

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1413/202412/38

M/s Blessing Health Care Pvt. Ltd.

Vs

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

ORDER

- (1) Complaint has been filed in the last week of December 2024, by M/s Blessing Health Care Pvt Ltd, Industrial Area, Chambaghat, Tehsil and District Solan, HP. Complainant bearing consumer ID 100012001336, is a consumer of HPSEBL who is a distribution licensee and Respondent herein.
- (2) Complaint is in terms of alleged abnormal metering on 16.12.2023 resulting in excessive bill dated 04.01.2024 in respect of which Complainant has alleged inaction of inspection, inquiry and investigation on part of Respondent;
- (3) In terms of last Order passed by the Forum on 28.02.2025, the complaint was again listed today with directions to Respondent to forward the meter MRI data pertaining to date 16.12.2023 depicting 'Magnetic Tamper' to meter manufacturer and to seek the meaning / significance of 'Magnetic Tamper' event appearing in the said data. The said data/report from meter reflecting 'Magnetic Tamper' event had been submitted by the Respondent and taken on record by the Forum on 06.02.2025. The Respondent was further directed to place on record the response of the meter manufacturer by 12.03.2025 for further final hearing / arguments in the matter;
- (4) The response of the meter manufacturer vide its letter dated 10.03.2025, has been received by the Respondent and placed on record today. Response of meter manufacturer in the said letter is reproduced as follows –

“.....as and when meter sense any magnetic influence, the meter shall start record the energy at I_{max} (Maximum current)....”

(5) Once the said meter MRI data pertaining to date 16.12.2023 depicting 'Magnetic Tamper' and ibid response by meter manufacturer informing magnetic influence is on record and has come into knowledge of the Forum, this Forum is of the considered opinion that the matter ceases to remain within its jurisdiction and scope and has to be dealt directly by the Respondent under the ambit and provisions of law covering 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. In this regard the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 notified by the HP Electricity Regulatory Commission (or the HPERC) provides for the following –

Quote

.....
.....

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:-

.....
.....

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

.....
.....

Un-Quote

(6) In this regard the Ld Counsel for Complainant has objected to the matter falling under the said sections 126 or 135 of the Act on grounds that Respondent has not placed on record documents of provisional assessment Order passed by the assessing officer under section 126 of the Act and that no inspection report has been placed on record by Respondent of having detected unauthorized use of electricity and also that no information has been supplied by the Respondent qua unauthorized use. Also that from the said letter

dated 10.03.2025 by meter manufacturer, it cannot be transpired that the meter was sent for testing / examination;

- (7) In view of foregoing, Forum not being convinced by the objection of Ld Counsel firmly holds that only after the complaint was filed and during the final hearing stage, has the typical condition of 'Magnetic Tamper' event recorded in meter and evidenced by meter MRI data, come into knowledge of the Forum. Also in presence of MRI data, there was no necessity for sending meter for testing. Even if no action was initiated by the Respondent before the institution of the complaint under the said sections of the Act or no party raised any reference to said sections of the Act, such matter in the opinion of Forum is without doubt covered under the said sections and accordingly clearly bars the Forum from proceeding in the instant complaint;
- (8) Accordingly, Forum rejects the objection raised by the Ld Counsel for Complainant;

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 12.03.2025 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: 12.03.2025

Shimla

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

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

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

Complaint No.: - 1413/202412/38

Date of Admission:- 30.12.2024

Quorum: - Er. Tushar Gupta, Chairman

Er. Vikas Gupta, Member

In ref:-

M/s Blessing Health Care Pvt. Ltd.
Industrial Area Chambaghat Tehsil
And Distt Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.

2. The Assistant Engineer,
Electrical Sub-Division
No. 3 HPSEBL, Solan, (HP)

Respondents

Final hearing:- 12.03.2025.

Present for:-

Complainant 1. Sh. O.C. Sharma Advocate

Respondent 1. Sh. Kamlesh Saklani, Under Secretary Law
2. Sh. Rajesh Kashyap, Advocate

Date of Decision:- 12.03.2025

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.

No. CGRF/Complaint No. 1413/202412/38

Dated:-

M/s Blessing Health Care Pvt. Ltd.
Industrial Area Chambaghat Tehsil
And Distt Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1413/202412/38

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Assistant Engineer,
Electrical Sub-Division
No. 3 HPSEBL, Solan, (HP)

Respondents

The Certified copy of final order dated 12.03.2025 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.

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