

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

No. CGRF/Complaint No. 1451/3/21/023

Dated:-

Complaint No.: - 1451/3/21/023
Date of Admission: - 28.09.2021
Quorum: - Er. Rakesh Kumar, Chairman.
Er. Vikas Gupta, Member.
Sh. K.S. Dhaulta Member.

M/s Jai Bhawani Industries,
Village Chanal Majara,
P.O. Guru Majra Nalagarh,
District Solan (HP).

Complainant

V/s.

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

Respondents

Final hearing:-

08.03.2022

Present for:-

Complainant

1. Sh. Dikkam Kumar, vice of Miss Narvada, Advocate

Respondent

1. Sh. Anil Kumar God, Advocate
2. Sh. Kamlesh Saklani, Law Officer
3. Er. Mohinder Pal, A.E. Manpura

Date of Decision: -

08.03.2022

ORDER

- 1.** Briefly stated facts of the case are that the complainant M/s Jai Bhawani Industries, village chalal majra P.O Guru Majra Nalagarh Distt. Solan HP has filed a complaint assailing there in the demand notice Annexure C-1 Respondent Board has served the complainant a demand notice dated 13.07.2021 of short recovery amounting to Rs. 57,22,048/- for the under billing done for the period 21.06.2019 to 19.06.2021. It was further submitted by complainant that no detailed information regarding Sundry charges has been supplied by Respondent Board.
- 2.** The Respondent Board in its reply submitted that consumer has been served with a demand notice of short arrears on 13.07.2021 alongwith complete sundry details having detailed calculation sheet. Respondent Board further submitted that M/s Jai Bhawani Industries (complainant) was billed energy for the period 21.06.2019 to 19.06.2021 on the basis of normal consumption rates. Total billed units during this duration period were recorded 75, 60,864 units. Out of the total consumption units, the peak hour consumption was calculated/ recorded 11, 05,612 units. It is again submitted that there is difference in billing rates of normal, and peak hour consumption of energy timings.
- 3.** The respondent Board further submitted that the demand notice C1 reflects the peak hour's differential rates recovered from the complainant and night time concession has also been given to the complainant in the calculation sheet placed on record. Thus, the demand notice does not suffer any illegality, which is issued as per law and not time barred.
- 4.** In the rejoinder filed by the complainant, the actual consumption, as well as, trifurcation in normal peak & night time has also been denied. It was also

denied that consumer was billed for normal hour tariff for entire consumption under dispute. The complainant also denied that demand raised is within time period as per the Electricity Act, 2003 provisions under section 56(2) on the issue.

5. We have heard the parties and gone through the relevant provisions of Regulations, Code, load sanction order and law etc. on the matter.
6. After examination of the record and pleadings of the parties, It is clearly observed from scrutiny of bills served to complainant, that complainant has been served with energy bills of entire consumption during the period 21.06.2019 to 19.06.2021 for only night hour tariff. It is also established from record that the consumer has been served with zero consumption bills for normal & peak hour's tariff during the period 21.06.2019 to 19.06.2021.
7. Further from scrutiny of MRI data placed on record, it is established that the complete bills were issued on normal hour's consumption rates. The MRI data clearly points that total billed units were 7560864, out of which peak hours consumption was 1105612 units and night hour consumption was 23,85,326 units, whereas normal hour consumption was 406993 units.
8. The fact is also not denied by the complainant that the energy bills were served to the consumer on the basis of normal hour tariff for the entire consumption including night and peak hour duration. This has resulted in short assessment of energy charges to the tune of Rs. 57,22,048/- which has been served to the complainant vide Annexure C-1 demand notice dated 13.01.2021.
9. The contention of complainant with regards to illegality and time barred demand notice C-1, is untenable in view of the settle law by the Apex Court on the matter. The limitation u/s 56(2) of Electricity Act, starts from the date of knowledge / detection of mistake and the demand/bills raised thereof.

Thus in the present case the Respondent Board has raised the demand notice C1 on 13/07/2021 which is within time limit and not barred under the provisions of law.

10. The billing rates for normal, night and peak hour timing are different as per tariff applicable, Regulations / Load sanction order placed on record. Thus, Respondent Board has rightly done the complete overhauling of bills of the complainant, as per actual tariff applicable for normal and peak hour consumption of energy. We find no illegality and infirmity in the demand raised by the Respondent Board vide Annexure C1 dated 13.07.2021.

11. In view of the observations made here-in-above, the demand raised by the Respondent Board Annexure C1 dated 13.07.2021 amounting to Rs. 57,22,048/- for billing done after overhauling the account of complainant for the period 21.06.2019 to 19.06.2021 is held to be legal and correct demand. The complainant is liable to pay the demand charges accordingly. In the aforesaid terms the instant complaint filed by the complainant is disallowed being devoid of any substance and merits, which is disposed of accordingly.

12. Parties are left to bear their own costs. Announced before the parties present at Shimla on 08.03.2022.

The file is consigned to the record along with original copy of the order. The certified copy of order be kept in safe custody in the folder of order. Certified copies of this order be supplied to all parties.

Place: - Shimla

Dated: -08.03.2022

Sd/-
(Vikas Gupta)
(Member)

Sd/-
(K.S. Dhaulta)
(Member)

Sd/-
(Rakesh Kumar)
(Chairman)

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No. CGRF/Complaint No. 1451/3/21/023 **Dated:-**

M/s Jai Bhawani Industries,
Village Chanal Majara,
P.O. Guru Majra Nalagarh,
District Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1451/3/21/023

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

Respondents

The Certified copy of final order dated 08.03.2022 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.