



In the matter of:

Complaint No. 15/2025

M/s Four M Propack Pvt. Ltd., Village Katha, P.O. Baddi, Tehsil Baddi, Distt Solan H.P.-174103

– Complainant

Vs

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

- Respondent

Complaint No. 15/2025 (Registered on 24/04/2025)

(Orders reserved on 07/07/2025, Issued on 10/07/2025)

Counsel for:

The Complainant: -Sh.Rakesh Bansal, Authorized Representative
The Respondents: -Sh. Kamlesh Saklani, Under Sectt. Law
-Sh. Rajesh Kashyap, Advocate
-Er. Surv Dhiman, AE, ESD Baddi

QUORUM

Er. Deepak Uppal

HP Electricity Ombudsman





Order

1. **M/s Four M Propack Pvt. Ltd.**, is a Large Industrial Power Supply (LIPS) Consumer of Respondent HPSEBL, bearing Consumer ID 100012002240, 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 after getting aggrieved on non-compliance of the Order dt. 06/02/2025 passed in compliant No.1454/202406/16 by Consumer Grievance Redressal Forum at Kasumpti Shimla.
2. The said application was received & registered on 24/04/2025, for passing necessary orders or directions to the Respondents to make compliance of said order dt. 06/02/2025 passed by the Id. CGRF with further prayers 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.
3. The Complainant contends as under:
 - a. That this representation is being filed in accordance with the HPERC (CGRF & Ombudsman) Regulations, 2013 as the applicant/ complainant is aggrieved by the non-implementation of orders dated 06.02.2025 passed by the Ld. Forum in the complaint no. 1454/202406/16 titled as Four M Propack Pvt.



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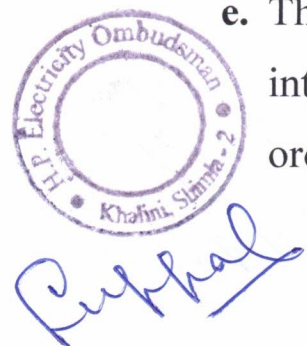
Ltd. v. HPSEBL and others, whereby the Forum passed orders in the favour of the complainant.

- b. That the respondents have overcharged a sum of Rs. 24,46,875/- as demand charges before carrying out corrections in future bills.
- c. That the orders passed by CGRF in complaint no. 1454/202406/16 remain non-complied even up to this date.
- d. That the CGRF had passed orders dated 06.02.2025 in Complaint No 1454/202406/16 (Annexure C1), the operative portion of the orders passing directions is reproduced below:

“(22) Forum in terms of code 5.7.3 of the HP Electricity Supply Code, 2009 and amendments thereto including the second amendment notified on 31.07.2018 accordingly holds that the Complainant is certainly entitled to Interest on demand charges wrongly raised to it in bills by the Respondent that may have been paid by it from 24.10.2016 to 28.11.2023, total amounting to Rs 24,46,875/-, which the Forum allows;

(23) Accordingly, the Respondent is directed to compute the Interest on wrong demand charges as stated in para supra, that may have been paid by the Complainant against its bills from 24.10.2016 to 28.11.2023 (except bills of 4 months i.e. from December 2022 to March 2023), such Interest to be computed upto the time of refund in bill of October 2024 and to further refund this Interest by way of adjustment in the next electricity bill to be raised to the Complainant.”

- e. That the respondents till date have not refunded/ adjusted the interest amount in the electricity bills, whereas the Ld. CGRF had ordered the interest to be adjusted in the next bill. Two bills have





been issued thereafter i.e. on 01.03.2025 and 05.04.2025, but the interest has not been adjusted in the bills.

f. That the complainant has calculated the interest till the current date and as per Forum's Orders, which is working out to Rs. 18,48,709.91, the detail of which is attached herewith as Annexure C2.

g. That the respondents are liable to be proceeded u/s 142 of the Electricity Act, 2003:

Regulation 27 of the HPERC (CGRF and Ombudsman) Regulations, 2013 as amended provides as below:

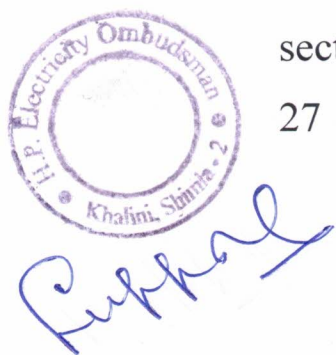
"27. Compliance of the order of Forum. - (1) The licensee shall comply with the order of the Forum within 30 days or within such shorter period as may be directed by an order made by the Forum, from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months."

h. The statutory time allowed for implementation of the orders passed by CGRF is 30 days, which too has passed.

Regulation 37(6)

"37(6) Non-compliance of the Ombudsman's orders shall be deemed to be a violation of these Regulations and shall be liable for appropriate action by the Commission under the provisions of the Act."

i. The respondents are beyond doubt liable to be prosecuted under section 142 of the Electricity Act, for contraventions of Regulation 27 of the HPERC (CGRF and Ombudsman) Regulations, 2013 if

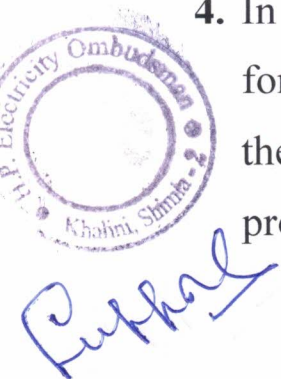




the orders still remain non-complied after the intervention of the Hon'ble Ombudsman.

j. That in view of above submissions, the complainant firm prays to Hon'ble Ombudsman:

- a. To issue directions to the respondents to comply with the orders dated 06.02.2025 issued by the Consumer Grievance Redressal Forum of HPSEBL in complaint number 1454/202406/16 in letter and spirit;
 - b. To direct the respondent to refund the interest as ordered by CGRF as per clause 5.7.3 of the Supply Code, 2009;
 - c. To recommend the case to the Himachal Pradesh Electricity Regulatory Commission in case the order still remains non-complied after the intervention of the Hon'ble Ombudsman;
 - d. To order cost of Rs. 1,00,000/- and interest to be paid to the complainant on account of further delay beyond the permissible period for implementation of Forum' orders.
 - e. Call for the record of the case.
 - f. Any other or further orders which this Hon'ble Ombudsman may deem fit and proper, in the facts and circumstances of the case may kindly be passed in favour of the complainant company and against the respondents/distribution licensees.
4. In view of above submissions of the Complainant, the case was listed for admission hearing on dt. 26.04.2025 and after listening to both the parties the matter was admitted to the extent of initiation of proceedings. The Respondent Board was directed to submit reply on

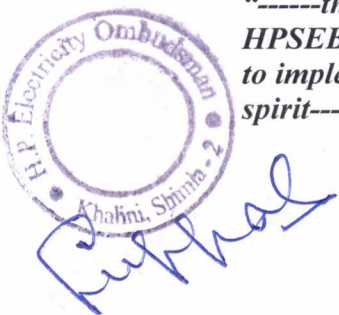




or before 13.05.2025 & Complainant to file a rejoinder if any, within one week after the submission of the reply by the Respondent Board. Accordingly, the case was listed for hearing on dated 23.05.2025.

5. Case called, the matter was heard on dt. 23.05.2025. The Respondent Board could not submit reply by 13/05/2025 in compliance to this court's order dt. 23.05.2025 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 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 concerned Assistant Engineer appeared as Respondents placed before the court, the approval accorded by the competent authority vide letter No. **HPSEBL(Sectt.) LS/LC/CGRF/ Shimla / M/s Four M Propack Vs HPSEB & Others/ 2025-1061-1063 dt. 13.06.2025** for implementation of said order dt. Order dt. 06/02/2025 passed by the Id. CGRF which was taken on record. The officer further ensured compliance within weeks' time. The Respondent Board was directed to confirm implementation in the next date of hearing which was fixed on dated 07/07/2025. The relevant extract of above approval of competent authority is also recapitulated as under for the sake of reference and clarity:

"-----the matter has been examined and was placed before the competent authority of the HPSEBL and keeping in view the facts and circumstances of the case, it has been decided to implement the order dt.06.02.2025 passed by the Id. CGRF, Shimla, HP, in its letter and spirit-----."





7. The final arguments were conducted on 07/07/2025. The Assistant Engineer appeared as Respondents informed this court that the refund as due/contended towards interest part in line with the order dt. Order dt. 06/02/2025 passed by the Id. CGRF in Complaint No 1454/202406/16 stands released and subsequently, the Authorized Representative for the Complainant also confirmed the same.
8. The Assistant Engineer during arguments also confirmed that the refund of Rs 24,46,875/- on account of difference of original contract demand and reduced demand stands made to the Complainant in the bill of October 2024 and further regarding release of interest, he supported his averments by placing the copy of relevant Electricity bill dt. 04.06.2025 reflecting an amount of Rs. 13,29,817/- credited in sundry column in compliance to the order dt.06.02.2025 passed by Id. CGRF under para (23) towards payment of interest. The contents of the said para (23) are not reiterated for the sake of brevity and may be referred to under para-2(d) above. Accordingly, the said bill was also taken on record for reference.
9. After exchange of above arguments, the Authorized Representative for Complainant showed his satisfaction on the amount released on account of interest so mandated in compliance to the said order dt. 06/02/2025 of Id. CGRF, but for minor differences because of computation error which he asserted that could be sorted out at their respective ends.



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10. This authority appreciates Respondent's decision to implement the said order of Id. CGRF for legitimate and judicious settlement of ambiguity.
11. Since, both Id. Counsel and Assistant Engineer appeared as Respondents meticulously apprised this court regarding implementation of order dt. 06/02/2025 of the Id. CGRF in letter and spirit, this authority in due cognizance to such assertion of Respondent Board in the court room, draws considered opinion 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.
12. After listening to both the parties, conceiving their positive intention towards amicable settlement on record towards implementation of the said order dt.06.02.2025 of Id. CGRF in letter & spirit, the arguments were concluded, the order reserved. Hence, the contentions of the Complainant are sustained in the instant case.
13. In view of foregoing discussions held and confirmations by both the parties in the court room on the implementation of the said order dt. 06/02/2025 passed by the Id. CGRF in compliant No. 1454/202406/16, the Complaint filed by M/s Four M Propack Pvt. Ltd., Village Katha, P.O. Baddi, Tehsil Baddi, Distt Solan H.P.-174103 is hereby allowed and disposed as implemented and the said order dt.06/11/2024 of Id. CGRF is upheld with further directions to Respondent Board to sort out the minor differences

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if any due to computation error be settled at their respective ends and subsequently, differential towards interest thereof be released accordingly .

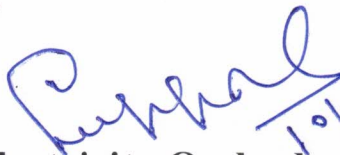
14. No cost to litigation.

15. 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: - 10/07/2025

Shimla


10/07/2025
Electricity Ombudsman