



In the matter of:

Complaint No. 39/2025

**M/s Suraj Fabrics Industries Ltd. Complainant Patch No.03& 04,
Phase II, Industrial Area, Gwalthai distt. Bilaspur 174201**

– Complainant

Vs

- 1. Sr. Executive Engineer, Electrical Division, HPSEBL,
Bilaspur, District Bilaspur -174001(H.P).**
- 2. The Assistant Engineer (E), Elect. Sub-Div., HPSEBL,
Kot/Ganguwal, District Bilaspur-174201 (H.P)**

-Respondents

Complaint No.39/2025 (Registered on 06/10/2025)

(Orders reserved on 11/11/2025 , Issued on 26/11/2025)

Present for:

**The Complainant: - Sh. Rakesh Bansal, Authorized Representative
-Sh. Manik Sethi , Advocate**

**The Respondents: -Sh. Kamlesh Saklani, Under Sectt. Law
-Sh. Rajesh Kashyap, Advocate**

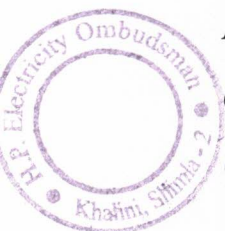
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Er. Deepak Uppal

HP Electricity Ombudsman

Order

- 1. M/s Suraj Fabrics Industries Ltd. is a Large Industrial Power Supply
(LIPS) Consumer bearing Consumer ID: 100012005900, have filed an
Application, received & registered on 06/10/2025, under the provisions
of Regulation- 28 of Himachal Pradesh Electricity Regulatory
Commission (Consumer Grievances Redressal Forum and**



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Ombudsman) Regulations, 2013 against the final Orders dated 26/09/2025 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 2214/202507/21.

2. Facts of the Case:

- a. On 08.08.2021 the complainant purchased a sick unit through NCLT and restarted the unit with 14,961 kW of sanctioned connected load with sanctioned contract demand of 14900 kVA at 66 KV supply voltage. The maximum limit of load at 66 KV notified in the clause 2.1.6.1(A) of the Supply Code, 2009 being 14MW/12 MVA, the respondent levied Low Voltage Supply Surcharge (LVSS) because the standard supply voltage in the complainant's case works out to 132 kV.
- b. From Nov.2021 till now, the respondents categorized the complainant into EHT voltage of Large Industrial Power Supply and levied the tariff as applicable to 66 kV even though the sanctioned contract demand was at the level of 132 kV. The energy tariff for 66 kV and 132 KV differs by 5 paise per kVAh for the consumption during non-peak hours, while the tariff for 66 kV is higher than the corresponding tariff for 132 kV and the Complainant is also paying LVSS as the standard supply voltage is 1332KV against 66KV supply voltage.
- c. The complainant is of the view that since his sanctioned contract demand determines his standard supply voltage as 132 KV, the tariff notified for 132 kV should be levied in the energy bills.



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- d. The energy bills issued to the complainant clearly mention the standard supply voltage as 132 kV and the actual supply voltage as 66 kV.
 - e. The Complainant raised this billing issue with the Respondents via letters dated 29.04.2024 and 18.06.2025, but received no response, compelling the filing of the complaint before the Ld. Forum.
3. The case was listed for admission hearing on 15/10/2025. In order to facilitate further pleadings in a comfortable domain, the specific contentions of the complainant are first restated as under.

The Complainant Contends:

That the Complainant, M/s Suraj Fabrics Industries Limited, is aggrieved by the final order dated 26.09.2025 passed by the learned Consumer Grievances Redressal Forum, Kasumpti (hereinafter referred to as 'the Forum'). The Forum erroneously dismissed the Complainant's grievance regarding the application of incorrect electricity tariff on flawed jurisdictional grounds, necessitating the present representation for the redressal of the grievance.

1. Facts of the Case

1.1. The Complainant is a consumer of the Respondent, HPSEB Ltd., under the Large Industrial Power Supply (LIPS) category, having restarted a sick unit through NCLT on 08.08.2021.

1.2. The Complainant has a sanctioned contract demand of **14,900 kVA** and a connected load of 14,961.82 kW. The electricity supply is being availed at an actual voltage of 66 kV.

1.3. As per Clause 2.1.6(A) of the Himachal Pradesh Electricity Supply Code, 2009, the **standard supply voltage for a contract demand exceeding 12 MVA (12,000 kVA) is 132 kV upto 31.3.2025**. The Complainant's sanctioned contract demand of 14.9 MVA was well above this threshold, unequivocally making its standard supply voltage 132 kV.

1.4. Despite the Complainant's clear eligibility for the tariff applicable to the 132 kV sub-category, the Respondents have been incorrectly applying the higher tariff corresponding to the 66 kV sub-category since the connection's inception upto 31.03.2025 after which the Standard Supply Voltage norms were amended. Concurrently, the Respondents have been levying a Lower Voltage Supply Surcharge (LVSS) precisely because the actual supply voltage (66 kV) is lower than the Complainant's standard supply voltage of 132 kV.

1.5. The Complainant raised this billing issue with the Respondents via letters dated 29.04.2024 and 18.06.2025, but received no response, compelling the filing of the complaint before the Ld. Forum.



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1.6. The Ld. Forum, in its order dated 26.09.2025, dismissed the complaint, holding that the grievance seeks an interpretation of the Tariff Order, which it claimed is outside its jurisdiction. This order is untenable in law and facts, necessitating the present representation.

2. Grounds of Representation

2.1. That the Ld. Forum has gravely erred in dismissing the complaint on grounds of jurisdiction, fundamentally misconstruing a billing dispute as a matter of tariff interpretation. The Complainant's grievance is not about seeking a change in tariff category or an interpretation of the Tariff Order; it is a straightforward case of a **wrong billing dispute** arising from the misapplication of a notified tariff. The Forum's refusal to adjudicate, claiming it would be an "action beyond jurisdiction," is an abdication of its primary duty to resolve consumer grievances. The Respondents and the Forum have erroneously cited the Hon'ble Apex Court's decision in *Maharashtra Electricity Commission vs Reliance Energy Ltd. (2007) 8 SCC 381*, which holds that tariff determination lies with the State Commission. That judgement is inapplicable here, as the Complainant is not asking the Forum to determine or interpret tariff, but merely to apply the correct, pre-existing tariff based on established norms of linking tariff to contract demand. This distinction has been upheld by this Hon'ble Authority in the matter of *M/s Vardhman Ispat Udyog*, clarifying that such cases are purely billing disputes well within the jurisdiction of the CGRF and the Ombudsman. There are several other judgements passed by HPERC that the individual disputes are the domain of CGRF and Ombudsman only.

2.2. That the tariff applicability is statutorily linked to the sanctioned Contract Demand, not the actual supply voltage, a principle the Ld. Forum completely ignored. The HPERC, in its Tariff Order for FY 2014-15 (Para 8.2.6), decisively shifted the basis of tariff categorization from connected load to **contract demand** to ensure better monitoring and transparency. This foundational principle has been repeatedly clarified by the Respondents' own Chief Engineer (Commercial). Letters dated 10.08.2015 and 18.07.2017 unequivocally state that the **"Original sanctioned contract demand is to be considered for deciding the category of consumer"** and **"shall be the only basis of consumer category"**. The Complainant's sanctioned contract demand of 14,900 kVA places it squarely in the 132 kV standard supply voltage category, making it eligible for the corresponding tariff. The Forum's conclusion that the Complainant is a "pseudo consumer" in the 132 kV class is absurd and contrary to the established regulatory framework.

2.3. That the very existence and levy of a Low Voltage Supply Surcharge (LVSS) by the Respondents confirms that the tariff is based on Standard Supply Voltage. The provision for LVSS is specifically designed to compensate the licensee for additional transmission and distribution losses incurred when supplying power at a voltage lower than the consumer's standard supply voltage. By charging the Complainant LVSS, the Respondents have already acknowledged that the standard supply voltage is 132 kV, while the actual supply is 66 kV. It is illogical and unjust for the Respondents to then deny the tariff benefit associated with the 132 kV standard voltage while simultaneously penalizing the Complainant for not receiving it. This amounts to double jeopardy, as argued in precedent cases. The Ld. Forum failed to appreciate this inherent contradiction in the Respondents' actions.

2.4. That the issue at hand is no longer *res integra* and has been conclusively settled by this Hon'ble Authority in at least five identical cases, creating binding precedents which the Respondents have selectively ignored. This Hon'ble Authority has decided



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on the merits of the exact same cause of action in several cases, establishing a consistent legal position. The Respondents have even complied with some of these orders by issuing refunds, thereby admitting the correctness of the principle. The key precedents are:

i. **M/s Vardhman Ispat Udyog (Complaint No. 11/2023):** This was the first such case where this Hon'ble Authority quashed the Forum's order and directed the Respondents to overhaul the account, apply the 132 kV tariff, refund the excess amount with interest, and apply LVSS as per tariff provisions. A review application (No. 18/2023) filed by the board was subsequently dismissed by this Authority after the Hon'ble High Court quashed the interim stay, solidifying the original order.

ii. **M/s Aggarwal Steel Industries Pvt. Ltd. (Complaint No. 22/2023):** This case is identical to the Complainant's, involving the same Gwalthai industrial area, the same actual supply voltage (66 kV), and a contract demand (16,000 kVA) that mandates a 132 kV standard supply voltage. This Authority directed a settlement based on the *Vardhman Ispat Udyog* order.

iii. **M/s Kundlas Loh Udyog (Complaint No. 25/2023 & 24/2025):** In these cases, this Authority not only directed the application of the 132 kV tariff but also laid down the precise methodology for interest calculation under Clause 5.7.3 of the Supply Code, confirming that interest is payable from the date of wrong billing until the date of final adjustment.

iv. **M/s Amba Shakti Ispat Ltd (Complaint No. 04/2024):** This case also involved the same principles and was directed to be settled in line with the order in *Vardhman Ispat Udyog*.

v. **M/s Indorama Industries Ltd. (Complaint No. 06/2024):** This was another identical matter where this Authority found the same cause of action and directed settlement based on the *Vardhman Ispat Udyog* precedent.

The Ld. Forum completely failed to consider these binding precedents cited by the Complainant. The Respondents' refusal to grant the same relief to the Complainant is discriminatory and arbitrary. The matter falls squarely within Regulation 33(1)(d), as it is of the same cause of action already settled on merits by the Ombudsman.

2.5. That the Complainant is entitled to interest on the overcharged amount as per the statutory provisions of the Supply Code and Regulations. Clause 5.7.3 of the HP Electricity Supply Code, 2009, and Regulation 26(2)(a)(ii) of the HPERC (CGRF and Ombudsman) Regulations, 2013, mandate the payment of interest on excess amounts billed and collected by the licensee. As established in the precedent case of *M/s Kundlas Loh Udyog*, the interest is to be computed from the date the payment was due until the date the excess amount is finally adjusted. The applicable rate is 15% for the period prior to 20th January 2022 and 12% thereafter, due to an amendment in the regulations. The Respondents have wrongfully withheld the Complainant's money, and compensation through interest is a matter of statutory right.

3. Nature of Relief Sought from the Ombudsman

In light of the foregoing facts, grounds, and established legal precedents, the Complainant most humbly prays that this Hon'ble Authority be pleased to:

a) Quash and set aside the impugned order dated 26.09.2025 passed by the Consumer Grievances Redressal Forum in Complaint No. 2214/202507/21.

b) Direct the Respondents to overhaul the Complainant's account and **re-categorise the tariff applicability to the 132 kV consumer sub-category** of the LIPS tariff schedule, based on the sanctioned contract demand of 14,900 kVA, with effect from the date of connection (08.08.2021).



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- c) Direct the Respondents to **refund the entire excess amount charged and collected** since November 2021 due to the misapplication of the incorrect 66 kV tariff, as detailed in **Annexure C12**.
- d) Direct the Respondents to pay **simple interest** on the aforesaid excess amount, calculated in line with the principles established in Complaint No. 24/2025 (*M/s Kundlas Loh Udyog*), applying the rate stipulated under Clause 5.7.3 of the Supply Code, 2009 and Regulation 26(2)(a)(ii) of the HPERC Regulations, 2013 (as amended), from the date of collection of excess payment till the date of final refund/adjustment.
- e) Direct that LVSS shall be applicable as per tariff provisions, since electricity is being supplied at 66 kV instead of the 132 kV entitlement.
- f) Call for the record of the case from the Ld. Forum.
- g) Pass any other order or direction that this Hon'ble Authority deems fit and proper in the interest of justice, equity, and to avoid further aggregation of litigation.

4. In order to have clarity on the findings of Id. CGRF w.r.t. above contentions of the Complainant, the order dt.26/09/2025 in Complainant No2214/202507/21 needs to be reiterated in totality for record and reference as under.

CGRF Order No.2214/202507/21 dt. 26/09/2025:

ORDER

Brief Facts:

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Suraj Fabrics Industries Limited, Patch No 03 & 04, Phase II, Industrial Area, Gwalthai, District Bilaspur (H.P) bearing consumer ID 100012005900;
- (2) Respondent is HPSEB Ltd is a distribution licensee under the Electricity Act, 2003;
- (3) As per Complainant it is a Large Industrial Power Supply (LIPS) category Consumer of Respondent since 08.08.2021, having connected load as 14,961.82 kW and contract demand as 14,900 kVA, availing electricity supply at 66 kV;
- (4) The instant complaint is with regard to the tariff of 66 kV sub-class of consumers specified in the MYT Tariff Order for FY2015-19 and 2 nd APR Order for 4th MYT (Annexure C3 & C4), passed by the Ld HP Electricity Regulatory Commission (or the HPERC), which has been made applicable to the Complainant by the Respondent;
- (5) It is the Complainant's argument that within the said LIPS category, the tariff charged by the Respondent corresponds to 66 kV sub-class of consumers, whereas it is entitled to tariff applicable to 132 kV sub-class which has a 5 paise lower tariff. This sub-classification is based upon 'Standard Supply Voltage' and not the supply voltage actually availed by it because the Commission in its Tariff Orders has made the tariff applicability to be based upon contract demand and because Lower Voltage Surcharge (LVSS) is charged to compensate for losses at lower voltage (Annexure C3) / (Annexure C4) Complainant has enclosed electricity bills dated 01.09.2021(Annexure C1) and 06.04.2025(Annexure C2);
- (6) Complainant has further argued its case for the 132 kV supply tariff based upon the definition of 'Demand charges' (Annexure C5), based upon the Chief Engineer (Commercial) letters dated 10.08.2015 (Annexure C6) and dated 18.07.2017 (Annexure C7) with regard to temporary reduction of Contract Demand, based upon temporary reduction of Contract Demand (Annexure C8) and LVSS (Annexure C9) provisions of HP Electricity Supply Code, 2009;



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- (7) Still further, the Complainant has argued that the instant matter is not one of interpretation of Tariff Order. Complainant's has cited few Ld Ombudsman's decisions (Annexure C11) passed in various similar matters and gone on to state that the Respondent has complied with such decisions and refunded tariff charged;
- (8) On foregoing arguments given by the Complainant, it has sought relief from the Forum in terms of directions to the Respondent to charge tariff applicable to 132 kV sub-class of consumers and to refund tariff charged since November 2021 (Annexure C12) along with Interest;
- (9) On the other hand, while technically explaining the various aspects of tariff and losses, the Respondent has countered the arguments made by the Complainant and has stated that as per regulation 2.1.6.1 (A), the limits of load for standard supply voltage of 66 kV is 14 MW / 12 MVA which stand exceeded by the Complainant by availing actual supply voltage of 66 kV for 14.96 MW / 14.96 MVA load and accordingly the Complainant is liable to pay LVSS as per Tariff Orders passed by the Ld HPERC and as per the Schedule of Tariff, the Complainant is to be charged tariff corresponding to supply voltage availed which is 66kV and not Standard supply voltage which has specifically been dealt by the Ld HPERC in Tariff Order for FY2017-18 (Annexure R1) and FY2018-19 (Annexure R2) wherein objections were also raised by the stake holders at the time of tariff determination exercise;
- (10) Respondent has cited Hon'ble Apex Court decision in Maharashtra Electricity Commission vs Reliance Energy Ltd. (2007) 8 SCC 381 wherein it has been held that tariff determination and interpretation lie within the sole domain of the State Commission and not consumer forums. Further, the Orders passed by the Ld Ombudsman are under challenge in the CWP's and also assailed in the LPAs before the Hon'ble HP High Court;
- (11) Accordingly, Respondent has sought dismissal of complaint.

ORDER

- (12) Forum has examined the relevant provisions of the Electricity Act, 2003, various relevant Regulations framed by the Ld HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the HP Electricity Supply Code, 2009, relevant Tariff Orders passed by the Ld HPERC and record as facts along with pleadings of the parties. Forum has heard the parties at length. The considered opinion of the Forum has been gathered after considering the fair facts, evidences placed on record and pleadings of parties;
- (13) At the outset, on examining the complaints, Forum observes that the Complainant on various arguments intends to avail tariffs not corresponding to availed conditions of supply but on nominal or reference conditions of Standard Supply Voltages specified by the HP Electricity Regulatory Commission (or HPERC). On one hand where the Complainant de-facto seeks Interpretation of the Tariff Orders passed by the Ld HPERC, on the other hand it denies seeking any Interpretation whatsoever from the Forum;
- (14) Forum also observes that the Complainant on seeing a 5 paise per unit benefit at 132 kV has raised a complaint which is highly argumentative seeking there-in the dispensing of actual conditions being availed by while at the same time seeking therein Interpretation of Tariff Orders passed by the Ld HPERC. Forum holds that at the behest of an argumentative complaint, it cannot hold the tariffs being charged by the Respondent as being wrong in any way and declines to interfere with the action of the Respondent;
- (15) The arguments given by the Complainant, clearly cannot find support of the Forum. In the opinion of the Forum, the arguments, if given effect, without doubt result in Complainant becoming a pseudo consumer in the 132 kV voltage sub-class, whereas it is actually a 66 kV consumer availing supply at 66 kV and thus corresponds to 66 kV voltage sub-class for the purpose of tariffing. The Forum clearly holds the argumentative submissions made by the Complainant, as being absurd and not tenable;
- (16) Forum observes that by way of the instant complaint, the Complainant is clearly seeking interpretation of the Tariff Orders passed by the Ld HPERC While the Complainant has raised grievance before the Forum of wrong tariffs being charged by the Respondent, it has correspondingly failed to file complaint before the Ld HPERC under section 142 of the Electricity Act, 2003 for contravention of its Orders by the Respondent. Clearly, Forum holds that



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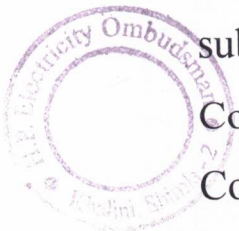
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the while Complainant does not see the action by the Respondent to be wrong and in contravention of the provisions of the Act/ Regulations / Tariff Orders, it has still raised grievance before this Forum;

- (17) Forum holds that for it to interpret Tariff Orders / tariffs passed by the Ld HPERC, it shall be improper and of gross impropriety inherently carrying within it action beyond authority and action beyond jurisdiction and thus Forum is not inclined to pass any Order in the instant complaint. Also associated with such an action are larger ramifications in respect of tariffing and the corresponding billing of all industrial and other consumers of the Respondent;
- (18) Now coming to the decisions of the Ld Ombudsman cited by the Complainant by way of its arguments, Forum holds that the provisions of the Electricity Act, 2003 are clear to it and thus it cannot and shall not indirectly step into the jurisdiction of the Ld HPERC and wrongly perform such functions as are vested purely with the HPERC under the Electricity Act, 2003;
- (19) On the anvil of above, Forum holds that other than the Interpretation of Tariff Orders passed by the Ld HPERC, Forum does not see any other cause raised by the Complainant, that may necessitate interference and the aspect of Interpretation, has already been dealt and made clear in paras supra;
- (20) In unequivocal terms, Forum concludes, that as sought in the instant complaint, the interpretation of Tariff Orders passed by the Ld HPERC, is clearly not within its domain nor is it vested with such jurisdiction which other-wise, under the statute, falls explicitly and expressly only within the domain of the HPERC.

5. Case called, the matter was heard on 15/10/2025. After listening to both the parties, the matter was admitted to the extent of initiation of proceedings. The Id. Counsel for Respondents apprised the court regarding the stay granted in similar matter on the operation of order dt.08.04.2024 by the Hon'ble High Court vide order dt. 26.08.2025 in CWP No. 13701 of 2025 in the matter of **M/s Amba Shakti Ispat and others**. The Id. Counsel for Respondent was directed to update this court in the next date of hearing on the findings of Hon'ble High Court in the said matter.

6. Id. Counsel for Respondents further prayed for submission of reply in the said matter. Accordingly, the Respondent Board was directed to submit reply on or before 27/10/2025 with a copy of reply to the Complainant and Rejoinder if any, may be submitted by the Complainant immediately thereafter the submission of the reply by the Respondent Board. The case was listed for final arguments on dated 30/10/2025 at 12:00 P.M or Immediately thereafter subject to



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submission of above documents. The order was also placed at site as well as conveyed telephonically for the convenience of concerned.

7. Case called, the matter was heard on 30/10/2025. The final arguments could not be conducted as the Respondent Board could not submit reply by 27/10/2024 as per the directions of this Court's order dt.15/10/2025 and sought some more time for submission. Prayer granted with further directions to submit reply on or before 11/11/2025, with a copy of reply to the Complainant and Rejoinder if any, be submitted by the Complainant immediately thereafter the submission of the reply by the Respondent Board. Accordingly, the case was fixed for hearing on dated 11/11/2025 at 12:00 P.M subject to submission of above documents.
8. Case called, the matter was heard on 11/11/2025. The Authorized representative for Complainant informed through e-mail dt. 11/11/2025 his inability to attend the court due to unavoidable circumstances and in his place Id. Advocate Sh. Manik Sethi represented Complainant.
9. The Id. Counsel for Respondents at the very outset prayed for dropping the name of Executive Director (Pers.), being a non-necessary party. After discussing the matter with the Authorized representative for Complainant, prayer granted and hence forth in the instant case, the name of Executive Director (Personal) be considered deleted.
10. The Respondent Board submitted reply on 06/11/2025 and subsequently, the Authorized Representative also submitted Rejoinder on dt. 10.11.2025 which were taken on record.





11. Let us first reiterate the reply submitted by the Respondent Board on dt.06/11/2025 as well as the Rejoinder submitted by the Complainant on dt. 10/11/2025 to have composite view of the contentions.

A. The Respondent Contends (Reply):

Preliminary Submissions:

1. That the present submission is being made as a preliminary objection, without prejudice to the merits of the case, to respectfully submit that the Hon'ble Electricity Ombudsman, Himachal Pradesh, lacks jurisdiction to adjudicate upon or interpret tariff-related matters, which fall exclusively within the statutory domain of the Ld. Himachal Pradesh Electricity Regulatory Commission (herein after be called as "Ld. HPERC") under the Electricity Act, 2003.
2. That under the scheme of the Electricity Act, 2003 (herein after be called as "the Act"), the power to determine tariff is conferred solely upon the State Electricity Regulatory Commission.
 - a. Section 62(1) of the Act provides that the Commission shall determine the tariff for the supply, transmission, wheeling, and retail sale of electricity.
 - b. Section 86(1)(a) of the Act specifically empowers the Commission "to determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State."

As such the representation filed by the complainant is liable to be dismissed in limine.

3. That the Ld. Electricity Ombudsman derives its authority from *Section 42(6)-(7)* of the Act, read with the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2013.

It is ought to submit here that as per Regulation 3(e) of the said Regulations, a "grievance" means, and includes any complaint, relating to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to the Distribution Performance Standards of the licensees, as specified by the Commission, and includes billing disputes of any nature and matters related to safety of the distribution system having potential of endangering life or property. As such, the representation filed by the complainant is liable to be dismissed

4. That tariff-related issues i.e including determination, revision, interpretation, or application of tariff orders issued by the HPERC are matters exclusively within the domain of Ld. Commission's jurisdiction and not within the competence of the Ld. Ombudsman.
 - a. The Ld. Ombudsman cannot, in exercise of appellate or grievance redressal powers, examine, interpret, or modify the tariff determined by the HPERC.
 - b. Doing so would amount to an indirect review or alteration of a Ld. Commission order, which is beyond the Ld. Ombudsman's statutory remit.

Hence, the representation filed by the complainant is liable to be dismissed.

5. That the present Representation is misconceived and not maintainable either in law or facts in the case. The CGRF order dated 26.09.2025 is well-reasoned and does not warrant interference. Further, the complainant is seeking relief which amounts to interpretation of Tariff Orders which



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is against the well-established principles of law and Regulations framed and notified by the Himachal Pradesh State Electricity Regulatory Commission under the process conferred upon it by the Electricity Act, 2003.

6. That no Legal or Vested right whatsoever of the complainant has been infringed or violated by the replying respondents in any way or any manner, so as to entitle the complainant to raise any grievance(s) against the replying Respondents. Therefore, the complaint/representation is not maintainable and the same deserves dismissal in limine against the replying respondents.
7. That the complainant has no cause of action and locus standi to file and maintain the present complaint/ representation since the complainant has not been deprived or denied of a legal right and has not sustained an injury to any legally protected interest.
8. That the complainant is estopped by his own act and conduct, acquiescence to file and maintain the present representation since the complainant has concealed the material facts from this Hon'ble Ombudsman as such the present representation is not maintainable and the same is liable to be dismissed against the replying respondents.
9. That it is submitted that the complainant is not entitled to file or maintain this representation before the Hon'ble Ombudsman against the replying respondents and there are no acts of omission and commission of the replying respondents which are against the provisions of law, which have caused grave injustice to the complainant in any manner whatsoever.
10. That in light of the above legal position and regulatory framework, the present matter being intrinsically connected to tariff interpretation/determination and out rightly falls outside the jurisdiction of this Hon'ble Ombudsman. Entertaining the same would not only be contrary to the express statutory provisions but would also amount to encroachment upon the powers of the HPERC conferred under the Electricity Act. As such, the representation filed by the complainant is liable to be dismissed outrightly.

REPLY ON MERITS:

1. Fact of the Case:-

- 1.1 That the contents of this sub-para of the representation are matter of record, hence need no reply.
- 1.2 That the contents of this sub-para of the representation are matter of record, hence anything contrary to records is specifically denied.
- 1.3 That the contents of this sub-para are matter of record, hence anything contrary to records is specifically denied. It is submitted that complainant is a consumer of HPSEBL presently having connected load of 14961 kW along with 14900 kVA contract demand, availing power supply on 66 KV supply voltage. It is submitted that as per Regulation 2.1.6.1 (A) of Supply Code, 2009, the maximum limit of connected load KW or MW and contract demand (KVA or MVA) for the supply of power at a voltage, shall be as under-

Sr. No.	Standard Supply Voltage	Maximum Connected Load	Maximum Contract Demand
1.	Single phase 230 volts or three phase 415 volts or 2.2 KV; (for supplies not involving special category loads)	50 KW	50KVA
2.	Three phase 11 KV or 22 KV; (for supplies not involving special category loads)	3 MW	2.2 MVA
3.	Three phase 33 KV	12 MW	10 MVA



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4.	Three phase 66 KV	14 MW	12 MVA
5.	Three phase 132 KV or 220 KV	No limits	

It is pertinent to mention here that the complainant has misinterpreted the relevant provisions of Clause 2.1.6 and other provisions of the Supply Code, 2009. It is ought to mention here that specified limits for connected load and contract demand at 66kV are 14 MW and 12 MVA, which the complainant has exceeded. Consequently, the complainant is liable to pay a Lower Voltage Supply Surcharge as well as tariff as applicable to the consumer as per the relevant Tariff order. As such present complaint is liable to be dismissed.

- 1.4 That the contents of this sub-para are wrong and incorrect, hence denied. It is submitted that tariff orders issued by the Id. HPERC under Section 62 of the Electricity Act, 2003, explicitly stipulate that any dispute regarding interpretation or applicability of the tariff shall be resolved by the Commission, whose decision shall be final and binding. Since the present matter involves interpretation of the tariff order, therefore Id. Forum has rightly dismissed the complaint with a liberty to approach HPERC in the matter. As such present representation is liable to be dismissed
- 1.5 That the contents of this sub-para of the representation matter of record, hence need no reply.
- 1.6 That the contents of this sub-para are wrong and incorrect, hence denied. It is submitted correctly passed the order dated 26.09.2025 after thoroughly examining the case records. Id. Forum's decision is based on a thorough review of the pleadings of the parties and the Id. Forum has categorically appreciated the applicable provisions of the Electricity Act 2003 and H.P Electricity Supply Code, 2009 in the impugned order thus there is no such infirmity or illegality in the order passed by the Id. Forum thus the representation is liable to be dismissed

2. Reply to the Grounds of Representation: -

2.1 That the contents of this sub-para are wrong and incorrect, hence denied. It is most humbly submitted that the CGRF rightly refused to entertain tariff interpretation as such interpretation is not within its domain.

2.2 That the contents of this sub-para of the representation are admitted to the extent of matter of record. It is pertinent to note that the Applicant is presently availing electricity supply at a voltage of 66 kV and is being charged the applicable tariff accordingly. Therefore, the contention that the Applicant is eligible for 132 kV tariff is misconceived and liable to be dismissed.

2.3 That the contents of this sub-paragraph are based on a misinterpretation of the provisions of the Supply Code and the applicable Tariff Order. A correct reading of the relevant provisions would reveal that the interpretation sought to be placed by the Applicant is erroneous. The provisions of the Supply Code and the Tariff Order are clear and unambiguous, and any interpretation contrary to their plain meaning is unsustainable. Therefore, the submissions made in this sub-paragraph, being based on a wrong interpretation, deserve to be rejected

2.4 The contents of this para are admitted to the extent of record. It is submitted that the respondents have challenged the orders passed by the Id. Ombudsman in the cases of Aggarwal Steel Industries and other similar matters by filing CWPs before the Hon'ble High Court of HP. As such the complaint is liable to be dismissed.

2.5 That the contents of this sub-para of the representation is wrong, false, incorrect, hence denied.

In view of the above submissions and settled judicial principles, it is most respectfully prayed that this Hon'ble Ombudsman may be pleased to:



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- a) Dismiss the present Representation filed by the Complainant since the instant matter involves tariff interpretation/determination and, therefore, falls exclusively within the jurisdiction of the Id. Himachal Pradesh Electricity Regulatory Commission under Sections 62 and 86 of the Electricity Act, 2003;
- b) Consequently, dismiss the present representation/complaint as being not maintainable before this Hon'ble Ombudsman for want of jurisdiction;
- c) Uphold the order dated 26.09.2025 passed by the CGRF in Complaint No. 2214/202507/21; and
- d) Pass any other order(s) deemed just and proper in the facts and circumstances of the case.

B. The Complainant's Additional Submissions (Rejoinder)

The Complainant/Representator submits this Rejoinder cum Written Arguments in response to the Reply along with Affidavit dated 06.11.2025 filed by the Respondents in the present matter (Complaint No. 39/2025).

The Complainant repeats, reiterates and confirms all the statements and averments made previously in the representation and additional submissions, and denies all counter statements and averments made in the Respondent's Reply, except those specifically admitted herein.

I. PRELIMINARY OBJECTIONS AND JURISDICTION

1. **Rejoinder on Maintainability:** The contention raised by the Respondent that the present representation is not maintainable and is liable to be dismissed in *limine* is vehemently denied. The Complainant asserts that the present representation is fully maintainable, having been rightfully approached before the Hon'ble Ombudsman.
2. **Regarding Jurisdiction (Tariff Interpretation):** The Respondent claims that the matter involves tariff interpretation/determination and falls exclusively under the jurisdiction of the Hon'ble HPERC (Himachal Pradesh Electricity Regulatory Commission) under Sections 62 and 86 of the Electricity Act, 2003.
 - It is submitted that the **present case is purely a billing dispute**, which is well within the jurisdiction of the CGRF and the Ombudsman.
 - The Ombudsman is approached by an individual consumer when a dispute is called a "billing dispute". The present representation alleges that **wrong rates of energy charges and demand charges** have been levied by the Respondents.
3. **Regarding Judicial Clearance/Precedent:** The matter must proceed further because the challenge to the core legal principle set by the Ombudsman's order dated 03.06.2023 in the precedent case of M/s Vardhman Ispat Udyog (Complaint No. 11/2023) was previously dismissed by the Hon'ble High Court (CWP No. 8001 of 2025).
 - There is **no legal or procedural bar** that justifies holding these proceedings in abeyance.
 - The instant complaint (Complaint No. 39/2025, M/s Suraj Fabrics) is exactly similar to matters already decided by the Ombudsman, specifically Case No. 11/2023 (M/s Vardhman Ispat Udyog), Case No. 25/2023 (M/s Kundlas Loh Udyog), and Case No. 22/2023 (M/s Aggarwal Steel Industries Pvt. Ltd.). The cause of action in principle is the same in these cases.
4. **Misleading the Forum:** The Complainant submits that the Respondents have repeatedly tried to mislead the Forum, arguing that proceedings are not maintainable when the Hon'ble High Court has already intervened and directed the Ombudsman to decide such cases.

II. REJOINDER TO GROUNDS OF REPRESENTATION (MERITS)

5. Regarding Standard Supply Voltage and Tariff:

- The Complainant's sanctioned contract demand is **14,900 kVA**.
- As per Clause 2.1.6(A) of the Himachal Pradesh Electricity Supply Code, 2009, the standard supply voltage for a contract demand up to 10 MVA (12 MVA) is 33 kV. However, the limits were exceeded, and the load was revised to 15 MW with 14 MVA Contract Demand in June 2021.
- The standard supply voltage for the Complainant's case works out to **132 kV**.
- The Complainant is aggrieved because the energy rates applicable for **132 kV** supply are **not being charged**, and the actual supply voltage being availed is 66 kV.



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HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTAL COMPLEX, SHIMLA-171002
 Phone: 0177-2624525, email: ombudsmanelectricity.2014@gmail.com

- The Complainant is entitled to be rated for the **132 kV sub-category** instead of the HT-2 sub-category under the LIPS category.

6. Regarding Levy of LVSS (Low Voltage Supply Surcharge):

- The Respondent justifies levying LVSS @ 2% on energy charges because the electricity is supplied at 66 kV, and the Contract Demand is more than 10 MVA, which the complainant is not contesting in the present grievance.
- It is the Complainant's contention that 132 kV tariff should be charged from the complainant particularly when the differential losses are being recovered in the form of LVSS.
- The issue of tariff applicability viz a viz is a recurring matter across similar cases (Vardhman, Kundlas, Aggarwal Steel) where the Ombudsman found the levy of LVSS proper only in line with tariff provisions since supply was at 33/66 kV instead of 132 kV entitlement.
- The Complainant submits that this is a case of **wrong application of tariff**, charging higher tariff and demand charges.

7. Regarding Interest on Refund:

- The Complainant is entitled to interest on the amount refundable due to wrong application of tariff.
- The entitlement to interest is well defined in **Clause 5.7.3 of the Supply Code, 2009**.
- Clause 5.7.3 states that in case of delay beyond 30 days from the date of issue of the revised bill, **interest @ 15% p.a. on a daily basis** shall be applicable.
- In similar cases (M/s Kundlas Loh Udyog), it was observed that the Respondents exceeded the 30-day period for disbursement of the amount, resulting in a delay of approximately one year. This delay warrants recompense of interest strictly in accordance with Clause 5.7.3.

III. PRAYER

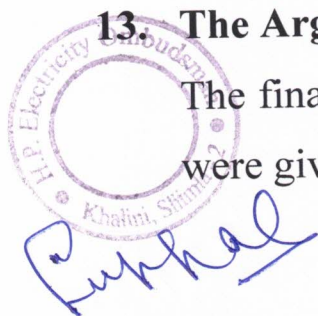
In view of the submissions made above, it is most respectfully prayed before the Hon'ble Electricity Ombudsman that this Authority may graciously be pleased to:

- Quash and set aside** the impugned order dated 26.09.2025 passed by the Consumer Grievance Redressal Forum in Complaint No. 2214/202507/21.
- Direct the Respondents to overhaul the Complainant's account and re-categorise the tariff applicability to the 132 kV consumer sub-category** of the LIPS tariff schedule, based on the sanctioned contract demand of 14,900 kVA, with effect from the date of connection (08.08.2021).
- Direct the Respondents to refund the entire excess amount charged and collected** since November 2021 due to the misapplication of the incorrect 66 kV tariff.
- Direct the Respondents to pay simple interest on the aforesaid excess amount** calculated in line with the principles established in Complaint No. 24/2025 (M/s Kundlas Loh Udyog) at the rate stipulated under Clause 5.7.3 of the Supply Code, 2009 and Regulation 26(2)(a)(ii) of the HPERC Regulations, 2013 (as amended), from the date of collection of excess payment till the date of final refund/adjustment.
- Pass any other order or direction that this Hon'ble Authority deems fit and proper in the interest of justice, equity, and to avoid further aggregation of litigation.

12. The final arguments were conducted with the mutual Conesus of both the counsels of respective parties which were otherwise supposed to be on 30/10/2025 and allowed.

13. The Arguments of both during proceedings:

The final arguments were conducted on 11/11/2025 and both the parties were given due opportunity to argue their contentions to the edge.





- a. At the very outset, the Id. counsel for Complainant read out the contentions as stand reiterated above under para-3 and apprised the court that the Complainant is a consumer of LIPS category of HPSEBL with 14961 KW connected load & 14900 KVA contract demand having supply voltage at 66 KV. He further added to the arguments that the maximum limit of load at 66 KV notified in the clause 2.1.6.1(A) of the Supply Code, 2009 is 14MW/12 MVA, the respondent levied Low Voltage Supply Surcharge (LVSS) because the standard supply voltage in the complainant's case works out to be 132 kV and in addition to LVSS levied, the Tariff is also being charged at 66 KV which should be at 132 KV and hence penalizing the Complainant with additional burden.
- b. The Id. Counsel for Respondents also reiterated the contents of reply submitted by the Respondent and updated this court that in the similar matter in CWP No. 13701 of 2025 titled **M/s Amba Shakti Ispat and others**, the Hon'ble High Court vide order dt. 26.08.2025 has granted stay which is still continued.
- c. The Id. Counsel for Complainant put forth his arguments by reminding many similar cases in which the Respondents after passing through different phases of adjudications given compliance to the orders passed by this authority and placed before this court the following few cases for appraisal:
- i. **M/s Vardhman Ispat Udyog (Complaint No. 11/2023):**
 - ii. **M/s Aggarwal Steel Industries Pvt. Ltd. (Complaint No. 22/2023):**
 - iii. **M/s Kundlas Loh Udyog (Complaint No. 25/2023 & 24/2025):**



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iv. **M/s Amba Shakti Ispat Ltd (Complaint No. 04/2024):** This case also involved the same principles and was directed to be settled in line with the order in *Vardhman Ispat Udyog*.

v. **M/s Indorama Industries Ltd. (Complaint No. 06/2024):**

He emphasized that the matter falls squarely within Regulation 33(1)(d), as it is of the **same cause of action** already settled on merits by the Ombudsman.

d. He further strengthened his arguments by giving reference of case No. CWP 8001/2025 in the matter of HPSEBL V/s Vardhman Ispat Udhog and another which was dismissed by the Hon'ble High Court. He also asserted that the Order dt. 03.06.2023 passed by that Ombudsman in case No.11/2023 in the matter Vardhman Ispat Udhog V/s HPSEBL stands complied by the Respondents in letter and spirit and all other orders issued thereafter on the same cause of action under Regulation 33 (1)(d) stands settled.

e. Both ld. Counsel for Complainant and ld. Counsel for Respondents during arguments apprised that although the notices have been served to the following cases also but except for **M/s Amba Shakti Ispat and others in CWP No. 13701 of 2025**, no stay has been granted to the remaining one:

i. **M/s Aggarwal Steel Industries Pvt. Ltd. (Complaint No. 22/2023); (CWP NO.14188/2025)**

ii. **M/s Kundlas Loh Udyog (Complaint No. 25/2023 & 24/2025); (CWP NO.16776/2025)**

f. Both ld. Counsel for Respondent Board and the ld. counsel for Complainant advanced their arguments to the brim. After

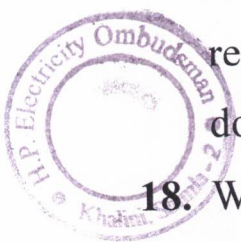


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listening to the averments made by both the parties during final arguments at length, the order was kept reserved for examining the contentions to the depth before issuance of final order.

14. The documents annexed and placed on record, arguments advanced by both the parties have gone through in depth.
15. The appropriate Acts, Supply Codes, MYT Regulation, relevant Tariff Orders as well as the orders of Hon'ble High Court cited in the representation/reply have been referred to for clarity.
16. The case file bearing Complaint No. 2214/202507/21 and orders passed on dated 26.09.2025 by the Consumer Grievance Redressal Forum Kasumpti, Shimla-171009 have been requisitioned and gone through in conjunction with above submissions & documents placed on record by both the parties, so as to have a comprehensive view of the case to arrive at judicious platform. The relevant extract from para (1) to para (20) of the said order also reiterated under the "**para-4**" above to arrive at legitimate conclusion.
17. The contentions of the Complainant detailed under **para-3**, reply of Respondent Board detailed under **para-11(A)**, Rejoinder submitted by the Complainant placed under **para-11(B)**, Arguments conducted at length & placed under **para-13**, have not been reiterated for the sake of brevity and may be referred to as cited above, however, where required have been reproduced only on specific contentions while doing analysis.
18. While scrutinizing the reply submitted by the Respondents, it has been observed that the Respondents at the very outset under '**Preliminary**

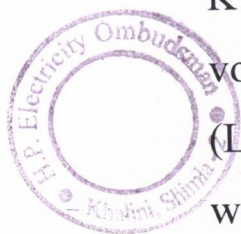


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Submissions' have rendered their contentions on maintainability which appears to be very vague in itself and recalling past experience on the similar averments which many times remained sub-judicious and finally fall in the favour of one party or the other, this authority in the interest of justice feels that in terms of regulation 33(2,3) read with 36(2) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 where the Ombudsman is guided by the principle of natural law of justice and further considering this platform as a judicious bench in the public interest to curb litigations, it shall be prudent to give an opportunity of being heard to either party as the contentions might carry reasonable arguments in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (CGRF& Ombudsman) Regulation, 2013, in the interest of justice. Hence, held maintainable to the extent of initiation of proceedings, however, the outcome shall be subject matter of further adjudication.

19. After further referring to the submissions made by the Complainant read with reply submitted by the Respondents and arguments advanced by the Id. Counsel for Complainant it has been observed that the Complainant is a consumer of LIPS category of HPSEBL with 14961 KW connected load & 14900 KVA contract demand having supply voltage at 66 KV and is paying Low Voltage Supply Surcharge (LVSS) being the standard supply voltage in the complainant's case works out to be 132 kV and in addition to LVSS levied, the Tariff is also being charged at 66 KV which he has contended to be at 132 KV.



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20. This authority at this juncture considers legitimate to reiterate para-2.4 of the Complainant's Representation which provides very vital information on the past adjudications and also asserts that the instant case is of the similar nature and apprehends same treatment.

2.4. That the issue at hand is no longer *res integra* and has been conclusively settled by this Hon'ble Authority in at least five identical cases, creating binding precedents which the Respondents have selectively ignored. This Hon'ble Authority has decided on the merits of the exact same cause of action in several cases, establishing a consistent legal position. The Respondents have even complied with some of these orders by issuing refunds, thereby admitting the correctness of the principle. The key precedents are:

- i. **M/s Vardhman Ispat Udyog (Complaint No. 11/2023):** This was the first such case where this Hon'ble Authority quashed the Forum's order and directed the Respondents to overhaul the account, apply the 132-kV tariff, refund the excess amount with interest, and apply LVSS as per tariff provisions. A review application (No. 18/2023) filed by the board was subsequently dismissed by this Authority after the Hon'ble High Court quashed the interim stay, solidifying the original order.
 - ii. **M/s Aggarwal Steel Industries Pvt. Ltd. (Complaint No. 22/2023):** This case is identical to the Complainant's, involving the same Gwalthai industrial area, the same actual supply voltage (66 kV), and a contract demand (16,000 kVA) that mandates a 132 kV standard supply voltage. This Authority directed a settlement based on the *Vardhman Ispat Udyog* order.
 - iii. **M/s Kundlas Loh Udyog (Complaint No. 25/2023 & 24/2025):** In these cases, this Authority not only directed the application of the 132 kV tariff but also laid down the precise methodology for interest calculation under Clause 5.7.3 of the Supply Code, confirming that interest is payable from the date of wrong billing until the date of final adjustment.
 - iv. **M/s Amba Shakti Ispat Ltd (Complaint No. 04/2024):** This case also involved the same principles and was directed to be settled in line with the order in *Vardhman Ispat Udyog*.
 - v. **M/s Indorama Industries Ltd. (Complaint No. 06/2024):** This was another identical matter where this Authority found the same cause of action and directed settlement based on the *Vardhman Ispat Udyog* precedent.
- The Ld. Forum completely failed to consider these binding precedents cited by the Complainant. The Respondents' refusal to grant the same relief to the Complainant is discriminatory and arbitrary. **The matter falls squarely within Regulation 33(1)(d), as it is of the same cause of action already settled on merits by the Ombudsman.**

21. It has been observed that all the above cases being of similar type, had been settled in the past based on order dt. 03.06.2023 issued by that Ombudsman in complaint No.11/2023 in the matter of "M/s Vardhman Ispat Udyog V/s HPSEBL" which needs to be readdressed to assesses whether the instant matter is also akin to the



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earlier matters dealt under the behest of Regulation 33(1))d) as mentioned herein above contentions by the Complainant under para 2.4 of the representation which reads as *“The matter falls squarely within Regulation 33(1)(d), as it is of the same cause of action already settled on merits by the Ombudsman”*.

22. Scrutiny of the submissions made by the Complainant, Reply submitted by the Respondents, arguments advanced and documents placed on record it has been observed that the contentions in the instant case are of similar nature in principle as that of earlier dealt in case No. No.11/2023 in the matter of **“M/s Vardhman Ispat Udyog versus HPSEBL”** as here in the instant case also the supply voltage is 66 KV and Standard supply voltage is 132 KV and the same issue arose whether the Tariff should be based on supply voltage or on the basis of 132KV standard supply voltage wherein the Complainant contends that he should be levied Tariff of 132KV Standard Supply voltage as in addition to energy charges he is also paying LVSS (Low Voltage Supply Surcharge).

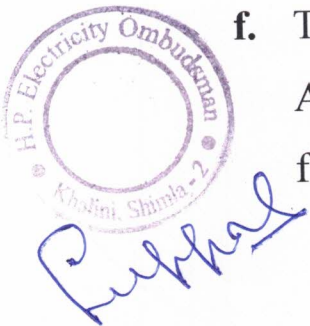
23. Scrutiny of the record reveals that earlier the Respondent also filed a **Review Application** against the final order dated 03/06/2023 passed by **that Ombudsman** in case No. 11/2023 in the matter of **“M/s Vardhman Ispat Udyog versus HPSEBL”** which was received and registered as case No. 18/2023 and draws attentions on the following salient features of the case which are required to arrive at assiduous facts:



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- a. That this court issued an Interim order dt. 27/07/2023 with liberty to Respondent to seek clarification from Hon'ble Commission as contended vigorously by the Respondent during hearing on dt.27/07/2023 in the court room.
- b. That in the meantime, the operation of this Appellate Forum Interim order dt. 27/07/2023 was stayed by the Hon'ble High Court Order dt. 19/08/2023 in CMPMO No. 449/2023.
- c. That in due cognizance to the above order of Hon'ble High Court, further proceedings in this court thereafter were kept on abeyance vide order dt.22/08/2023 of this Authority till further order of Hon'ble High Court in the said matter.
- d. That the Hon'ble High Court vide order dt.27/03/2024 in CMPMO No. 449 of 2023 quashed the Interim order dt.27/07/2023 passed by this Authority in the said review Application No.18/2023 in complaint No. 11/2023.
- e. That under **para-47** in the above said order dt.27/03/2024, the Hon'ble High Court imparted certain specific directions which reads as *"Not only this, it would be noticed that the grounds taken in the review petition could at best be grounds for appeal, but do not qualify for being termed as "sufficient grounds for a review" given the limited scope under 37(8)(i) of the Regulations.*
- f. That in due cognizance to the above directives, the Review Application No.18/2023 filed by the Respondent Board against final order dated 03/06/2023 passed by that Ombudsman in case





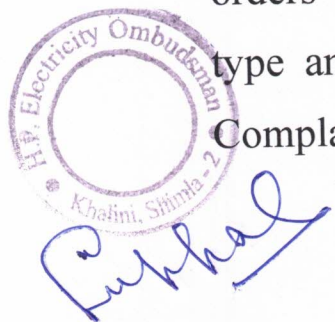
No. 11/2023 in the matter of “M/s Vardhman Ispat Udyog versus HPSEBL” was disposed as dismissed.

24. Further scrutiny of documents placed on record reveal that the Respondents thereafter the above order dt.27/03/2024 of Hon’ble High Court, filed an appeal in the matter of HPSEBL V/s Vardhman Ispat Udyog and another **challenging the order dt.03.06.2023 of that Ombudsman in case No.11/2023**, which was registered as **CWP No. 8001/2025 and decided on 15.07.2025**. The relevant extract of decision of the Hon’ble High Court is recapitulated for prudent understanding as under:

“Para-8 It is evident from the judgement that was passed by this court in CMPMO No. 449/2023, M/s Vardhman Ispat Udyog V/s HPSEB and another(Annexure P-12) that filing of the review before the Ombudsman at the first instance, was nothing but an abuse of the process of law, as the Hon’ble Coordinate Bench of this Court returned the findings that the grounds urged in the review petition were those which could have been taken in appeal. These findings returned by Hon’ble Coordinate Bench have attained finality”.

“Para-11 -----Accordingly, in the light of above discussions, as this court concurs with the submissions made by learned Senior Counsel for Respondent No.1 that the petition is hit by delays and latches, which has not been satisfactorily explained and further as the filing of the writ petition is nothing but an abuse of the process of law, the same is dismissed on said count. Pending miscellaneous applications, if any, also stand disposed of”.

25. After referring to the above relevant extract of order dt.15/07/2025 of Hon’ble High Court in **CWP No. 8001/2025**, this authority draws meticulous inferences that the principal order dt. 03.06.2023 of that Ombudsman stands upheld as on now on the basis of which the future orders were issued in terms of Regulation 33(1)(d) being of similar type and supplements the contention placed by the Id. Counsel for Complainant during arguments. This further prompts this authority to





recap the Order dt. 03.06.2023 of that Ombudsman in Complainant No. 11/2023 in the matter of “M/s Vardhman Ispat Udyog V/s HPSEBL” which is the pivot for sparking decision in all similar types of ensuing cases as well as instant case. **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 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.*

26. The Complainant in his Rejoinder under para-3 asserts that the instant complaint (Complaint No. 39/2025, M/s Suraj Fabrics) is exactly similar to matters already decided by the Ombudsman, specifically Case No. 11/2023 (M/s Vardhman Ispat Udyog), Case No. 25/2023 (M/s Kundlas Loh Udyog), and Case No. 22/2023 (M/s Aggarwal Steel Industries Pvt. Ltd.).



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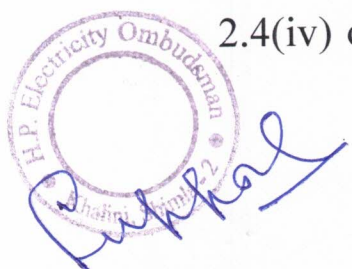
27. This authority after ending with the process of adjudication could conceive that the cause of action in principle is the same in the instant case as that of earlier cases dealt under clause 33(1) (d) and the same has not been refuted by the Respondents during arguments and this authority after referring to all documents placed on record and listening to the arguments in details, deduces that the matter in the instant case as well as averments placed before this authority are exactly replica with same cause of action which already stand adjudicated at length before that Ombudsman during proceedings in case No.11/2023 in order dt. 03.06.2023 in the matter of **HPSEBL V/s Vardhman Ispat Udyog** and attracts provisions of **Regulation 33(1)(d)** of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Ombudsman) 2013 under **Pre-conditions /Limitations for entertaining complainant's representation and attracts same provisions in the instant case also which 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;”

28. Before landing to the conclusion, this authority precisely refers the para 2.4(iv) of the Representation filed by the Complainant which reads as





“iv. *M/s Amba Shakti Ispat Ltd (Complaint No. 04/2024): This case also involved the same principles and was directed to be settled in line with the order in Vardhman Ispat Udyog.*”

29. The Complainant further added that **the matter falls squarely within Regulation 33(1)(d), as it is of the same cause of action already settled on merits by the Ombudsman.**

30. It has also been observed that the Complainant has also attached the following orders of the Hon'ble High Court and Respondent also mentioned in its Reply under **para 2.4** as well as during proceedings regarding challenging of the following orders in Hon'ble High Court and subsequent stay granted in case of **M/s Amba Shakti Ispat and others in CWP No. 13701 of 2025:**

- i. M/s Aggarwal Steel Industries Pvt. Ltd. (Complaint No. 22/2023); (CWP NO.14188/2025) (notice served)
- ii. M/s Kundlas Loh Udyog (Complaint No. 25/2023 & 24/2025); (CWP NO.16776/2025) (notice served)
- iii. M/s Amba Shakti Ispat and others in CWP No. 13701 of 2025, (*Till further orders, operation of order dt.08.04.2024, shall remain stayed.*)

31. After referring to the above orders assailed by the Respondents to the Hon'ble High Court with subsequent notice served and stay granted on the operation of order dt. 08.04.2024 in the case of M/s Amba Shakti Ispat & others in CWP No. 13701 of 2025 **puts this authority under constraints to issue any order** when the Complainant is also well aware of that this case (Amba Shakti) also involves the same principles as that of the order in Vardhman Ispat Udyog” **and the instant case 39/2025 also falls squarely within Regulation 33(1)(d), as it is of the same cause of action already settled on merits by the Ombudsman &**

Signature



involves same principles as well as the present status of all these case of similar cause of action before the Hon'ble High Court.

32. After examining the contentions raised by the Complainant in conjunction with reply submitted by the Respondents and subsequent rejoinder, this authority in due cognizance to the '**Hierarchy of Adjudication System**' is under constraint to pass any order at this stage in the instant matter till vacation of stay or disposal of pending adjudication before Hon'ble High Court and hence, in terms of foregoing findings the complaint filed by **M/s Suraj Fabrics Industries Ltd. Complainant Patch No.03& 04, Phase II, Industrial Area, Gwalthai distt. Bilaspur 174201** is here by disposed of with liberty to the Complainant to file afresh in line with orders to be issued by the Hon'ble high court in the similar matters.

The order is also placed at site for the convenience of reference as well as conveyed telephonically.

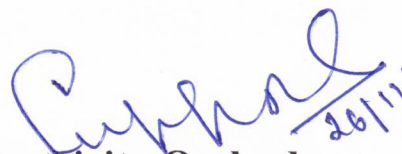
The case file is consigned to record room and order is also placed at site as well as conveyed telephonically for the convenience of reference.

Given under my hand and seal of this office.

Dated: 26/11/2025

Shimla




26/11/2025
Electricity Ombudsman