



In the matter of:

Complaint No. 19/2025

M/S Kailash Chand (LR College), Village Jabli, (Kyar) P.O. Oachghat,
Tehsil and District Solan -173223 (H.P).

– Complainant

Vs

1. The Executive Director (Pers.), HPSEBL, Vidyut Bhawan, Shimla-171004.
2. The Sr. Executive Engineer, Electrical Division HPSEBL, Solan, Distt. Solan (HP)-173212.
3. The Assistant Engineer, Elect. Sub-Division-III, HPSEBL, Solan Distt. Solan-173212 (HP).

-Respondents

Complaint No19/2025 (Registered on 06/05/2025)
(Orders reserved on 17/06/2025, Issued on 19/06/2025)

Counsel for:

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

The Respondents: -Sh. Rajesh Kashyap, Advocate

-Er. Surinder Singh, Assistant Engineer, ESD-3, Solan

- Er. Kuldeep Singh, JE, ESD-3, Solan

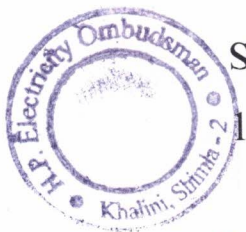
-Sh. Jitender Singh, Sr. Asstt. ESD-3, Solan

QUORUM

Er. Deepak Uppal

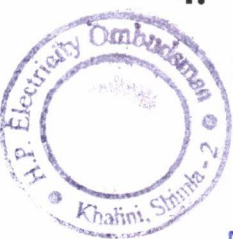
HP Electricity Ombudsman

1. M/S Kailash Chand (LR College), Village Jabli, (Kyar) P.O. Oachghat, Tehsil and District Solan -173223 (H.P) is a Commercial Supply (CS-Two part) Consumer bearing Consumer ID 100009003601.





2. Case called, the matter was heard in details for admission on dt. 23.05.2025. The Complainant have filed this instant Application in terms of Regulation 28(1)(b) & 28(1)(c) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 received and registered on 06/05/2025 against the Order dated 24/09/2024 passed by the Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1413/201310/32 & non-implementation of Order dated 05/09/2023 in Complaint No. 1413/23/09.
3. At the very outset, the Id. Counsel for Complainant was asked to ensure supply of corrected copies of the Representation to all concerned which erroneously was attached as uncorrected draft. The Id. Counsel for Complainant ensured and thereafter started contentions with a note that the Complainant had earlier filed complaint No 07/24 before this Authority which was disposed of by passing the final order dt. 11.12.2024 with directions under **para-L** to constitute a division level committee only to validate, not to adjudicate the missing events, with one representative from Complainant side must, for prudent settlement of ambiguity without prejudice.
4. **Para-L** of the order dt. 11.12.2024 in complainant No.07/24 is recapped for the sake of reference as under:





L-Order:

1. *The order passed by the Consumer Grievance Redressal Forum (CGRF) at Kasumpti Shimla on dated 24.09.2024 in Complaint No. 1413/202310/32 is upheld partially.*
2. *The demand note dt.22/09/2023 amounting to Rs. 35,57,630/- raised by the Respondent Board is sustained in principle subject to the outcome of the following directives for legitimate settlement in monetary terms:*
 - a. *To constitute a committee on Division level with one representative from Complainant side must, to validate the missing events, for prudent settlement of ambiguity without prejudice.*
 - b. *The committee shall only authenticate/validate the disputed events from the record in the presence of one member from complainant side and not adjudicate.*
 - c. *The committee shall validate the missing data of Y- phase for 2405 days and B phase for 1382 days with MRI data /Tamper report for the period March,2016 to October,2022 from Board's record as placed by the Respondent Board before this court for adjudications and subsequently, raised the said demand note dt.22/09/2023 thereof.*
 - d. *The committee shall follow validation methodology in line with the directions imparted by the Ld. CGRF under para 50 to 55 in its order dt.05.09.2023 as reiterated in the findings of Issue-2 of this order.*
3. *If after prudent validation, the committee finds that the missing events placed on record by the Respondents were correct and are supported by the MRI data for each day of phase voltage failure events, the demand notice dt. 22/09/2023 shall be considered upheld and the Complainant shall make the payments in terms of prevalent regulations and codes within 15 days from the date of intimation of the outcome of the said committee.*
4. *Or otherwise in case of adverse findings on validation, the demand notice dt. 22/09/2023 shall be considered quashed and the Respondent Board in compliance to the validations, shall issue fresh demand notice after overhauling the account of Complainant duly supported by MRI data/Tamper Report status in terms of prevalent provisions.*
5. *The Committee shall adhere to the same principle as guided by the Ld. Consumer Grievance Redressal Forum at Kasumpti in its order dt. 24.09.2024 under para (29). k (56) as mentioned under the heading "H" of this order and relevant part reiterated as under:*

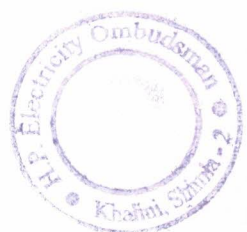


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"It is made clear that no arrears shall be projected by the Respondent to the Complainant for the days for which such is not supported with the MRI data;"

- 6. The Committee to finalize the ambiguity within 15 days excluding holidays from the date of issue of this order to the satisfaction of the Complainant so as to avoid further onus on intervention of 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 Electricity Act, 2003 and brunt on individuals in case of non-compliance.*
 - 7. All stays imposed by this Authority under Regulation 36 of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 shall be considered stand vacated immediately after the completion of findings of the committee on validation of status of missing events/MRI data in line with above directives.*
 - 8. The parties are at liberty to avail remedies as permissible under law.*
 - 9. No cost to litigation.*
 - 10. In terms of above findings, the Complaint filed by M/S Kailash Chand (LR College), Village Jabli, (Kyar) P.O. Oachghat, Tehsil and District Solan -173223 (H.P). is hereby disposed of.*
 - 11. The order is also placed at site and conveyed telephonically for the convenience of reference.*
5. The Id. Counsel for Complainant further contended that the division level committee so constituted, had not even followed the directions No. 2(b), 2(c), 2(d), 3 and 5 of the Order dated 11.12.2024 of this authority in letter and spirit and as such, the alleged report of committee dated 03.03.2025 is of no consequence and the respondents have issued bill dated 16.04.2025 to the complainant wherein a demand based on one sided report of the committee had been raised of Rs. 35,77,739.12 /- by levying surcharge on Rs. 35,57,630/-, which was not supported by MRI data and had led to



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fresh cause of action resulting into filing of the present representation.

6. This authority after listening to the distressed averments of the Complainant at length and making a glance on the fact-finding report dt.03.03.2025 Annexed at page No.187,188 of the representation wherein under “**para g**”, the Complainant categorically showed denial on acceptance of the report, the same is reproduced for reference as under:

“Record was scrutinized for the events mentioned above. Data in respect of Y-Phase for 2405 days and B-Phase 1382 was thoroughly checked in all respects and committee found the data authentic and valid for above mentioned period except representative of M/s Kailash Chand (LR College) who has not agreed.”

Sd/-

Er. Vipul Kashyap
Assistant Executive Engineer
Electrical Sub- Division No.2
HPSEBL, Solan

Sd/-

Sh. Hartosh Madaan
Sr. Assistant
Electrical Sub- Division No.1
HPSEBL, Solan

Sd/-

Sh. Manog Kumar
Accounts officer
Representative
M/s Kailash Chand
(LR College), Village
Jabli & Kayar, P.O
Oachghat, Solan

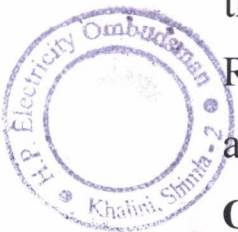
7. From above report, this authority draws inferences that in view of unilateral acceptance of committee report by the Respondents as per record & raising demand thereof, the very part of the order which was kept open for counting of events at their ends after constitution of committee, remained unsettled. This authority further draws considered opinion that in the interest of justice, the validation should be universally accepted.
8. In view of the detailed deliberations held by the Id. Counsel for the Complainant, this authority for arriving at judicious platform, observed and asserted as under:





- a. that the said order dt. 11.12.2024 in complainant No.07/24 cannot be reviewed or re-adjudicated as the regulation 37 (8) provides only limited scope of review and in the instant matter the averments stand adjudicated on merit in details in exhaustive manners under Issue-1 & 2 of the said order dt.11.12.2024 which are self-sufficient for no further adjudications.
- b. that in the said order after complete adjudication and disposal, the respondents were directed to constitute a division level committee with one representative of the Complainant, only to validate /counting of missing events and settlement thereof in terms of findings of this order adjudicated on merit at length under Issue-2.
- c. that the validation part which was kept open in this order for counting of the missing events in the presence of each party at their ends and thereafter raising the demand, could not appear fruitful as the Complainant still showed aggrieved averments and prayed for an opportunity on some other day only for validation /counting in the court room.

9. In order to avoid further litigation and in the public interest, under the ambit of Regulation 36(2) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 which reads as '**where the Ombudsman is guided under the principles of natural law of**



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justice and subject to other provisions of these Regulations, the Ombudsman shall have powers to regulate its own procedure' and Regulation-34 which provides "Promotion of Settlement by Conciliation", this authority in exercise of said provisions, felt it legitimate to admit the instant Representation in the interest of justice, only to the extent of validation through conciliation in the court room as prayed by the Complainant, with no further adjudications to avoid replications .

10. Accordingly, the matter was listed only for validation / counting of missing events in the court room on dt. 17.06.2025 at 12 P.M. The Id. Counsel Sh. Rajesh Kashyap for Respondents appeared along with concerned Assistant Engineer & associated staff and the Id. Counsel Sh. O.C. Sharma appeared on behalf of Complainant in compliance to this court's order dt.23/05/2025 only for validation on dt. 17.06.2025.
11. The validation commenced at 12 P.M. in the court room. After prudent efforts made by both the parties for about two hours, arrived at common consensus amicably and confined validation only to those missing events which were exclusively supported by the MRI data and hence, the authentication appeared feasible in accordance with the Id. CGRF order dt.05.09.2023 also.
12. After completion of validation, both the parties authenticated the events and handed over the sheet of validation duly signed by respective representatives which was taken on record for further directions. The order reserved thereafter. The relevant gist of the





remarks appended by the parties on the original sheet of validation are recapitulated here as under for the sake of reference:

“The missing event days of “Y” phase for 1613 days, “B” phase 1321 days have been amicably agreed upon.”

Sd/- (Sh. O.C. Sharma, Advocate) for Complainant	Sd/- (Sh. Rajesh Kashyap, Advocate) for Respondents	Sd/- (Er. Surinder Singh) AE, ESD No. 3 Solan
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13. The original sheet of conciliation is placed in the Case file of Complaint No. 19/2025 and a certified copy of the same is annexed as **Annexure-A** with this order for reference and record of individual.

14. In view of forgoing understanding the demand/bill earlier raised by the Respondent Board of Rs 35,77,739.12/- including surcharge is considered erroneous and quashed and fresh revised demand / bill be issued with revised due date of payment in line with above accord & in due cognizance to the following provisions of supply code, the very relevant extract is reproduced as under:

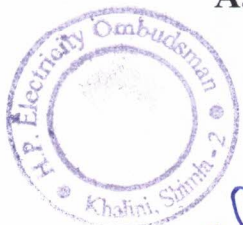
“5.7.3 if on examination of a complaint, the licensee finds a bill to be erroneous, a revised bill will be issued to the consumer indicating a revised due date of payment, which will not be earlier than ten days from the date of delivery of the revised bill to the consumer.

5.5 Additional charges for delayed payment of Electricity bills: -

(a) In case a consumer does not pay the bill by due date, late payment surcharge shall be payable as per the Tariff Order.”

15. In due cognizance to above validation, the final order is appended as below:

A. The demand/bill dt.16/04/2025 amounting to Rs. 35,77,739/- raised by the Respondent Board is quashed and in monetary terms, Respondent Board is directed to adhere to the following mandates:





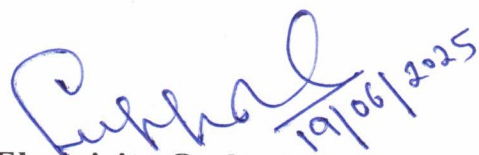
- a. To overhaul the accounts of the Complainant considering the missing data of Y- phase for 1613 days and B phase for 1321 days in line with the validation sheet duly signed/ authenticated by both the parties (*Certified copy Attached as Annexure-A*) which have been considered legitimately supported with MRI data for the period of dispute as per record by both the parties after resorting to two hours validation in the court room on dt.17/06/2025
 - b. To raise fresh demand with in fifteen days excluding holidays from the date of issuance of this order.
- B. The Complainant is directed to make payment immediately within stipulated period of time lines, after the revised demand/ bill is raised and adhere to the provisions as mandated under para-13 above to avoid further litigation.**
- C. In case of non-compliance by the Complainant, the Respondent Board is at liberty to take coercive action as admissible as per provisions.**
- D. In terms of above findings, the Complaint filed by M/S Kailash Chand (LR College), Village Jabli, (Kyar) P.O. Oachghat, Tehsil and District Solan -173223 (H.P). 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: - 19/06/2025

Shimla




Electricity Ombudsman