

**CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA**

**Review Application No RC-1453/202506/12**

**M/s Milestone Gears Pvt Ltd (Unit IV)**

**Vs**

**HP State Electricity Board Ltd and ors**

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**ORDER**

- (1) Review Application has been filed on 17.03.2025 by M/s Milestone Gears Pvt Ltd in complaint No. 1453/202409/29 which was decided by the Forum vide its Order dated 21.01.2025. Review Applicant is a consumer of the HPSEBL who is the Respondent herein;
- (2) The Review Application is listed today for the first time for admission hearing. Forum has examined the Review Application and parties have heard;
- (3) Review Applicant submits before the Forum that the Review is being preferred by it as it has come across an important piece of evidence which was not in its knowledge and could not be produced by it at the time of Order dated 21.01.2025 passed by the Ld Forum. This evidence is a clarification letter dated 31.07.2020 by the HP Electricity Regulatory Commission (or the HPERC) and is a communication to the Chief Engineer (Commercial) of the Respondent;
- (4) Forum observes that the Review Applicant has not filed the Order dated 21.01.2025 passed by the Forum on which the Review is being sought. Accordingly on directions by the Forum, the Registry of the Forum has placed the complete complaint file before it;
- (5) Forum also observes that the original Complainant/ Applicant herein had filed Representation No 18/2025 before the Ld Ombudsman for Electricity, wherein Ld Ombudsman vide Order dated 16.06.2025, in concluding paras, is pleased to Order as follows:-;

“ ....

.....

*Accordingly, in due cognizance to the 'Hierarchy of Adjudication system', the Complaint filed by M/s Milestone Gears Pvt. Ltd. Unit-IV Opp. Himachal*

*Fiber Ltd., Industrial Area, Barotiwala Distt. Solan, Himachal Pradesh-174103 is hereby disposed of with directions to ld. CGRF to first adjudicate the Review Application as contended by the Complainant*

.....  
.....”

- (6) Forum observes that based on said evidence which is a letter dated 31.07.2020 written by the HPERC to the Chief Engineer (Commercial), Review Applicant has averred that the clarification given by the HPERC in this letter is contrary to observations of the Forum in its Order dated 21.01.2025 and has prayed for amendment of the Order;
- (7) Further, from perusal of said Order passed by the Forum on 21.01.2025, Forum finds that the issue of rebate on night hour consumption and peak hour consumption has specifically been dealt and speaking Orders passed on the basis of Tariff Orders passed by the HP Electricity Regulatory Commission. However, the ibid letter dated 31.07.2020 has not been dealt in the said Order as then it was not the case of the Complainant;
- (8) Forum on examining the said letter dated 31.07.2020 finds that it is a communication between the HPERC and the Chief Engineer (Commercial), HPSEBL, which inter-alia is in terms of delay by the Respondent in seeking of clarification, hardships faced by the consumers during covid-19 etc. This letter further gives directions to the Respondent to give details of amounts for truing up for FY21, the with-drawl of some previous clarification by the HPERC and for consideration of rebate for night time consumption till the issuance of next Tariff Order for FY22;
- (9) In context of the said letter dated 31.07.2020, Forum holds that a letter cannot supersede or override any statutory Judicial Tariff Orders passed by the Ld HPERC. Forum holds that a statutory Judicial Order of clarificatory nature either by the Ld HPERC or Order by the Hon’ble Courts alone have the powers to do so and not a letter. Accordingly, Forum further holds and concludes that when Order has been passed by the Forum on 21.01.2025 which is

based on Judicial Tariff Orders passed by the Ld HPERC, then this letter between the HPERC and the HPSEBL cannot also have any superseding or overriding effect on Order passed by the Forum in complaint No 1453/202409/29;

- (10) Forum also observes that when the Review Application is in terms of discovery of new evidence namely the said letter dated 31.07.2020, it is expedient to refer to Regulations on the scope of Review. From perusal of provisions of sub-regulation 26(7) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, Forum finds the following provisions govern the instant matter—

**Quote**

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.....

**26. Issuance of Order (1)**

.....

.....

<sup>1</sup>[ (7) The Forum, either on its motion or on an application moved within 30 days of the order by any of the parties to the original proceedings, may, after affording an opportunity of being heard, review its order on-]

(i) the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time the order was made;

....

....

**Un-Quote**

- (11) When the ibid provisions of Regulations on Review are read vis-à-vis Review Application filed, Forum finds that the Review Applicant here-in has nowhere explained the specified 'due diligence' that may have been exercised by it at the time the Order dated 21.01.2025 was passed by the Forum. Clearly the Review Application is not in accordance with the Regulations notified by the HPERC;
- (12) Forum further finds that the Order in original complaint was passed by the Forum on 21.01.2025 and the instant Review Application has been filed on 17.03.2025 i.e after a gap of 54 days. Thus the

Review Application is delayed by 54 days against the mandated provision in ibid Regulations of 30 days. In its Application for condonation of Delay, Forum does not find any valid, satisfactory or cogent reasons to enable it to allow this Application for condonation of Delay, which is rejected. Clearly, on the anvil of Regulations, the Review Application is barred by limitation;

- (13) In view of foregoing, Forum does not find any wrong in its Order passed on 21.01.2025 in complaint No. 1453/202409/29 which may necessitate its Review on discovery of said new evidence by the Review Applicant herein / Complainant in original complaint, which in the considered opinion of the Forum cannot in any way be held to be new;
- (14) With regard to the conditions specified in ibid Regulations notified by the HPERC for Review of its Orders by the Forum, Forum concludes that for the reasons given in paras supra, the instant Review Application fails the tests prescribed in the Regulations.

On aforesaid terms the instant Review Application is dismissed and accordingly disposed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 27.06.2025 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: 27.06.2025**  
**Shimla**

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

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

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

**Complaint No.: - 1453/202506/12**

**Date of Admission: -18.06.2025**

**Quorum: - Er. Tushar Gupta, Chairman  
Er. Vikas Gupta, Member**

**In ref:-**

M/s Milestone Gears Pvt. Ltd.  
Unit IV, Village Katha, P.O. Barotiwala,  
District Solan (HP).

**Complainant**

**V/s.**

HPSEBL & Others.

**Respondents**

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

2. The Sr. Executive Engineer,  
Electrical Division, HPSEBL  
Barotiwala Distt Solan.

3. The Assistant Engineer,  
Electrical Sub-Division  
HPSEBL, Baddi,  
District Solan (H.P.)

**Respondents**

**Final hearing:- 27.06.2025.**

**Counsels:-**

Complainant 1. Sh. Tawarsu Advocate vice of Sh. Rakesh Bansal A.R

Respondent 1. Sh. Rajesh Kashyap, Advocate

2. Sh. Kamlesh Saklani, U.S. Law

**Date of Decision: -27.06.2025**

**Notice**

**Registered**

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

**No. CGRF/Complaint No. 1453/202506/12**

**Dated:-**

M/s Milestone Gears Pvt. Ltd.  
Unit IV, Village Katha, P.O. Barotiwala,  
District Solan (HP).

**Complainant**

**V/s.**

HPSEBL & Others.

**Respondents**

**Complaint No. 1453/202506/12**

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

**Respondents**

The Certified copy of final order dated 27.06.2025 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.