondents in the energy bills issue on 22/10/2020 is also not clear since there are no supporting calculations/ statement showing the arrear accumulated with surcharge on the demand rejected by the Forum.
4. There is no supporting calculations/ statement either in respect of the amount of regular energy bills unpaid during the pendency of the Complaint by the Complainant since January 2018 onwards.



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**J – Order:**

1. The Respondents are directed to comply with the orders of the Consumer Grievances Redressal Forum issued on dated 15/11/2018 in Complaint No. 1414/3/18/054, dated 30/08/2018 in letter and spirit except for the part i.e. 'adopt the proper procedure as per Electricity Act, 2003 and Supply Code 2009 amended' since the higher authorities of the Respondent Board have decided not to initiate action for same.
2. The Respondents are directed to provide supporting calculations/ statement since January 2018 onwards to the Complainant within a period of 15 days from the date of issue of this order showing the exact amount of energy bills due from the Complainant (SoP & ED separately) and amount already charged (SoP & ED separately) including the 1/3<sup>rd</sup> amount of Rs 2,82,300/- deposited by the Complainant in September 2018 and adjustment of the same through Sundry Credit in energy bill issued on 22/10/2020.
3. The Respondents are directed to pay a simple interest @ 15% on Rs 2,82,300/- w.e. from 07/12/2018 onwards till finally adjusted in September 2019 in future energy bills of the Complainant and also prepare a statement to this effect and provide the same to the Complainant within a period of 15 days from the date of issue of this order.
4. The direction wise Compliance be reported within a period of 21 days from the date of issue of this order failing which the action shall be initiated for appropriate action by the Commission under the provisions of the Electricity Act, 2003 being violation under Regulation 37 (6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.
5. The Complainant filed by Sh. Vineet Kumar S/O Sh Sushil Sharma, R/O Vill Shungal, PO Kaithlighat, Tehsil Kandaghat, District Solan, HP-173234 is hereby disposed off.
6. No cost to litigation.

Given under my hand and seal of this office.

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22/12/2020  
Electricity Ombudsman

