



In the matter of:

**Complaint No. 18/2023**

**- Review Application**

**in**

**-Complaint No. 11/2023**

1. **Executive Director (Personnel) HPSEB Ltd & others , Vidyut Bhawan Complex, Shimla, HP-171004.**
2. **The Sr Executive Engineer Electrical Division, HPSEB Ltd, Gagret, District Una, HP-177201**
3. **The Assistant Executive Engineer Electrical Sub-Division, HPSEB Ltd, Tahliwala, District Una HP-174507**

**-Applicant/Respondent**

**Vs**

**M/S Vardhman Ispat Udyog, Village Bathri, Tehsil Haroli, Near Tahliwala, Distt. Una-HP.**

**-Non-Applciant/ Complainant**

**Complaint No. 18/2023 (Registered on 03/07/2023)**

**Order issued on: (02/04/2024)**

**Counsel for:**

**The Applicant /Respondents:**

**Sh. Kamlesh Saklani, Under Sectt. Law ,  
Sh. Rajesh Kashyap Advocate  
Er. Ashwani Sharma, AE**

**The Non-Applciant/ Complainant: Sh. Rakesh Bansal, the authorized Representative**

**CORAM**

**Er. Deepak Uppal**

**HP Electricity Ombudsman**

### **Order**

1. Applicant/Respondent Board filed a Review Application under Regulation 37 clause 8(i) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation 2013, registered on dated

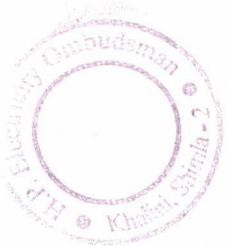


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03/07/2023, against final order dated 03/06/2023 passed by that Ombudsman in case No. 11/2023. Non-Applicant/ Complainant also submitted reply which was received on dated 12/07/2023. The case was listed for hearing on 27/07/2023. The order dt.03/06/2023 in Complainant No. 11/2023 of that Ombudsman is reiterated as under:

- 1. The orders passed on 29/03/2023 by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 3325/2/22/16-3325/1/23/11, dated 03/03/2023 is hereby quashed and set aside.***
- 2. The Respondents are directed to overhaul the account of the Complainant after correcting his tariff applicable for 132 kV sub-category instead of HT-2 sub-category under Large Industrial Power Supply (LIPS) Category.**
- 3. LVSS shall be applicable as per Tariff provisions since he is being supplied electricity at 33 kV instead of 132 kV entitlement.**
- 4. The Respondents are further directed to refund the excess amount charge, if any, on account of wrong application of tariff within a period of 30 days from the date of issue of this order but not later than**



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03/07/2023. In case of delay beyond 30 days, the interest @ 15% shall be applicable in line with Clause 5.7.3 of Himachal Pradesh Electricity Supply Code 2009.

5. The Respondents are further directed to report Compliance of above directions within a period of 30 days of issuance of the orders or but not later than 03/07/2023 positively failing which the matter shall be reported to the Hon'ble Commission for violations of the 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 Act.

6. The Complaint filed by M/S Vardhman Ispat Udyog, Village Bathri, Tehsil Haroli, Near Tahliwala, District Una, HP-174301 is hereby disposed off.

7. No cost to litigation

2. Case was called on 27/07/2023 and heard both the parties. The Applicant/Respondents Board expressed their ambiguity on the interpretation of tariff in the instant matter. This court after

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listening both the parties and on the vigorous prayer made by the counsel for Respondent Board in the court room, issued an Interim order dt. 27/07/2023 and kept the proceedings of this Appellate Forum in abeyance till clarification was to be sought in the said matter by the Applicant/Respondent Board at his own, subject to the condition that the Applicant/Respondent Board should submit in this court on or before 22/08/2023 the proof of initiation of clarification with Hon'ble HPERC thereof or otherwise this court would start with the proceedings without any further delay. The case was listed for hearing on 22/08/2023.

3. However, in the meantime, the operation of this Appellate Forum Interim order dt. 27/07/2023 was stayed by the Hon'ble High Court Order dt. 19/08/2023 in CMPMO No. 449/2023.
4. In due cognizance to the above order of Hon'ble High Court, the Interim order dt. 27/07/2023 and proceedings thereafter were stayed vide order dt.22/08/2023 of this Appellate Forum till further order of Hon'ble High Court in the said matter.
5. **Now Hon'ble High Court has issued the order dt.27/03/2024 in CMPMO No. 449 of 2023 and quashed the Interim order dt.27/07/2023 passed by this Appellate Forum in the said review Application No.18/2023 in complaint No. 11/2023.**
6. In view of above order dt. 27/03/2024 of Hon'ble High Court in CMPMO No. 449 of 2023 and specific to para 47 of the said order which says **“Not only this, it would be noticed that the grounds taken in the review petition could at best be grounds for**



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appeal, but do not qualify for being termed as “*sufficient grounds for a review*” given the limited scope under 37(8)(i) of the Regulations, the review Application No.18/2023 filed by the Applicant/Respondent Board and registered on dated 03/07/2023 against final order dated 03/06/2023 passed by that Ombudsman in case no. 11/2023 is here by disposed as dismissed.

7. The parties are left to bear their own costs.
8. The order is also placed at site for the convenience of reference.

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

Dated: 02/04/2024

Shimla



2/04/2024

**Electricity Ombudsman**