



In the matter of:

Complaint No. 22/2023

M/S Aggarwal Steel Industries Pvt. Ltd., Patch No.1 & II, Phase II.
Industrial Area, Gwalthai, Distt. Bilaspur, HP-174201

-Complainant

Vs

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004.
2. Sr. Executive Engineer, Electrical Division, HPSEBL, Bilaspur HP-174001.
3. The Assistant Executive Engineer (E), Electrical Sub-Division, HPSEBL, Kot/Gauwal District Bilaspur HP-174002

- Respondents

Complaint No. 22/2023 (Registered on 18/09/2023)

Last heard: 16/10/2024 and 05/04 /2024

Order issued on: 08/04/2024

Counsel for:

The Complainant: Sh. Rakesh Bansal, the authorized Representative

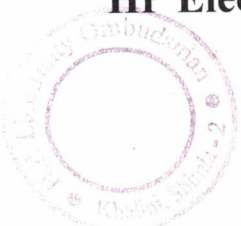
The Respondents: Sh. Rajesh Kashyap, Advocate

Er. Ram Lal, Assistant Engineer.

CORAM

Er. Deepak Uppal

HP Electricity Ombudsman



Deepak Uppal

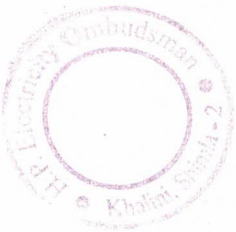


Order

1. M/S Aggarwal Steel Industries Pvt. Ltd. bearing Consumer ID: 100012001204, have filed an application, received & registered on 18/09/2023, under the provisions of Regulation- 28 of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 against the final Orders dated 05/09/2023 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 2216/202308/23.

2. Facts of the Case:

- a. In Nov.2021 the complainant purchased a sick unit through NCLT and restarted the unit with 22000 kW of sanctioned connected load with sanctioned contract demand of 16000 kVA at 66 KV supply voltage. The maximum limit of load at 66 KV notified in the clause 2.1.6.1(A) of the Supply Code, 2009 being 14MW/12 MVA, the respondent levied Low Voltage Supply Surcharge (LVSS) because the standard supply voltage in the complainant's case works out to 132 kV.
- b. From Nov.2021 till now, the respondents categorized the complainant into EHT voltage of Large Industrial Power Supply and levied the tariff as applicable to 66 kV even though the sanctioned contract demand was at the level of 132 kV. The energy tariff for 66 kV and 132 KV differs by 5



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paise per kVAh for the consumption during non-peak hours, while the tariff for 66 kV is higher than the corresponding tariff for 132 kV.

- c. The complainant is of the view that since his sanctioned contract demand determines his standard supply voltage as 132 KV, the tariff notified for 132 kV should be levied in the energy bills.
 - d. The complainant got no response against his letter dated 04.07.2023 in which this billing issue was raised by the complainant. The energy bills issued to the complainant clearly mention the standard supply voltage as 132 kV and the actual supply voltage as 66 kV.
3. Case was called for admission hearing on 16.10.2023. However, during the discussions held in the court room, it was asserted by both complainant and Respondent Board that the matter in the said representation was of identical nature as that of in *Case No. 18/2023(Review Application) in Complainant No.11/2023 of M/s Vardhman Ispat Udyog versus HPSEB which was under adjudication before the Hon'ble High Court in CMPMO No. 449 of 2023* and both proceedings of this court as well as Interim Order dt. 27.07.2023 in the said case No. 18/2023 were stayed by the Hon'ble High Court vide order dt. 19/08/2023.
4. After listening both the parties, mutual consensus thereof and further in due cognizance to the above order dt. 19/08/2023 of Hon'ble High Court, this court agreed and the proceedings in the

Approved



instant case No.22/2023 were also kept on hold vide this Appellate Forum Interim Order dt. 16.10.2023 till vacation of stay in the above case No. 18/2023(*Review Application*) in *Complainant No.11/2023 of M/s Vardhman Ispat Udyog versus HPSEB* by the Hon'ble High Court, being both the cases of the similar nature. The matter was to be listed for admission hearing thereafter only.

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 review Application No.18/2023 in Complaint No. 11/2023 and further under para-47 of the said order issued mandate which says "Not only this, it would be noticed that the grounds taken in the review petition could at best be grounds for 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.
6. In due cognizance to above order dt. 27.03.2024 of Hon'ble High Court, this court started with the proceedings and the matter was listed for admission hearing on dt. 05.04.2024.
7. The matter was heard on 05.04.2024 and was discussed in terms of Regulation 33(1) (d) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the relevant provision is reproduced as under:

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“33. Pre-conditions/Limitations for entertaining complainant’s representation:

(1) The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that: -

(d) the representation is not in respect of same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same complainant or along with one or more complainants or one or more parties concerned with the cause of action;”

8. Both Counsel for Respondent and Sh. Rakesh Bansal, the authorised representative for Complainant during the admission hearing on dt.05.04.2024 discussed the status of instant complaint with reference to the earlier order dt. 03.06.2023 issued by that Ombudsman in complaint No.11/2023 in the matter of “M/s Vardhman Ispat Udyog V/s HPSEBL” in line with the above Regulations and arrived at mutual consensus that the cause of action in principle was same in both the above cases and as per record, similar contentions stand dealt/adjudicated in the previous complaint No.11/2023 in this Appellate and there after order dt. 03.06.2023 was issued by that Ombudsman. **For the sake of future reference and to facilitate necessary action by the concerned, the order dt.03.06.2023 of that Ombudsman is reiterated as under:**

R. Bansal



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 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*



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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”

9. This Appellate Forum after listening to both the parties and satisfaction of the Complainant on the above mutual consensus in the court room on dt. 05.04.2024 as mentioned herein under para-8, agreed and conceived considered opinion that the contentions in the instant case are of similar nature in principle as that of earlier dealt in case No.11/2023 in the matter of “M/s Vardhman Ispat Udyog versus HPSEBL” and also stands substantiated with the contents of para-1 of e-mail message dt. 09/01/2024 from Sh. Rakesh Bansal, the authorised representative of the Complainant which says “That Case No. 25 is identical to the matter as Case No. 22/2023 M/s Aggarwal Steel Industries Pvt. Ltd. versus HPSEBL and another case i.e. Case No. 18/2023 (Review Application) in Complainant No.11/2023 of M/s Vardhman Ispat Udyog versus HPSEBL”.

10. With above averments and mutual consensus of both the parties, this Appellate Forum conceded that the instant case No. 22/2023 in

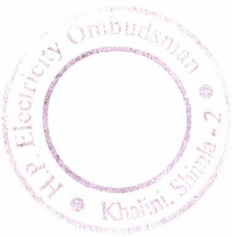
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the said matter does not qualify the mandate of **Pre-conditions/Limitations for entertaining complainant's representation** in terms of Regulation 33(1) (d) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, hence not viable for admission in the present circumstances.

11. This Appellate Forum after scrutiny observed that in the instant case No. 22/2023 also the standard supply voltage is 132KV as that of in case No. 11/2023 in the matter of “**M/s Vardhman Ispat Udyog versus HPSEBL**” where the final order on dt.03.06.2023 stands issued by that Ombudsman after detailed adjudications during the process of proceedings and construes without any doubt that both the cases are of identical nature in principle and in terms of above Regulation 33(1) (d) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, this court is under constraints to entertain the instant case for admission when the case related to similar cause of action was dealt by that Ombudsman in case No. 11/2023 as mentioned above, does not hold good for admission.

12. In consonance with consensus arrived at under para-8 and annotations of this Appellate Forum as cited under para-9,10,11, the present case No. 22/2023 is not tenable for admission and hence the complaint filed by **M/S Aggarwal Steel Industries Pvt. Ltd., Patch No.1 & II, Phase II. Industrial Area, Gwalthai, Distt. Bilaspur, HP-** is here by disposed of.



Suphal



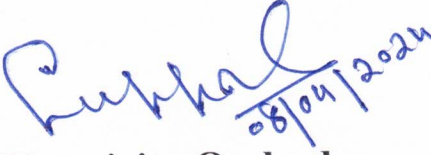
13. The Respondent Board is directed to make settlement in the instant case No.22/2023 in line with this Appellate Forum order dt.03.06.2023 issued by that Ombudsman in earlier complaint No.11/2023 in the matter of “M/s Vardhman Ispat Udyog versus HPSEBL” adhering all the relevant provisions in respect of refund and interest ect.

14. The order is also placed at site for the convenience of reference.

Given under my hand and seal of this office.

Dated: **08/04/2024**

Shimla


08/04/2024
Electricity Ombudsman