



In the matter of:

**Complaint No. 25/2023**

M/S Kundlas Loh Udyog, Village Balyana, PO Barotiwala, Tehsil  
Baddi, District Solan, HP-174103

– Complainant

Vs

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan,  
Shimla-171004.
2. Sr Executive Engineer (E), Electrical Division, HPSEB Ltd,  
Baddi, District Solan HP  
174103
3. Assistant Engineer (E), Electrical Sub-Divn., HPSEBL,  
Barotiwala, District Solan HP-  
174103

- Respondents

**Complaint No. 25/2023 (Registered on 18/12/2023)**

**Last heard:** 09/01/2024 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. Vidhur, Assistant Engineer.

**CORAM**

**Er. Deepak Uppal**

**HP Electricity Ombudsman**



*Deepak Uppal*



## Order

1. M/S Kundlas Loh Udyog, Village Balyana, PO Barotiwala, Tehsil Baddi, District Solan, HP-174103, the (LIPS) Consumer bearing Consumer ID: 100012001204, have filed an application, received & registered on 18/12/2023, 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 21/11/2023 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1453/202311/33.

### 2. Facts of the Case:

- a. In June, 2022, the complainant increased his load from 13400 kW with 11400 kVA of contract demand to 18000 kW of connected load with 14000 kVA of contract demand. The complainant is being supplied at 66kV supply voltage before and after the increase of the above said load. 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. In Nov, 2021 to now the respondents continued to levy the energy rates that were applicable to 66 kV even after the increase of contract demand to a level beyond the maximum



*Ruphal*



- limit (12000 kVA) set by Supply Code, 2009. The energy tariff for 66 kV and 132 KV differs by 5 paise per kVAh for the consumption during non-peak hours.
- c. In May 2023, the complainant further increased his load from 18000 kW/ 14000 kVA to 20000 kW/ 16000 kVA.
  - d. In July 2023, the complaint further increased the contract demand to 17600 kVA.
  - e. The complainant is aggrieved by the fact that the energy rates of 132 kV are not being charged from him. The complainant wrote a letter dated 03.08.2023 to the respondent, got no response against his letter. The energy bills issued to the complainant mentions the standard supply voltage as 132 kV and the actual supply voltage as 66 kV.
3. The matter was called for admission hearing on 27/12/2023. Sh. Rakesh Bansal, the Representative for complainant sought adjournment through e-mail dated 27/12/2023. As such the matter could not be admitted. The matter was again listed for admission hearing on dated 09/01/2024.
4. The matter was heard on 09/01/2024. Sh. Rakesh Bansal, the Representative for complainant informed through e-mail dt. 09/01/2024 as under:
- “due to unavoidable circumstances I will not be able to attend the proceedings in Case No. 25 of 2023 of M/s Kundlas Loh Udyog fixed for admission hearing on 09.01.2024. Therefore, I am making an endeavour to depute someone else to appear on my*

*Rakesh Bansal*



*behalf. In addition, I have following submissions to make in respect of the today's hearing:*

- 1. 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.*
- 2. That the interim orders in Case No. 18/2023 was assailed by the complainant in that case before the Hon'ble High Court of Himachal Pradesh vide CMPMO No. 449/ 2023.*
- 3. That the ibid matter before the Hon'ble High Court is still in progress before the court and is next listed for consideration on 12.01.2023.*
- 4. That in the case no. 22 of 2023 of M/s Aggarwal Steel Industries Private Limited this court vide orders dated 16.10.2023 had put on hold the matter till the disposal of CMPMO No 449/2023.*
- 5. That while the proceedings in the matter of Case No. 18/ 2023 are on interim stay issued by the High Court, there is nothing that stops this Hon'ble Court to admit and proceed further in the case in order to complete the pleadings till the time the matter of CMPMO 449/ 2023 is disposed by the Hon'ble High Court.*

*In view of above, I pray to this court to take the appropriate course as it may deem fit in Case No. 25 of 2023”*

*Rupnarain*



5. Sh. Manik Shethi, counsel for Complainant appeared on dt. 09/01/2024 on behalf of Sh. Rakesh Bansal and both counsel for Respondent and Complainant discussed the matter in line with the above averments and as per consensus, this court agreed to keep the instant **Case No. 25 of 2023 of M/s Kundlas Loh Udyog V/s HPSEBL** on hold and vide this Appellate Forum order dt. 09/01/2024 the instant case was kept on hold till disposal and vacation of the stay in the above case No. 18/2023 in the matter "**M/s Vardhman Ispat Udyog V/s HPSEBL**". 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.
6. Now Hon'ble High Court has issued the order on 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. In due cognizance to the order dt. 27.03.2024 of Hon'ble High Court, this court started with the proceedings and the matter was again listed for admission hearing on dt. 05.04.2024.

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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:

**“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 versus 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 were dealt/adjudicated in the previous complaint No.11/2023 in this Appellate and thereafter order dt.

*Rakesh Bansal*



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:

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*



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*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”*

9. This Appellate Forum after listening to both the parties and satisfaction of the Complainant on the above mutual consensus in the court room 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. No.11/2023 in the matter of “M/s Vardhman Ispat Udyog versus HPSEBL” and also stands substantiated with the contents of e-mail message dt. 09/01/2024, as such the case No.25/2023 does not qualify the mandate for **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

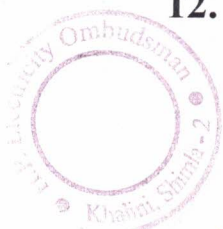
*Ruphal*





Ombudsman) Regulations, 2013, hence not viable for admission in the present circumstances.

10. This Appellate Forum after scrutiny observed that in the instant case No. 25/2023 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 was 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 stands dealt by that Ombudsman in case No. 11/2023 as mentioned above, does not hold good for admission.
11. In consonance with mutual consensus arrived at under para-8 and annotations of this Appellate Forum as cited under para-9,10, the present case No. 25/2023 is not tenable for admission and hence the complaint filed by **M/S Kundlas Loh Udyog, Village Balyana, PO Barotiwala, Tehsil Baddi, District Solan, HP-174103** is here by disposed of.
12. The Respondent Board is directed to make settlement in the instant case No.25/2023 in line with this Appellate Forum order dt.03.06.2023 issued by that Ombudsman in earlier complaint



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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.

**13.** 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

  
Electricity Ombudsman