

**CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA**

**Complaint No 1454/202411/35**

**M/s Timex Group India Ltd.**

**Vs**

**HP State Electricity Board Ltd through its Executive Director  
(Personnel) and Ors**

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**ORDER**

- (1) Complaint has been filed by M/s Timex Group India Ltd. Complainant bearing consumer ID 100012001908, is a consumer of HPSEBL who is a distribution licensee and Respondent herein;
- (2) Grievance of Complainant is in terms of monetary demand of Rs 11,41,286/- dated 12.09.2024 (**Annexure C4**) raised by the Respondent upon the Complainant due to phase current reversal in one phase resulting in less recording and billing of electricity of 2,14,030 units which was informed by Respondent to Complainant vide its letter dated 05.09.2024 (**Annexure C1**). The phase reversal in one out of three phases is observed by Respondent as well as the Forum from the Meter Reading Instrument (MRI) data of meter;
- (3) Complainant's allegation against the Respondent is that of not following the procedure as prescribed for the testing of meter in clause 4.3 and 4.4.2 (a) of the Supply Code, 2009 notified by the HP Electricity Regulatory Commission (or the HPERC);
- (4) In the matter, Forum is of the opinion that in presence of MRI data which has recorded the data and events in meter occurring due to conditions of metering equipment such as current transformer (CT), potential transformer (PT) or inputs therefrom or other reasons and which is also available on record, there is no necessity for sending the meter for testing for the purpose of raising a monetary demand. Here the meter is not defective and inputs to the meter have been

recorded. The present matter is one where in the past, there is phase reversal of current in one phase observed by the Respondent from the MRI data, which has resulted in less billing by the Respondent to the Complainant during such past period;

- (5) In terms of Orders passed by the Forum on 29.01.2025 the Respondent was directed to give reasons for the phase reversal in meter. However, on 06.02.2025 the Respondent expressed its helplessness before the Forum, to give the underlying reasons for the said phase reversal;
- (6) It is a known technical fact that the said condition of phase reversal of current in one phase of a meter of consumer is an abnormal condition simply not possible. A system phase sequence reversal affects other consumers as well which is not the case here. The Respondent during the final hearing stage had informed that no other consumers were affected thereby confirming the issue to be Complainant specific. In the present complaint where the Complainant is not a supplier of electricity but simply a consumer, which is also confirmed during the final hearing, Forum is absolutely sure and convinced that the condition of phase reversal in one single phase cannot simply occur especially when Complainant is not a supplier but consumer of electricity;
- (7) Forum observes that though the Complainant may be at liberty to file complaint before this Forum in accordance with the provisions of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 notified by the HPERC, however, when the condition of phase reversal in one single phase discovered by the Respondent is an abnormal one, not simply possible, then it is for the Respondent to first take appropriate action under provisions of section 126 or section 135 of the Electricity Act, 2003. Even so

more, once the said 'phase reversal' of current is discovered by the Respondent from the said meter MRI data, which was always with the Respondent, it has still failed to take action under the said provisions of law nor has it raised any objection to this effect at any stage in the complaint;

- (8) However, once the Forum is convinced that the consumer is not a supplier of electricity, that the issue of one phase reversal in question is not a systemic one but specific to Complainant, then the only conclusion that the Forum can draw is that the present matter is beyond doubt covered under the provisions of section 126 or section 135 of the Electricity Act, 2003 which are in terms of Assessment for unauthorized use of electricity and Theft of electricity respectively. Accordingly, under the provisions of regulation 19 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 the matter ceases to remain and continue within Forum's jurisdiction and scope and thus cannot be proceeded with by the Forum and has to be first proceeded directly by the Respondent under the said sections 126 or 135 of the Act. The said regulation 19 reads as follows—

**Quote**

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***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:-***

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***(b) in cases which fall under sections 126, 127, 135 to 139, 152, and 161 of the Act;***

.....

.....

**Un-Quote**

- (9) In view of foregoing, Forum holds that even if no action was initiated by the Respondent before the institution of the complaint under the said sections 126 or 135 of the Electricity Act, 2003 nor any party raised any objection or reference to said sections of the Act during the proceedings in the complaint, still this cannot be a reason for the Forum to proceed further in the matter which in the opinion of the Forum is without doubt covered under the said sections 126 or 135 of the Electricity Act, 2003 and accordingly clearly bars the Forum from proceeding in the instant complaint;

On aforesaid terms and under provision of sub-regulation 19(b) of the said HPERC Regulations, 2013, the complaint is not maintainable before this Forum and is accordingly dismissed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 28.03.2025 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.

**Date: 28.03.2025**  
**Shimla**

**--Sd--**  
**Vikas Gupta**  
**(Member)**

**--Sd--**  
**Tushar Gupta**  
**(Chairperson)**

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI,  
SHIMLA-9.**

**Complaint No.: - 1454/202411/35**  
**Date of Admission: - 14.11.2024**  
**Quorum: - Er. Tushar Gupta, Chairman**  
**Er. Vikas Gupta, Member**

**In ref:-**

M/s Timex Group India Ltd.  
Plot No. 10 Ind Area Katha Baddi  
Distt Solan HP-173205

**Complainant**

**V/s.**

HPSEBL & Others.

**Respondents**

1. The Executive Director (Pers.),  
HPSEBL, Vidyut Bhawan,  
Shimla-171004.
2. The Sr. Executive Engineer,  
Electrical Division, HPSEBL  
Baddi Distt Solan.
3. The Assistant Engineer,  
Electrical Sub-Division  
HPSEBL, Barotiwala,  
Distt. Solan H.P.)

**Respondents**

**Final hearing:- 12.03.2025.**

**Counsels:-**

Complainant	1. Sh. Rakesh Bansal (Authorized Representative)
Respondent	1. Sh. Kamlesh Saklani, Under Secretary Law.
	2. Sh. Rajesh Kashyap, Advocate
	3. Er. R. Vidur, A.E. Barotiwala

**Date of Decision:- 28.03.2025**

**Notice**

**Registered**

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI**  
**SHIMLA-171009.**

**No. CGRF/Complaint No. 1454/202411/35**

**Dated:-**

M/s Timex Group India Ltd.  
Plot No. 10 Ind Area Katha Baddi  
Distt Solan HP-173205

**Complainant**

**V/s.**

HPSEBL & Others.

**Respondents**

**Complaint No. 1454/202411/35**

1. The Executive Director (Pers.),  
HPSEBL, Vidyut Bhawan,  
Shimla-171004.
2. The Sr. Executive Engineer,  
Electrical Division, HPSEBL  
Baddi Distt Solan.
3. The Assistant Engineer,  
Electrical Sub-Division  
HPSEBL, Barotiwala,  
Distt. Solan (H.P.)

**Respondents**

The Certified copy of final order dated 28.03.2025 passed by the Hon'ble Forum in the aforesaid complaint is enclosed find herewith for further necessary action at your end please. The compliance be reported/ intimated within one month after the receipt of order in the office.

**DA:-As above.**

Secretary,  
Consumers Grievances Redressal Forum,  
HPSEBL, Kasumpti Shimla-9.