M/s Prime Steel Industries Pvt. Ltd. Versus the HPSEBL

CMA No. 172 of 2025
In
Miscellaneous Application No. 172 of 2024

07.08.2025

Present: Sh. Nimesh Gupta, Ld. Vice Counsel for the Petitioner.
Sh. Kamlesh Saklani, Authorized Representative for the Respondent.

ORDER

This order would be dispose off an application for clarifying/ reviewing/modifying the order dated 26.12.2024 in MA No. 172 of 2024. According to Applicant, the Commission has recorded in paragraphs 2, 4 and 25 that the applicant had commenced the production w.e.f 31.12.2019 and was eligible for grant of the 15% rebate in terms of Clause 3 Note C of the Tariff Order for FY 2019-2020 dated 29.06.2019.

2. Further, the rebate was being given to the Industries for a period of three years which come into production after the appointed date and since the Petitioner had set-up its industry after said date, the Petitioner was made eligible for the grant of the rebate for the period of three years. Also averred that though the Commission has held in the aforesaid application that applicant is eligible for the benefit and directed the Respondent Board to give

the benefit of the rebate for the remaining period but due to typographical mistake, the date has been inadvertently mentioned as 30.06.2022 instead of 31.12.2022 in para 31 of the order. According to the Petitioner, the applicant was entitled for the benefit of 3 years from the date of commencement of production i.e. 31.12.2019 and the aforesaid typographical error having caused prejudice to the Applicant is required to be corrected from 30.06.2022 to 31.12.2022.

3. In reply to application, it is averred that an appeal has been filed against order dated 26.12.2024 passed by Hon'ble Commission in MA No. 172 of 2024 before the Hon'ble APTEL which is under adjudication. However, the order in question i.e. the order dated 26.12.2024 has been complied by the Replying Respondent and compliance affidavit has already been filed.

4. Further, the application is not maintainable as the order issued by the Commission has been challenged in appeal and that the Respondent has already apprised the Commission that the compliance is subject to final outcome of the Appeal bearing DFR No. 119 of 2025. It is also averred that the Respondent has complied with the order dated 26.12.2024 pursuant to the contempt proceeding before the Hon'ble High Court.

5. Also averred that the unit has been acquired by the Petitioner/ Applicant through sale and purchase and is not a new unit.

6. We have heard Sh. Nimesh Gupta, Ld. Vice Counsel for the Petitioner and Sh. Kamlesh Saklani, Authorised Representative for the Respondent.

7. We have carefully gone through the submissions and perused the entire record. The following points arise for determinations in the Petition:-

Point No. 1: Whether instead of the date of 31.12.2022, due to typographical error, date of 30.06.2022 was wrongly recorded in order dated 26.12.2024 in MA No. 172 of 2024?

Point No. 2: Final Order

8. For the reasons to be recorded hereinafter in writing, our point wise findings are as under.

Point No. 1: Yes

Point No. 2: (Final Order) The Petition allowed per operative part of the order.

REASONS FOR FINDINGS

Point No. 1:

9. The Commission in para 29 of order dated 26.12.2024 in MA No. 172 of 2024 has observed that the Applicant had set up an industry which came into production on 31.12.2019 and had become eligible for the benefit of 15% lower energy charges for a

period of three years. Para 29 of order dated 26.12.2024 in MA No. 172 of 2024 is reproduced as under:-

> *"29. It is the case of the Applicant that on the aforesaid concession provided by the Commission in the tariff order, the Applicant had setup the industry which came into production on 31.12.2019 and had become eligible for the benefit of 15% lower energy charges for a period of three years which was being disbursed to the Applicant but by the aforesaid clause 13 (f) in the tariff schedule in the tariff order for the FY 2021-22 providing the rebate only during normal and peak hour, the HPSEBL has curtailed the benefit of 15% lower energy charges in respect of the Applicant which is illegal and arbitrary."*

10. There is no denial that the benefit of Clause 3 of Note (C) of Tariff Schedule – LIPS of tariff order dated 29.06.2019 had been extended to the Petitioner and the Applicant had availed such rebate of 15% of energy charges than the approved energy charges as per order dated 29.06.2019.

11. The Schedule of tariff order dated 29.06.2019 reads as under:-

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.
b) For new Industries which have come into production between 1.04.2018 to 30.06.2019, the energy charges shall be 10% lower than the approved energy charges for the respective category for a period of 3 years.
c) For new industries coming into production after 01.07.2019 the energy charges shall be 15% lower than the approved energy charges for the respective category for a period of 3 years.

d) In case of sick unit or permanently disconnected units, industrial consumer can avail pre-paid meter with a load upto 20 kW for the purpose of lighting, surveillance and security.

12. It is thus, apparent from Clause 3 of Note (C) of Tariff Schedule – LIPS of tariff order dated 29.06.2019, the new industries coming into production after 01.07.2019, the energy charges shall be 15% lower than the approved energy charges for the respective category for a period of 3 years. Therefore, the industries coming into production after 01.07.2019 shall avail the benefit of 15% lower energy charges than the approved energy charges. Since, the Petitioner had commenced the production on 31.12.2019, the said rebate was available to the Petitioner for a period of three years till 31.12.2022 and not till 30.06.2022, as got recorded in paras 31 and 33 of the order dated 26.12.2024 due to typographical error.

13. In the circumstances, the Applicant has established on record that the date of 31.12.2022 was wrongly recorded as 30.06.2022 due to typographical error in order dated 26.12.2024 in MA No. 172 of 2024 which is required to be corrected. Point No. 1 is accordingly decided in favour of the Applicant/ Petitioner.

Final Order

14. In view of the above discussions and findings, the Application succeeds and allowed. The date of 30.06.2022 as recorded in paras 31 and 33 of order dated 26.12.2024 in MA No. 172 of 2024 is ordered to be corrected as 31.12.2022 and as a result thereof, the Petitioner shall be entitled for rebate till 31.12.2022.

15. The application disposed off. Be tagged to MA No. 172 of 2024. The file after needful be consigned to records.

Announced
07.08.2025

-Sd-	-Sd-
(Shashi Kant Joshi)	**(Yashwant Singh Chogal)**
Member	**Member (Law)-cum-Chairman**