



**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:**

**Complaint No. 04/2023**

**M/S Renny Steels, Village Kunjhal, PO Barotiwala, Tehsil Baddi, District Solan,  
HP-174103**

**- Complainant**

**Vs**

- 1. Executive Director (Personnel) HPSEB Ltd, Vidyut Bhawan Complex, Shimla,  
HP-171004**
- 2. The Assistant Engineer, Electrical Sub-Division, HPSEB Ltd, Barotiwala, District  
Solan, HP- 174103**
- 3. Sr Executive Engineer, Electrical Division, HPSEB Ltd, Baddi, District Solan,  
HP-174103**

**-Respondents**

- 1. Complaint No. 04/2023 (Registered on 13/02/2023)**
- 2. (Orders reserved on 30/10/2023, Issued on 02/11/2023)**

**Counsel for:**

**The Complainant: Sh. Rakesh Bansal authorized Representative**  
**The Respondents: Sh. Kamlesh Sakhlani Under Sectt.Law**  
**Sh. Rajesh Kashyap, Advocate**

**CORAM**

**Er. Deepak Uppal**

**HP Electricity Ombudsman**

**Order**

- 1. The case was received and registered on 13/02/2023, under provisions of Regulation 28 (1) (c) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 after getting aggrieved on the non-implementation of the orders passed by the Consumer Grievance Redressal Forum (CGRF) at Shimla on dated 13/11/2018 and 22/10/2019 in Complaint No. 1453/2/18/03, dated 21/08/2018 and RA No. 1453/3/19/023 on OA No. 1453/2/18/037 dated 24/07/2019 respectively.**
- 2. The Respondents were directed to file their reply on or before 27/02/2023 positively. The Complainant to file rejoinder on or before 03/03/2023. The case was listed for admission hearing on 04/03/2023.**
- 3. The Respondents failed to file their reply by 27/02/2023 and prayed for some time to file their reply. Prayer granted. The Respondents were directed to file their reply duly supported by attested affidavit on or before 18/03/2023. The Complainant to file rejoinder by 25/03/2023. The case was listed for hearing on 01/04/2023.**



*Deepak Uppal*





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4. The Respondents again failed to file their reply by 18/03/2023 and prayed for some more time to file their reply. Prayer granted. The Respondents were given last opportunity to file their reply on or before 21/04/2023 positively failing which the case would be decided based on documents on record. The Complainant to file rejoinder by 27/04/2023. The case was listed for arguments on 28/04/2023.
5. The case hearing listed for 28/04/2023 was hereby re-scheduled for 06/05/2023. The Respondents were given last opportunity on 01/04/2023 to file their reply on or before 21/04/2023 positively failing which the case would be decided based on documents on record. The Complainant to file rejoinder now by 28/04/2023.
6. The Respondents had filed their reply on 20/04/2023 wherein they had attached a copy of the orders dated 26/07/2021 of Hon'ble HP High Court wherein stay had been granted. As on date the stay had not been vacated. But since the Complainant had also approached Hon'ble HP High Court now for vacation of stay and prayed for some time to update the status of the case by next date. The case was listed for hearing on 20/05/2023 for up-dation of status of the case at Hon'ble HP High Court. Further course of action had to be decided accordingly.
7. The Representative for the Complainant informed that Hon'ble HP High Court had granted a stay on the orders of the Forum below on 26/07/2021 in CWP No. 2100/2021 and the same had not been vacated in their last hearing.
8. In view of the statement made by the Representative for the Complainant in the Court Room, the proceeding of the case was kept in abeyance by that Ombudsman. However, the Representative for the Complainant was requested to supply a copy of the orders of the Hon'ble HP High Court so that in case of vacation of stay by Hon'ble HP High Court/ decision in the case, further course of action could be decided.
9. The representative for the complainant submitted an application for resumption of proceedings and supplied a copy of Order dated 30/06/2023 of Hon'ble HP High Court informing dismissal of petition filed by the respondent Board and vacation of stay thereof. In cognizance to the Order of Hon'ble High court in the said matter on vacation of stay, this court started with the proceedings which was earlier kept in abeyance vide Order dated 20/05/2023 of that Ombudsman. Respondent Board was directed to submit reply positively by 18/07/2023 & rejoinder by the complainant if required by 26/07/2023. The Case was listed for hearing on 27/07/2023.
10. Respondent Board expressed its inability to submit reply by 18/07/2023 as directed in earlier order dated 05/07/2023, on account of catastrophic conditions prevailed owing to heavy rain and inclement weather and prayed to allow another two weeks for submission of reply. Prayer granted. Respondent Board is directed to submit reply within two weeks and rejoinder by the complainant by another one week. The Case was listed for hearing on 22/08/2023.
11. Due to inability of Sh. Rakesh Bansal, the authorized Representative for pleading the cases on behalf of Complainant, to attend the court due to inclement weather conditions as informed through e-mail 21/08/2023, the hearing as scheduled on dated 22/08/2023 in the said matter could not be proceeded. The Respondent Board also could not submit the reply on dated 18/07/2023 due to heavy rain and prayed to allow another one-week time for submission. Prayer granted. The Complainant may submit rejoinder thereafter. The case was further listed for hearing on 29/08/2023.
12. The Respondent Board could not submit the reply with in one weeks' time as directed vide this court order dated 22/08/2023 and sought further two weeks' time for submission of reply as due to catastrophic on account of heavy rain, the concerned officers were still busy with restorations work. Listening in the public interest, prayer granted. The Complainant to submit rejoinder thereafter. The case was further listed for hearing on 28/09/2023.
13. The Respondent Board could not submit the reply with in one weeks' time as directed vide this court order dated 29/08/2023. The counsel for respondent prayed for seeking instructions from Board's management for compliance/ implementation of Consumer Grievance Redressal Forum at Kasumpti order. Prayer granted. However, Respondent Board was also directed to submit reply on or before 16/10/2023. The case was further listed for hearing on 16/10/2023.



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14. The matter was heard. The Respondent Board could not submit the reply with in one weeks' time as directed vide this court order dated 28/09/2023. The matter was discussed with counsel for Respondent to assess the status of submission of reply and non-compliance for submission of reply in spite of many opportunities given vide this Appellate Forum orders dt. 28/07/2023, 22/08/2023, 29/08/2023, 28/09/2023 and further not sought any instructions from Board's management for compliance/ implementation of Consumer Grievance Redressal Forum at Kasumpti orders in the said matter as contented by the Respondent on dt. 28/09/2023 during the course of hearing. On the request of counsel for Respondent, one weeks' time granted for submission of reply as a last opportunity. Subject to submission of all requisites as discussed, the matter was listed for arguments on 30/10/2023.
15. The matter was heard. The Representative for complainant during arguments expressed explicitly that the contentions here in the Representation as well as the order No. 1453/2/18/037 dt. 13/11/2018 of Consumer Grievance Redressal Forum at Kasumpti are being complied partially. He further added to the discussions that out of total outstanding amount, the Respondent Board refunded an amount of Rs 22.71 Lakhs only till date which was adjusted towards electricity bills issued to the complainant, except for Rs 6.00 Lakhs deposited on account of IDC charges along with requisite interest as applicable as per provisions, is yet to be refunded. He also contented that since, on account of above refund, we may consider this as a partial compliance to Consumer Grievance Redressal Forum order and instead of continue with the proceedings in the said case, he prayed for disposal of said petition in the Court and to impart instructions to the Respondent Board for refund of balance amount along with interest in compliance to implementation of said order of Consumer Grievance Redressal Forum. The Representative for the complainant further strengthened his contentions by mentioning the order dated 30/06/2023 of Hon'ble High Court in CWP No. 2100/2021.
16. In earlier orders dt. 28/09/2023 and 16/10/2023 of this court, the counsel for Respondent Board also prayed this court for seeking instructions from Boards management for compliance/ implementation of Consumer Grievance Redressal Forum order. After listening to the prayer of Complainant for disposal of the petition and to issue order to Respondent Board for implementation of the said order in totality for release of balance amount /refund, the counsel for Respondent did not raise any objection on the averments and also showed denial for further submission of any fresh reply after the order dt. 30/06/2023 pronounced by the Hon'ble High Court in CWP No.2100/2021 and asserted to consider the earlier reply that stood submitted prior to the resumption of the proceedings. This Appellate Forum agreed to consider the reply of Respondent Board submitted prior to resumption of proceedings.
17. After listening to the views of both the parties and consensus on further closing the proceedings and issue necessary final order to the Respondent Board for refund of remaining amount along with the interest in due cognizance to the necessary directions by the Hon'ble High Court order dated 30/06/2023 in CWP No. 2100/2021, this Appellate Forum agreed to the contentions. This Appellate Forum hence forth, stops further proceedings in Complaint No. 4/2023 and reserves the order.

**A-Brief Facts of the Case:**

1. M/S Renny Steels, Village Kunjhal, PO Barotiwala, Tehsil Baddi, District Solan, HP-174103 have filed an application, under provisions of Regulation 28 (1) (c) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 after getting aggrieved on the non-implementation of order dated 13.11.2018 passed by the CGRF in the complaint no. 1453/2/18/037 titled as Renny Steels v. HPSEBL and others, whereby the Forum passed orders in the favour of the Complainant. The said case was received and registered as 04/2023 on 13/02/2023 in this Appellate Forum.
2. They have contended that they had deposited Rs. 6.00 Lacs as advance cost share at the time of PAC; but this amount was never adjusted against his total liability on this account. Subsequently, Rs. 22.71 Lacs were also paid for the underground cable line, the proposal which was considered at one time; but the proposal was cancelled/shelved after the supply was provided from Parwanoo- Barotiwala line through solid tapping. Since the proposal never materialized so he is liable to get the refund. The entire



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amount of Rs. 28.71 lacs (Rs 6.00 lacs + 22.71 lacs) is unjustified and is claimable as refund along with interest as per Regulation.

3. The Complainant in his submissions have mentioned that the Respondent Board till date have only refunded a sum of Rs. 22.71 lakhs without payment of interest as ordered in Point No. 1 of the order dt.13.11.2018 of the Forum, but still have to comply with the disbursement of Rs.6.00 lac and interest as applicable as per provisions on the amount ordered by the CGRF, which is a cause of concern and litigation.

**B-The Complainant's Submission:**

**PROLOGUE**

1. The Complainant submits that this representation is being filed in accordance with the HPERC (CGRF & Ombudsman) Regulations, 2013 as the applicant/ complainant is aggrieved by the non-implementation of orders dated 13.11.2018 passed by the Ld. Forum in the complaint no. 1453/2/18/037 titled as Renny Steels v. HPSEBL and others, whereby the Forum passed orders in the favour of the complainant.

**FACTS OF THE CASE**

**2.**

Date	Event	Annexure
21.08.2018	<p>The complainant preferred a complaint before CGRF vide complaint no. <b>1453/2/18/037</b> in respect of overhauling of Infrastructure Development Charges seeking</p> <ol style="list-style-type: none"> <li>a) refund of Rs. 6.00 lakhs paid to the respondents as advance cost share at the time of PAC;</li> <li>b) refund of sum of Rs. 22.71 lakhs towards charges paid for proposed project of laying a line, the work for which never started;</li> <li>c) refund on interest on the amounts refundable</li> </ol>	C1
13.11.2018	<p>The Forum ordered that</p> <ol style="list-style-type: none"> <li>1. Rs. 22.71 lacs deposited by the Petitioner for 66 KV Line from Barotiwala Sub-Station may be refunded to the Petitioner along with interest as the line was never constructed.</li> <li>2. Rs. 6.00 lacs deposited on account of IDC charges may also be refunded alongwith interest as no account of its utilization has been provided to the Petitioner till date.</li> </ol>	C2
21.07.2019	<p>The respondents partially complied with the direction no. 1 of the orders of the CGRF and adjusted a sum of Rs. 22.71 lakhs in the electricity bills issued to the complainant. No interest was paid on the said amount. Direction No. 2 of the orders remained totally non-complied.</p>	C3

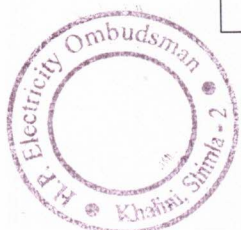


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24.07.2019	The respondents filed an application No.  <b>(R A No. 1453/3/19/023 Original Complaint No. 1453/2/18/037</b> for review of its earlier orders before the CGRF	
22.10.2019	The CGRF rejected the review application stating that the same was hopelessly time barred.	C4
27.11.2019	The complainant preferred <b>CWP NO. 3849 of 2019</b> before the Hon'ble High Court of Himachal Pradesh, aggrieved by the non-refund/ adjustment of his refundable amount resulting out of orders dated orders dated 13.11.2018 passed by CGRF in Complaint No. <b>1453/2/18/037</b> in the overall billing dues payable to the respondents.	
22.03.2021	<b>CWP No. 2100 of 2021</b> was filed by the respondents assailing the orders of the CGRF, which is pending for listing before the Hon'ble High Court of Himachal Pradesh. The Hon'ble High Court till this date has not restrained the complainant to claim the refund due to him as a result of the orders dated 13.11.2018 passed by CGRF in Complaint No. <b>1453/2/18/037</b> nor any stay orders have been issued in this respect.	
14.11.2022	The complainant wrote a letter in reply to the disconnection notice dated 07.11.2022, demanding various adjustments that were required to be carried out in respect of the dues reflected as payable. Among these adjustments the complainant also demanded the refund of principal amount of Rs. 6.00 lakhs ordered by the CGRF in Complaint No. <b>1453/2/18/037</b> along with the interest and interest on already refunded amount of Rs. 22.71 for the time that these amounts were withheld by the respondents. The claim on the complainant on account of interest for Rs. 64,83,784/- and Rs. 24,16,938/-, in addition to the principal amount of Rs. 6.00 lakhs is still remaining to be refunded, while the amount must have increased due to passage of the intervening period.	C5
25.11.2022	The complainant being threatened by disconnection of power supply due to accumulation of unpaid dues, filed <b>CWP No 8203 of 2022</b> before the Hon'ble High Court of Himachal Pradesh for overhauling of his account which also included the amounts/ refunds arising out of the orders dated orders dated 13.11.2018 passed by CGRF in Complaint No. <b>1453/2/18/037</b> and relief against disconnection proceedings initiated by the respondents.	
05.12.2022	The Hon'ble High Court of Himachal Pradesh disposed <b>CWP No 8203 of 2022</b> , while it ordered that out of the total dues claimed by the respondents amounting to Rs. 10,27,34,021/-, the complainant must pay the one third of the said amount in three equal instalments of Rs. 1,14,14,891/- each at an interval of 15 days, while it was also ordered that the complainant should approach the CGRF for the redressal of his grievance under section 42(5) of the Electricity Act, 2003. The Hon'ble Court also restricted the CGRF from insisting on further payment/ deposit while deciding the dispute after the amount	C6



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	of Rs. 3,42,44,674/- is paid by the complainant.	
13.12.2022	<b>CWP NO. 3849 of 2019</b> was disposed by the Hon'ble Court in view of the orders dated 05.12.2022 in <b>CWP No 8203 of 2022</b> .	C7
08.02.2023	Out of the matters before the Hon'ble High Court the matter in Complaint No. <b>1453/2/18/037</b> stood already decided by the Forum, who cannot adjudicate the same as per Regulations. The HPERC (CGRF and Ombudsman) Regulations, 2013, as amended in the year 2021, allows the complainant to approach the Electricity Ombudsman in the case of non-implementation of the orders of the forum under the Regulation 28(1)(c). Having deposited the amounts as ordered by the Hon'ble High Court in <b>CWP No 8203 of 2022</b> , the complainant is approaching the Hon'ble Ombudsman under Regulation 28(1)(c) as he is aggrieved by the non-compliance on the part of the respondents, which is lawful remedy available to him. No restriction/ stay orders come in the way of entertaining this representation as on this date.	

**CONTENTIONS OF THE APPELLANT/ COMPLAINANT**

3. The Complainant submits the orders passed by CGRF in complaint no. 1453/2/18/037 remain partially complied even up to this date?
4. The Complainant submits the CGRF had passed orders dated 13.11.2018 in Complaint No 1453/2/18/037, the operative portion of the orders passing directions is reproduced below:

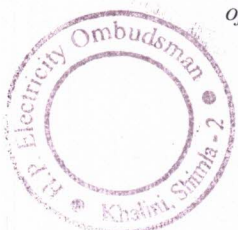
*"The Forum Order that:-*

1. Rs. 22.71 lacs as deposited by the Petitioner for 66 KV Line from Barotiwala Sub-Station may be refunded to the Petitioner along with interest as the line was never constructed.
2. Rs. 6.00 lacs deposited on account of IDC charges may also be refunded alongwith interest as no account of its utilization has been provided to the Petitioner till date.

*The case is decided in favour of Complainant and against the Respondent Board."*

5. The Complainant submits that the respondents till date have only refunded a sum of Rs. 22.71 lakhs as ordered in Point No. 1 of the order of the Forum, but have not paid interest which is also ordered to be paid to the complainant.
6. The respondents have not refunded Rs. 6.00 lakhs, nor any interest as per Point No. 2 of the order of the Forum.
7. **Whether the respondents are liable to be proceeded u/s 142 of the Electricity Act, 2003?**
8. The Complainant submits that the Regulation 27 of the HPERC (CGRF and Ombudsman) Regulations, 2013 as amended provide as below:

*"27. Compliance of the order of Forum. - (1) The licensee shall comply with the order of the Forum within 30 days or within such shorter period as may be directed by an order made by the Forum, from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months."*



*Rupnath*



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9. The Complainant submits that more than four years have passed since the orders of CGRF, while the respondents only preferred CWP No. 2100 of 2021 on 22.03.2021, after a huge lapse of time.

**Regulation 37(6)**

*"37(6) Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and shall be liable for appropriate action by the Commission under the provisions of the Act."*

The respondents are beyond doubt liable to be prosecuted under section 142 of the Electricity Act, for contraventions of Regulation 27 of the HPERC (CGRF and Ombudsman) Regulations, 2013 if the orders still remain non-complied after the intervention of the Hon'ble Ombudsman.

**Prayer:**

10. The Complainant submits that in view of above submissions, the complainant firm prays to Hon'ble Ombudsman:
- To issue directions to the respondents to comply with the orders dated 13.11.2018 issued by the Consumer Grievance Redressal Forum of HPSEBL in complaint number 1453/2/18/037 in letter and spirit subject to the outcome of the CWP No. 2100 of 2021, whatever it may be;
  - To recommend the case to the Himachal Pradesh Electricity Regulatory Commission for non-compliance or for delay in compliance as the case may be after the disposal of this representation.
  - Cost of litigation to an extent of Rs. 1,00,000/-;
  - Call for the record of the case.
  - Any other or further orders which this Hon'ble Ombudsman may deem fit and proper, in the facts and circumstances of the case may kindly be passed in favour of the complainant company and against the respondents/distribution licensees.

**C- The Respondent's Submission:**

1. The Respondent Submits reply on behalf of the respondents to the complaint filed by the complainant under Regulations 28 1 (c) of the HPERC.

**Preliminary submissions:**

2. The Respondent submits that the complaint of the complainant is not maintainable in the present form inasmuch as that the respondent/ HPSEBL preferred Civil Writ Petition No. 2100 of 2021 from and against the order of ID Consumer CFRF in Complaint No. 1453/2/18/37, which is pending adjudication before the Hon'ble High Court. It is submitted that substantial relief prayed by the HPSEBL before the Hon'ble High Court is against the order of payment of interest on the refund against for the amount deposited for 66 KV underground line from Barotiwala sub- station to the consumer premises and 6 lacs deposited on account of IDC charges, paid during initial release of connection on 11 KV supply voltage. As ordered by the ID Forum in its order dated



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13/11/2018. It is pertinent to state here that the Hon'ble High of HP vide order dated 26/07/2021 has pleased to stayed the operation and execution of the impugned order dated 13/10/2018. A copy of the stay order dated 26/07/2021 is placed on record as Annexure R-1 for the kind perusal. As such the representation under regulation 28(1) (c) of the HPERC (CGRF and Ombudsman) Regulations, 2013 is not maintainable before this Id Ombudsman.

3. The Respondent submits that the matter was listed before the Hon'ble High Court on various dates, the detail of listing of the CWP is an under:

26/07/2021

13/08/2021

22/10/2022

20/09/2022

26/09/2022

12/10/2022

15/11/2022

29/11/2022

12/01/2023

4. The Respondent submits that it is relevant to submit here that despite listing of the matter in various dates, the respondent /Renny Steel in the CWP (complainant in the present complaint) has failed to file its reply and concealed the material facts before this Id Ombudsman for the reasons best known to him. It is submitted that complaint has field wrong declaration before this ID Ombudsman and is liable to face its consequences for deliberately misleading and misrepresenting the Id Ombudsman. Further the respondent in the CWP is duly represented through Id Counsel namely Sh. Arjun, Advocate, as per the record of the matter before the Hon'ble high Court and instead of filing the reply to the CWP, the present complainant is trying to misuse the process of law provided under Regulations 28(1) (c) of the HPERC (CGRF and Ombudsman) Regulations, 2013.

**Reply on merits:**

5. The Respondent submits that Para No. 1 to 4: that the contents of these para in so far as they pertain to the matter of record are not denied and rest of the averments which are contrary to the factual position are wrong and incorrect hence denied. It is submitted that details narration has been made by the replying respondents in the preliminary submission which may kindly be read as part and parcel in reply to these paras for the sake of brevity. However, it submitted at the cost of repetition that since the Hon'ble High Court vide order dated 26/07/2021 in CWP No. 3857 of 2021 in CWP No. 2100 of 2021 has pleased by the Id CGRF in Complaint No. 1453/2/18/37 dated 13/11/2018, the present complaint / representation seeking implementation of the order of Id Forum, is not sustainable in the eyes of law as such same is liable to be dismissed.
6. The Respondent submits that it is, therefore, in view of the narration made herein above, the present complaint being gross misuse of the process of law, is liable to dismissed with heavy cost.

**D- The Complainant's Additional Submissions through Rejoinder:**

The Complainant did not submit any rejoinder.

**E- The Complainant's written Arguments:**

The Complainant did not submit any written Arguments instead contended that the contents of Representation are sufficient to arrive at consensus.

**F- The Respondent's written Arguments:**

The Respondent Board did not submit any written arguments during the course of final hearing on dt.30.10.2023.



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**G- The Arguments of both during proceedings :**

The Complainant in the final hearing conducted by this Appellate Forum on dt. 30.10.2023 during arguments, brought to the notice of this Appellate that the order dt. 13.11.2018 of CGRF has been complied partially by the Respondent Board by refunding an amount of Rs. 22.71 lakhs without interest in compliance to point No.1 of the CGRF order and remaining Rs.6 Lac. along with interest are still to be refunded and prayed for disposal of the instant petition by issuing a suitable order in consonance with the order dt.13.11.2018 of CGRF read with findings of Hon'ble High Court in order dated 30/06/2023 in CWP No. 2100/2021. The Respondent Board did not raise any objection and also did not prefer to submit any fresh reply after the resumption of the proceedings, rather preferred earlier submitted reply prior to the said order of Hon'ble High Court. This Appellate agreed and with due consensus, hence forth, stopped further proceedings for issuance of final order thereof.

**H- Consumer Grievance Redressal Forum Order No.**

**A-Order No. 1453/2/18/037 13.11.2018:**

The Forum observed that:

- Rs. 6.00 lacs deposited by the Petitioner was Consumer share for infrastructure development charges.
- Rs. 26.71 lacs were part of Rs. 48.71 lacs which the Petitioner has deposited for providing SOP to M/s Renny Steels, Village Jharmajari, P.O. Barotiwala Tehsil, Baddi, Distt. Solan for 66 KV supply voltage from 132/66/33/11 KV Sub-Station Barotiwala. This line was never erected.
- No account for utilization of Rs. 6.00 lacs deposited on account of IDC charges and Rs. 22.71 lacs have been furnished to the Petitioner by the Respondent Board.
- The supply to the Petitioners Industry was released by making solid tap of 66 KV Feeder from Barotiwala to Parwanoo.

The Forum Order:

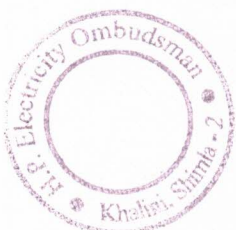
- Rs. 22.71 lacs as deposited by the Petitioner for 66 KV line from Barotiwala Sub-Station may be refunded to the Petitioner along with interest as the line was never constructed.
- Rs. 6.00 lacs deposited on account of IDC charges may also be refunded along with interest as no account of its utilization has been provided to the Petitioner till date.
- The case is decided in favour of complainant and against the Respondent Board.
- The file be consigned to record room after due completion. The copy of the order be kept in safe custody of folder of orders. The certified copy of these order be supplied to both the parties.

**B- CGRF Order dated 24/07/2019 in RA No. 1453/3/19/023 on OA No. 1453/2/18/03:**

- This Review application has been filed by the HPSEBL and others on 24/07/2019 against the order of the Forum dated 13/11/2018.
- After hearing the arguments of both the parties and after going through the case file carefully, it has transpired that the Review Application has been filed after a gap of about eight months. As per the Regulation 26(7) of the HPERC Regulation, 2013, a review application cannot be entertained beyond a period of 30 days from the date of passing of such orders. Also the delay 30 days has not been explained by the Board authorities as per day to day basis. Therefore, this review application is hopelessly time barred and therefore rejected out rightly.
- The file be consigned to record room after due completion. The copy of the order be kept in safe custody of folder of orders. A certified copy of these order be supplied to both the parties.

**I-Analysis of the Complaint:**

- The case files bearing orders passed by the Consumer Grievance Redressal Forum (CGRF) at Shimla on dated 13/11/2018 and 22/10/2019 in Complaint No. 1453/2/18/03, dated 21/08/2018 and RA No. 1453/3/19/023 on OA No. 1453/2/18/037 dated 24/07/2019 have also been requisitioned and gone through.



*Signature*

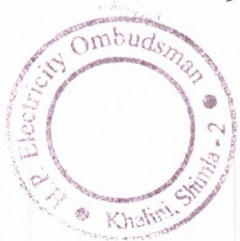




**HIMACHAL PRADESH ELECTRICITY OMBUDSMAN**  
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2. The submissions made by both the parties have also been incorporated in this order in order to have composite view of the entire case.
3. The documents on record, arguments made by both the parties and Hon'ble High Court Order dt. 30/06/2023 in CWP No. 2100/2021 have also been gone through.
4. The relevant Acts and Supply Codes have been referred for the sake of clarity.
5. M/S Renny Steels, Village Kunjhal, PO Barotiwala, Tehsil Baddi, District Solan, HP-174103 have filed an application, under provisions of Regulation 28 (1) (c) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 after getting aggrieved on the non-implementation of order dated 13.11.2018 passed by the CGRF in the complaint no. 1453/2/18/037 titled as Renny Steels v. HPSEBL and others, whereby the Forum passed orders in the favour of the Complainant. The said case was received and registered as 04/2023 on 13/02/2023 in this Appellate Forum.
6. They have contended that they had deposited Rs. 6.00 Lacs as advance cost share at the time of PAC; but this amount was never adjusted against his total liability on this account. Subsequently, Rs. 22.71 Lacs were also paid for the underground cable line, the proposal which was considered at one time; but the proposal was cancelled/shelved after the supply was provided from Parwanoo- Barotiwala line through solid tapping. Since the proposal never materialized so he is liable to get the refund. The entire amount of Rs. 28.71 lacs (Rs 6.00 lacs + 22.71 lacs) is unjustified and is claimable as refund along with interest as per Regulation.
7. The Complainant in his submissions have mentioned that the Respondent Board till date have only refunded a sum of Rs. 22.71 lakhs without payment of interest as ordered in Point No. 1 of the order dt.13.11.2018 of the Forum, but still have to comply with the disbursement of Rs.6.00 lac and interest as applicable as per provisions on the amount ordered by the CGRF, which is a cause of concern and litigation.
8. The Respondent submits that the complaint of the complainant is not maintainable in the present form inasmuch as that the respondent/ HPSEBL preferred Civil Writ Petition No. 2100 of 2021 from and against the order of ID Consumer CGRF in Complaint No. 1453/2/18/37, which is pending adjudication before the Hon'ble High Court. It is submitted that substantial relief prayed by the HPSEBL before the Hon'ble High Court is against the order of payment of interest on the refund against for the amount deposited for 66 KV underground line from Barotiwala sub- station to the consumer premises and 6 lacs deposited on account of IDC charges, paid during initial release of connection on 11 KV supply voltage. As ordered by the ID Forum in its order dated 13/11/2018. It is pertinent to state here that the Hon'ble High of HP vide order dated 26/07/2021 has pleased to stayed the operation and execution of the impugned order dated 13/10/2018.
9. The Consumer Grievance Redressal Forum at Kasumpti observed that Rs. 26.71 lacs were part of Rs. 48.71 lacs which the Petitioner has deposited for providing SOP to M/s Renny



*Final*





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Steels, Village Jharmajari, P.O. Barotiwala Tehsil, Baddi, Distt. Solan for 66 KV supply voltage from 132/66/33/11 KV Sub-Station Barotiwala. This line was never erected.

10. No account for utilization of Rs. 6.00 lacs deposited on account of IDC charges and Rs. 22.71 lacs have been furnished to the Petitioner by the Respondent Board.
11. The supply to the Petitioners Industry was released by making solid tap of 66 KV Feeder from Barotiwala to Parwanoo.
12. The Forum issued Order dt.13.11.2018
  - a. that Rs. 22.71 lacs as deposited by the Petitioner for 66 KV line from Barotiwala Sub-Station may be refunded to the Petitioner along with interest as the line was never constructed.
  - b. Rs. 6.00 lacs deposited on account of IDC charges may also be refunded along with interest as no account of its utilization has been provided to the Petitioner till date.
  - c. The case is decided in favour of complainant and against the Respondent Board.
13. While doing analysis on the averments made by the Respondent Board in their reply, after referring to Order dt.13.11.2018 of the Consumer Grievance Redressal Forum at Kasumpti & findings of the Hon'ble High Court judgement in Order dt. 30/06/2023 of CWP No. 2100/2021, this Appellate Forum infers on different contentions of the Respondent Board as below which are contrary to the spirit of both Order dt.13.11.18 of Consumer Grievance Redressal Forum at Kasumpti and findings dt. 30/06/2023 of Hon'ble High Court in CWP No. 2100/2021.
14. The Respondent Board contented that the complaint of the Complainant is not maintainable in the present form inasmuch as that the respondent/ HPSEBL preferred Civil Writ Petition No. 2100 of 2021 from and against the order of ID Consumer CGRF in Complaint No. 1453/2/18/37, which is pending adjudication before the Hon'ble High Court. Whereas on scrutiny of the documents and judgement dt. 30/06/2023 of Hon'ble High Court in CWP No. 2100/2021 placed on record after the vacation of stay, construes that after the said judgement was pronounced by the Hon'ble High Court, contrary to the contentions of Respondent Board and in line with the order dt.13.11.2018 of Consumer Grievance Redressal Forum at Kasumpti, all averments of Respondent Board are absurd in the instant case and the order dt.13.11.2018 in the complaint no. 1453/2/18/37 issued by Consumer Grievance Redressal Forum at Kasumpti is still operative and is to be complied with letter and spirit, hence maintainable.
15. The Hon'ble High Court in the said judgement dt.30.06.2023 has issued findings in - depth, which may be referred to have clarity in thoughts of contentions. The Hon'ble High Court have considered order dt.30.05.2019 of Dy. Chief Engineer (Er. R.K.



*Ruppal*



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Pathania), ES Circle, HPSEBL, Totu, Shimla-171011(H.P) which was issued as a sanctioned order towards refund of whole amount i.e Rs.22.71lacs + Rs. 6 lacs along with interest as applicable as per provisions. Hon'ble High Court reproduced the extract of above sanction letter under para 4(iv) in the said order dt. 30.06.2023 in CWP No. 2100/2021 and made a comprehensive reference to this communique.

16. The relevant extracts of judgement are reproduced for the sake of brevity as under:

*"4(iv) office order takes note of adjustment of not only the amount of Rs. 22.71 lacs as well as the interest component. The above order indicates intention of petitioner-board to implement the orders passed in favour of the complainant by the forum. In this view of the matter, instant petition challenging the same very orders loses its sting."*

*"4(v) " The contention raised by the learned counsel for the petitioner about respondent's complainant before CGRF being barred by limitation, may also be noted.*

*The documents placed on record reflect that the objection with respect to limitations had never been taken by the petitioner, Board before the learned CGRF. Admittedly the objection was not taken by the petitioner even at the time of filing the review petition. The objection is also not part of the grounds taken in the writ petition as well. Plea of limitation has been taken for the first time only by way of rejoinder filed to the writ petition. The plea of complainant being barred by limitation, in the facts & circumstances of the case cannot be allowed to be taken at such a belated stage. The question of limitation being mixed question of facts & law cannot be urged now to deny the reliefs prayed by the complainant & allowed to it by the Forum on consideration on matter on merits.*

5. *For the foregoing reasons, the writ petition is dismissed. All pending miscellaneous applications, if any, also stand disposed of."*

17. After referring to the above judgement of Hon'ble High Court, strengthening the decision of CGRF order dt. 13.11.2018, this Appellate Forum without any doubt deduces that averments made by the Respondent Board is absurd in the instant case and liable for refund along with interest as contended by the Complainant.

**J- Issues in Hand:**

**Issue No.1:**

Whether Respondent Board is liable to refund the remaining amount of Rs.6 lac. along with interest on the instant amount as well as earlier refunded amount of Rs.22.71 lac as contended by the complainant.



*Cuphal*





**K-Findings of the Issues:**

**Issue No.1:**

After going through the judgement dt.30/06/2023 of Hon'ble High Court Court in CWP No. 2100/2021 to the brim, CGRF Orders dated 13/11/2018 and 22/10/2019 in Complaint No. 1453/2/18/03, dated 21/08/2018 and RA No. 1453/3/19/023 on OA No. 1453/2/18/037 dated 24/07/2019, the office order dt.30.05.2019 of Dy. Chief Engineer, ES Circle Totu Shimla as mentioned and stands reproduced in the said judgement, this Appellate Forum is convinced and without any doubt concludes that Respondent Board is liable to refund remaining amount of Rs.6 lac. along with interest on the instant amount as well as earlier refunded amount of Rs.22.71 lac to Complainant.

This closes the findings on above issue.

**L-Order:**

1. The orders passed by the Consumer Grievance Redressal Forum (CGRF) at Shimla on dated 13/11/2018 and 22/10/2019 in Complaint No. 1453/2/18/03, dated 21/08/2018 and RA No. 1453/3/19/023 on OA No. 1453/2/18/037 dated 24/07/2019 respectively are upheld.
2. The Respondent Board is directed to refund the remaining amount of Rs.6 lac. along with interest as applicable as per provisions on the instant amount as well as earlier refunded amount of Rs.22.71 lac.
3. The Respondent Board is at liberty to adjust the said amount through future energy bills of the Complainant.
4. The Respondent Board is further directed to report compliance of the directions as stated above within a period of 30 days from the date of issue of this order 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.
5. No cost to litigation.
6. The Complaint filed by M/S Renny Steels, Village Kunjhal, PO Barotiwala, Tehsil Baddi, District Solan, HP-174103 is hereby disposed of.

Given under my hand and seal of this office.



*Kunjhal*  
02/11/2023  
Electricity Ombudsman