



In the matter of:

Complaint No. 12/2025

**M/s Claridge Moulded Fibre Limited (Unit-I), Village Malkumajri,
P.O. Bhud, Tehsil Nalagarh , Distt Solan -173205**

– Complainant

Vs

- 1. The Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004**
- 2. The Assistant Executive Engineer, Elect. Sub-Divn, HPSEBL Manpura, Distt Solan-174101**

-Respondents

Complaint No. 12/2025 (Registered on 08/04/2025)

(Orders reserved on 07/07/2025, Issued on 09/07/2025)

Counsel for:

The Complainant: -Sh. O.C. Sharma, Advocate
The Respondents: -Sh. Kamlesh Saklani, Under Sectt. Law
-Sh. Rajesh Kashyap, Advocate
-Er. Vidur Gupta, A E, ESD Baddi
represented on behalf of Assistant
Engineer Manpura.



QUORUM

Er. Deepak Uppal

HP Electricity Ombudsman



Order

1. M/s Claridge Moulded Fibre Limited (Unit-I), have filed an Application, under provisions of Regulation 28(1)(C) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, received & registered on 08/04/2025, for passing necessary orders or directions to the Respondents to make compliance of Order dt. 06/11/2024 passed in compliant No.1426/2/08/019-1432/202409/31 by Consumer Grievance Redressal Forum at Kasumpti Shimla with further 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 Complainant contends as under:

a. That the complainant initially filed complaint No. 1426/2/08/019 before the Ld. F.R.G.C. for laying challenge to the demand of Rs. 30,09,000/- as was raised in terms of revised bill dated 08.04.2004 and the said complaint was decided by the Ld. FRGC on 30.08.2011 and the Ld. FRGC ordered for the refund of Rs. 30,09,000/- through next monthly energy bill.

b. That the respondents filed Civil Writ petition No. 3704 of 2012 before the Hon'ble High Court of H.P. and thereby challenged the Order dated 30.08.2011. The Hon'ble High Court of H.P.

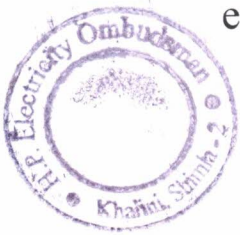


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had been pleased to pass order dated 11.09.2019 for the remand of the matter to the Forum with directions to adjudicate upon the complaint afresh hearing the parties and by passing a reasoned and speaking order based upon the pleadings already on record.

- c. That after remand of the matter by the Hon'ble High Court of H.P., the complaint of the complainant had been admitted as Complaint No. 1426208019 (1432/202409/31) by the Ld. CGRF on 28.09.2024.
- d. That the Ld. CGRF finally heard the matter qua the grievances of the complainant on 23.10.2024 and thereby concluded and held that the action of the respondents to raise upon the complainant impugned monetary demand as sundry in bill dated 08.04.2004 for Rs. 30,09,000/- and as arrear in bill dated 11.05.2004 is bad in the eyes of law and otherwise, also, wrong and thus cannot sustained ab-initio. The impugned monetary demand was accordingly set-aside with directions to the respondents to refund Rs. 7,52,250/- paid as 25% of the disputed amount by complainant at the behest of directions passed by the Ld. FRGC on 23.08.2008. The copy of Order dated 06.11.2024 is annexed herewith as **Annexure C-1**.
- e. That the respondents have willfully failed to comply with the Order dated 06.11.2024 passed in complaint No. 1426/2/08/019-1432/302409/31 by not making refund of the amount as has been ordered for by the Ld. CGRF.



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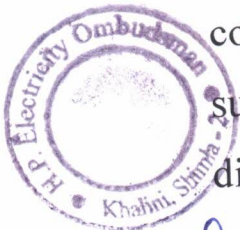
- f. That in terms of provisions contemplated in Regulation 27 of HPERC (CGRF and Ombudsman) Regulations 2013, the licensee shall comply with the order of the Forum within 21 days. The Ibid Regulation 27 further stipulates that non-compliance of the order of the Forum shall be treated as violation of the Regulation of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
- g. That the complainant had made repeated oral representation for the refund of Rs. 7,52,250/- along with interest accrued thereupon to the respondents after passing of order dated 06.11.2024 but of no avail.
- h. That the respondents have intentionally and willfully disobeyed the order dated 06.11.2024 passed by the Ld. Forum below by not making the refund of Rs. 7,52,250/- alongwith interest accrued thereupon from the date of its deposit in term of para 5.7.3 of the Supply Code 2009 and Regulation 26(2(ii) of Regulations 2013 to the complainant company till date. The said acts of the respondents/licencee constitutes contravention and violation of the Rules and Regulations made by the Ld. HPERC, Supply Code and the respondents are liable to be dealt with under Section 142 of The Electricity Act 2003.
- i. That the present representation for non-compliance of Order dated 06.11.2024 is within the statutory period of limitation as the respondents have not till date complied with the aforesaid





orders and are continuing to make contravention of the same which constitute contravention of the rules and regulations by the H.P.E.R.C. and consequently liable to be dealt with under Section 142 of the Electricity Act, 2003, as such, the present representation before this Ld. Authority.

3. In view of above submissions of the Complainant, the case was listed for admission hearing on dt. 26.04.2025 but could not be heard for admissions on 26.04.2025 as the counsel for Complainant could not attend the Court due some unavoidable circumstances and conveyed telephonically as such the matter was listed for admission hearing on 05.05.2025 with further directions that in default of absence of any concerned, the case would be disposed ex-prate.
4. The case was admitted to the extent for initiation of proceedings after listening to both the parties during admission hearing on dt.05.05.2025. The Respondent Board was directed to submit reply on or before 16.05.2025 & Complainant to file a rejoinder if any, within one week after the submission of the reply by the Respondent Board. Accordingly, the case was listed for hearing on dated 23.05.2025.
5. Case called, the matter was heard on dt. 23.05.2025. The Respondent Board could not submit reply by 16/05/2025 in compliance to this court's order dt.05.05.2025 and sought some more time for submissions. As a last opportunity, the prayer granted with further directions to submit reply on or before 02/06/2025 and Rejoinder if

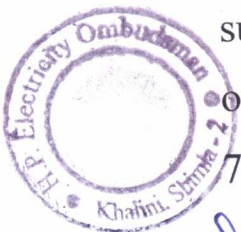


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any, by the Complainant immediately thereafter. Accordingly, the case was listed for hearing/final arguments on dated 16/06/2025 subject to the submission of above documents.

6. Case called, the matter was heard on 16.06.2025. The Id. Counsel for Respondents instead of submission of reply, informed in the court room that **the competent authority has accorded approval for implementation of the order dt. 06/11/2024 passed by the Id. CGRF in Compliant No.1426/2/08/019-1432/202409/31** and ensured compliance within week's time. The Respondent Board was directed to confirm implementation in the next date of hearing which was fixed on dated 07/07/2025.
7. Case called, the matter was heard and final arguments were conducted on 07/07/2025. The Assistant Engineer appeared as Respondents informed this court that the refund as due/contended in line with the order dt. Order dt. 06/11/2024 passed by the Id. CGRF in compliant No. 1426/2/08/019-1432/202409/31 stands released and subsequently, the Id. Counsel for Complainant also confirmed the same and further substantiated by submitting letters of approval of competent authority i.e letter No.1054-56 dt.13.06.2025 from Executive Director (Pers.) HPSEBL Shimla to Superintending Engineer (op) Circle Solan with copy to all concerned and subsequent letter dt.28.06.2025 for implementation along with copy of electricity bill dt. 08.04.2025 reflecting the amount of Rs. 752250/- credited in sundry column in compliance to the order





dt.06.11. 2024 passed by Id. CGRF. Accordingly, the documents were taken on record for reference.

8. However, in addition to above confirmation, the Id. Counsel for Complainant added to arguments that the relief sought in terms of interest accrued thereupon from the date of its deposit in term of para 5.7.3 of the Supply Code 2009 and Regulation 26(2(ii) of Regulations 2013 to the complainant company till date is still to be executed.
9. On this contention of Complainant, the Id. Counsel for Respondents argued that the matter was strictly confining to the implementation of the order of Id. CGRF which does not carry any directions towards release of interest and accordingly stands complied/implemented confining to the said amount of Rs. 752250/-.
10. The above arguments of the Id. Counsel for Respondents drew attention of this authority to make a glance on the directions imparted by the Id. CGRF in its said order dt.06/11/2024 to ensure whether any such instructions stand issued which may attract release of interest as contended by the Complainant under para-8 of his Representation. The relevant extract of conclusive para-77 of the Id. CGRF said order dt.06/11/2024 is reiterated for the sake of clarity so that directions if any should not remain unattended while implementing above order of Id. CGRF in letter and spirit:

“(77) In view of foregoing, the Forum concludes and holds that the action of Respondent to raise upon the Complainant impugned monetary demand as sundry in revised bill dated 08.04.2004 for Rs 30,09,000/- (Annexure P-33) and as arrear in bill dated 11.05.2004 (Annexure P-38), is bad in the eyes of law and otherwise also wrong and thus cannot sustain ab-initio. The impugned monetary demand, is accordingly set aside with directions to Respondent to refund the Rs



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7,52,250/- paid as 25% of the disputed amount by Complainant at the behest of the directions passed by the Ld FRGC on 23.08.2008;" On aforesaid terms, the complaint is Allowed and is disposed accordingly.

11. This authority after referring to the above para-77 drew considered opinion that the said order of Id. CGRF does not carry any exclusive instructions for release of interest in addition to above refund and got convinced with the arguments of Id. Counsel for Respondents.
12. This Authority was convinced after referring to the said conclusive para-77 of the above order dt.06/11/2024 of Id. CGRF, listening to the arguments advanced by both the Id counsels and status of refund updated by the Assistant Engineer appeared as Respondents in compliance to the said order of Id. CGRF and further confirmation by the Id. Counsel for Complainant in the court room of the amount so credited/adjusted.
13. This authority appreciates Respondent's decision to implement the said order of Id. CGRF for legitimate and judicious settlement of ambiguity.
14. Since, the Respondent Board had explicitly apprised this court regarding implementation of order dt. 06/11/2024 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 when the lucrative pleadings held on merit by the Id. CGRF and the diligent decision pronounced thereafter had landed on conducive platform of implementation.
15. After listening to both the parties, conceiving their positive intention towards amicable settlement on record and after acknowledging the



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action of Respondent Board on implementation of the said order dt.06.11.2024 of ld. CGRF in letter & spirit, the arguments were concluded, the order reserved and hence, the contentions of the Complainant are sustained in the instant case.

16. In view of foregoing discussions and confirmations by both the parties in the court room that the said order dt. Order dt. 06/11/2024 passed by the ld. CGRF in compliant No. 1426/2/08/019-1432/202409/31 stands implemented, the Complaint filed by M/s Claridge Moulded Fibre Limited (Unit-I), Village Malkumajri, P.O. Bhud, Tehsil Nalagarh, Distt Solan -173205 is hereby allowed and disposed as implemented and the said order dt.06/11/2024 of ld. CGRF is upheld.

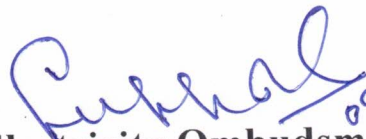
17. No cost to litigation.

18. The case file is consigned to record room and order is also placed at site as well as conveyed telephonically for the convenience of reference.

Given under my hand and seal of this office.

Date: - 09/07/2025

Shimla


Electricity Ombudsman