



In the matter of:

Complaint No. 01/2025

M/s A.B. Tools Pvt. Ltd. Plots 7 and 8, Sector-3, Parwanoo, Tehsil Kasauli, District Solan- 173220 (HP).

– Complainant

Vs

1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004
2. The Assistant Executive Engineer, Elect. Sub-Divn., HPSEBL Parwanoo, Tehsil Kasuli Distt Solan-173220

- Respondent

Complaint No. 01/2025 (Registered on 06/01/2025)

(Orders reserved on 05/05/2024, Issued on 06/05/2025)

Counsel for:

The Complainant: -Sh. O.C. Sharma, Advocate

The Respondents: -Sh. Kamlesh Sakhlani, Under Sectt. (Law)

-Sh. Rajesh Kashyap, Advocate

- Er. Vineet Bharadwaj, Assistant Engineer, ESD Parwanoo.

QUORUM

Er. Deepak Uppal

HP Electricity Ombudsman



Order

1. M/s A.B. Tools Pvt. Ltd., have filed an Application, under the provisions of Regulation 28(1)(C) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, registered on 06/01/2025, for passing necessary orders or directions to the Respondents to make compliance of Order dt. 27/11/2024 passed in compliant No. 1421/202408/22 by Consumer Grievance Redressal Forum at Kasumpti Shimla with a request to refer the case to Hon'ble Himachal Pradesh Electricity Regulatory Commission for initiating appropriate proceedings under section 142 of Electricity Act. 2003, in case of Non-compliance of the said order.
2. The Sr. Executive Engineer, Electrical Division, HPSEBL Parwanoo submitted an affidavit dt. 20.01.2025 through e-mail, which was taken on record for reference, the relevant contents are reiterated as under:

“Subject: - Representation filed in the Ld. Ombudsman regarding non-compliance of order dt. 27/11/2024 passed in Complainant No. 1421/202408/22 titled M/s A.B. Tools Pvt. Ltd.Vs HPSEBL in the court of Id. CGRF, Shimla.”

“it is submitted that the case aforesaid is sent for legal opinion to the office of Under Secretary (Law) HPSEBL, Shimla-171004, and the legal opinion regarding implementation of the said orders is still pending. Therefore, extension of time in implementation of said orders may be given please.”

3. The case was admitted to the extent for initiation of proceedings after listening to both the parties during admission hearing on



Pragat

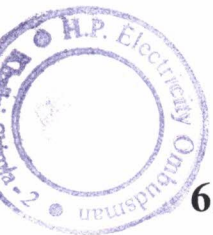


dt.22/01/2025. The Respondent Board was directed to submit reply on or before 12.02.2025 & Complainant to file a rejoinder if any, within one week after the submission of the reply by the Respondent Board. Accordingly, the case was fixed for final arguments on dated 25/02/2025 subject to submission of above documents.

4. The counsel for Respondent Board informed in the court room that they could not submit reply as directed vide this court order dt. 22/01/2025 owing to having the matter under process of approval of competent authority for implementation of CGRF order dt.27/11/2024 and might take another weeks' time for approval. Considering this as a genuine cause, the prayer granted and the matter was again adjourned to 18/03/2025 for final disposal/arguments subject to the submission of above documents.

5. The Sr. Executive Engineer, Electrical Division. HPSEBL Parwanoo, updated the status of implementation of the order dt. 27/11/2024 of Ld. CGRF in Complainant No. 1421/202408/22, vide letter No. HPSEBL /PED/WS/Court Cases/AB Tools Vs HPSEB/2020-21-7491-93 dt. 17/03/2025 through e-mail dt. 17/03/2025 which was placed on record in the court room for discussions on 18/03/2025 and the relevant extract of this communiqué is also reproduced as under for record and reference:

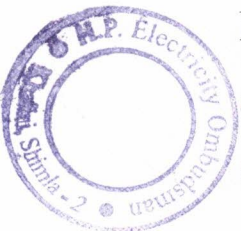
6. ***“-----the legal opinion attained from the competent authorities of the Board and as per the directions of the Executive Directors (Pers), HPSEBL, Shimla-171004, vide its letter bearing No. 3719-21 dt. 05/03/2025, it has been decided to implement the orders of Ld. CGRF dt.27/11/2024 in its letter and spirit-----.”***



Rupesh



7. The counsel for Complainant sought some more time till first week of April, 2025 to confirm the status of implementation and refund of requisite amount by the Respondents. After listening to both the parties, prayer granted and the matter was again listed for final disposal on 07/04/2025.
8. The matter was heard on 07/04/2025. The Assistant Engineer appeared in the court room as Respondent updated the status of compliance and apprised the court, regarding the amount till date that stood credited to the accounts of the Complainant except for the interest part which was under process of payment, in compliance to this court's order dt. 18/03/2025. The counsel for Complainant prayed for some more time till last week of April, 2025 to watch the final compliance and refund of the amount towards interest also by the Respondents before closing of the case.
9. After listening to both parties, considering prayer sought by the counsel for Complainant as genuine in the public interest, prayer granted and the matter was again listed for final disposal on 26/04/2025.
10. The Assistant Engineer appeared in the court room as Respondent again updated the status of compliance that the calculations related to Interest amount to be credited stands submitted before the competent authority for approval and also submitted certain documents to substantiate compliance of order dt. 07/04/2025 which were taken on record.



Ruppal



11. The counsel for Complainant could not attend the Court due some unavoidable circumstances on dt.26/04/2025 and conveyed telephonically as such the final disposal could not be done and the matter was listed for final disposal on 05/05/2025. The concerned Assistant Engineer was directed to appear in the court room along with the relevant record to facilitate counsel thereof, being high stake involved.
12. The said Complaint No. 1421/202408/22 draws attention of this authority on a very vivacious point when the order dt. 27.11.2024 had been issued by the single member of Consumer Grievance Redressal Forum at Kasumpti as well as a separate order on the same day dt.27.11.2024 in the instant case was also issued by the Chairman and one member of CGRF. However, this authority takes cognizance of the Complainant's submissions and asserts that for arriving at legitimate decision, the order dt. 27.11.2024 passed by the majority of members over the order passed by one single member of Ld. CGRF takes a lead in terms of judicial precedent for judicious settlement.
13. After going through the submissions of the Complainant read with order dt. 27.11.2024 of majority members of CGRF, it is observed that the Ld. CGRF (majority members) had transparently concluded the contentions on merit under para-29,30,31 in its order dt.27.11.2024 in consonance with the prevalent Tariff Orders in hierarchy and set aside all so-called impugned demands raised by the Respondents and allowed the refund along with requisite interest as



Ruphal



per provisions under para-31. The very specific part of para-31 is recapped as under to corroborate the opinion thereof:

“The Complainant is clearly eligible for the refund of ibid principal amount which may have been paid by it. Accordingly, the respondent is directed to refund the amounts received by it towards LVSS along with interest calculated in accordance with the code 5.7.3 of the HP Electricity Supply Code 2009 upto January 22,2013 and thereafter Interest be calculated in accordance with sub-regulation 26(2)(ii) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman)”

14. This authority appreciates Respondent’s decision to implement the said order of Id. CGRF (majority members) for legitimate and judicious settlement of ambiguity.

15. Since, the Respondent Board had explicitly apprised this court regarding their decision for implementation of order dt. 27/11/2024 of the Id. CGRF in letter and spirit, this authority in due cognizance to such mandate of Respondent Board, deduces that the matter does not call for further continuation of proceedings on merit when the lucrative pleadings held on merit and the diligent decision pronounced by the Id. CGRF (majority members) had arrived at conducive platform for settlement.



Ruphal



16. On forgoing averments and documents placed on record during hearings, this authority is convinced that the instant case is a matter of non-compliance of order dt. 27.11.2024 of Id. CGRF which now carries the approval of competent authority of Respondent Board for implementation.

17. The matter was finally heard for disposal on 05.05.2025. The Id. Counsel for Complainant confirmed the court that the principal amount as contended stands credited to the accounts of the Complainant except for the interest part which was thereafter confirmed by the Assistant Engineer present in the court room as Respondent, to the extent that the amount due towards interest had been calculated and stood submitted before the competent authority for approval with considerable assurance that the same shall be released immediately after the approval is obtained. The requisite calculations duly signed by the concerned in respect of interest amount due was also placed on record to substantiate the action of Respondent Board, under execution. The Counsel for Complainant showed his satisfaction on this understanding and asserted that in consonance with the assurance of both Id. Counsel and Assistant Engineer for Respondents, withdrew the present representation with prayer that necessary directions be given to the Respondents to credit the amount of interest immediately after vetting as per calculations placed on record.

18. After listening to both the parties, conceiving their positive intention towards amicable settlement on record and further withdrawal of



representation by the Counsel for complainant after acknowledging the action of Respondent Board on implementation of the said order dt.27.11.2024 of ld. CGRF in letter & spirit, the arguments were concluded, the order reserved and the contentions of the Complainant were sustained.

19. Within the ambit of above understanding and consensus, this authority issues order as under:

- a. The order passed by the majority (Chairman and one Member) of Consumer Grievance Redressal Forum (CGRF) at Kasumpti Shimla on dated 27/11/2024 in Complaint No. 1421/202408/22 is upheld in terms of judicial precedence.
- b. The Respondent Board is directed to implement above order dt. 27/11/2024 of CGRF in letter & spirit in line with the approval accorded/likely to be accorded by the competent authority without any further delay and refund the requisite remaining amount of interest in terms of prevalent provisions i.e in terms of clause 5.7.3 of the HP Electricity Supply Code 2009 upto January 22,2013 and thereafter in accordance with sub-regulation 26(2)(ii) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) so as to avert action by the Hon'ble Commission in terms of Regulation 37 (6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 under the



Ruppal




provisions of the Electricity Act, 2003 and brunt on individual.

- c. Under the powers drawn from the provisions of Regulation 37 (3)(d) (e) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the Respondent Board is directed to impart instructions to all concerned to keep awareness for immediate implementation of legitimate orders before the expiry of time limitations to avoid litigations and violations/onus on individual in such type of cases thereof.
- d. The Respondent Board is at liberty to make adjustment in the ensuing bills of the amount in question in terms of prevalent provisions.
- e. No cost to litigation.
- f. The order is also placed at site for the convenience of reference.
- g. The Complaint filed by M/s A.B. Tools Pvt. Ltd. Plots 7 and 8, Sector-3, Parwanoo, Tehsil Kasauli, District Solan-173220 (HP) is hereby disposed as withdrawn.

Given under my hand and seal of this office.

Date: - 06/05/2025

Shimla


06/05/2025
Electricity Ombudsman