

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 3324/202506/11

M/s Vardhman Ispat Udyog

Vs

Himachal Pradesh State Electricity Board Ltd & Others

ORDER

- (1) Complaint has been filed by M/s Vardhman Ispat Udyog, Village Bathri, Tehsil Haroli, Near Tahliwala, District Una (HP) bearing consumer ID 100012001204 who is a Large Industrial Power Supply (LIPS) category consumer of HPSEB Ltd;
- (2) HPSEB Ltd is the distribution licensee and Respondent herein;
- (3) Complainant has submitted that on 11.08.2024, its factory was hit by a flash flood where electricity line was also washed away and that it wrote a letter on 13.08.2024 (**Annexure C1**) intimating the Respondent of damage of electricity infrastructure and further letter dated 07.09.2024 (**Annexure C3**) intimating the Respondent of restoration of supply on 31.08.2024 and also asking therein for relief in terms of demand charges for the duration of closure of factory;
- (4) Grievance of Complainant is against the Respondent for non-granting of relief of demand charges for the period from 11.08.2024 to 31.08.2024 (20 days) in electricity bill dated 08.09.2024 (**Annexure C4**). This relief was to be given in terms of Force Majeure clause 'E' of MYT Tariff Order (**Annexure C6**) and the HPERC (Multi Year Wheeling Tariff & Retail Supply Tariff) Regulations, 2023 (**Annexure C5**);
- (5) Complainant has prayed for relief in terms of refund of proportionate demand charges for the duration of force majeure event along with Interest;
- (6) On the other hand Respondent has submitted that the Force Majeure clause of Tariff Order is not applicable to the Complainant because the Complainant's intimation of closure of factory to the Respondent was received by the Respondent on 16.08.2024 (**Annexure RA-1**) while the electricity supply was restored on 29.08.2024 which is less than 15 days and while the Complainant itself has vide its letter dated 27.08.2024 (**Annexure C2**) submitted for restoration of power

supply, thus no legal or vested right of the Complainant is violated. Accordingly, complaint is liable to be set aside;

ORDER

- (7) 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, MYT Tariff Order dated 15.03.2024 passed by the Ld HPERC 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;
- (8) Briefly it is the case of the Complainant that it has been denied relief of Demand Charges in view of the Force Majeure Clause 'E' as appearing in the Tariff Order dated 15.03.2024 passed by the Ld HPERC;
- (9) Before the Forum proceeds in the matter, it finds it expedient to reproduce for the sake of convenience the Force Majeure clause 'E' as appearing in the Tariff Order dated 15.03.2024 passed by the Ld HPERC and as referred to by the Complainant-

E. Force Majeure Clause: In the event of a force majeure event, as defined in Himachal Pradesh Electricity Supply Code, 2009, as amended from time to time, the Consumer shall be entitled to proportionate reduction in Demand Charge or any other Fixed Charges, if applicable, provided he serves at least 3-day notice on the supplier for shut down of not less than 15 days duration.

- (10) From examination of complaint, Forum finds that the Complainant, to support ibid clause 'E', has relied upon definition of Force Majeure as provided in HPERC (Multi Year Wheeling Tariff & Retail Supply Tariff) Regulations, 2023 notified on 29.11.2023 (**Annexure C5**) by the HPERC,;
- (11) On plain reading of ibid clause 'E' appearing in the Tariff Order dated 15.03.2024, Forum finds that the same is not based on ibid

Regulation notified by the HPERC on 29.11.2023 but is specifically based on HP Electricity Supply Code, 2009 and amendments thereto also notified by the HPERC;

- (12) On examination of HP Electricity Supply Code, 2009 and amendments thereto, Forum has not been able to find any definition of Force Majeure that has to be read with ibid clause 'E' so as to enable it to evaluate the complaint;
- (13) Forum also cannot evaluate the complaint based on facts of start and end dates or the number of days to be adopted as raised by the Complainant and as contended and brought out by the Respondent vis-à-vis the provision of number of days in the ibid clause 'E';
- (14) Accordingly Forum holds that it is unable to interpret the ibid clause 'E' in absence of any express provision of Force Majeure in the Supply Code and amendments thereto nor is it possible for the Forum to adopt on its own the start and end dates or the number of days vis-à-vis the provision of number of days in the ibid clause 'E';
- (15) Seen from another angle, Forum finds that the Complainant has de-facto raised non-implementation by the Respondent of Ld HPERC Tariff Order and accordingly the instant complaint de-facto becomes one where Complainant has indirectly raised contravention of Orders passed by the Ld HPERC;
- (16) On examination of the Act, Forum finds that matters of contravention of the Act or Rules or Regulations made thereunder, are dealt under section 142 of the Act and thus the instant complaint cannot lie before this Forum and therefore it is not possible for the Forum to pass any directions in the complaint;
- (17) 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 and due to reason of Forum's inability to

interpret the Force Majeure Clause 'E' ibid as stated in paras supra, the instant complaint is not maintainable before it;

- (18) 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 HP Electricity Regulatory Commission 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 28.07.2025 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: 28.07.2025

Shimla

--Sd--

**Vikas Gupta
(Member)**

--Sd--

**Tushar Gupta
(Chairperson)**

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

Complaint No.: - 3324/202506/11

Date of Admission: - 09.06.2025

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

In ref:-

M/s Vardhman Ispat Udyog
Vill. Bathri Tehsil Haroli Near
Tahliwala Dist.. UNA -174301

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division,
HPSEBL, Haroli, Disstt. Una (HP).
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Tahliwala
District Una (H.P.)

Respondents

Final hearing:- 25.07.2025.

Counsels:-

Complainant 1. Sh. Rakesh Bansal (Authorized Representative)

Respondent 1. Sh. Rajesh Kashyap, Advocate

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

Date of Decision:- 28.07.2025

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.

No. CGRF/Complaint No. 3324/202506/11

Dated:-

M/s Vardhman Ispat Udyog
Vill. Bathri Tehsil Haroli Near
Tahliwala Dist.. UNA -174301

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HPSEBL, Tahliwala
District Una (H.P.)

Respondents

The Certified copy of final order dated 28.07.2025 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.