



In the matter of:

**Complaint No. 06/2024**

**M/S Indorama Industries Ltd., Plot No. 10, Village LodhiMajra,  
Thesil Nalagarah, Distt. Solan, Himachal Pradesh-174101  
-Appellant**

**Vs**

- 1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan,  
Shimla-171004**
- 2. The Sr Executive Engineer, Electrical Division, HPSEB Ltd,  
Baddi-173205**
- 3. The Assistant Engineer (E), Electrical Sub-Division, HPSEBL,  
Manpura, Distt. Solan-174102, (H.P)**

**-Respondents**

**Complaint No. 06/2024 (Registered on 3/10/2024)**

**Last heard: 22/10/2024**

**Final Order issued on: 25/10/2024**

**Counsel for:**

**The Complainant: Sh. Rakesh Bansal, the authorized Representative**

**The Respondents: Sh. Rajesh Kashyap, Advocate**

**CORAM**

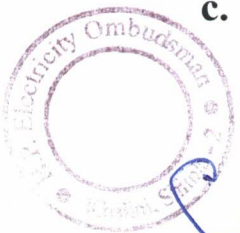
**Er. Deepak Uppal**

**HP Electricity Ombudsman**



## Order

1. M/S Indorama Industries Ltd., Plot No. 10, Village LodhiMajra, Thesil Nalagarah, Distt. Solan, Himachal Pradesh-174101 bearing Consumer ID 100012003059 is a Large Industrial Power Supply (LIPS) Consumer of Respondent HPSEBL with supply voltage at 66 kV, have filed an Application under Regulation 28(1)(b), of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 against the final Order dated 03.09.2024 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1451/202406/15 which was received and registered on 03/10/2024.
2. The case was called for admission hearing on dt. 22.10.2024. The authorized representative for Complainant, Sh. Rakesh Bansal submitted the following points during admission hearing in the court room:
  - a. that the complainant is being levied tariff as applicable for 66 kV supply voltage instead of that applicable for 132 kV supply voltage, as the standard supply voltage in his case works out to be 132kV after the increase of the load from 13485.74kW to 19485.74 kW, beyond the maximum limit of 14MW set by Supply Code, 2009.
  - b. that the respondent levied Low Voltage Supply Surcharge (LVSS) because the standard supply voltage in the complainant's case works out to 132 kV in terms of clause 2.1.6.1(A) of the Supply Code, 2009 being 14MW.
  - c. That the energy tariff for 66 kV and 132 KV differs by 5 paise per kVAh for the consumption during non-peak hours, while the



*Rakesh Bansal*



demand charges at the rate of Rs. 425 per kVA, same for both the voltages.

d. that the grievance of the complainant is exactly similar to the matters already decided by the Ld. Ombudsman. The matter falls within the domain of Regulation 33(1)(d) as similar matters have already been settled and dealt on merits by the Hon'ble Ombudsman in the case of other consumers some of which are mentioned below:

- i) Case No. 11 of 2023 in the matter of Vardhman Ispat Udyog;
- ii) Case No. 25 of 2023 in the matter of Kundlas Loh Udyog;
- iii) Case No. 22 of 2023 in the matter of Aggarwal Steel Industries Pvt. Ltd.

3. The matter was heard and 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;”***



*Ruphal*





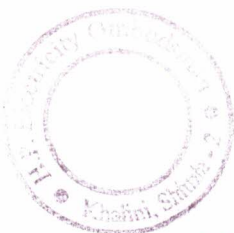
4. Both Ld. Counsel for Respondent and Sh. Rakesh Bansal, the authorised representative for Complainant during the admission hearing discussed the status of instant complaint with reference to above mentioned cases, in the court room and agreed that the instant case is also having same cause of action in principle like above cases 22/2023 , 25/2023 which had been disposed of during the admission hearing within the ambit of Regulation 33(1) (d), owing to having same cause of action as that of complaint No.11/2023 in the matter of “M/s **Vardhman Ispat Udyog versus HPSEBL**” passed by that Ombudsman on merit in his order dt. 03.06.2023.
5. This authority after listening to both the parties, their consensus on similarity during admission hearing on the same cause of action in the instant case and giving minute look to Regulation 33(1) (d) after comparing the statute of earlier cases dealt, with the order dt. 03.06.2023 passed by that Ombudsman in complainant No.11/2023 in the afore said matter, observed that the further pace of adjudication cannot be continued under the influence of prevalent provisions in terms of Regulation 33(1)(d) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 in the instant case being having same cause of action.
6. It was also observed that all the above cases earlier dealt as addressed during admission hearing , inclusive of instant case have similar cause of action in principle as that of decided on merits by that Ombudsman in case No. No.11/2023 in the matter of “M/s **Vardhman Ispat Udyog**





versus HPSEBL” and as per record the order was issued on 03.06.2023 after detailed adjudications during the process of proceedings 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 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*



*Ruppal*





*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”*

7. With above averments of both the parties and common views on similarity in principle & same cause of action in the instant case No.06/2024, this authority conceives considered opinion that the instant case No. 06/2024 being having same cause of action 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 Ombudsman) Regulations, 2013, hence not tenable for admission in the present circumstances.
8. On the aforesaid terms the present Appeal No. 06/2024 filed by M/S Indorama Industries Ltd., Plot No. 10, Village LodhiMajra, Thesil Nalagarah, Distt. Solan, Himachal Pradesh-174101 is here by disposed off.
9. The Respondent Board is directed to make settlement in the instant case No.06/2024 after ascertaining the computation, in line with order dt.03.06.2023 (**refer para-6**) issued by that Ombudsman in earlier complaint No.11/2023 in the matter of “M/s Vardhman Ispat Udyog versus HPSEBL”, adhering to timeline as per provisions w.r.t date of issuance of this order to avoid further accumulation of amount and also all the relevant provisions in respect of refund and interest while overhauling the account to avoid aggregation of litigation .
10. The Respondent Board is further directed to avert intervention of Regulation 37 (6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman)





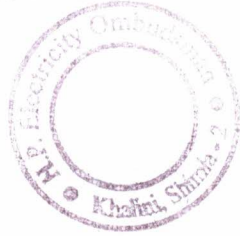
Regulations, 2013 for appropriate action by the Commission under the provisions of the Electricity Act, 2003 and onus on individuals.

11. The order is placed at site and conveyed telephonically for the convenience of reference.

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

**Dated: 25/10/2024**

**Shimla**



*[Handwritten Signature]*  
25/10/2024  
**Electricity Ombudsman**