



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

In the matter of:

Complaint No. 27/2022

M/S Ind Swift Ltd., Village Malkumazra, Nalagarh Road, Baddi, District Solan, HP-173205
- Complainant

Vs

- 1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004**
 - 2. The Sr Executive Engineer, Electrical Division, HPSEB Ltd, Baddi, District Solan, HP-173205**
 - 3. The Assistant Executive Engineer (E), Electrical Sub-Division, HPSEBL, Baddi, District Solan, HP-173205**
- Respondents

Date: 25/03/2023 (12:00 PM)

Present for:

The Complainant: Sh. Uday Singh Banyal Advocate

The Respondents: Sh. Anil K God Advocate, Sh. Kamlesh Saklani Law Officer, Er. R Vidur Assistant Engineer Baddi

Order
(Last Heard on 25/02/2023)

Case called, both parties were heard. The Respondents had filed short reply on 22/03/2023 on maintainability issue of mandatory provision to maintain 50% of the disputed amount in line with provisions of Regulation 33 (1) (g) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.

The case was argued by Respondents on similar lines and they further stated that amount of Rs 10,38,401/- has been deposited against energy bills whereas the Complainant maintained that the same amount was deposited on 30/12/2022 after filing the case on 28/12/2022 and after the shortcoming was pointed out verbally by Electricity Ombudsman office.

The facts of the case are that the application was received on 28/12/2022 and the Complainant deposited the balance 20% amount of Rs 10,38,401/- on 30/12/2022 and thereafter produced receipt for same on 31/12/2022. The case was registered on 31/12/2022 itself and Interim Orders were also issued on same day for listing the case.

The Respondents however failed to raise the issue of maintainability during two hearings listed for 28/01/2023 and 25/02/2023 and filed the short reply on maintainability three

Accepted
25/03/2023



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days prior to today's hearing after a period of more than two months. This attitude and carelessness on part of the Respondents is not appreciated which can be seen as delaying the process of adjudication.

However, since from the record it is clear that the Complainant have deposited mandatory 50% of the disputed amount of Rs 62,30,409/- i.e. Rs 31,15,204/- (Rs 20,76,803/- on 12/04/2022 and Rs 10,38,401/- on 30/12/2022). The maintainability issue raised by the Respondents is therefore decided accordingly and it is concluded that the application filed by the Complainant is maintainable.

The Respondents are accordingly directed to file their reply on merits of the case by 12/04/2023 positively **duly supported by attested affidavit** and the case is listed for hearing on 13/04/2023 at 12:00 PM or immediately thereafter.

Given under my hand and seal of this office.



No. HPEO/(Case No. 27/2022)/2022-23- 887-90

A. Gupta
25/03/2023
Electricity Ombudsman
Dated: 25/03/2023

