

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1515/202503/07

M/s Jay Aay Alloys Pvt. Ltd

Vs

HPSEB Ltd & Others

Brief Facts of Complaint:

- (1) Complaint has been filed by M/s Jay Aay Alloys Pvt. Ltd., Trilokpur Road Kala Amb, District Sirmour, HP by Complainant bearing consumer ID 100012002328 who is a Large Industrial Power Supply (LIPS) category consumer of HPSEB Ltd and the HPSEB Ltd is the distribution licensee and Respondent herein;
- (2) Grievance of Complainant is in terms of non-granting of Government of HP (or GoHP) subsidy by the Respondent for the period 23.09.2024 to 30.09.2024 in its Bill dated 01.02.2025 (**Annexure C1**). As per Complainant, this GoHP Subsidy has to be granted in accordance with Tariff Order dated 15.03.2024 passed by the Ld HPERC pursuant to GoHP letters dated 13.03.2024 (**Annexure C2**) and 18.09.2024 (**Annexure C3**) addressed to the HP Electricity Regulatory Commission (or the HPERC);
- (3) In accordance with the said letter dated 18.09.2024 (**Annexure C3**), GoHP discontinued the said subsidy for Industrial consumers w.e.f. 01.10.2024. This decision of the GoHP was further communicated to the Respondent by the HPERC for necessary action vide its letter dated 20.09.2024 (**Annexure C4**);
- (4) Further, with regard to BBN Industries Association letter dated 11.10.2024 addressed to the HPERC, making therein complaint, HPERC vide its letter dated 16.10.2024 (**Annexure C5**) addressed to the Respondent sought detailed report with regard to issuing of bills by it without the GoHP subsidy in respect of the energy consumption by consumer up to 30.09.2024.

COMPLAINANT:

- (5) That the Complainant received energy bill for the period from 31.12.2024 to 31.01.2025 for Rs 1,78,38,227/- (**Annexure C1**)

where GoHP subsidy has not been granted by the Respondent for the period 23.09.2024 to 30.09.2024;

- (6) That the said bill is liable to be revised in accordance with **Annexures C4, C5 and C6** and in manner as has been done for other consumers without discrimination and is otherwise also not payable;
- (7) That the Complainant has brought the fact into the knowledge of Respondent that the effect of **Annexure C3** is after 01.10.2024 and therefore the subsidy for energy charges has to be also allowed for the period from 31.12.2024 to 31.01.2024;
- (8) Complainant has sought relief mainly in terms of declaring demand raised in **Annexure C1** as wrong and illegal and for setting the same aside and for raising revised bill;

RESPONDENT:

- (9) That the government subsidy is regulated under section 65 of the Electricity Act, 2003 and that the Complainant cannot decide its subsidy at its own level which has been discontinued ;
- (10) That, the said subsidy amount of Rs 4,33,200/-for the period from 23.09.2024 to 30.09.2024 has already been credited in the March 2025 bill of the Complainant;
- (11) That the Complainant while seeking parity with other consumers has not filed any writ petition, as has been done by other consumers where Orders have been passed by the Hon'ble HP High Court;
- (12) That because the said subsidy has already been credited in the bill of the Complainant, the Complainant has no cause of action;
- (13) That because the contentions raised by the Complainant are meritless thus complaint be dismissed.

ORDER

- (14) Forum has examined the relevant provisions of the Electricity Act, 2003, various relevant Regulations framed by the Ld HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of the HPERC (Consumer Grievances Redressal Forum

and Ombudsman) Regulations, 2013 (or the CGRF Regulations), HP Electricity Supply Code, 2009 and amendments thereto, Tariff Order dated 15.03.2024 passed by the Ld HPERC, the HP Government (or GoHP) letters referred to in the complaint and record as facts along with pleadings of the parties. This Forum has heard the parties. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by both the parties;

- (15) At the outset Forum observes that the Respondent in its Reply has stated that it has already credited the GoHP subsidy to the Complainant for the period from 23.09.2024 to 30.09.2024 in the electricity Bill of March 2025;
- (16) On examination of the complaint, Forum also observes that the Complainant has not filed any claim;
- (17) Forum further observes that the Complainant has stated on record that the said GoHP subsidy for energy charges has to be allowed for the period from 31.12.2024 to 31.01.2024 such in the perception of the Complainant being based on **Annexure C3** which is a letter dated 18.09.2024 written by the GoHP to the HPERC;
- (18) On examining the said ibid GoHP letter (**Annexure C3**), Forum does not find the Complainant's plea that the subsidy for energy charges is also applicable for the period from 31.12.2024 to 31.01.2024, to be tenable or based on any sound rational. In this letter it is clearly visible that GoHP subsidy has been discontinued from 01.10.2024;
- (19) On perusal of Reply by the Respondent where it has mentioned provisions of the Electricity Act, 2003 with regard to government subsidy, Forum finds it expedient to understand the matter with regard to the said subsidy and accordingly refers to the Electricity Act, 2003. On perusal of section 62 of the Electricity Act, 2003, Forum observes that the HPERC is vested with the powers to determine the tariffs in accordance with Regulations framed by it under section 61 of the Act and accordingly Tariff Orders are passed

by the Ld HPERC under section 64 of the Act. Further it is the State Government's prerogative to grant subsidy to any consumer or class of consumer under section 65 of the Act.

- (20) In wake of above position laid down in the Act, Forum also finds it expedient to examine the Tariff Order passed by the Ld HPERC dated 15.03.2024 which has been mentioned by the Complainant. On examination of this Tariff Order, Forum finds that the GoHP subsidy has been allowed to the Large Industrial Supply consumers and accordingly effective tariff determined there-in. Accordingly, the Respondent is bound to charge the tariff so determined however, under sub-section 62(6) of the Act, the Respondent is not at liberty to recover any other price;
- (21) On further examination of the Act, Forum also finds that for contravention of the Act or Rules or Regulations made thereunder, complaint lies before the HPERC under section 142 of the Act;
- (22) It is therefore understood by the Forum that when provision for contravention lies under Section 142 of the Act, then it is not for it to look into or investigate the aspect of implementation of Tariffs by the Respondent which are notified by the Ld HPERC;
- (23) Forum observes that the Complainant here-in, has de-facto raised contravention by the Respondent of the Tariff Order passed by the Ld HPERC. It is further observed that the issue of grant of subsidy being raised by the Complainant is similar to that dealt by the HPERC in its letter dated 16.10.2024 (**Annexure C5**) with regard to complaint filed by the BBN Industries Association on 11.10.2024 before it;
- (24) Therefore, it becomes clear to the Forum that the instant complaint is de-facto for contravention of Tariff Orders passed by the Ld HPERC, and thus cannot lie before this Forum;
- (25) Forum holds 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, it

is for the Forum to see and determine the maintainability of complaint before it. In the present matter, Forum finds that under the provisions of the Act, the instant complaint cannot be maintainable before it, for reasons and grounds aforesaid;

- (26) Forum further holds that the said Subsidy being the prerogative of the Government of HP, the issue of subsidy being raised by the Complainant cannot be dealt by this Forum and on this ground also the complaint is not maintainable before it;
- (27) In view of the foregoing discussion, Forum concludes that the complaint is not maintainable before this Forum and accordingly grants liberty to the Complainant to approach the Ld HPERC or the Government of HP in the matter.

On aforesaid terms the complaint is Dismissed.

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.: - 1515/202503/07

Date of Admission: -27.03.2025

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

In ref:-

M/s Jay Aay Alloys Pvt. Ltd.
Trilokpur Road Kala Amb,
Distt. Sirmour (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

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

2. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Kala Amb,
District Sirmour (H.P.)

Respondents

Final hearing:- 04.06.2025.

Counsels:-

Complainant 1. Miss Narvada Kashyap Advocate

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. 1515/202503/07

Dated:-

M/s Jay Aay Alloys Pvt. Ltd.
Trilokpur Road Kala Amb,
Distt. Sirmour (HP).).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1515/202503/07

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

2. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Kala Amb,
District Sirmour (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.