



In the matter of:

**Complaint No. 20/2023**  
**- Review Application**  
**in**  
**-Complaint No. 07/2023**

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004
2. The Sr Executive Engineer, Electrical Division, HPSEB Ltd, Nahan, District Sirmour, HP-173001
3. The Assistant Executive Engineer (E), Electrical Sub-Division, HPSEBL, Kala Amb, District Sirmour, HP-173030

-Applicant/Respondent

Vs

M/S J. B. Rolling Mills Ltd., Vill Kheri, Trilokpur Road, Kala Amb, The Nahan, Distt Sirmour HP-173030

-Non-Applicant/ Complainant

1. RA No. 20/2023 in OA No. 07/2023 (Registered on 08/08/2023)
2. (Orders reserved on 11/06/2024, Issued on 19/06/2024)

Counsel for:

Applicant/ Respondent: Sh.Kamlesh Saklani Law Officer,  
Sh. Rajesh Kashyap Advocate  
Er. Virender Kumar,A.E.,ESD Kala Amb.  
Sh. Manish Kumar, JOA (IT)

Non-Applicant/Complainant: Sh. O.C. Sharma Advocate

CORAM

Er. Deepak Uppal

HP Electricity Ombudsman



## Order

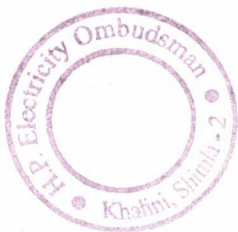
1. Applicant/Respondent Board had filed a Review Application against the order dated 16/05/2023 passed by that Ombudsman in the earlier Complaint No. 07/2023 titled as M/S JB Rolling Mills V/s HPSEBL and others, registered on dated 08/08/2023.
2. Applicant/Respondent Board had also filed an Application under section 5 of the Limitation Act, 1963 for condonation of delay beyond 30 days by citing reasons of delay on account of approval at different levels and expressed that the delay was neither intentional nor deliberate in filing review application. Prayer was granted. Accordingly, vide order dt. 09/08/2023, the Non-Applicant/ Complainant was directed to file reply on 16/08/2023 and Applicant/Respondent Board to submit rejoinder within two weeks after the filling of reply by the Non-Applicant. The case was listed for hearing on 22/08/2023.
3. Case was called on dt.22/08/2023. However, the Execution/Operation of the above interim order dated 09/08/2023 passed by this authority was stayed by the Hon'ble High Court vide order dated 21/08/2023 in CWP No. 5570/2023. As such in due compliance to the above order of Hon'ble High Court, the interim order dated 09/08/2023 and proceedings hence forth were kept in abeyance vide order dt.22/08/2023 till further order of Hon'ble High Court in the said matter.
4. Thereafter, Hon'ble High Court issued order dt.03/05/2024 in above CWP No. 5570 of 2023, which is reproduced as under: -

*"Mr. O.C. Sharma, Advocate, states that he has instructions to withdraw the present petition on account of subsequent developments. Ordered accordingly."*

May 03, 2024

(Sandeep Sharma)

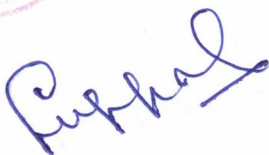
Judge"



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5. In due cognizance to the above order dt. 03/05/2024 of Hon'ble High Court, the proceedings started thereof and the matter was fixed for hearing on 13/05/2024. The Non-Applicant/ Complainant was directed to file reply on or before 13/05/2024 and Applicant/Respondent Board to submit rejoinder within weeks' time thereafter.
6. Case called, the matter was heard on 13/05/2024. The Non-Applicant/ Complainant submitted reply on 13/05/2024 during the course of hearing in the court room and also provided a copy of reply to the counsel for Respondent Board appeared for hearing. The Non-Applicant / Complainant was further directed to ensure supply of copies of reply to all Respondents in question. Applicant/Respondent Board to submit rejoinder if any within weeks' time. The case was listed for final arguments on 11/06/2024. The concerned Assistant Engineer representing Respondent Board was directed to appear in the Court on dated 11/06/2024 along with complete record to avoid any misconception during final arguments.
7. The matter was heard on 11/06/2024. The Applicant/Respondent Board submitted Rejoinder in the court room in compliance to order dated 13/05/2024 and also supplied a copy of the same to the counsel for Non-Applicant / Complainant.
8. The concerned Assistant Engineer representing Respondent Board also showed his presence on dt.11/04/2024 in the court room in compliance to order dt.13/05/2024 along with relevant record to facilitate counsel for deliberations. Thereafter, the arguments were advanced on respective contentions. After hearing both the parties at length, the arguments were concluded and the order reserved.





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

1. The Applicant/Respondent Board had filed a Review Application under Regulation 37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation, 2013 against the order dated 16/05/2023 passed by that Ombudsman in original complaint No. 07 of 2023 in the said matter and also filed an Application under section 5 of the Limitation Act for condoning the delay in filing Review Petition.
2. The Applicant/Respondent Board in the said review application made a prayer to review the order dated 16.05.2013 passed by that Ld. Ombudsman, Khalini in complaint No. 07 of 2023 and to allow the review application 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 Applicant/Respondent's Submission:**

1. The Applicant/Respondent submits that the Applicant/ HPSEBL herein filing this review application before this Id Ombudsman under Regulation 37 (8) of the HPERC (CGRF and Ombudsman) Regulations, 2013 (herein after referred to Regulations, 2013 for the sake of brevity) for seeking review of the order dated 16-05-2023 passed in case No. 07/2023 titled as M/S JB Rolling Mills versus HPSEBL and others. It is submitted that the Id Ombudsman vide its order, has pleased to allow the complaint/representation filed by the complainant under regulation 28 (1) (b) the Regulations, 2013, wherein, the order dated 03-03-2023 passed by the Id CGRF in Complaint No 1515/4/22/31 was quashed and set aside.





The operative part of the order dated 16-05-2023 is reproduced as following:

**“order**

1. The order passed by the Consumer Grievances Redressal forum at Kusumpti on 03/03/2023 in complaint No 1515/4/22/31, dated 30/11/2022 is hereby quashed and set aside.
2. The demand notice dated 07/06/2022 and 08/06/2022 for refund of expansion rebate granted to the complainant till May 2022 are also hereby quashed and set aside.
3. The complainant is entitled to the expansion rebate in their energy bills as allowed by the respondents at the initial stage @ 15 % on consumption of energy as per Tariff orders dated 06/06/2020 effective from 01-06-2020.
4. The respondents are directed to restore the expansion rebate to the complainant as allowed initially w.e. from 01/06/2020 strictly in terms of the Tariff orders dated 06/06/2020 and refund the amount deposited by the complainant during litigation at consumer grievance Redressal Forum at Kusumpati and this Appellate Forum through adjustment in energy bills on or before 15/06/2023 positively.
5. In case of delay in refund/adjustment, the complainant shall also be entitled to an interest @ 15 % in line with clause 5.7.3 of the Himachal Pradesh Electricity Supply Code, 2009.
6. The respondents are further directed to report compliance of the above directions within a period of 30 days from the dates of issue of this order or latest by 15-06-2023 positively failing which the matter shall be reported to the Hon'ble Commission for violation of directions under Regulation 37 (6) of the



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**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.”**

2. The Applicant/Respondent submits that it is relevant to submit here that the subject matter of the controversy relates as to whether the complainant is entitled for the expansion rebate in terms of the Tariff order issued by the Hon'ble HPERC for the year 2020 or not? It is further relevant to submit here that the complainant was wrongly granted expansion rebate by the HPSEBL and that Bonafede mistake was rectified by the applicant, after, the seeking clarification from the Hon'ble Commission who is undisputedly, the author of the tariff order. It is submitted that the Hon'ble Commission being author of the tariff order has only jurisdiction to rule on the tariff issues, and if any difficulties while enforcing the tariff order is faced by the licensee, under clause V of Part-1 of the tariff order, the power is vested with the Hon'ble Commission for removing difficulties or giving clarification, as desired. It is further submitted that HPSEBL, when faced the situation qua the interpretation of the tariff order especially the expansion rebate for the non- applicant/complainant, on the given facts of the case of the complainant that only contract demand was reduced and not the connected load. Further, the Hon'ble Commission was pleased to clarify the position vide its letter HPERC/F(1)-20/2020-2341-42 dated 25.11.2021 and acting strictly upon the clarification issued by the HPERC, the expansion rebate as wrongly granted by to the complainant was withdrawn and subsequently, issued demand notice to the tune of Rs.77610713/- which was impugned by the complainant in the Id Forum and as well before this Id Ombudsman. The clarification issued by the

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Hon'ble Commission is already part of the record hence same may be perused.

3. The Applicant/Respondent submits that the Id Ombudsman while allowing the complainant of the complainant has erroneously concluded that the clarification issued by the Executive Director (Tariff) o/o HPERC cannot be considered as the clarification issued by the HPERC. It is submitted that the Id Ombudsman has relied upon the certificate of the department of Industry in terms of the Industrial policy. It was observed by the Id Ombudsman that said policy was ignored by the Id Forum while passing the order, which was impugned before the Id Ombudsman. It is submitted that Id Ombudsman has overlooked the settled position of the law that distribution licensee being a regulated entity is statutorily obliged to enforce the tariff order issued by the Hon'ble Commission under Section 62 of the Electricity Act, 2003. It is the settled position that the policy cannot override the tariff order, hence the reliance as placed by the Id Ombudsman is totally misplaced as such the order dated 16-05-2023 is liable to be reviewed.
4. The Applicant/Respondent submits that the clarificatory order as issued by the Hon'ble HPERC is appealable one before the Hon'ble APTEL, the submission of the applicants/ HPSEBL has not been properly appreciated while passing the order under review, as such the order dated 16-05-2023 is liable to be reviewed.
5. The Applicant/Respondent submits that the non-applicant has already pleaded in its representation that the matter being purely being interpretation of the tariff order, same can be referred to the Hon'ble Commission, which is the appropriate course of action, in the given facts and circumstances of the matter that assuming but not conceding, the clarification issued by the Hon'ble Commission is not-applicable being

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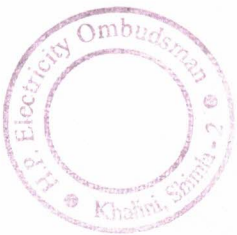
issued by the Executive Director (Tariff). But the Id Ombudsman has passed the order which is under review, holding that the complainant is entitled for the expansion rebate as granted by the applicants/HPSEBL by virtue of the bonafide mistake, which was detected and rectified later on, when the wrongly granted expansion rebate was stopped and further, demand notices vide letter No.HPSEBL/KESD/Notice/2022-23-227-228 dated 07/06/2022 for Rs. 7,76,10,713/- and further revised notice vide letter no. HPSEBL/KESD/Notice/2022-554-55 dated 29-08-2022 to the tune of Rs. 9,20,10,325/- was served.

6. The Applicant/Respondent submits that the matter which was dealt by the Id forum, in alternately, ought to be considered by the Id Ombudsman, but if the order under review is seen, no such deliberations have been done by the Id Ombudsman while passing the order, wherein, the complainant was held entitled for the expansion rebate just on the basis of the increase in the contract demand from time to time without increasing the connected load of the industry, which is very much vital part for the entitlement for the expansion rebate in terms of the tariff order. It is submitted that if the tariff order in issue is seen there is specific wording employed by the Hon'ble Commission in the tariff order for the FY 2020, particularly, clause a of note appended Schedule- Large Industrial Power Supply (LIPS), which reads as under:

“SCHEDULE- LARGE INDUSTRIAL POWER SUPPLY (LIPS)

1. \_\_\_\_\_
- 2.xxxxxxxxx
- 3.xxxxxxxxx

**Note:**



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- a. **For existing industrial consumers, a rebate of 15 % on energy charges shall be applicable for additional power consumption beyond the level of FY 2018-19.**

It is further relevant to mention here that the clause of the expansion rebate has also find mention in Tariff Order for FY 20-21 which reads as under:

“for existing industries which have undergone expansion in the FY 2018-19 onwards and/or shall be undergoing expansion in this financial year i.e. FY 2020-21, energy charges shall be 10 % lower than the approved energy charges corresponding to the respective category for a period of three years for quantum of energy consumption corresponding to proportionate increase in the contract demand.

Provided that such expansion if undertaken during 1-07-2019 to 31-05-2020, the energy charges shall be 15 % lower than the approved energy charges for the respective category for a period of 3 years for quantum of energy consumption corresponding to proportionate increase in contract demand.”

7. The Applicant/Respondent submits that the tariff order is very much clear that the expansion rebate for the existing industries is applicable if the additional power consumption is beyond the level of the FY 2018-19. It is submitted that the quantum of the power consumption remains same but it is only the contract demand which was earlier reduced by the complainant and further, given the fact that expansion rebate is there, contract demand was enhanced. The expansion rebate is completely connected with the power consumption, as rightly held by the Id Forum in its order, as such the order dated 16-05-2023 is liable to be reviewed.

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8. The Applicant/Respondent submits that the present review application meets the requirement of the Regulation 37 (8) of the Regulations, 2013 as such the same is liable to be allowed.
9. The Applicant/Respondent submits that the review applicant has not preferred any writ petition against the order dated 16-05-2023 passed by the Id Ombudsman except this present review application.

**Prayer:**

10. The Applicant/Respondent submits that in view of above facts and circumstances, most humbly and respectfully prayed that the instant review application may be allowed and order dated 16-05-2023 passed by the Id Ombudsman may be reviewed in the interest of law and justice.

Or

In alternative, the reference may kindly be made to the Hon'ble Commission as self-stated by the complainant in the representation.

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**C – The Non Applicant/Complainant's submission:**

**PRELIMINARY SUBMISSIONS:**

1. The Non Applicant/complainant submits that the present application under Regulation 37 (8) of HPERC (CGRF and Ombudsmen Regulations), 2013 for review of order dated 16.05.2023 passed in complaint No. 7/2023 is not maintainable in law and express provisions of Regulations 37(8) of Regulations 2013 as there is no whisper in the entire review application that despite exercise of due diligence, the discovery of new and important matter of evidence was not within the



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knowledge of review applicants or could not be produced by them at the time of the order that was made and as such the review petition filed by the applicants herein deserve outright dismissal. The review application does not demonstrate any mistake or error apparent from the face of record which has crept up in passing the order dated 16.05.2023 and further no sufficient reasons have been averred in the present review application which warrants the review of order dated 16.05.2023.

2. The Non-Applicant/complainant submits that the grounds taken in the review application has already been raised by the review applicants in their reply filed to the representation under Regulation 28(1)(b) of HPERC (CGRF and Ombudsman) Regulations, 2013 and the same stood adjudicated upon in order dated 16.05.2023 passed in complaint No. 7/2023.
3. The Non-Applicant/complainant submits that it is apt to mention here that the grounds taken in the review application by the applicants herein could at best be grounds for appeal or any other alternate remedy available in law but do not qualify for being termed as “sufficient grounds” for a review given the limited scope under Regulation 37 (8)(i) of the Regulations, 2013.

**On merits:**

1. The Non Applicant/complainant submits that in reply to para 1 of the review application it is most respectfully submitted that the present application under Regulation 37 (8) of HPERC (CGRF and Ombudsmen Regulations), 2013 for review of order dated 16.05.2023 passed in complaint No. 7/2023 is not maintainable in law and expressed provisions of Regulation 37 (8) of Regulations, 2013 as has been detailed in para 1 of Preliminary Submissions and the contents of the same may be read as a



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part and parcel of reply to this para. The operative part of the order reproduced in the para do not call for reply.

2. The Non-Applicant/complainant submits that the contents of para 2 of the review application referring to the subject matter involved in the complaint No. 7/2023 regarding entitlement for expansion rebate in terms of Tariff order issued for the year 2020 do not call for reply. It is denied that the expansion rebate has wrongly been granted by the licensee to the complainant company. There is no bonafide mistake involved in granting the expansion rebate by the licensee. It is vehemently denied that the Hon'ble HPERC has made any clarification. The alleged calefactory letter dated 25.11.2021, as referred to in para, cannot be termed as a clarification issued by the Hon'ble HPERC. The alleged calefactory letter dated 25.11.2021 of E.D. (Tariff) is inter-se communication between C.E. (Comm) and E.D. (Tariff). It is worth to mention here that HPERC consists of a Chairman and two members and so-called clarification dated 25.11.2021 has not been signed by them. The contention made in the para under reply are misleading and misconceived so far it refer to letter dated 25.11.2021 issued by E.D. (Tariff) as clarification of HPERC. The expansion rebate for Rs. 7,76,10,713/- granted by the licensee to the complainant has wrongly and illegally been withdrawn under the garb of alleged letter dated 25.11.2021. The alleged letter dated 25.11.2021, having no sanctity in law, has rightly been discarded by the Ld. CGRF as well as this Ld. Authority. The licensee has referred alleged clarificatory letter dated 25.11.2021 of E.D. (Tariff) in its reply filed before the CGRF as well as in its reply filed to the complaint No. 07/2023 and the same has not been appreciated and considered as a clarification order by the Ld. HPERC. The said aspect has been dealt with by this Ld. Authority very elaborately in its order dated 16.05.2023 and there is no mistake or error



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whatsoever in the order dated 16.05.2023 on the very face of it and as such, the present review application deserves outright dismissal.

3. The Non Applicant/complainant submits that the contents of para 2 of the review application, as represented, are misleading and misconceived. The alleged clarificatory order dated 25.11.2021 of E.D. (Tariff) cannot be legally considered as a clarification issued or made by the Ld. HPERC and adjudication to this effect by this Ld. Authority is not unreasoned or erroneous.
4. The Non Applicant/complainant submits that the contents of para 4 of the review application are misleading, misconceived and hence denied. The alleged letter dated 25.11.2021 of E.D. (Tariff) cannot be termed as a clarification order made by the Ld. HPERC and the same is not an appealable order.
5. The Non-Applicant/complainant submits that the contents of para 5 of the review application are misleading and misconceived. The complainant is entitled for the expansion rebate in terms of the Tariff order issued for the year 2020 and the review applicants have acted upon the same by granting the requisite expansion rebate to the complainant. There is no mistake, whatsoever, of the licensee in granting the expansion rebate to the complainant consumer and subsequent notices dated 07.06.2022 and 08.06.2022 have rightly been quashed and set aside by this Ld. Authority by making a proper adjudication over the subject matter.
6. The Non-Applicant/complainant submits that the contents of para 6 of the review application referring to clause (A) of Note appended to schedule large industrial supply (LIPS) do not call for reply and rest of the contents of the para under reply are misconceived and misleading. The adjudication made by this Ld. Authority in its order passed in representation /complaint No. 7/23 is well reasoned after considering all



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the legal aspects of the matter and the order of Ld. CGRF dated 0303.2023 has rightly been quashed. The Ld. CGRF failed to appreciate the wider and actual meaning of expression 'expansion rebate' and this Ld. Authority quashed and set aside the order of CGRF by appreciating the wider and actual meaning of 'expansion rebate'

7. The Non-Applicant/complainant submits that the contents of para 7 of the review application are wrong, misleading, misconceived hence denied. That the present application under Regulation 37 (8) of HPERC (CGRF and Ombudsmen Regulations), 2013 for review of order dated 16.05.2023 passed in complaint No. 7/2023 is not maintainable in law and express provisions of Regulations 37(8) of Regulations 2023 as there is no whisper in the entire review application that despite exercise of due diligence, the discovery of new and important matter of evidence was not within the knowledge of review applicants or could not be produced by them at the time of the order that was made and as such the review petition filed by the applicants herein deserve outright dismissal. The review application does not demonstrate any mistake or error apparent from the face of record which has crept up in passing the order dated 16.05.2023 and further no sufficient reasons have been averred in the present review application which warrants the review of order dated 16.05.2023.
8. The Non-Applicant/complainant submits that the contents of para 8 of the review application do not call for reply being matter of record.
9. The Non-Applicant/complainant submits that it is, therefore, most respectfully prayed that the present review application which is not maintainable in law and procedure may kindly be dismissed, in the interest of justice.



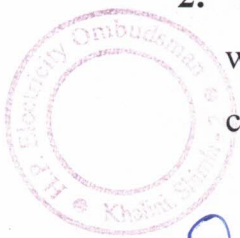
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**D- The Applicant/Respondent's Additional Submissions through Rejoinder:**

**Reply to the preliminary submissions:**

1. The Applicant/Respondent submits that the para No 1 of the reply is totally wrong and incorrect hence denied. It is denied that review petition filed by the applicants are liable to be rejected. However, it is submitted that there is apparent error on the face of the order passed this Id ombudsman as such the review application is very well maintainable in the eyes of law. It is submitted that clarification given by the Id HPERC is holding the field as such the Id Electricity Ombudsman being appointed by the Id HPSERC, is bound to honour the said clarification, without going in to the legality of the same. It is submitted that Id HPERC is the author of the tariff order as such, any sort of the interpretation can only be done by the Id HPERC and not by the any other authority, which has constituted under the Regulations framed by the Id HPERC. The order under review is apparently calls for review on this sole ground. It is submitted that as per the regulations 38 (8) of the HPERC (CGRF and Ombudsman) Regulations, 2013, it is provided that review of the order by the Id Ombudsman can be made on any other sufficient reasons apart from the discovery of new and important matter of evidence and on account of some mistake or error apparat. However, it is submitted that not appreciating the statutory clarification issued by the Id HPERC is clearly falls under the ambit of the mistake committed by the Id Ombudsman while passing the order under review.
2. The Applicant/Respondent submits that the contents of para No 2 are wrong and incorrect hence denied. It is submitted that as per the mandate contained under regulations 38, review application filed by the applicants



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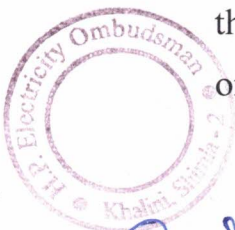


is perfectly legal and as such the interference of this Id Ombudsman, is warranted in the given facts and circumstance of the matter.

3. The Applicant/Respondent submits that the contents of para No 2 are wrong and incorrect hence denied.

**Rejoinder to reply on merits:**

1. The Applicant/Respondent submits that the contents of para No 1 are wrong and incorrect hence denied. The averments made in the corresponding para of review application is reiterated and reaffirmed for the sake of brevity.
2. The Applicant/Respondent submits that the contents of para No 2 of the reply in so far as they pertain to the admission, are call for no rejoinder, however, it is specifically denied that respondent/consumer was entitled for the expansion rebate. As Id HPERC had already issued clarification regarding the expansion rebate, against the present consumer, it is wrong and incorrect to deny the authenticity of the clarification issued by the Id HPERC. It is submitted that respondent/ consumer cannot allege here that the said clarification issued by the Id HPERC was mere letter, before this Id Ombudsman, given the fact that the Id Ombudsman is appointed by the Id HPERC under the Regulations framed by it. The challenge to the clarification can only be made to the Hon'ble Appellate Tribunal For Electricity (APTEL) New Delhi, under section 111 of the Electricity Act, 2003 and Id Ombudsman lacks jurisdiction delving any finding on this issue of the clarification issued by the Id HPERC. Thus, the order passed by the Id Ombudsman is totally error of exercising of jurisdiction as such there is sufficient reason involved in this review application, to review the order dated 16-05-2023.



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3. The Applicant/Respondent submits that the contents of para No 3 are wrong and incorrect hence denied. The averments made in the corresponding para are reiterated and reaffirmed.
4. The Applicant/Respondent submits that the contents of para No 4 are wrong and incorrect hence denied. The averments made in the corresponding para are reiterated and reaffirmed.
5. The Applicant/Respondent submits that the contents of para No 5 are wrong and incorrect hence denied. The averments made in the corresponding para are reiterated and reaffirmed.
6. The Applicant/Respondent submits that the contents of para No 6 insofar pertain to admission are call for no rejoinder rest of para is wrong and incorrect hence denied. The averments made in the corresponding para are reiterated and reaffirmed.
7. The Applicant/Respondent submits that the contents of para No 5 are wrong and incorrect hence denied. The averments made in the corresponding para are reiterated and reaffirmed.
8. Call for no rejoinder.
9. The Applicant/Respondent submits that keeping in view the apparent error on the face of the order dated 16-05-2023, the present review application may be allowed in the interest of the law and justice.

**E- The Applicant/Respondent's written Arguments:**

The Applicant/Respondent did not submit any written arguments instead preferred oral arguments.

**F- The Non-Applicant/Complainant's written Arguments:**

The Non-Applicant/complainant also did not submit any written arguments instead preferred oral arguments.



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

1. The final arguments were conducted on 11/06/2024 and both the parties were given opportunity to argue their contentions to the brim.

**A. The Applicant/ Respondent Board:**

The Applicant/ Respondent Board confined their arguments on the following points:

- a. That the complainant was wrongly granted expansion rebate by the HPSEBL and that Bonafide mistake was rectified by the applicant, after, seeking clarification from the Hon'ble Commission who is undisputedly, the author of the tariff order.
- b. That the Hon'ble Commission was pleased to clarify the position vide its letter HPERC/F(1)-20/2020-2341-42 dated 25.11.2021 and acting strictly upon the clarification issued by the HPERC, the expansion rebate as wrongly granted by to the complainant was withdrawn and subsequently, issued demand notice to the tune of Rs.7,76,10,713/- which was impugned by the complainant in the Id Forum and as well before that Id Ombudsman.
- c. That the Id Ombudsman while allowing the complaint of the complainant has erroneously concluded that the clarification issued by the Executive Director (Tariff) o/o HPERC cannot be considered as the clarification issued by the HPERC.
- d. That the instant review application may be allowed and order dated 16-05-2023 passed by that Id Ombudsman may be reviewed in the interest of law and justice.
- e. That the present review application meets the requirement of the Regulation 37 (8) of the Regulations, 2013 as such the same is liable to be allowed.



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**B. The Non Applicant/ Complainant :**

Contrary to above averments argued by the Id. counsel for Applicant/Respondent Board, the Id. counsel for Non-Applicant/Complainant encountered each and every point of contentions and narrowed his arguments to the detailed reply submitted (***Reproduced under para- C – The Non Applicant/Complainant's submission***).

2. After listening to both the parties, before the arguments were concluded, it was categorically asked by this authority from the Id. counsel for Applicant/Respondent Board whether all these above points were also adjudicated at length before that Ombudsman in the original complaint No.07/2023 for which the review is being sought. In response, the Id. counsel appreciably confirmed affirmative views towards the pleadings earlier held during adjudication at that point of time before that Ombudsman in the original complaint No.07/2023. The arguments were concluded on dt. 11/06/2024 and order was reserved. Even this authority after going through the detailed analysis made by that Ombudsman in original complaint 07/2023 as reproduced under **para-H** below, observes that all above mentioned averments stand dealt in details in order dt.16.05.2023, hence surpasses the space for review.

**H – Analysis by that OMBUDSMAN in original Complainant No. 07/2023 in Order dt. 16/05/2023 :**

**(Reproduced)**

1. *The case file bearing Complaint No. 1515/4/22/31, dated 30/11/2022, orders on which were passed on 03/03/2023 by the Consumer Grievance*



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*Redressal Forum at Kasumpti have also been requisitioned and gone through.*

- 2. The documents on record and arguments made by both the parties have also been gone through.*
- 3. The submissions made by both the parties have also been incorporated in this order in order to have composite view of the entire case.*
- 4. The Complainant have filed this appeal under the provisions of Regulation 28 (1) (b) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.*
- 5. The Complainant is having 47336 kW of Connected Load and 47475 kVA of Contract Demand on 132 kV at present. Earlier M/S Aditya and present Company applied for clubbing of the loads on 03/10/2012 which was allowed on 18/11/2014. No objection was also granted by the Department of Industries. Metering facility was also provided at single point in the name of the Complainant.*
- 6. The Respondent Board also allowed clubbing of both the load vide orders dated 03/03/2017 with Connected Load of 24475 kW and original sanctioned Contract Demand of 18675 kVA at 132 kV supply Voltage.*
- 7. A separate case of treating Contract Demand as 22675 kVA instead of 18675 kVA with additional Contract Demand of 4000 kVA, issued by the Assistant Engineer Kala Amb was dismissed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1515/3/17/052 on 08/05/2018. The Complainant filed a CWP No. 1136/2019 at HP High Court which is still pending. Since, this issue is not the bone of contention, the same is not being discussed/ take cognizance of.*



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8. *Another additional Contract Demand of 1800 kVA was released vide SJO dated 15/05/2018 and another additional Contract Demand of 5000 kVA was also released vide SJO dated 17/11/2018. The Complainant contention is that during country wide lockdown, he reduced his Contract Demand permanently by 11000 kVA which was allowed on 06/05/2020. His final Contract Demand was 18475 kVA for which he had also executed the A&A Form.*
9. *In the meantime, the Hon'ble Commission issued Tariff Order dated 06/06/2020, effective from 01/06/2020, wherein expansion rebate was introduced first time. The Hon'ble Commission had allowed 15% rebate in energy charges for the Industries with expansion.*
10. *After easing of restriction under Covid-19 Pandemic, the Complainant applied for PAC for additional Contract Demand of 11000 kVA which was sanctioned on 22/07/2020 and the load was also sanctioned on 23/07/2020 with execution of A&A form. His Contract Demand was restored at 29475 kVA.*
11. *The Complainant made further expansions with additional CDs of 6000 kVA, 2000 kVA, 5000 kVA and another 5000kVA released Vide SJOs on 13/10/2020, 01/01/2021, 14/12/2021 and 05/04/2022 respectively. Since these expansions are not bone of contention, the same is not being discussed further.*
12. *The Respondents allowed expansion rebate after issue of the Tariff Order effective from 01/06/2020 till May 2022 after the Complainant applied for same and endorsed copies of the communication from Member Secretary, Single Window Clearance, Depatt of Industry at Kala Amb.*
13. *After the audit observations, the Respondent Board discontinued the expansion rebate and issued a demand dated 07/06/2022 for Rs*

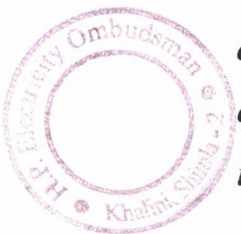


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7,76,10,713/- initially which was revised on 08/06/2022 to Rs 6,10,72,283/-.

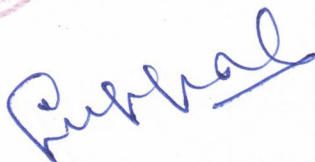
14. The Complainant then approached the HP High Court vide CWP 4275/2022 which was dismissed as withdrawn on 16/08/2022 with liberty to avail alternate remedy. In the energy bill dated 25/06/2022, the expansion rebate was not allowed and in the energy bill dated 12/07/2022, the initial demand of Rs 7,76,10,713/- instead of revised demand of Rs 6,10,72,283/- was added as the Sundry debit.
15. The Complainant disputed the energy bill dated 12/07/2022 on 14/07/2022 and finally the case was filed by him at Consumer Grievance Redressal Forum at Kasumpti admitted on 30/11/2022. The Forum below dismissed the contention of the Complainant vide orders dated 03/03/2023. Hence the present appeal.
16. Now let us examine the provisions for expansion rebate in the Tariff Order dated 06/06/2020, effective from 01/06/2020. The provisions states”
- “For existing Industries which have undergone expansion in the FY 2018-19 onwards and/ or shall be undergoing expansion in the financial year i.e. FY 2020-2021, energy charges shall be 10% lower than the approved charges corresponding to the respective category for a period of three years for quantum of energy consumption corresponding to proportionate increase in Contract Demand.
- Provided that such expansion **if undertaken during 01/07/2019 to 31/05/2020, the energy charges shall be 15% lower than the approved energy charges for the respective category for a period of 3 years for quantum of energy consumption corresponding to proportionate increase in Contract Demand.**”



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17. Now let us examine the status of Contract Demand of the Complainant as on 01/06/2020. As on 01/06/2020, the sanctioned Contract Demand of the Complainant was 18475 kVA. The Complainant applied for extension in Contract Demand on 22/05/2020 through PAC for 11000 kVA which was sanctioned on 22/07/2020 and subsequently, the load was also sanctioned with additional Contract Demand of 11000 kVA on 23/07/2020.
18. Now let us examine the other measures taken by the Complainant for treating the additional load of 11000 kVA as expansion. The Member Secretary, Single Window Clearance of Industry department at Kala Amb vide communication dated 01/07/2020 have approved expansion/addition of second phase of implementation of expansion proposal for 11000 kVA and 8000 kVA with investment of Rs 542.94 Cr. and some other fixed assets of Rs 13.23 Cr. The factory was also said to be visited by the Industry Department on 24/05/2020 for new plant/ machinery for expansion on account of expansion/ addition and found in production.
19. The Complainant also informed the Respondent No. 3 on 04/07/2020 regarding such expansion/ addition alongwith copies of the above communications from Member Secretary after which the rebate of 15% was allowed by the Respondents in the energy bills of the Complainant as per Tariff Orders dated 06/06/2020.
20. It is true that permanent reduction in Contract Demand and then increase in Contract Demand can't be termed as expansion but the communication of Member Secretary, Single Window Clearance of Industry department at Kala Amb dated 01/07/2020 speaks otherwise. An investment of Rs 542.94 Cr has also been recognized by them for period 01/04/2017 to 24/05/2020 and the so-called expansion/ addition done by the Complainant have also been found to be in production as on 24/05/2020.





21. *In technical terms, as on 01/06/2020 when the expansion rebate was made effective in Tariff Order issued by the Commission, the Complainant's load was 18475 kVA and he applied addition of load to the tune of 11000 kVA through PAC which was sanctioned on 22/07/2020 and load was also sanctioned on 23/07/2020. His expansion/ addition was recognized w.e. from 24/05/2020 when the Member Secretary, Single Window Clearance, Deptt of Industry at Kala Amb visited the premises of the Complainant and recognized that his increased load is in production. Since his load was extended before 31/05/2020, the Complainant was eligible for expansion rebate of 15% as per Tariff Orders which was subsequently recognized by the Respondents and allowed in the energy bills till May 2022.*
22. *From the above discussions it is quite clear that the Complainant undertook the expansion through expansion/ addition of Plant/ machinery and with additional Contract Demand of 11000 kVA, which was found to be in production on 24/05/2020 by the Department of Industry vide communication dated 01/07/2020 which was subsequently sanction vide PAC dated 22/07/2020 and load was also sanction on dated 23/07/2020.*
23. *There is no question to deny the authority of the Member Secretary Single Window Clearance at Kala Amb and also to deny that as on 24/05/2020, the said additional plant/ machinery was in production. There is also no doubt about verification of such claim of expansion/ addition of plant and machinery done by a competent authority of the Govt of HP authorized for the purpose under the Industrial Policy under which such rebate has been allowed by the Hon'ble Commission in its Tariff Order dated 06/06/2020.*
24. *The Tariff order provisions speaks of "..... for a period of 3 years for quantum of energy consumption **corresponding to proportionate increase***

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*in Contract Demand". There is no doubt that expansion/ addition of Plant/ Machinery done by the Complainant under expansion program, approved by the Department of Industry, with corresponding increase in Contract Demand of 11000 kVA falls under the provisions of the Tariff Orders dated 06/06/2020 for the purpose of expansion rebate.*

25. Now let us examine the contentions of both the parties. First, the contention of the Complainant is that the Consumer Grievance Redressal Forum at Kasumpti have not considered the communication of valid authority of the Govt of HP i.e. Department of Industry.
26. From the scrutiny of orders, it is clear that they have dismissed these communications stating that the said department is not party to the case and they will not take cognizance of such communication. In fact, they have questioned the authority of the Govt of HP's authorized department for verification of such claim of expansion under Industrial Policy which is quite surprising. The said action of the Forum below denying to recognize the communications from the concerned deptt of Industrial Policy is not as per standard procedure and the same have been rejected on flimsy grounds.
27. Another contention of the Complainant is that the interpretation of Tariff Orders made by the Consumer Grievance Redressal Forum at Kasumpti is beyond their jurisdiction. From the orders passed by the Consumer Grievance Redressal Forum at Kasumpti on 03/03/2023, it is clear that they have interpreted the provisions of Tariff Order dated 06/06/2020 to their suitability by ignoring the expansion/ addition communicated by Department of Industry through approved investment for Expansion/ addition as well as addition in Contract Demand by 11000 kVA. This action of the Forum below is also not in line with established law and procedure.



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28. *In fact, the Chief Engineer (Commercial) also made a specific communication of the present case to the Executive Director (Tariff) on 18/11/2021 to which the Executive Director (Tariff) vide communication dated 25/11/2021 made some clarifications. Before going in to the contents of clarification provided by the Executive Director (Tariff), let us examine the authority under which such clarification has been provided.*
29. *The scrutiny of the communication reveals that the ED Tariff have issued this clarification without stating any authorization from the Commission. Further, this communication, in any terms, can't qualify as 'Executive Order' by the Commission or clarification by 'the Commission'. Any clarification, which doesn't have the sanctity of executive order by the Hon'ble Commission, can't have any locus standii in legal terms. Hence, the specific clarification provided by the ED Tariff, without any authority from the Hon'ble Commission, can't be considered as a clarification provided by the Commission.*
30. *Further, no petition for such clarification have been made by the Respondent Board and the Complainant was also not been made party to that. The specific clarification to this particular case provided by the ED Tariff also carries no authority and can't be considered as clarification provided by the Hon'ble Commission.*
31. *Another contention of the Complainant is that the legal aspect of the matter regarding audit para by local internal audit party is merely an expression of opinion and should not have been considered by the Respondents. In support he has quoted a judgement of Punjab and Haryana High Court CWP No. 10858/2000 M/S Kundan Mill Vs PSEB wherein they have observed that they don't find support from the observation made and liability can't be fastened on party merely on the*



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*basis of an audit note. This Appellate Forum agree with the contention of the Complainant and observe that the case is very much relevant to the present case.*

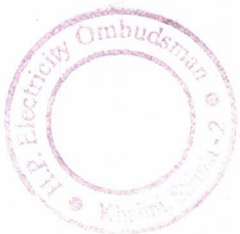
- 32. My considered opinion in this specific issue is also that, the Respondents had allowed the expansion rebate after considering the communication from the Complainant which included the communication of the Deptt of Industry, GoHP with details of investment as well as increase in Contract Demand to the extent of 11000 kVA and 8000 kVA. Further, that the observation of the audit should have first been verified by the Respondent No. 3 vis-à-vis the facts before it while allowing the expansion rebate, before issuing the demand notice for recovery and stopping the expansion rebate provided by themselves earlier.*
- 33. The document attached is calculation sheet by audit para but it doesn't mention the time/ date of audit. The audit period was 08/2020 to 12/2021 and it appears that the Respondents have acted merely on the observation of the audit and have issued notice for demand immediately after receipt of audit para and no due diligence have appeared to be made to verify the contention of the audit. They simply issued demand based on the calculation sheet provided by the audit which must be part of attachment. They even ignored the verification done by the Department of Industry of such expansion/ addition with additional investment and additional Contract Demand of 11000 kVA which was in their record. This action of the Respondents is also not as per established practice.*
- 34. The Respondents have largely supported the orders passed by the Forum below on 03/03/2023. They have further relied on the clarification dated 25/11/2021 provided by the ED (Tariff) in this particular case. They have although placed some arguments in respect of contentions made by the Complainant in his appeal/ arguments. Let us examine those now.*



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35. *The Respondents have solely depended upon the clarification provided by the ED (Tariff) vide letter dated 25/11/2021. As discussed above, since neither the clarification has been sought by the Chief Engineer (Commercial) through petition nor the Complainant was made party to same nor the clarification dated 25/11/2021 issued by the ED (Tariff) carried any authority and thus can't be considered as having been issued by the Commission through an executive order.*
36. *The Respondents have also contended that the clarification provided by the Commission is challengeable in the higher court and thus clearly applicable and based on which they have decided to withdraw the rebate. The fact is that they had withdrew the rebate based on the simple observation of the Audit alone and the clarification was sought much later. This argument placed by the Respondents is just an after thought and can't be considered.*
37. *Further, the Respondents have failed to understand that the clarificatory order (as mentioned in their submissions/ arguments) dated 25/11/2021 issued by the ED (Tariff) is not a clarificatory order issued by the Commission. It is simple clarification provided to the Chief Engineer (Commercial) on his letter and with no stretch of imagination can be considered as the clarificatory order by the Commission.*
38. *Thus, any arguments in support of such clarification can't be considered for the sake of disallowing expansion rebate after ignoring the facts that the Deptt of Industry have made the Industrial Policy and such expansion rebate was allowed by the Commission in its Tariff Order dated 06/06/2020 based on that policy. Thus, communication from the Member Secretary, Single Window Clearance, Deptt of Industry at Kala Amb can't be simply ignored to disallow the expansion rebate to the Complainant.*



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39. *Now let us examine the other submissions made by the Respondents. They have argued that they had accepted the audit report and objective enquiry has to be done. Report was accepted and action was followed objectively. In view of the observations made above, the audit observations have to be supported by the proper verification with due diligence for ascertaining the authenticity of the claim and only then the same has to be communicated to the Complainant which in this case is lacking.*
40. *The Respondents have quoted Section 97 of the Electricity Act, 2003 wherein the Commission in general delegates any member/ secretary, officer of the appropriate Commission with powers and functions under this Act. The Respondents have failed to understand that any communication/ order of the Commission have to be issued through its Secretary which is not the case here also since the communication have not been issued by the authorized officer as per Conduct of Business Regulations. In case of absence of the Secretary, the power is in fact delegated to other officers/ EDs but the communication has to be issued in the name of Secretary only which is also not the case here. Thus, the clarification issued by ED Tariff can't be considered as the clarification provided by the Commission.*
41. *The Respondents have quoted another judgement Prem Cotex Vs Uttar Haryana Case No. 7335/2009 regarding supplementary demands are maintainable. The case is not relevant here since the due diligence have to be given first before issuing any supplementary demand. Any supplementary/ initial demand has to be based on certain parameters and can be issued only after due diligence which in fact is lacking in this case.*
42. *The Forum below have also relied on the clarification provided by the ED Tariff status of which have already been explained in above paras.*



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*They have also quoted the provisions of Tariff Order/ Schedule but twisted the same to their suitability.*

43. *The Forum below in their orders at para 31 have agreed that Complainant is eligible for expansion rebate as allowed to Industries in the ibid HPERC Tariff Order dated 06/06/2020 but finally denied the same in conclusion which is quite contradictory stand.*
44. *From the above discussions it is quite clear that the Consumer Grievance Redressal Forum at Kasumpti have passed orders without giving due diligence to communications from the Member Secretary, Single Window Clearance, Deptt of Industry and have made their own interpretation of the Tariff Order which is contrary to the technical facts of the case stated above.*

**I – Findings on the issues by that OMBUDSMAN in original Case No. 07/2023:**

**(REPRODUCED)**

**Issue No. 1:** *Whether, the Complainant is eligible for expansion rebate in terms of provisions under Tariff Orders dated 01/06/2020 or not?*

**Issue No. 2:** *Whether the orders passed by the Consumer Grievance Redressal Forum at Kasumpti on 03/03/2023 in Complaint No. 1515/4/22/31, dated 30/11/2022 is in line with standard practice and as per Tariff Orders/ Regulations/ Codes etc. or not?*

**Findings:**

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**Issue No. 1**

- 1. As is evident from the analysis done above and documents and arguments made by parties on record, the Complainant is eligible for expansion rebate of 15% as per Tariff Order dated 06/06/2020 effective from 01/06/2020.*
- 2. The expansion was made by the Complainant before 31/05/2020 for 11000 kVA and load was also enhanced through PAC dated 22/07/2020 sanctioned on 23/07/2020. This fact was also verified by the Member Secretary, Single Window Clearance, Deptt of Industry at Kala Amb on 24/05/2020 i.e. before 31/05/2020 with investment of Rs 542.94 Cr in expansion/ addition in Plant and Machinery with additional Rs 13.23 Cr on other fixed assets. The Complainant's load was also found in production.*

**Issue No. 2:**

- 1. As is evident from the analysis done above and the documents on record, the orders passed by the Consumer Grievance Redressal Forum at Kasumpti on 03/03/2023 in Complaint No. 1515/4/22/31, dated 30/11/2022 is not in line with standard practice/ Tariff Orders/ Regulations/ codes.*
- 2. The Forum below have rejected the communication from the Member Secretary, Single Window Clearance, Deptt of Industry at Kala Amb on flimsy grounds and have interpreted the Tariff Orders to their suitability. They have also ignored the investment of Rs 542.94 Cr on Plant and Machinery plus Rs 13.23 Cr on fixed assets verified by the authorized officer of the Deptt of Industry, GoHP.*



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3. *They have also ignored the verification done by the Member Secretary, Single Window Clearance, Deptt of Industry at Kala Amb on 24/05/2020 that the extended load of 11000 kVA was found to be in production.*

**J- Order dt. 16/05/2023 in original case No. 07/2023 by that HP Electricity Ombudsman :**

The order dt. 16/05/2023 stands reproduced by the Applicant/Respondent in **para-1** of their submissions under the heading “**B-The Applicant/Respondent’ Submissions**”, hence not reiterated.

**K- Analysis of the Review Application:**



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1. The case file in original Complaint No. 07/2023 have been gone through in depth in terms of Regulation 37(8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation,2013.
2. The submissions made by both the parties have also been reproduced above in totality to have the overall view of the case.
3. Thorough references of prevalent Act, Tariff order have been made in order to have a judicious analysis to the contentions of individuals and legitimate touch to the justice.
4. The **Analysis**, the **Findings on the Issues** and **Order dt. 16/05/2024** in original Complaint **No.07/2023** made by **that Ombudsman** have also been reproduced **under para-H, I, J respectively** in order to arrive at unprejudiced landing to justice after ascertaining repetitious status of averments, being having limited scope of review in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation, 2013.
5. The Applicant/Respondent Board 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 16/05/2023 passed by that Ombudsman in complaint No. 07 of 2023 in the said matter and also filed an Application under section 5 of the Limitation Act for condoning the delay in filing Review Application. Prayer was granted vide order dt. 09/08/2023.
6. The Execution/Operation of the above order dated 09/08/2023 was stayed by the Hon'ble High Court vide order dated 21/08/2023 in CWP No. 5570/2023 and thereafter in due cognizance to order dt. 03/05/2024 of



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Hon'ble High Court (*Reproduced under Para-“Order(4)”*), the proceedings started w.e.f 13/05/2024 onwards.

7. The Applicant /Respondents have put forth contentions through review Application which stands reproduced in entirety under para “**B –The Applicant/Respondent’s Submission**” and for the sake of brevity, the same have not been reiterated here, however, the relevant points of contentions which were presented by the Applicant /Respondents during arguments on dt. 11/06/2024 have been considered for analysis point of view which may be referred to under the heading “**G(A) - The Arguments of both during proceedings**” and the same have not been reproduced here.
8. After listening to the arguments made by the Id. counsel for Complainant/ Respondents, it was observed that all averments even placed on record were of repetitive in nature that already stood adjudicated by that Ombudsman in order dt. 16.05.2023 in original Complaint No.7/2023(*Reproduced under Para-H, I, J*). As such, under the limited scope of review in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation, 2013, the contentions so put forth through review Application, Rejoinder and Arguments thereof do not qualify as a sufficient ground for review.
2. The detailed reply submitted by Non-Applicant/ Complainant (*Reproduced under Para-C*) have been gone through in depth and examined in conjunction with the submissions made by the Applicant/Respondents, observed nothing new which may call for further adjudication in the said matter.
3. During the arguments on dt. 11/06/2024, the Id. counsel for Non-Applicant/ Complainant opposed all contentions which were put forth by



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the Applicant and reiterated that all points taken, stand deliberated in details before that Ombudsman while the proceedings of order dt. 16.05.2023 in original Complaint No.7/2023 were under process of discussions.

4. While doing further analysis, the submissions/contentions were also examined in totality with detailed analysis appended by that Ombudsman in order dt. 16.05.2023 in original Complaint No.7/2023(**Reproduced under Para-H**) and also read in conjunction with the reply submitted by the Non-Applicant/Complainant and further scrutiny after referring to the relevant Act and Tariff order and respective arguments thereafter, this authority is of considered view that all submissions are replica of earlier one which already stand adjudicated at length during the course of hearings before issuance of order dt. 16.05.2023 by that Ombudsman in complaint No.7/2023. Hence, the review is not tenable.
5. Also, apparent to the record, on participation of both the parties during the process of hearings in original case No. 07/2023 at that point of time, this authority draws an opinion that Applicant/ Respondent Board could not convince on the issues raised during Arguments/Submissions while adjudications were operative in the original complaint No. 7/23 and instead of giving compliance to order dt.16.05.2023 in complaint No.07/2023 of that Ombudsman, preferred review application and came up with the submissions of similar/repetitive nature without any new evidence on record which may warrant review.
6. The case was studied in terms of Regulation 37(8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation,2013. Even after affording an opportunity of being heard, it is held that the averments do not meet with the legitimate contentions as per provisions which may



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call for review. The detailed facts and conclusions may be referred below under para “**M-Findings on the Issue**”

**L- Issue in Hand:**

Whether the review as contented by the Applicant/Respondent Board in the order dt.16.05.2023 in complaint No. 07/2023 holds good?

**M- Findings on the Issue:**

1. In view of the limited scope of review in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti & Ombudsman) Regulation, 2013, after going through the submissions of Applicant/Respondents in the review Application (***Reproduced under Para-B***) read with earlier record submitted in the case No. 07/2023 during the process of adjudication and finally order dt.16.05.2023 in complaint No. 07/2023, it is observed as under:

- a. No discovery of new and important matter of evidence could be produced during adjudication by the Applicant/Respondents which was not within the knowledge of that Ombudsman while making order dt.16.05.2023 in original Complaint No. 07/2023.
- b. Nothing was pointed out as genuine mistake/contentions or an error apparent from the face of record nor could convince this authority on this account during arguments.
- c. No any other sufficient reasons were placed on record except replica of earlier averments.

2. In view of above findings, this authority without any doubt holds that the said Review Application lacks substance which could be reasonable for Review and concludes that nothing new has been brought/



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established on record which may call for review under the said powers. Hence, the review as contended by the Applicant /Respondent Board in order dt.16.05.2023 of that Ombudsman in original Complaint No. 07/2023 does not sustain in the instant case.

**N- Order:**

- 1. The Review Application No. 20/2023 filed by the Applicant/Respondent Board in original Complainant No.07/2023 is hereby disposed as dismissed.**
- 2. The Applicant/Respondent Board is directed to act in consonance with all relevant provisions of applicable tariff/supply code inclusive interest etc. as that stands directed in order dt. 16/05/2023 pronounced by that Ombudsman in Complaint No.07/2023 (*reproduced under para-J*) so as to avert intervention of 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 and onus on individuals.**



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3. The Review Application filed by HPSEB Ltd through Executive Director (Personnel) & others is hereby disposed of.
4. The order is also placed at site for the convenience of reference.
5. No cost to litigation.

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

Dated: 19/06/2024

Shimla



*[Handwritten Signature]*  
19/06/2024  
**Electricity Ombudsman**