



In the matter of:

Complaint No. 02/2026

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

– Complainant

Vs

- 1. The Sr. Executive Engineer, Electrical Division, HPSEBL,
Baddi, Distt. Solan (HP)-173205.**
- 2. The Assistant Engineer, Elect. Sub-Division, HPSEBL
Manpura, Distt Solan-174101**

-Respondents

Complaint No. 02/2026 (Registered on 28/01/2026)

(Orders reserved on 07/03/2026, Issued on 16/03/2026)

Counsel for:

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

The Respondents: - Sh. Kamlesh Saklani, Under Sectt. Law

- Sh. Rajesh Kashyap, Advocate

- Er. Mukesh Bharadwaj, AE, ESD, Manpura

CORAM

Er. Deepak Uppal

HP Electricity Ombudsman

Order

1. Brief Facts of the Case:

- a. M/s Claridge Moulded Fibre Limited (Unit-I), have filed an
Application, under provisions of Regulation 28(1)(b) of Himachal
Pradesh Electricity Regulatory Commission (Consumer Grievances**



Deepak



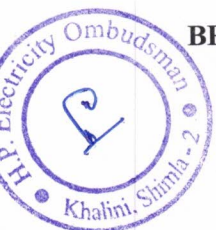
Redressal Forum and Ombudsman) Regulations, 2013, received & registered on 28/01/2026, for passing necessary orders or directions with a prayer to set a side order dated 27.12.2025 passed by Consumer Grievance Redressal Forum at Kasumpti in Complaint No.1432/202510/29 with further prayer to grant reliefs as contended in the present representation. As per record copy of the Complaint had also been sent by post on dated 28.01.2026 by the Complainant to the concerned Respondents. The matter to be admitted only after listening to both the parties.

b. It has been observed that the Complainant in the instant complaint is claiming 'Interest' w.e.f. 23.04.2008 in terms of code 5.7.3 of the HP Electricity Supply Code on the amount of Rs 7,52,250/- deposited as 25% of the disputed amount by the Complainant at the behest of directions passed by the Id. FRGC on 23.08.2008, which was further allowed for refund by the Id. CGRF vide its Orders passed on 16.11.2024 after it was remanded back by Hon'ble High Court vide order dt.11.09.20219 and subsequently, had been refunded by the Respondent on 08.04.2025.

2. The case was listed for admission hearing on 29/01/2026. In order to facilitate further pleadings in a comfortable domain, the contentions of the complainant are first restated as under.

The Complainant Contends:

BRIEF FACTS OF THE CASE:





HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTAL COMPLEX, SHIMLA-171002

Phone: 0177-2624525, email: ombudsmanelectricity.2014@gmail.com

1. Briefly stated the facts of the case are that the complainant is limited company duly incorporated under the Companies Act and is having its works at Malkumajra, District Solan, H.P. The complainant company is a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and can by the said name sue or be sued. Shri Amarjeet Singh is its authorized representative and is a competent person to file, sign and verify the present representation, / complaint, rejoinders, applications and other pleadings on behalf of the company. He is competent person to depose on oath as to the facts of the complaint.
2. 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. The copy of bill dated 08.04.2004 is annexed herewith as **Annexure C-1** and copy of Order dated 30.08.2011 is annexed herewith as **Annexure C-2**.
3. 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. has 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.
4. That after remand of the matter by the Hon'ble High Court of H.P., the complaint of the complainant has been admitted as Complaint No. 1426208019 (1432/202409/31) by the Ld. CGRF on 28.09.2024.
5. 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 is 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-3**.
6. That the complainant company filed representation before the Ld. H.P. Electricity Ombudsman at Shimla under Regulations 28(1)(c) of H.P.E.R.C. (C.G.R.F. and Ombudsman) Regulations 2013, as the respondents did not comply with the Order dated 06.11.2024 within 21 days from the date of passing of the same, as required under Regulation 27. The copy of representation is annexed herewith as **Annexure C-4**.
7. That the respondents made statement during the course of proceedings before the Ld. H.P. Electricity Ombudsman to the effect that they have allowed refund of Rs. 7,52,250/- in the monthly energy bill dated 08.04.2025. The said amount of Rs. 7,52,250/- (20% of Rs. 30,09,000) was deposited by the complainant company in terms of interim order dated 23.04.2008 passed by the Ld. C.G.R.F. in complaint No. 1426/2/08/019 with the respondents. The copy of monthly energy bill dated 08.04.2025 is annexed herewith as **Annexure C-5**. The representation of the complainant was disposed of on 09.07.2025 vide the copy of order dated 09.07.2025 passed in case No. 12/2025 annexed herewith as **Annexure C-6**.
8. That the Ld. CGRF has dismissed the complaint No. 1432/2025/10/29 on 27.12.2025 as was filed by the present complainant before the Ld. CGRF with the observation that the same is not maintainable as the Ld. Ombudsman has decided the matter in controversy. The copy of Order dated 27.12.2025 passed by the Ld. CGRF is annexed herewith as **Annexure C-7**. The complainant/representationist feeling aggrieved and dissatisfied with the impugned order dated 27.12.2025 passed in complaint no. 1432/2025/10/29, filed the present representation before this Ld. Authority, inter-alia on the following grounds:

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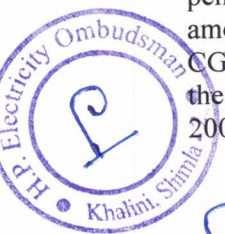
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GROUND OF REPRESENTATION:

A) That the Order dated 27.12.2025 passed by the Ld. CGRF in complaint No. 1432/202510/29 is patently erroneous, unsustainable in law and deserves to be set-aside by this Ld. Authority.

B) That the Ld. CGRF has gravely erred in not appreciating that in the original complaint No. 1426/2/08/019 filed on 23.04.2008 before the then Ld. FRGC, the complainant had prayed for quashing the demand of Rs. 30,09,000/- raised in bill dated 08.04.2004 as sundry and in bill dated 11.5.2004 as arrears. The Ld. FRGS in terms of Order dated 30.08.2011 quashed the demand of Rs 30,09,000/- and directed the licensee to refund Rs. 7,52,250/- as was deposited in pursuance to the interim order dated 23.04.2008. The matter was remanded to the Ld. Forum by the Hon'ble High Court of H.P. to adjudicate upon the complaint afresh on the basis of pleadings already on record, in terms of order dated 11.11.2019 passed in CWP No. 3704/2012, the Ld. Forum below, after remand of the matter, decided the complaint No 1426/2/08/019-1432/202409/31 on 06.11.2024 and thereby quashed the monetary demand and ordered for the refund of Rs. 7,52,250/- in favour of the complainant. The complainant /representationist filed representation under Regulation 28(1)(c) for non-compliance of order dated 06.11.2024 before this Ld. Authority and the said representation was registered as complaint No. 12/2025. This Ld. Authority in terms of order dated 09.07.2025 passed in case No. 12/2025 disposed of the representation with this observation that the licensee has made refund of Rs. 7,52,250/- to the complainant in the bill dated 08.04.2025. In para 9 of the Ibid order dated 09.07.2025, this Ld. Authority has made observation that the matter was strictly confining to the implementation order of Ld. CGRF and involves no directions towards payment of interest on Rs. 7,52,250/-. The Ld. CGRF has gravely erred in not appreciating that there was no occasion for the complainant to claim relief of granting interest on Rs. 7,52,250/- in the original complaint as the said amount was deposited in terms of interim direction of Ld. CGRF dated 23.04.2008 as 25% of Rs. 30,09,000/- in order to maintain the complaint under the then Regulations. It is further submitted that the Ld. CGRF has not appreciated that the provision of para 5.7.3 qua interest was introduced in the HP Electricity Supply Code 2009, notified on 26.05.2009 and specified by the HPERC under Section 50 of the Electricity Act 2003. Further, there was no occasion for the complainant to claim interest in the prayer clause of the complaint filed in the year 2008 qua the interest on Rs. 7,52,250/- as was deposited in pursuance to interim order dated 23.04.2008. The Ld. CGRF has further gravely erred in not appreciating that the complaint No. 12/2025 of the complainant was under Regulation 28(1)(c) for non-compliance of order dated 06.11.2024 passed by the Ld. CGRF and the same was not under Regulation 28(1)(b) of the Ibid Regulations 2013. The refund of interest on Rs. 7,52,250/- was neither subject matter in case No. 12/2025 nor the same was claimed before the Ld. CGRF in original complaint No. 1426/2/08/19 and as such, the findings returned by the Ld. CGRF in the impugned order to the extent that matter stood already raised before the Ld. Ombudsman and consequently the complaint No. 1432/202510/19 is not maintainable in view of provisions of Regulations 19(a) of Ibid Regulations 2013, are perverse, erroneous, illegal and unsustainable in law. It is submitted that proceedings before the Ld. Electricity Ombudsman were under Section 28(1)(c) for non-implementation of order of Ld. CGRF dated 17.12.2025 and not proceedings under Regulation 28(1)(b) for awarding interest on Rs. 7,52,250/- to the complainant and further there exists no final adjudication in awarding or disallowing the interest on Rs. 7,52,250/- by the Ld. HP Electricity Ombudsman in complaint No. 12/2025 and as such, the Ld. CGRF has gravely erred in holding the complaint as not maintainable in view of Regulation 19(a) is palpably erroneous, unsustainable, illegal and deserves to be quashed and set-aside by this Ld. Authority by allowing the present representation.

C) That the Ld. CGRF has gravely erred in not appreciating that the cause of action to institute and file complaint No. 1432/202510/29 for claiming therein interest on Rs. 7,52,250/- arose during the pendency of the complaint No. 12/2025 when the Assistant Engineer apprised this Ld. Authority that the amount of Rs. 7,52,250/- stood released to the complainant and that the order dated 06.11.2024 of Ld. CGRF has been implemented. Faced with the situation, the complaint No. 1432/202510/29 was filed by the complainant before the Ld. CGRF for claiming interest in terms of the provisions of Supply Code 2009 and amended provisions thereto.



Signature



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D) That in equity the Id. Forum ought to have allowed the claim of interest on Rs. 7,52,250/- as the respondents/licensee have utilized the amount of Rs. 7,52,250/- for a considerable period from the date of its deposit and the refund of said amount stood withheld by the respondents.

9. That there is no representation filed by the complainant/representationist, in respect of the same grievances, nor is pending in any proceedings before any Court or Tribunal or Arbitrator or any other authority.

10. That no representation was earlier made in respect of the present grievances before this Hon'ble Authority.

11. That the present representation for redressal of grievances of the complainant is within the statutory period of limitation as prescribed in the ibid Regulations 2013 as the copy of order dated 27.12.2025 was delivered to the complainant on 05.01.2025.

3. In order to have clarity on the findings of Id. CGRF w.r.t. above contentions of the Complainant, the order dt.2712/2025 in Complaint No.1432/202510/29 needs to be reiterated in totality for record and reference as under:

Brief Facts of Complaint:

(1) Complaint has been filed under regulation 17 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by Complainant M/s Claridge Moulded Fibre Limited, Village Malkumajra, P.O. Bhud, Tehsil Nalagarh, District Solan, HP, who is a consumer of HPSEB Ltd bearing consumer ID 100012002956 and the HPSEB Ltd is the distribution licensee and Respondent herein;

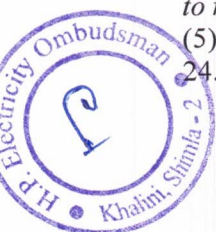
(2) Originally Complainant in the year 2008 had filed complaint No 1426/2/08/019 before the 'Forum for Redressal of Grievances of the Consumers' (or the FRGC). At that time, the complaint was filed before the Ld FRGC under the HPERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2003 notified on 23.10.2003 by the HP Electricity Regulatory Commission (or the HPERC);

(3) The ibid original complaint filed in the year 2008 was decided by the then Ld FRGC on 30.08.2011. Thereafter, the Respondent Board preferred CWP No 3704 of 2012 before the Hon'ble High Court of Himachal Pradesh and impugned the said Order passed by the Ld FRGC. Vide Judgement / Order passed on 11.11.2019, the Hon'ble Court set aside the said impugned Order dated 30.08.2011 passed by the Ld FRGC and disposed the said petition;

(4) While setting aside the impugned Order dated 30.08.2011 passed by the Ld FRGC, the Hon'ble Court vide ibid Judgement / Order passed on 11.11.2019, was pleased to remand the matter back to the Forum with directions to adjudicate upon the complaint afresh after the parties and by passing a reasoned and speaking order based upon the pleadings already on record. For the sake of convenience, the relevant extract of the Hon'ble Court's Order are reproduced hereinafter --
"..... 6. This Writ Petition is accordingly disposed of by setting aside Annexure P-3 i.e. order dated 30.08.2011, passed by the Forum for redressal of grievances of Himachal Pradesh State Electricity Board Consumers. The matter is remanded back to the said Forum with the direction to adjudicate upon the complaint filed before it by the private respondent afresh after hearing all the parties and by passing a reasoned and speaking order. The order shall be passed on the basis of the pleadings which are already on record before the learned Forum.

7..... the petitioner-Board shall not force the respondent to pay any additional disputed sum during the pendency of the complaint before the learned Forum, nor the respondent shall press the petitioner-Board to release money which it has paid to the petitioner during the pendency of the complaint...."

(5) In terms of the ibid Judgment / Orders passed by the Hon'ble Court on 11.11.2019, the Respondent on 24.09.2024 filed an Application before this Forum (CGRF) for hearing the complaint afresh. Forum





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registered the complaint as 1426/2/08/019-1432/202409/31 and after its adjudication, decided the matter by passing reasoned and speaking Order on 16.11.2024;

(6) In the said Order dated 16.11.2024 passed by the Forum on 16.11.2024, the monetary demand raised by the Respondent on 08.04.2004 / 11.05.2004 for Rs 30,09,000/- was set aside by the Forum with directions to the Respondent to refund Rs 7,52,250/- paid by the Complainant as 25% of disputed amount by the Complainant at the behest of Orders passed by the Ld FRGC on 23.08.2008 in the matter;

(7) The Complainant now is again before the Forum praying for allowing Interest w.e.f 23.04.2008 in terms of code 5.7.3 of the HP Electricity Supply Code (Second Amendment) Regulation, 2018 on the refund amount of Rs 7,52,250/- made by the Respondent on 08.04.2025.

ORDER

(8) Forum has examined the relevant provisions of The Electricity Act, 2003, various relevant Regulations framed by the HP Electricity Regulatory Commission (or the HPERC) including the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and the HP Electricity Supply Code, 2009 and amendments thereto;

(9) In the instant matter, during the course of proceedings in the matter, at the outset Forum finds that it had passed Orders on 06.12.2025 to tag/attach the complete original case file No 1426/2/08/019-1432/202409/31 filed by the Complainant. Forum has gone through the said case / complaint No 1426/2/08/019-1432/202409/31 and Order dated 16.11.2024 passed by the Forum in the said complaint;

(10) During the final hearing in the matter, the Respondent placed on record the Order passed by Ld Ombudsman on 09/07/2025 in case / complaint No 12/2025 preferred in the matter by the Complainant before the Ld Ombudsman;

(11) Forum has heard the parties present on the date of final hearing. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by the parties present;

(12) Forum observes that the Complainant in the instant complaint is claiming 'Interest' on refund amount of Rs 7,52,250/-, which was allowed by this Forum (CGRF) vide its Orders passed on 16.11.2024. This amount of Rs 7,52,250/- had been paid by the Complainant at the behest of Orders passed by the Ld FRGC on 23.08.2008;

(13) Forum from examination of original case observes that when the original complaint No 1426/2/08/019-1432/202409/31 was decided by this Forum (CGRF) and Order passed by it on 16.11.2024, at that time the issue of Interest was never before it and therefore the Forum did not pass any Orders with regard to 'Interest' now being claimed in the instant complaint. Forum also does not find any separate prayer for claim of 'Interest' that may have been made by the Complainant during the adjudication of said original complaint No 1432/202409/31;

(14) Forum observes that the instant complaint has been filed after a complaint No 12/ 2025 was filed by the same Complainant in the matter before the Ld Ombudsman and Order passed by the Ld Ombudsman in the said complaint on 09.07.2025;

(15) From perusal of regulation 28(b) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, Forum finds that if the Complainant is not satisfied with the Orders passed by the Forum then it is entitled to file Representation before the Ld Ombudsman against Orders passed by the Forum;

(16) From perusal of regulation 33(e) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, Forum further finds that the Ld Ombudsman may entertain Complainant's Representation if the Complainant is not satisfied with the redressal of its grievance by the Forum;

(17) Forum has gone through the said Order dated 09.07.2025 passed by the Ld Ombudsman in representation / complaint No 12/ 2025 filed before it by the Complainant;



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(18) From perusal of ibid Order passed by the Ld Ombudsman on 09.07.2025, Forum in para 2(g) to para 2(h) of the said Order finds that the Complainant had raised the matter of 'Interest' before the Ld Ombudsman and the Ld Ombudsman in para 8 to para 11 of the said Order had considered the same and thereafter passed the said Order dated 09.07.2025;

(19) In this regard, Forum finds the following provisions in regulation 19(a) of the HPERC (Consumer Grievances Redressal Forum and

Ombudsman) Regulations, 2013 (or the CGRF Regulations) which is reproduced hereinafter:-

"19. Limitations/ pre-conditions for submission of grievance. - The Forum may reject the grievance at any stage under any or more of the following circumstances:-

(a) in cases where proceedings in respect of the same matter and between the same Complainant and the licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;"

(20) In view of foregoing, Forum concludes that once the matter has been raised by the Complainant before the Ld Ombudsman and appropriate Orders passed by the Ld Ombudsman, then in view of the ibid provisions of regulation 19(a) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the instant complaint ceases to remain maintainable before this Forum, such in the view of this Forum having already been adjudicated by the Ld Ombudsman.

On aforesaid terms the complaint is '**Dismissed**' and accordingly disposed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 27.12.2025 at Shimla in open Forum.

Certified copies of this Order be supplied to the parties. The complaint along with this Order be consigned to record room for safe custody.

4. Case called, the matter was heard for admissions on 29.01.2026. The Counsel for Complainant could not attend the Court owing to unavoidable circumstances and conveyed inability, telephonically. After listening to the Id. Counsel for Respondents and agreeing for initiation of proceedings, the matter was admitted to the extent of initiation of proceedings thereof. The Respondent Board was directed to submit reply on or before 16/02/2026 with a copy of reply to the Complainant and Rejoinder if any, to 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 07/03/2026 at 12:00 PM. or Immediately thereafter subject to submission of said documents.
5. The Respondents submitted reply on dt. 05/03/2026 in compliance to this court's order dt.29/01/2026 which was taken on record and ensured supply of



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copies to the Complainant. The same is also reiterated as under in totality to have overall view of the response of Respondents.

The Respondent Contends (Reply):

Preliminary submissions:

1. That the representation as preferred by the complainant is not maintainable in the eyes of the Law, hence liable to be dismissed, as it is based on conjectures and surmises.
2. That the relief sought by the complainant is not tenable in law, as the Ld. Forum below has correctly passed the order dated 27.12.2025 after thoroughly examining the case records. Ld. Forum's decision is based on a thorough review arguments presented by both the parties, on the pleadings of the parties and the Id. Forum has categorically appreciated the applicable provisions of the 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.
4. That the present representation is wholly misconceived, not maintainable and liable to be dismissed in *limine*. The complainant seeks to re-agitate an issue which already stood considered in earlier proceedings before this Hon'ble Authority in Case No. 12/2025 decided on 09.07.2025. The present proceedings are nothing but an abuse of process of law and an attempt to circumvent the statutory finality attached to orders passed by this Hon'ble Authority under the HPERC (CGRF & Ombudsman) Regulations, 2013.
5. That the matter is barred under Regulation 19(a) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, which clearly provides that the Forum may reject a grievance where a final order has already been passed by any competent authority in respect of the same matter between the same parties. The learned CGRF has rightly applied the said provision while dismissing Complaint No. 1432/2025/10/29 vide order dated 27.12.2025.
6. That the complainant is impermissibly seeking review/enlargement of the Order dated 06.11.2024 passed by the CGRF. Neither the CGRF nor this Hon'ble Authority exercises any power of review unless expressly provided under the Regulations. The attempt to seek interest, which was neither prayed for nor granted in the original adjudication, amounts to seeking modification of a concluded order, which is legally untenable.
7. That the representation is beyond the scope of Regulation 28(1). The earlier representation before this Hon'ble Authority (Case No. 12/2025) was under Regulation 28(1)(c) confined strictly to alleged non-compliance. This Hon'ble Authority, after considering the matter, recorded that refund of ₹7,52,250/- had been granted in the energy bill dated 08.04.2025. The issue stood closed. The complainant cannot now reopen the matter in the guise of a fresh grievance. It is further submitted that if the order dated 06-11-2024 in complaint No 1426/2/08/019- 1432/202409/31 passed by the Id. CGRF is seen, and then it will leave no manner of doubt that the Id. Forum has not granted interest on the refund. The operative para of the final order of the Id. forum is reproduced as under:-

“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 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.”

It is pertinent to mention here that the complainant never challenged the ibid order before the Id. Ombudsman under Regulation 28 (1) (b) of the HPERC (CGRF and Ombudsman) Regulations,





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2013. Thus the final order of the Id. Forum stands attained its finality. Now at this point of time, the finding of the Id. Forum cannot be questioned. Thus the representation of the complainant is meritless and liable to be dismissed.

Reply to Ground of Representation: -

1. That the contents of para, regarding the status of the complainant company are matters of record. However, nothing stated therein entitles the complainant to the relief of interest as now claimed. The remaining submissions are formal and need no specific reply.
2. That the contents of this Para are matter of record that Complaint No. 1426/2/08/019 was filed before the then FRGC and that order dated 30.08.2011 was passed. However, it is respectfully submitted that the said order was subsequently set aside by the Hon'ble High Court and therefore cannot be relied upon independently by the complainant.
3. It is a matter of record that Civil Writ Petition No. 3704 of 2012 was filed and that the Hon'ble High Court remanded the matter for fresh adjudication. The contents being matters of judicial record need no further reply.
4. It is admitted that upon remand, the complaint was re-registered and heard by the CGRF. However, the respondents submit that the matter stood finally adjudicated vide order dated 06.11.2024.
5. The Respondent Board duly complied with the order dated 06.11.2024 passed by the Id. CGRF and credited the entire amount in the energy bill dated 08.04.2025. Compliance was acknowledged before this Hon'ble Authority in Case No. 12/2025, which was disposed of on 09.07.2025.
6. The contents are denied to the extent they allege non-compliance. The respondents had duly implemented the order dated 06.11.2024. The earlier representation before this Hon'ble Authority under Regulation 28(1)(c) was disposed of after recording compliance. Hence, the issue stood conclusively settled.
7. It is admitted that refund of ₹7,52,250/- was allowed in the energy bill dated 08.04.2025. The respondents reiterate that the amount deposited in 2008 was pursuant to an interim direction and was not an "excess billing" or wrongful recovery.
8. That the Contents of this Para are wrong, incorrect and hence denied. The learned CGRF has rightly dismissed Complaint No. 1432/2025/10/29 as not maintainable in view of Regulation 19(a) of the HPERC (CGRF & Ombudsman) Regulations, 2013.
The complainant is attempting to: Reopen concluded proceedings; Seek enlargement of relief not granted in original adjudication; Circumvent statutory finality attached to Ombudsman's earlier order dated 09.07.2025.

Hence there is no error, illegality, or perversity in the order dated 27.12.2025

Reply to grounds of representation

- A. That the contents of this para are denied. The order dated 27.12.2025 is legal, reasoned and passed after considering applicable Regulations. The complaint was rightly held to be barred under Regulation 19(a) of the Himachal Pradesh Electricity Regulatory Commission (CGRF and Ombudsman) Regulations, 2013.
- B. The contents of this para are misconceived and denied. It is submitted that the amount of Rs. 7,52,250/- was deposited by the complainant on 23.04.2008 pursuant to an interim direction of the erstwhile FRGC was a voluntary, litigation deposit, made solely due to an interim directive and hence such deposit is never treated as never treated as "excess billing" under the HP Electricity Supply Code or the Electricity Act. It is further that the complainant has misinterpreted Para 5.7.3 of the HP Electricity Supply Code (Second Amendment), 2018. The provision of para 5.7.3 of HP Electricity Supply Code, on its plain wording and established



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- interpretation, applies strictly and exclusively to *excess billing cases arising from meter-related or billing-calculation-related errors* and not to amounts deposited voluntarily or pursuant to an interim order.
- C. The content of this para are denied. No fresh cause of action arose. The cause of action, if any, arose at the time of adjudication of the original complaint. The complainant cannot split reliefs and initiate piecemeal litigation.
 - D. The contents of this para are denied. That Equity cannot override statutory framework. There is No provision in the Electricity Act, 2003 as well as in the HP Electricity Supply Code, 2009 for providing for payment of interest on interim deposits.
9. That the contents of this para are denied insofar as they imply maintainability. Even if no other proceedings are pending, the matter is barred by operation of Regulation 19(a) of the *ibid* regulations due to prior adjudication by this Hon'ble Authority.
 10. That the Contents of this Para denied for want of Knowledge hence needs no reply.
 11. It is submitted that the matter is barred by operation of Regulation 19 (a) and Regulation 33 (1) (c) and (d) due to prior adjudication by this Hon'ble Authority and thus liable to be rejected outrightly under sub-regulation (3) of Regulations 33 of the HPERC (CGRF and Ombudsman) Regulations, 2013.

Prayer

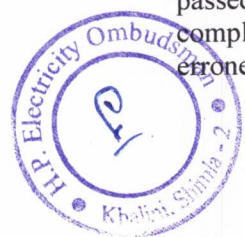
In view of the submissions made hereinabove, it is most respectfully prayed that the complaint/representation of the complainant be dismissed with costs, as being devoid of merit.

6. The Complainant submitted Rejoinder-cum-Written Arguments on dt. 07/03/2026 in the court room which was taken on record. The same also needs to be recapped for reference and record as under:

The Complainant's Additional Submissions (Rejoinder)

REPLY TO THE PRELIMINARY SUBMISSIONS:

1. That the contents of para No. 1 of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. The present complaint under Regulation 28(1)(b) is maintainable before this Ld. Authority as the findings returned in Order dated 27.12.2025 is palpably wrong, erroneous and unsustainable in law.
2. That the contents of para No. 2 of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. The Order dated 27.12.2025 is wrong, erroneous and unsustainable in law.
3. That the contents of para No. 3 (wrongly mentioned as para 4) of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. The complainant has not re-agitated the issue in the present complaint. The issue involved in the present representation is for the grant and awarding interest on the refunded amount of Rs. 7,52,250/- and the similar relief was claimed before the Ld. C.G.R.F. in complaint No. 1432/202510/29 decided on 27.12.2025. The representation No. 12/2025 decided on 09.07.2025 was under Regulation 28(1)(c) for non-compliance of Order dated 06.11.2024 passed in complaint No. 1426/2/8/019-1432/20240931. This Ld. Authority has very specifically made observations in its order dated 09.07.2025 that the matter was strictly confining to the implementation of Order of Ld. CGRF and involves no directions towards payment of interest. The Order dated 09.07.2025 passed in case No. 12/2025 in complaint under Regulation 28(1)(c) will not operate as resjudicata in complaint No. 1432/202510/29 and as such, the findings of the Ld. CGRF in its order dated 27.12.2025 is erroneous and deserves to be quashed and set-aside by this Ld. Authority.



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4. That the contents of para No. 4 (wrongly mentioned as 5) of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. The matter involved in complaint No. 1432/202510/29 was not barred under Regulation 19(a) of CGRF and Ombudsman Regulations 2013 and the findings of the Ld. CGRF are absolutely wrong and erroneous. The issue for claim of interest on Rs. 7,52,250/- was not directly or indirectly involved in case No. 12/2025 filed under Regulation 28(1)(c), as such, the findings of the Ld. CGRF to the effect that complaint is not maintainable under Regulation 19(a) are erroneous, illegal, wrong and deserves to be set-aside by this Ld. Authority by allowing the present representation.

5. That the contents of para No. 5 (wrongly mentioned as 6) of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. The elaborate submissions have been made in the foregoing paras.

6. That the contents of para No. 6 (wrongly mentioned as 7) of the preliminary submissions are absolutely wrong, misconceived and hence vehemently denied. It is further submitted that the contents of para under reply to the extent that the present representation is beyond the scope of Regulations 28(1) are wrong hence denied. It is submitted that the representation in case No. 12/2025 was confining strictly to Regulation 28(1)(c). The complainant is not precluded by any Regulations to claim interest on the refunded amount of Rs.7,52,250/- as the issue relating to the same was neither involved in previous litigations nor finally adjudicated by the Ld. Forum or this Ld. Authority. The Ld. CGRF has gravely erred in not adjudicating the grievances for awarding interest on Rs. 7,52,250/- in complaint No. 1432/202510/29. The Ld. Forum has wrongly attracted the provisions of Regulations 19(a) while deciding the said complaint for the grant of interest on Rs. 7,52,250/-. It is pertinent to mention here that the issue for claiming interest on Rs. 7,52,250/- (25% of 30,09,000/-) was not involved in complaint No. 1426/2/08/019-1432/202409/31 and as such, there was no occasion for the complainant to challenge the Order dated 06.11.2024 before this Ld. Authority under Regulation 28(1)(b).

REJOINDER ON BEHALF OF THE COMPLAINANT IN VIEW OF THE REPLY TO THE GROUNDS OF REPRESENTATION:

Paras 1to5. That the contents of paras No. 1 to 5 of the reply on merits to the grounds of representations do not call for rejoinder as the same are relating to the records. It is denied that the matter qua interest on Rs. 7,52,250/- stood already decided/adjudicated on 06.11.2024. averments made in the para, as represented, are wrong hence denied. The impugned order of Ld. CGRF is palpably erroneous and unsustainable as the same has been passed on assumptions and presumptions.

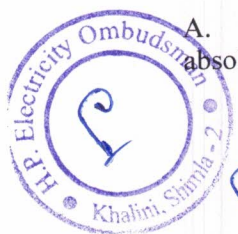
6 That the contents of para of the reply on merits are denied to the extent that the issue qua interest stood already conclusively settled. Rest of the contents of corresponding para 6 of the representation are reasserted and reiterated here.

Para 7 That the contents of para No. 7 of the reply are admitted to the extent that amount of Rs. 7,52,250/- stood adjusted in bill dated 08.04.2025. The amount of Rs. 7,52,250/- was deposited with the respondents pursuant to interim order of the FRGC (now CGRF) being 25% of Rs 30,09,000/- and subsequently the demand of Rs. 30,09,000/- stood quashed and set-aside by the Ld. CGRF and as such, the said deposit of Rs. 7,52,250/- tantamount to wrongful recovery and make the complainant entitled to claim interest thereon from the date of its deposit.

Para 8 That the contents of para No. 8 of the reply on merits are absolutely misconceived, wrong and hence vehemently denied and the contents of para No. 8 of the representation are reasserted and reaffirmed here. The Order dated 27.12.2025 is absolutely illegal, erroneous and perverse.

REJOINDER IN VIEW OF THE REPLY TO THE GROUNDS OF REPRESENTATION

A. That the contents of para No. A of the reply to the grounds of representation are absolutely misconceived. The Order dated 27.12.2025 is illegal, unreasoned and the findings of the Ld.



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CGRF to the extent that the complaint is not maintainable in view of Regulations 19(a) deserves to be reversed and set-aside.

B. That the contents of para No. B of the reply to the grounds of representation are absolutely misconceived and those of corresponding para B of grounds of representation are reasserted and reiterated here. The amount of Rs. 7,52,250/-, the demand of which stood quashed by the Ld. CGRF, tantamount to wrongful recover and the complainant is entitled for the interest from the date of its deposit. The demand of Rs. 30,09000/- in bill dated 08.04.2004 and 11.05.2004 on account of clubbing of load of two units of complainant tantamount to excess billing and 25% deposit towards the same i.e. Rs. 7,52,250/- fall in the expression of wrongful recovery.

C. That the contents of para No. C of the reply to the grounds of representation are absolutely misconceived and those of corresponding para C of grounds of representation are reasserted and reiterated here.

D. That the contents of para No. D of the reply to the grounds of representation are absolutely misconceived and those of corresponding para D of grounds of representation are reasserted and reiterated here.

Para 9. That the contents of para No. 9 of the reply are wrong, misconceived and vehemently denied and those of corresponding para 9 of representation are reasserted and reiterated here.

Para 10. That the contents of para No. 10 of the reply are wrong, misconceived and vehemently denied and those of corresponding para 10 of representation are reasserted and reiterated here.

Para 11. That the contents of para No. 11 of the reply are wrong, misconceived and vehemently denied and those of corresponding para 11 of representation are reasserted and reiterated here.

It is, therefore, most respectfully prayed that the representation of the complainant may kindly be allowed by granting the relief prayed for therein, in the interest of justice.

7. Case called, the matter was heard for final arguments on 07/03/2026. The counsel for Respondents and concerned Assistant Engineer appeared in the Court room along with the record and with the mutual Conesus of both the parties, the final arguments were conducted. The Id. Counsel for Respondents at the very outset prayed for dropping the name of Executive Director (Pers.), being a non-necessary party instead to implicate the name of **Sr. Executive Engineer, Electrical Division, HPSEBL, Baddi, Distt. Solan (HP)** being associated with the case. Prayer granted considering it as genuine.

8. **The Arguments of both during proceedings:**

The final arguments were conducted on 07/03/2026 and both the parties were given due opportunity to argue their contentions to the brim.





- a. At the very outset, the Id. Counsel for Complainant read out the contentions as stand reiterated above under para-2 along with the key points of the Rejoinder (ref. para-6) and emphasised that the complaint No. 12/2025 of the complainant was under Regulation 28(1)(c) for non-compliance of order dated 06.11.2024 passed by the Id. CGRF and now the same is under Regulation 28(1)(b) against the order dt.27.12.2025 passed by the Id. CGRF.
- b. He further added to his arguments that the issue involved in the present representation is for the grant and award of interest on the refunded amount of Rs. 7,52,250/- and the similar relief was claimed before the Ld. C.G.R.F. in complaint No. 1432/202510/29 decided on 27.12.2025 whereas the Representation No.12/2025 decided on 09.07.2025 was under Regulation 28(1)(c) for non-compliance of Order dated 06.11.2024 passed in original Complaint No. 1426/2/8/019-1432/20240931 by the Id. CGRF.
- c. The Id. Counsel for Respondents present in the court put forth his arguments with forceful assertions that the Complainant seeks to re-agitate an issue which already stood considered in earlier proceedings before this Hon'ble Authority in Case No. 12/2025 decided on 09.07.2025. He further added that the present proceedings are nothing but an abuse of process of law and an attempt to circumvent the statutory finality attached to orders passed by this Hon'ble Authority as well as by the Id. CGRF under the HPERC (CGRF & Ombudsman) Regulations, 2013.



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- d. The Id. Counsel for Respondents further placed his arguments on the averments that the complainant is impermissibly seeking review/enlargement of the Order dated 06.11.2024 passed by the CGRF. Neither the CGRF nor this Hon'ble Authority exercises any power of review unless expressly provided under the Regulations. **The attempt to seek interest, which was neither prayed for nor granted in the original adjudication while the proceedings were under process in the original Complaint No.1426/08/29-1432/202409/31 before Id. CGRF, amounts to seeking modification of a concluded order, which is legally untenable.**
- e. The Assistant Engineer appeared as Respondents during arguments also emphasized on the same points as that of argued by the Id. Counsel for Respondents and added that the contentions of the Complainant appear more or less seeking review on the earlier orders passed, by adopting different route now through Regulation 28(1)(b) which already stands attended when the Representation was filed under Regulation 28(1)(c) as in addition to the non-compliance of order dt.06.11.2024 of the Id. CGRF, the issue of interest was also added by the Complainant in original Representation 12/2025.
- f. After listening to the arguments advanced by both the parties, the order was kept reserved for examining the contentions to the depth before issuance of final order.
9. The documents annexed and placed on record and arguments advanced by both the parties have gone through in depth.



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10. The appropriate Acts, Supply Codes, MYT Regulation, relevant Tariff Orders have been referred to for clarity.
11. The case files bearing Complaint No. 1432/202510/29, original Complaint No.1426/08/29-1432/202409/31 and orders dt.27.12.2025 & 06.11.2024 respectively passed by the Consumer Grievance Redressal Forum Kasumpti, Shimla-171009 in the said Complaints have been requisitioned and gone through in conjunction with above submissions & documents placed on record by both the parties, so as to have a composite view of the case to arrive at judicious platform. The relevant extract from para (1) to para (20) of the instant order dt.27.12.2025 has also been reiterated under the “**para-3**” above to arrive at legitimate conclusion and for the sake of brevity the order thereafter is recapped only on specific contentions where required.
12. The case file in Original Complainant No. 12/2025 and subsequent order dt.09.07.2025 passed by this Authority have also been gone through to assess viability of contentions of the Complainant in the instant case.
13. The contentions of the Complainant detailed under **para- ‘2’**, reply of Respondent Board detailed under **para- ‘5’**, Rejoinder submitted by the Complainant placed under **para-6**, Arguments conducted at length & placed under **para- ‘8’** have been gone through in details and may be referred to as cited above, however, where required have been reproduced only on specific contentions while doing analysis. To arrive at legitimate consensus, the findings in the instant matter shall also carry detailed analysis while examining on merit.





14. Scrutiny of the record reveals that earlier the said matter was registered as Complaint No. 12/2025 in the court of this authority under Regulation 28(1)(c) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 on non-compliance of Id. CGRF order dt. 06.11.2024 in Original Complaint No.1426/08/29-1432/202409/31 where the point of “**interest**” as an additional point was also incorporated as one of the contentions which was otherwise supposed to be raised while the similar matter was under adjudication earlier before Id. CGRF in the original Complaint No.1426/08/29-1432/202409/31 inspite of the fact that the said complaint was filed under 28(1)(c) before this Authority. The following **salient** features were placed during proceedings of the said original case No.12/2025 and subsequently, the order was issued on 09.07.2025 after considering/ adjudicating all the aspects to the extent admissible, as contended:

- 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 in the favour of Complainant and the Ld. FRGC ordered for the refund of Rs. 7,52,250/- through next monthly energy bill paid on a/c of 25% advance payment against the disputed demand of Rs. 30,09,000/-.**
- 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. 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**





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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.
- 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.
- j. That the matter was heard on 16.06.2025. The ld. 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 ld. CGRF in Compliant No.1426/2/08/019-1432/202409/31** and 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.
- k. That the 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 ld. CGRF in compliant No. 1426/2/08/019-1432/202409/31 stands released and subsequently, the ld. 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 ld. CGRF. Accordingly, the documents were taken on record for reference.
- l. That however, in addition to above confirmation, the ld. 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.
- m. On the above contentions of the Complainant, the ld. Counsel for Respondents argued that the matter was strictly confining to the implementation of the order of ld. CGRF which does not carry any directions towards release of interest and accordingly stands complied/implemented confining to the said amount of Rs.7,52,250/-. In view of these arguments of the ld. Counsel for Respondents which were convincing one, the following pace took place for further adjudication:
 - i. The above arguments of the ld. Counsel for Respondents drew attention of this authority to make a glance on the directions imparted by the ld. CGRF in its said order dt.06/11/2024 to



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ensure whether any such instructions stood issued which might 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 was 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 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;”

- ii. That this authority after referring to the above para-77 was convinced that the said order dt.06.11.2024 passed by Id. CGRF on remand of matter to the Forum by the Hon'ble High Court vide order dt. 11.09.2019 in case No. 3704 of 2012, did not carry any exclusive directions for release of interest in addition to above refund which was issued by Id. CGRF, after hearing both the parties afresh based upon the pleadings already on record as mandated.
- iii. That 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 assertions of Respondent Board, deduced that **the matter did 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.**
- iv. That after listening to both the parties, conceiving their positive intention towards amicable settlement on record and after acknowledging the action of Respondent Board on implementation of the said order dt.06.11.2024 of Id. CGRF in letter & spirit, the arguments were concluded, the order reserved and **the said order dt.06/11/2024 of Id. CGRF was upheld. The relevant extract of operating part of order dt. 09/07/2025 issued in the said representation No. 12/2025 is also restated below for reference:**

“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 Id. 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 Id. 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”

15. Prima facia to the documents placed on record, it has been observed that after the above order dt. 09.07.2025 in Complaint No.12/2025 was passed by this Authority, the Complainant again approached Id. CGRF and filed



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afresh Complaint seeking 'interest' on the amount of Rs. 7,52,250/- in terms of clause 5.7.3 which was registered as Complaint No. 1432/202510/29 before CGRF and subsequently, the order dt.27.12.2025 was passed by the Id. CGRF or otherwise, the Complainant was supposed to raise this issue of interest as one of the issues while the matter was pending adjudication before Id. CGRF in **Original Compliant No.1426/2/08/019-1432/202409/31** which as per record was not raised.

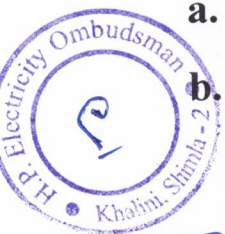
16. After issuance of order dt.27.12.2025 by the Id. CGRF, the Complainant again approached this authority under the provisions of Regulation 28(1)(b) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 which has now been registered as **Complaint No.02/2026**.

17. While scrutinizing the reply submitted by the Respondents, it has been observed that the Respondents at the very outset submits as under:

- a. That the representation as preferred by the complainant is not maintainable in the eyes of the Law, hence liable to be dismissed, as it is based on conjectures and surmises.
- b. That the complainant is impermissibly seeking review/enlargement of the Order dated 06.11.2024 passed by the CGRF. Neither the CGRF nor this Hon'ble Authority exercises any power of review unless expressly provided under the Regulations. **The attempt to seek interest, which was neither prayed for nor granted in the original adjudication, amounts to seeking modification of a concluded order, which is legally untenable.**
- c. It is pertinent to mention here that the complainant never challenged the ibid order before the Id. Ombudsman under Regulation 28 (1) (b) of the HPERC (CGRF and Ombudsman) Regulations, 2013. Thus, the final order of the Id. Forum stands attained its finality. Now at this point of time, the finding of the Id. Forum cannot be questioned. Thus, the representation of the complainant is meritless and liable to be dismissed.

18. The Complainant on these specific issues placed their counter averments as under:

- a. That the present complaint under Regulation 28(1)(b) is maintainable before this Ld. Authority as the findings returned in Order dated 27.12.2025 is palpably wrong, erroneous and unsustainable in law.
- b. That the Order dated 27.12.2025 is wrong, erroneous and unsustainable in law.





19. However, in the public interest and apprehensions of either party on their respective contentions which appear to be interpreted in their own tone of appropriateness, this authority opines that the justice cannot fly on the wings of surmises and asserts 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 as the contentions might carry reasonable arguments in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (CGRF & Ombudsman) Regulation, 2013, when heard. **Hence, held maintainable** only to the extent of initiation of proceedings, however, the outcome & sustainability of the contentions shall be subject matter of further adjudication. The above findings provide further platform to examine the contentions on merit judiciously, thereafter.

20. This authority feels it pertinent to first examine the essence of conclusive **para-(20)** in the above order dt.27.12.2025 passed by the ld. CGRF which needs to be reaffirmed being **playing pivotal role** in the instant case:

"(20) In view of foregoing, Forum concludes that once the matter has been raised by the Complainant before the Ld Ombudsman and appropriate Orders passed by the Ld Ombudsman, then in view of the ibid provisions of regulation 19(a) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the instant complaint ceases to remain maintainable before this Forum, such in the view of this Forum having already been adjudicated by the Ld Ombudsman."

21. Scrutiny, of the said para leaves pave to the understanding that no such directions regarding interest were passed by the ld. CGRF in its earlier order dt. 06.11.2024 and the spindle of judgement of instant order passed by the ld.

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CGRF ondt.27.12.2025 is still revolving on the pivot of the judgement of earlier order dt.06.11.2024 and subsequently, the order dt. 09.07.2025 passed by this authority in original Complaint No.12/2025 was confined to the order dt.06.11.2024 of ld. CGRF, after listening to the convinced arguments of ld. Counsel for Respondents who categorically mentioned in the court during final arguments on dt.07.07.2025 in case No.12/2025, that the **compliance of releasing an amount of Rs.7,52,250/- was strictly in accordance with the order dt. 06.11.2024 of ld. CGRF in Original Compliant No.1426/2/08/019-1432/202409/31 where the directions were only to release the amount of Rs.7,52,250/- and not 'interest' as contended by the Complainant as an additional contention.** This authority feels it pertinent to restate the very relevant extract of **para-(77)** of the order dt. 06.11.2024 which in totality already stands recapped under above para-14 (m) (i) :

"(77) ----- The impugned monetary demand, is accordingly set aside with directions to Respondent to refund the Rs 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;"

22. The above specific judgement dt.06.11.2024 passed by the ld. CGRF which is silent on the issue of **'interest'** draws attention of this authority to first examine in the interest of justice as to why the issue of **'interest'** not considered by the Complainant while the matter was under process of adjudication before the ld. CGRF in **Original Compliant No.1426/2/08/019-1432/202409/31**.

23. Scrutiny of the **para-(13)** of the order dt. 27.12.2025 passed by the ld. CGRF in the instant Complaint No.1432/202510/29 provides convincing statute which reads as *"(13) Forum from examination of original case observes that when the original complaint No 1426/2/08/019-1432/202409/31 was decided by this Forum (CGRF) and Order passed by it on 16.11.2024, at that time the issue of Interest was never before it and therefore the Forum*



did not pass any Orders with regard to 'Interest' now being claimed in the instant complaint. Forum also does not find any separate prayer for claim of 'Interest' that may have been made by the Complainant during the adjudication of said original complaint No 1432/202409/31";

This authority after divulging said para (13) of the instant order dt.27.12.2025 passed by the Id. CGRF, gathers considered opinion that neither the issue related to interest was raised by the Complainant nor any order in the absence of such prayer could be passed by the Id. CGRF with regard to the interest.

24. Whereas, the Complainant under '**para B of Grounds of Representation**' has elucidated his position by adding averments, the relevant extract of which reads as *"-----it is further submitted that the Ld. CGRF has not appreciated that the provision of para 5.7.3 qua interest was introduced in the HP Electricity Supply Code 2009, notified on 26.05.2009 and specified by the HPERC under Section 50 of the Electricity Act 2003. Further, there was no occasion for the complainant to claim interest in the prayer clause of the complaint filed in the year 2008 qua the interest on Rs. 7,52,250/- as was deposited in pursuance to interim order dated 23.04.2008-----"*
25. This authority after referring to the contents of **para-23** read with **para-24**, deduces that the Complainant was not **innocent & was well aware** of this aspect and further the highlighted portion of the contentions under **para-24** reveals, that it was well within the knowledge of Complainant to raise the said issue of interest but for '**reservation of the Supply code notification**' which was notified on 26.05.2009 could not raise this issue in early stage in year 2008 as contended under '**para B of Grounds of Representation**' in the instant Representation. However, this authority is failed to understand as to who stopped the Complainant not to raise this issue after the





notification of Supply code in 26.05.2009 when the matter remained pending adjudication even thereafter before the Hon'ble High Court in Civil Writ Petition 3704/2012 or even when the Respondents filed an Application on dt. 24.09.2024 before the Id. CGRF for hearing the Complaint **afresh** in compliance to the said order dt. 11.09.2019 of Hon'ble High Court and as per further delving of record reveals that the Complainant had all '**due opportunities**' for raising the issue of '**interest**' before the Id. CGRF while the proceedings were under process in the original Complainant No. **1426/2/08/019-1432/202409/31** before the order dt. 06.11.2024 was passed by the Id. CGRF. The relevant para (5) of Id. CGRF order dt. 27.12.2025 is recapitulated as under in the interest of justice to fetch understanding of austerity:

"(5) In terms of the ibid Judgment / Orders passed by the Hon'ble Court on 11.11.2019, the Respondent on 24.09.2024 filed an Application before this Forum (CGRF) for hearing the complaint afresh. Forum registered the complaint as 1426/2/08/019-1432/202409/31 and after its adjudication, decided the matter by passing reasoned and speaking Order on 06.11.2024;"

26. After resorting to the above findings in-depth, this authority draws considered opinion that the Complainant had **enough opportunity** to raise the same in the original Complainant No. 1426/2/08/019-1432/202409/31 or even prior to this when the matter was pending adjudication before it was remanded by the Hon'ble High Court to the Forum after passing the order dt. 11.09.2019 in Civil Writ petition No. 3704 of 2012 which is also transparent from the very specific part of the contents of para (13) of the instant order dt. 27.12.2025 passed by the Id. CGRF and provides mirror clear intention of judgement as under:



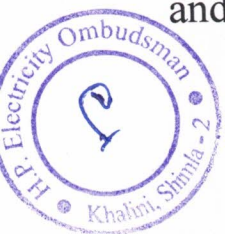


“(13) -----Forum also does not find any separate prayer for claim of ‘Interest’ that may have been made by the Complainant during the adjudication of said original complaint No 1432/202409/31”;

27. After examining in conjunction, the submissions made by the Complainant, Reply submitted by the Respondents, Rejoinder submitted by the Complainant and Arguments advanced by the parties read with the order dt.06.11.2024 passed by the Id. CGRF in original Complainant No. 1426/2/08/019-1432/202409/31, subsequent order dt.27.12.2025 passed in Complainant No. 1432/202510/29 and order dt.09.07.2025 in Original Complaint No.12/2025 passed by this Authority, draws affirmative views that the instant Representation appears more or less as review Application, indirectly seeking review of said order dt. 09.07.2025 and further prima-facia to the documents placed on record, it is also observed that all contentions are of repetitive in nature inclusive of contentions for interest which were even raised as an additional point in the original Case No.12/2025 under Regulation 28(1)(c) while the matter was filed before this Authority.

28. This authority also agrees with the Respondent Board on their reply under para-6 of **Preliminary submissions** which reads as “That the complainant is impermissibly seeking review/enlargement of the Order dated 06.11.2024 passed by the CGRF. Neither the CGRF nor this Hon’ble Authority exercises any power of review unless expressly provided under the Regulations. The attempt to seek interest, which was neither prayed for nor granted in the original adjudication, amounts to seeking modification of a concluded order, which is legally untenable.”

29. In view of above analysis/ conclusive findings, this authority is convinced and draws considered opinion that the averments made are replica of earlier contentions that stand adjudicated in original Complaint No.12/2025 and the present Application only draws attention towards **the opportunity**





derailed at various platforms at that point of time as well as even when the Complaint was pending adjudication before the Id. CGRF as original Complaint No.1426/2/08/019-1432/202409/31, hence construes as **afterthought action** in the instant case which is further supplemented when initially the matter was filed under Regulation 28(1)(c) including additional point of “**interest**” as one of the contentions by the Complainant and thereafter on similar contentions instant Representation under Regulation 28(1)(b) on the issue of interest is filed before this authority which already stands adjudicated in original Complaint No.12/2025 and now falls within the ambit of limited scope of review in terms of regulation-37 (8) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum at Kasumpti& Ombudsman) Regulation, 2013 and attracts as under:

- a. No discovery of new and important matter of evidence could be produced during adjudication by the Applicant/Complainant which was not within the knowledge of this authority while making order dt.09.07.2025 in original Complaint No. 12/2025.
- b. Nothing was pointed out as genuine mistake/contentions or an error apparent from the face of record nor could convince this authority on this account during arguments.
- c. No any other sufficient reasons were placed on record except duplication of earlier averments and misconceptions.

30. This authority also agrees with submissions of Respondent on their reply under para-7 of **Preliminary submissions** which reads as “That the representation is beyond the scope of Regulation 28(1). The earlier representation before this



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Hon'ble Authority (Case No. 12/2025) was under Regulation 28(1)(c) confined strictly to alleged non-compliance. This Hon'ble Authority, after considering the matter, recorded that refund of ₹7,52,250/- had been granted in the energy bill dated 08.04.2025. The issue stood closed."

31. In view of foregoing findings, this authority does not find any infirmity in the order dt. 27.12.2025 passed by Id. CGRF in Complainant No.1432/202510/29 and agrees with the diligent findings appended by the Id. CGRF both in Complainant No.1432/202510/29 and in original Complainant No.1426/2/08/019-1432/202409/31. Conclusively, this Authority without any doubt holds that the instant Application lacks substance which could be reasonable and asserts that the Complainant had **enough opportunity** to raise the same on different occasions/ platforms specifically in the original Complainant No.1426/2/08/019-1432/202409/31 pending before the Id. CGRF after it was remanded back by the Hon'ble High Court after passing the order dt. 11.09.2019 in Civil Writ petition No. 3704 of 2012, hence **not tenable**.

32. In due cognizance to above analysis and findings, the order is appended as below:

- a. The order dt.09.07.2025 passed by this authority in Original Case No. 12/2025 on non-compliance of the order dt.06.11.2024 passed by Id. CGRF in Original Compliant No.1426/2/08/019-1432/202409/31 is sustained.
- b. The order dt. 27/12/2025 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No.1432/ 202510/29 is upheld.
- c. No cost to litigation.



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

- d. In terms of above findings, the Complaint filed by M/s Claridge Moulded Fibre Limited (Unit-I), Village Malkumajri, P.O. Bhud, Tehsil Nalagarh, Distt Solan -173205 is hereby disposed of.
- e. 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: - 16/03/2026

Shimla

[Handwritten Signature]
16/03/2026

Electricity Ombudsman

