



**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:

Review Petition No. 17/2023

in

-Complaint No. 03/2023

1. Executive Director (Personnel) HPSEB Ltd & others , Vidyut Bhawan Complex, Shimla, HP-171004.
2. Sr. Executive Engineer, City Electrical Division, HPSEB Ltd, Shimla, HP-171001
3. The Assistant Engineer, Electrical Sub-Division, HPSEB Ltd, Boileauganj, Shimla, HP-171005.

-Review Petitioner

Vs

Kamla Verma, The Residency Shimla View Estate, Kamla Niwas, Chakkar, Near HP Govt Printing Press, Shimla-171005.

-Complainant/ Respondent

1. RA No. 17/2023 in OA No. 03/2023 (Registered on 30/06/2023)
2. (Orders reserved on 22/08/2023, Issued on 29/08/2023)

Counsel for:

The Respondents/ Review Petitioner: Sh. Kamlesh Saklani Law Officer

Sh. Rajesh Kashyap Advocate

Er. Devinder Singh, Assistant Engineer, ESD, Boileaugang

Sh. Rajesh Kumar , Sr. Astt., ESD, Boileaugang

Complainant/ Respondent:

Sh. Dikken Thakur, Advocate

CORAM

Er. Deepak Uppal

HP Electricity Ombudsman



**Order**

Respondent Board now Review Petitioner filed a Review Petition against the order dated 08/05/2023 passed by this court in complaint No. 03 of 2023, registered on dt. 30.06.2023. The Respondent was asked to file reply on 26/07/2023. The case was listed for hearing on 27/07/2023. The counsel for complainant/Respondent prayed for some more time for submission of reply. Prayer granted and further directed to submit reply within weeks' time positively or on the date of next hearing. The case was listed for hearing on 03/08/2023. The complainant /respondent submitted the reply on 30.07.2023. The Respondent Board/ Review Petitioner mentioned in the court that no rejoinder shall be submitted by them in the said matter rather they shall prefer arguments. With the mutual consensus of both the parties, the matter was listed for Arguments on dated 22/08/2023. Both the parties advanced their arguments at length and there after the matter was concluded and reserved for order. The order is issued within the specific schedule of 60 days , hence no delay.

**A-BRIEF FACTS OF THE CASE:**

1. The Respondent Board now Review petitioner had filed a Review petition under Regulation 37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman ) Regulation, 2013 against the order dated 08/05/2023 passed by this court in complaint No. 03 of 2023 in said matter and also filed an Application under section 5 of the Limitation Act for condoning the delay in filing Review Petition, registered on dt.30/06/2023. Prayer granted.
2. The Review petitioner in the said review petition made a prayer to review the order dated 8.05.2013 passed by the Ld. Ombudsman, Khalini in complaint No. 03 of 2023 and to allow the review petition along with such other or further orders which this Ld. Ombudsman may deem fit and proper in the facts and circumstances of the case.



**B – The Review petitioner's Submission:**

1. Review petitioner Submits that the aforesaid complaint has been preferred by the complainant /respondent under Regulation 28 (1) (b) of the HPERC (CGRF and Ombudsman) Regulation, 2013 against the order dated 9.01.2023 passed by the Additional Consumer Grievance Redressal Forum (hereinafter referred to as ACGRF) in Complaint No. 1302/4/22/01.

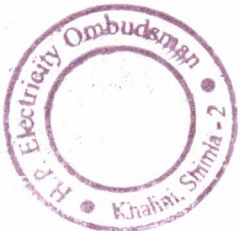
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2. Review petitioner Submits that the Ld. ACGRF vide its order dated 9.01.2023 had held that the impugned demand of the petitioner/HPSEB Limited amounting to Rs. 1,16,528/- on the ground that electricity meter which was installed in the premises of the respondent /complainant was not recording electricity consumption, since the said meter was happened to be defected. The factum of the accuracy of the meter was revealed at the time when the process of the roll over the existing meter into smart meter in the city of Shimla, whereby, after installation of the smart meter in the year 2022, the electricity consumption of the complainant/respondent was shooted to abnormal consumption and hence as per the provisions of Electricity Supply Code, 2009 read with clause No 9.3.5 of condition of the supplies and other ensuing provisions, the review petitioner /HPSEB Limited had issued demand notice dated 24.9.2022 to the amount of Rs. 1,16,528/-
3. Review petitioner Submits that the Ld. ACGRF had appreciated all material on record and came to the conclusion that the impugned demand raised by the HPSEB Limited/petitioner was correct and the complainant /respondent is liable to pay the amount as demanded.
4. Review petitioner Submits that the complainant/respondent here in feeling aggrieved and dis-satisfied against the orders passed by the ACGRF preferred representation before this Ld. Ombudsman under Regulations 28 (1) (b) of ibid Regulations. The petitioner /HPEBL had contested the representation by filing detailed reply and advanced arguments on the basis of the pleadings as well as the position of law on the points. The Ld. Ombudsman vide its order dated 8.05.2023 has quashed and set aside the order passed by the ACGRF dated 9.01.2023 and consequently, the demand raised by the petitioner /HPSEB Limited to the tune of Rs. 1,16,528/- was also quashed and set aside.
5. Review petitioner Submits that it was directed by the Id. Ombudsman to refund the amount so paid by the complainant/respondent during the litigation process at ACGRF and on filing of the appeal in the Ld. Ombudsman within 15 days from the date of issuance of the order. It was also directed to pay interest online with the provisions of Clause 5.7.3 of the H.P. Electricity Supply Code, 2009.
6. Review petitioner Submits that the Ld. Ombudsman had also granted cost of the litigation to the tune of Rs. 10,000/- and further passed directions that the said cost



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shall be recovered from the PLA of the Assistant Engineer, Electrical Sub-Division Boileauganj posted at the time of issuance of demand notice dated 24.09.2022.

7. Review petitioner Submits that the order dated 8.05.2023 passed by the Ld. Ombudsman on the face of the record is liable to be reviewed on account of mistake or error apparent on the face of the record on the following amongst other grounds: -

- a) That the order dated 8.5.2023 passed by the Ld. Ombudsman is required to be reviewed as the Ld. Ombudsman has failed to appreciate the important fact of the matter that the distribution licensee can issue demand upon the consumer in case of defective meter and it is the duty of the distribution licensee/petitioner to raise the demand having sufficient evidence of consumption of the electricity. As submitted hereinabove as also contained in the pleadings which is available with this Ld. Ombudsman after installation of the smart meter, the electricity consumption of the premises in question was abnormally shooted from 0 kWh to almost 500 kWh and having sufficient evidence that the meter which was installed and later on in the year 2022 was replaced with the Smart meter during the process of the rollover of the smart metering in Shimla, the account of the complainant was overhauled and the demand notice was served upon the complainant /respondent to pay Rs. 1,16,528/-, which was due on account of the non-recording of the electricity consumption by the defective meter. The Ld. Ombudsman has totally brushed aside the position of law as well as crystal clear the mandate of the Electricity Supply Code, condition of Supply, wherein it is manifestly provided that the petitioner /HPSEB Limited can demand /raised additional /supplementary demand upon the consumer in case of the sufficient evidence of loss of consumption of the electricity. There is error apparent on the face of the record as the Ld. Ombudsman on this account has totally ignored the provisions that at the most the complainant /respondent was required to pay the demand for overhauling the consumer account, but the Ld. Ombudsman has taken very hyper technical view that since the meter which was replaced with the smart meter was not tested by



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the HPSEB Limited Laboratory and in the absence of the said test, the demand of Rs. 1,16,528/- cannot be sustainable as wrong and totally contrary to the Electricity Supply Code. However, it is submitted that as per clause 4.4.8 of the Supply Code read with clause No 9.3 of the Conditions of Supply, which are statutory in character, complainant is liable to pay the demand as raised by the HPSEBL.

- b). That the order of the Ld. Ombudsman wherein the said technical view of non-testing of the electricity meter is pre-requisite for the issuance of additional demand or the supplementary demand is totally wrong and incorrect in as much as that testing of the said meter is not only a criteria to issue demand on the consumer. However, it is one of the option available with the distribution licensee /petitioner and in case there is sufficient evidence to establish the fact that the electricity consumption was less recorded by the electricity meter installed at the premises, then on the basis of those evidences, the consumer account is required to be overhauled and thus the supplementary demand has to be honored by the consumer /complainant. The view taken by the Ld. Ombudsman vide its order dated 8.5.2023 is totally perverse as such the same is liable to reviewed.
- c). That it is very glaring fact that assuming the demand raised by the Assistant Engineer, Electrical Sub-Division was wrong which was based upon on testing of the electricity meter from the Laboratory, the Ld. Ombudsman could passed the order for overhauling of the consumer account for last six months on the basis of consumption pattern after installing of the smart meter, but in the present case, the Ld. Ombudsman had totally negate the demand as raised by the HPSEB /distribution licensee, which has resulted into revenue loss in as much as the electricity consumption are statutory in nature and it is crystal clear that the said premises after installation of the smart meter was recorded the electricity ombudsman more than 500 units per-month. As such the order of the Ld. Ombudsman dated 8.5.2022 is required to be reviewed.
- d). That the directions contained in Clause No. 5 of the order which provides that the cost to the tune of Rs. 10,000/- shall be recovered from PLA of the



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Assistant Engineer, who was posted at the time of issuance of demand notice dated 24.9.2022 is totally wrong, illegal and against the power of Ld. Ombudsman. It is submitted that the Assistant Engineer has raised the demand to the tune of Rs. 1,16,528/- upon the complainant /respondent strictly on the basis of the record as maintained by the HPSEB Limited and having perused the entire consumption pattern after installation of the smart meter in the premises, the said demand notice dated 24.9.2022 was issued by the Assistant Engineer which was strictly in terms of the provisions of the Electricity Supply Code. The directions qua the recovery of the said amount of the cost to the tune of Rs. 10,000/- from the PLA of the said Assistant Engineer is totally contrary to the powers prescribed under the HPERC (CGRF and Ombudsman) Regulations 2013. It is submitted that the Ld. Electricity Ombudsman has been appointed by the Hon'ble HPERC under Section 42 (6) of the Electricity Act, 2003 solely for the purpose of settlement of the grievances of the consumer. The said directions, wherein, the recovery was directed to be effected from the PLA of the Assistant Engineer is totally contrary to the spirit of the regulations and the Ld. Ombudsman has completely erred in this behest by assuming a position of the disciplinary authority of the HPSEBL/distribution licensee, which is otherwise not provided under law with the institution of Ld Electricity Ombudsman. As such there is error apparent on the face of record and the order dated 8.5.2023 passed by the Ld. Ombudsman is required to be reviewed.

8. Review petitioner Submits that the petitioner /HPSEB Limited has not filed any other writ petition against the order dated 8.05.2013 passed by the Ld. Ombudsman, Khalini in Complaint No. 3 of 2013 titled as Kamla Verma, The Residency Shimla View Estate Vs. Executive Director (Personnel) HPEB Limited & Another at this stage except the present review petition.

9. Review petitioner Submits most humbly and respectfully makes prayer that keeping in view the facts and circumstances narrated hereinabove, the order dated 8.5.2023 passed by the Ld. Ombudsman, Khalini in Complaint No. 3 of 2023 titled as Kamla Verma, The Residency Shimla



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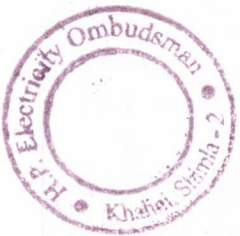




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View Estate Vs. Executive Director (Personnel) HPEB Limited & Another may kindly be reviewed in the interest of justice and fair play. Any other or further orders which this Hon'ble Court may deems fit. and proper, in the facts and circumstances of the case may kindly be passed in favour of the review petitioner.

10. Review petitioner Submits that they have also filed an Application under Section 5 of the Limitation Act for condoning the delay in filing the accompanying review petition against the order dated 8.5.2023 passed by the Ld. Ombudsman, Khalini in Complaint No. 3 of 2013 titled as Kamla Verma, The Residency Shimla View Estate Vs. Executive Director (Personnel) HPEB Limited & Another.
11. Review petitioner Submits that the review petitioners/applicants have filed the accompanying review petition before the Ld. Ombudsman. Averments made in the review petition may kindly be read as a part and parcel of the present application in order to avoid repetition and for the sake of brevity and consciousness.
12. Review petitioner Submits that the Ld. Ombudsman has passed order dated 8.5.2023 in the above mentioned case. Thereafter, the review petitioners/applicants have applied for the copy of the order before the registry of the Ld. Ombudsman and the same was received by the review petitioners/applicants on \_\_\_\_.
13. Review petitioner Submits that after receiving the copy of the order, the review petitioners /applicants perused the orders dated 8.5.2023 and sent to the Legal branch of the petitioners/applicants for seeking opinion whether review petition has to be filed or not. Thereafter, the file has been examined through various authorities, but during the holidays there was a delay in filing the review petition. The petitioners /applicants have every intention to file the review petition, but on account of being file routed through various authorities for examinations, the delay has occurred which is neither intentional nor deliberate, but due to the reasons stated hereinabove. There is sufficient cause shown and sufficient reasons given to condone the delay.



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14. Review petitioner Submits and prays that this application may kindly be allowed and the delay of 5 days so occurred in filing the present review petition may kindly be condoned in view of the submissions made.
15. Review petitioner Submits that here in above, any other or further orders which this Hon'ble Court may deems fit and proper, in the facts and circumstances of the case may kindly be passed in favour of the review petitioner/ applicant.

**C – The Non Applicant/complainant/respondent's submission:**

**PRELIMINARY SUBMISSIONS:**

1. Non Applicant/ respondent submits that at the outset it is submitted that all the submissions made by petitioner are deemed to be denied unless specifically admitted. The respondent deny all allegations, averments and submissions contained in the review petition which are contrary to or inconsistent with the record and /or what is stated hereinafter.
2. Non Applicant/ respondent submits that the review petition as filed by the petitioner is neither competent nor maintainable as the petition has an equally efficacious alternative remedy to challenge the issues, so raised in the petition. That remedy has not been availed. The review petition is neither competent nor maintainable and deserves to be dismissed out rightly on the ground of equally efficacious remedy being available to the petitioner.
3. Non Applicant/ respondent submits that the Petitioner participated in all court proceedings and filed reply / objections. The Petitioner did not raise any of the issues that it is now seeking to raise in the review petition. Therefore, keeping in view, this Hon'ble Court may be pleased to dismiss the review Petition on this threshold issue.
4. Non Applicant/ respondent submits that the present review petition is an abuse of process of law, the petitioner has filed the review Petition on vague allegations, and without any specific legal challenge therefore the review petition is liable to be dismissed.
5. Non Applicant/ respondent submits that the review Petition so filed is devoid of merit and has been filed to deny the legitimate claim of the



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replying respondent to which the replying respondent is entitled for. It is submitted that the present petitioner has filed the said review petition without any basis whatsoever and there is no basis in the present litigation and therefore the petition is liable to be dismissed.

6. Non Applicant/ respondent submits that while dealing with an application for a review of an Order, it is very necessary to proceed with utmost caution as the powers of review are to be exercised in limited circumstances, since as a general Rule, a judgment once signed and pronounced, cannot be altered. Therefore, the Orders are not generally interfered with unless there are circumstances as defined under the law, which make it necessary for a Court to alter or modify or reverse its original judgment. The application and the scope of the review of an Order are circumscribed under Order 47, Rule 1, of Code of Civil Procedure. The power of review is not inherently vested with a Court or a Tribunal or a Commission. The right and power of review does not exist unless conferred by law expressly or by necessary implication Civil Procedure. The provisions of CPC mandate that a Court of review may allow a review only on three specific grounds which are as under:-

- i. Discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the aggrieved person or such matter or evidence could not be produced by him at the time when the order was made; or
- ii. Mistake or error apparent on the face of the record; or
- iii. For any other sufficient reason which is analogous to the above two grounds.

7. Under Order 47, Rule 1, CPC, Order/Judgment may be opened to review, inter-alia, if there is a mistake or an error apparent on the face of record. An error which is not self-evident but has to be detected by process of reasoning cannot be said to be an error apparent on the face of record, justifying the Court to exercise its power of review under the above said provisions.

**Further also in the case of Parsion Devi Vs. Sumitri Devi the Supreme Court has held that;**

***"A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error***



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*has crept in earlier by judicial fallibility. A mere repetition, through different Counsel, of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of Counsel's certificate which should not be a routine affair or a habitual step. It is neither fairness to the Court which decided nor awareness of the precious public time lost what with a huge backlog of dockets waiting in the queue for disposal, for counsel to issue easy certificates for entertainment of review and fight over again the same battle which has been fought and lost (The review) stage is not a virgin ground but review of an earlier order which has the normal feature of finality."* In view of the above narrations, the grounds taken by the petitioner for review of order are liable to be dismissed by this Hon'ble Court.

**REPLY ON MERITS:-**

8. Non Applicant/ respondent submits that the contents of para 1 of the review petition are correct as per the record and needs no reply.
9. Non Applicant/ respondent submits that the contents of the reply of para 2 are correct to the extent that the Ld. ACGRF vide its order dated 09.01.2023 held that the impugned demand of the petitioner/HPSEB Limited amounting to Rs. 1,16,528/- and rest of the submissions wrong and incorrect. It is submitted that the complainant/ respondents and her husband being retired Govt servants and being old, age more than 80 years, mostly live with their elder son at Sector 50, Noida and come to Shimla only during Summers. Further that for the last five years except during Covid- 19 pandemic, complainant/ respondent and her husband did not return to shimla for last two years at all and returned only in April/May 2022. It is submitted that an issue arises pertaining to bill of the First-floor energy meter, in the month of June july 2022 and there was an altercation with the HPSEB on the installation of smart meters and subsequently an application was filed by her to check the consumption. Further that there was no communication initiation from the HPSEBL and she wrote an application to HPSEBL on



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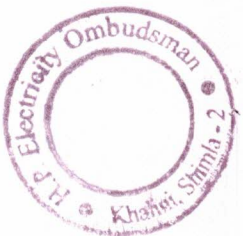




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dated 26.07.2022 about abnormal bill and meter testing which shows her bona fide intention. It is further submitted that the review petitioner /HPSEB Limited had issued demand notice dated 24.9.2022 to the amount of Rs. 1,16,528/-

10. Non Applicant/ respondent submits that the contents of the the para 3 are wrong, incorrect and the Ld. ACGRF did not appreciate all material facts on record and came to the conclusion that the impugned demand raised by the HPSEB Limited/petitioner was correct and the complainant /respondent is liable to pay the amount as demanded. It is submitted that the amount raised by the petitioner is illegal, arbitrary and against the law.
11. Non-Applicant/ respondent submits that the contents of the para 4 are correct to the extent that the complainant/respondent here in feeling aggrieved and dissatisfied against the orders passed by the ACGRF preferred a representation before this Ld. Ombudsman under Regulations 28 (1) b) of ibid Regulations. It is further submitted that the Id. Ombudsman vide its order dated 08.05.2023 has quashed and set aside the order passed by the ACGRF on dated 09.01.2023 and consequently, the demand raised by the petitioner HPSEB Limited to the tune of Rs. 1,16,528 was also quashed and set aside.
12. Non Applicant/ respondent submits that the contents of the para 5 of the review petition are correct and needs no further submissions.
13. Non Applicant/ respondent submits that the contents of the para 6 of the review petition are correct as per the judgment passed by the Ld Electricity Ombudsman Shimla and needs no further submissions.
14. Non Applicant/ respondent submits that the contents of the Para 7 of the review petition are correct to the extent that the Ld. Ombudsman on dated 08.05.2023 passed the order in the complaint filed by the complainant/ respondent. It is submitted that there is no mistake or error made by the Ld. Ombudsman. It is further submitted that the order passed by Ld Ombudsman is well reasoned, genuine and truly appreciate the facts and passed a detailed order and there is no scope of mistake and error in the order passed by the Ld. Ombudsman on the other hand the petition filed by the petitioner on





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vague allegations to devoid the merit and to deny the legitimate claim of the replying complainant/ respondent.

- a. That the contents of para (a) of the grounds of the review petition are denied as the order passed by the Ld. Ombudsman on dated 08.05.2023 is valid, well-reasoned genuine and there is no scope of mistake and error in the order passed by the Ld Ombudsman. It is further submitted that the Non-Applicant/ respondent was paying her energy bill regularly and she was no defaulter. It is further submitted that the since the meter was working fine and she was paying energy bills regularly, what was the necessity to replace the old meter with new one. It is submitted that the complainant/ respondents and her husband being retired Govt servants and being old, age more than 80 years, mostly live with their elder son at Sector 50, Noida and come to shimla only during Summers. Further that for the last five years except during Covid 19 pandemic, she and her husband did not return to shimla for last two years at all and returned only in April/May 2022. It is further submitted that during this period there is no electricity consumption by the complainant/ respondent. It is further submitted that the meter which was replaced with the smart meter was not tested by the HPSEB Limited Laboratory and in the absence of the said test, the demand of Rs. 1,16,528/- is not sustainable as wrong and totally contrary to the Electricity Supply Code.
- b. That the contents of the para (b) of the grounds of the review petition are denied. it is submitted that order of the Ld. Ombudsman wherein the said technical view of non-testing of the electricity meter is pre-requisite for the issuance of additional demand or the supplementary demand is true and correct that testing of the said meter is necessary to issue demand on the consumer. It is further submitted that the there is no sufficient evidence to establish that the demand raised by the Complainant/ respondent is correct. The view taken by the LD Ombudsman vide its order dated 8.5.2023 is valid, legal and well reasoned. It is submitted that there is no necessity to review the order passed by the Ld. Ombudsman.
- c. That the contents of the para (c) of the grounds of the review petition are denied. It is submitted that the demand raised by the Review petitioner is



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illegal, incorrect and wrong as there is no testing of the electricity meter from the Laboratory. It is submitted that during the period of Covid 19 pandemic, she and her husband were out of station and as such there was practically no consumption in meter with consumer ID 100001102819. It is submitted that the Review petitioner has not provided any record for the period February 2020 till April 2022.

- d. That the contents of the para (d) of the grounds of the review petition are correct as per the order passed by the Ld Ombudsman that the cost to the tune of Rs. 10,000/- shall be recovered from PLA of the Assistant Engineer, who was posted at the time of issuance of demand notice dated 24.9.2022.
15. Non Applicant/ respondent submits that the contents of the para 8 of the review petition are matter of record needs no reply.
16. It is, therefore, most humbly and respectfully prayed that keeping in view of the facts and circumstances mentioned hereinabove, the order dated 8.5.2023 passed by the Ld. Ombudsman, Khalini in Complaint No. 3 of 2023 titled as Kamla Verma, The Residency Shimla View Estate Vs. Executive Director (Personnel) HPEB Limited & Another may kindly be dismissed in the interest of justice and fair play.
17. Non Applicant/ respondent submits that any other or further orders which this Hon'ble Court may deem fit and proper, in the facts and circumstances of the case may kindly be passed in favour of the Non Applicant / respondent.
18. Reply to the Application under Section 5 of the Limitation Act for condoning the delay.
19. Non Applicant/ respondent submits that the contents of the para 1 of the application are and needs no reply.
20. Non Applicant/ respondent submits that the contents of the para 2 of the application are correct to the extent that the Ld. Ombudsman has



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passed order dated 8.5.2023 in the above mentioned case. It is further submitted that the date of the receiving of the copy of the order before the registry of the Ld. Ombudsman is not mentioned in the application.

21. Non Applicant/ respondent submits that the contents of the para 3 of the application are wrong and incorrect. It is submitted that the review petition filed by the Applicant/ Petitioner is not within time hence deserve to be dismissed. That in filing the Review petition there is delay of more than five days and there is no sufficient reasons to condone the delay. It is further submitted that the reasons as mentioned by the applicant/ review petitioner are not sufficient to condone the delay.
22. Non Applicant/ respondent therefore, respectfully prayed that this application may kindly be dismissed and the delay of 5 days so occurred in filing the present review petition may kindly not be condoned in view of the submissions made here in above.

**D – The Additional Submissions by Review Petitioner through Rejoinder:**

1. The Review Petitioner have not made any additional submissions to the reply filed by the Respondents, rather preferred arguments.

**E- written Arguments by the Non Applicant/ Respondent:**

1. No written arguments were submitted by the Non-Applicant/\_Respondent. Rather submissions were reiterated and responded to cross questioning of each one on dt. 22/08/2023.

**F- HP Electricity Ombudsman Order in case No. 3/2023 :**

1. The orders passed on dated 09/01/2023 by the Additional Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1302/4/22/01 dated 12/10/2022 is hereby quashed and set aside.
2. The demand raised by the Respondents vide demand notice dated 24/09/2022 for RS 1,16,528/- is hereby quashed and set aside.



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3. The Respondents are directed to refund the amount, so paid by the Complainant during this litigation process at Additional Consumer Grievance Redressal Forum at Kasumpti (Shimla Circle) and on filing an appeal in this Appellate Forum, in one installment through cheque/ DD drawn in favour of the Complainant within a period of 15 days from the date of issue of this order. In case of default, the interest shall also be applicable on the said amount in line with provisions of Clause 5.7.3 of Himachal Pradesh Electricity Supply Code 2009.
4. Under the power drawn from the provisions of Regulation 37 (3) (e) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the Respondents are further directed to compensate the Complainant by an amount of Rs 10,000/- through adjustment in their next energy bill on or before 08/06/2023 positively.
5. The Respondent Board is further directed to recover the amount of compensation awarded above from the PLA of concerned Assistant Engineer of the Boileauganj Sub-division posted at the time of issuance of the demand notice dated 24/09/2022.
6. The Respondents are directed to report compliance of the above directions within a period of 30 days from the date of issue of this order or latest by 08/06/2023 positively failing which the matter shall be reported to the Hon'ble Commission for violation of directions under Regulation 37 (6) of 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.
7. The Complaint filed by Kamla Verma, The Residency Shimla View Estate, Kamla Niwas, Chakkar, Near HP Govt Printing Press, Shimla-171005 is hereby disposed off.

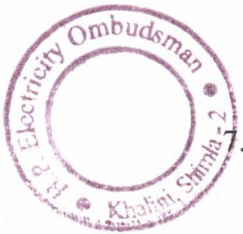
**G- Analysis of the Review Petition:**

*Ruphal*



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

1. The case file in Complaint No. 03/2023 have also been gone through.
  2. The documents on record and submissions made by the parties and arguments made have also been gone through.
  3. The submissions made by both the parties have also been reproduced above to have the overall view of the case.
  4. The Respondent Board now Review petitioner had filed a Review petition under Regulation 37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman ) Regulation, 2013 against the order dated 08/05/2023 passed by this court in complaint No. 03 of 2023 in said matter and also filed an Application under section 5 of the Limitation Act for condoning the delay in filing Review Petition, registered on dt.30/06/2023. Prayer granted.
  5. Review petitioner Submits that the Ld. ACGRF vide its order dated 9.01.2023 had held that the impugned demand of the petitioner/HPSEB Limited amounting to Rs. 1,16,528/- on the ground that electricity meter which was installed in the premises of the respondent /complainant was not recording electricity consumption, since the said meter was happened to be defected.
  6. Review petitioner Submits that the factum of the accuracy of the meter was revealed at the time when the process of the roll over the existing meter into smart meter in the city of Shimla, whereby, after installation of the smart meter in the year 2022, the electricity consumption of the complainant/respondent was shooted to abnormal consumption and hence as per the provisions of Electricity Supply Code, 2009 read with clause No 9.3.5 of condition of the supplies and other ensuing provisions, the review petitioner /HPSEB Limited had issued demand notice dated 24.9.2022 to the amount of Rs. 1,16,528/-
- Review petitioner Submits that the Ld. ACGRF had appreciated all material on record and came to the conclusion that the impugned demand raised by the HPSEB Limited/petitioner was correct and the complainant /respondent is liable to pay the amount as demanded.



*Ruphal*





8. Review petitioner Submits that the complainant/respondent here in feeling aggrieved and dis-satisfied against the orders passed by the ACGRF preferred representation before this Ld. Ombudsman under Regulations 28 (1) (b) of ibid Regulations.
9. The Ld. Ombudsman vide its order dated 8.05.2023 has quashed and set aside the order passed by the ACGRF dated 9.01.2023 and consequently, the demand raised by the Respondent Board /HPSEB Limited to the tune of Rs. 1,16,528/- was also quashed and set aside.
10. After going through the averments made by the respondent board to call for review, this court observes that all submissions are replica of earlier one which already stand adjudicated at length during the course of hearings before issuance of order dt. 08.05.2023 in complaint No.3/2023. Hence, the review is not tenable.
11. Also, the participation of both the parties during the process of hearings in the case No. 03/2023 further reveals that respondent board could not convince the court on the issues raised during arguments/submissions and instead of giving compliance to this court order dt.08.05.2023 in complaint No.03/2023 preferred review petition and came up with the submissions of similar nature without any new evidence on record which may warrant review.

**H- Issue in Hand:**

Whether the review as contented by the Review Petitioner in order dt.08.05.2023 in complaint No. 03/2023 is tenable.

**I. Findings on the Issue:**

In view of the limited scope of review in terms of regulation-37 (iii) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman ) Regulation, 2013, after going through the submissions of Respondent Board (Review Petitioner) in the review petition read with earlier record submitted in the case No. 03/2023 during the process of adjudication and finally order dt.08.05.2023 in complaint No. 03/2023, this court concludes that nothing new has been brought/ established on record which may call for review under the said powers . Hence, the viability of the review does not exist.



*Pushpal*

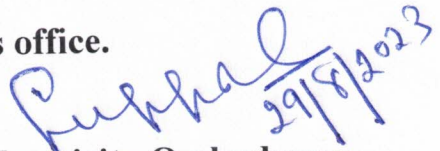


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**J. Order:**

1. The orders passed/ pronounced on dated 08.05.2023 in complaint No. 3/2023 is upheld.
2. The Respondents are directed to report compliance of the above directions within a period of 30 days from the date of issue of this order positively or otherwise it may attract Regulation 37 (6) of 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.
3. The Review Petition filed by the Respondent Board now review petitioner is hereby disposed off.

**Given under my hand and seal of this office.**

  
**Electricity Ombudsman**

