

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 3234/202507/23

M/s Partap Industrial Products

Vs

HP State Electricity Board Ltd & Others

Brief Facts of Complaint:

- (1) Complaint has been filed under regulation 17 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by Complainant M/s Partap Industrial Products., Village Mohtli, Tehsil Indora, District Kangra, HP-176404, who is a consumer of HPSEB Ltd bearing consumer ID 100012000188 and the HPSEB Ltd is the distribution licensee and Respondent herein;
- (2) In the matter, Complainant's enhancement of electrical load to 994.641 kW / 994 kVA at 11 kV to be supplied from 2x5 MVA 33/11 kV substation Surajpur being fed from 132/33 kV substation Kandrori, was done by the Respondent in the year 2010 against which Power Availability Certificate (PAC) letter dated 03.04.2008 (**Annexure D**) and load sanction Office Order dated 13.08.2010 (**Annexure E**) were issued by the Respondent;
- (3) Grievance of Complainant is in terms monetary demand of Infrastructure Development Charges (IDC) amounting to Rs 12,67,350/- raised by the Respondent vide its letter dated 20.09.2014 (**Annexure I**). This demand was paid by the Complainant by way of various amounts of Rs 1,77,800/- deposited against PAC demand on 03.03.2010 (**Annexure D**), Rs 5,00,000/- deposited on 18.02.2010 and Rs 5,89,550/- deposited against bills of September 2015, October 2015 and November 2015 (**Annexure J Colly**);
- (4) Complainant, while relying on HPERC(Recovery of Expenditure for Supply of Electricity) Regulations, 2005 in its submissions and on Ld HPERC clarificatory Order dated 02.05.2011 (**Annexure G**), has sought relief in terms of refund of ibid amount of Rs

12,67,350/- on grounds that the Surajpur substation was not augmented and that the action of the Respondent to recover the ibid IDC amount against up-gradation of Kandrori substation in the year 2011 is against the Regulations and also against the Order passed by the Ld HPERC;

- (5) Further in the grounds raised, the Complainant with regard to provisions of Section 62 of the Electricity Act, 2003 and the HPERC (General Conditions of Distribution Licensee) Regulations, 2004, has stated that the Respondent is liable and bound under law to recover IDC as per Regulations and therefore the distribution licensee is in breach of terms and can even attract suspension / termination of distribution license;
- (6) On the other hand, it is the case of the Respondent that the Complainant was provided supply from Kandrori substation which was augmented in the year 2011-12. The recovery of IDC amounting to Rs 12,67,350/- raised by the Respondent vide its demand letter dated 20.09.2014 has been done @ Rs 1275 per kVA at the behest of RAO Audit and at the behest of Chief Engineer (Commercial) letter dated 07/12/2012 (**Annexure RA-5**) which has been paid by the Complainant;
- (7) Further that, the Complainant's reliance on said Ld HPERC clarificatory Order dated 02.05.2011 is wrong for the reason that the said Order has been set aside vide Hon'ble APTEL Judgment passed on 18.12.2015 and further Order passed by the Ld HPERC on 05.10.2016 (**Annexure RA-3**);
- (8) Still further, the complaint is time barred and hit by delay, laches and acquiescence;
- (9) In view of above, the Demand for IDC is legal and thus complaint be dismissed.

ORDER

- (10) 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 the HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2005. Forum has heard the parties at length. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by the parties;
- (11) At the outset Forum observes that the impugned demand amounting to Rs 12,67,350/- was raised by the Respondent vide its letter on 20.09.2014 (**Annexure I**). Forum finds challenge to such demand by the Complainant after more than 10 years. In this regard the provisions of regulation 19(c) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 (or the CGRF Regulations) are reproduced as follows:-
- “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:-
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- (c) in cases where the grievance has been submitted two years after the date on which the cause of action has arisen; and
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- (12) In view of the *ibid* provision of Regulations, Forum finds that the challenge by the Complainant to *ibid* demand raised by the Respondent on 20.09.2014 (**Annexure I**) has been done by the Complainant after more than 10 years and is clearly delayed;
- (13) Further in the grounds of complaint raised by Complainant, referring therein to Section 62 of the Electricity Act, 2003, Forum

on perusal of the Act, finds that if any person is in contravention, then it is empowered under the Act to raise complaint under Section 142 of the Act. Forum observes that the Complainant has virtually raised the said contravention under said Section 142 of the Act before this Forum, which Forum finds as being beyond its jurisdiction to address;

- (14) Forum concludes that for the reason that the grievance has been raised by the Complainant after more than 10 years when the cause arose to the Complainant, thus this Forum is unable to pass any directions in the matter pursuant to the provisions of ibid regulation 19(c) of the CGRF Regulations. 2013;
- (15) Forum further concludes that on the grounds of contravention raised by the Complainant, the instant complaint gets governed under section 142 of the Electricity Act, 2003 and thus ceases to fall within the jurisdiction of this Forum and thus on this count too, this Forum is unable to pass any directions.
- (16) In view of foregoing, Forum concludes that the complaint is not maintainable before it and accordingly the Complainant, if it so desires, is at liberty to approach the appropriate authority 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 26.09.2025 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: 26.09.2025

Shimla

--Sd--
Vikas Gupta
(Member)

--Sd--
Tushar Gupta
(Chairperson)

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

Complaint No.:- 3234/202507/23
Date of Admission:- 21.07.2025
Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

M/s Partap Industrial Products
Village Mohtli Tehsil Indora
Distt. Kangra HP 176403

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer,
(OP) Circle HPSEBL Dalhousie
3. The Sr. Executive Engineer
Electrical Division HPSEBL,
Indora, District Kangra (HP).
4. The Assistant Engineer,
Electrical Sub-Division HPSEBL,
Damtal District kangra HP.

Respondents

Final hearing:- 03.09.2025.

Counsels:-

Complainant 1. Sh. Sher Singh (Authorized Representative)

Respondent 1. Sh. Rajesh Kashyap, Advocate

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

Date of Decision:-26.09.2025

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 3234/202507/23

Dated:-

M/s Partap Industrial Products
Village Mohtli Tehsil Indora
Distt. Kangra HP 176403

Complainant

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Damtal District Kangra HP.

Respondents

The Certified copy of final order dated 26.09.2025 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.