

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09.
No. CGRF/Complaint No. 1432/3/21/03

Complaint No.: - 1432/3/21/03
Date of Admission: - 06.07.2021
Quorum: - Dr. M.G Sharma, Chairman
Er. Vikas Gupta Member.

M/s Krishna Plastic Industries
Vill. Beli Dyor P.O Manpura,
Nalagarh Distt. Solan

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division, HPSEBL,
Nalagarh, Distt. Solan (HP).
3. The Assistant Executive Engineer,
Electrical Sub-Division No II HPSEBL,
Nalagarh, Distt. Solan (HP).

Respondents

Final hearing:-

26.08.2021

Present for:-

Complainant	1. Sh. Rakesh Bansal (Authorized Representative)
Respondent	1. Sh. Anil Kumar God, Advocate

Date of Decision: -

26.08.2021

ORDER

The complainant is HT Industrial consumer of HPSEBL having sanctioned connected Load 400KW with 400 KVA contract Demand Since 06.05.2008 There was no issue of billing between complainant and Respondent till March 2010. There was dispute of billing since April 2010 to December 2016 on account of demand charges. The demand charges were inadvertently charged for 324 KVA contract demand i.e 90% of 360 KVA contract Demand instead of 360 KVA contract demand i.e 90 % of 400 KVA since Sep 2010 onwards. Accordingly on the prayer made by Respondent Board, the Forum vide interim order dated 24.07.2021 has directed to reconcile the dispute and submit outcome of such settlement on the next date of hearing.

In response Respondent HPSEBL vide their letter dated 11.08.2021 submitted the minutes of meeting held on 05.08.2021 between both the parties i.e. consumer representative and Respondent HPSEBL.

The necessary refund amounting to Rs. 8, 94,395/- has been made to the complainant in the energy bill of dated 05.08.2021 by the Respondent HPSEBL which was mutually agreed to by both the parties.

Further complainant vide his rejoinder dated 24.08.2021 has sought interest Respondent HPSEBL in its reply dated 21.08.2021 has made submission as follows:-

“The interest under clause 5.7.3 of HPERC supply code is to be paid if recovery or excess disputed payment made by the consumer was in normal routine bills and the consumer has never claimed the bill to be disputed one, while making regular monthly bill payments of real time basis. Neither the consumer has made such payments under protest. As such no interest under clause 5.7.3 of HPERC Supply Code is liable to be paid. Whereas it is very much clear that such overcharging has been done only due to clerical mistake or oversight by the time same is detected or pointed out the due amount has been refunded then and there only as such the demand of interest on refund amount is not justified and need to be set aside.”

Whereas the complainant in its reply dated 24.08.2021 has made submission as below
“The Respondent are trying to draw an incorrect interpretation of the clause 5.7.3 of the Supply Code, 2009 Clause 5.7.3 clearly specifies the period for which the interest is to be paid. It specifically says that **“from the date of payment till such time the excess amount is adjusted”**

in the present case the date of excess payments was the due dates of the monthly bills which were issued in excess since some time in the monthly bills. The excess amount was adjusted on 05.08.2021. Therefore the interest is required to be paid at least up to 05.08.2021.

The Clause 5.7.1 and 5.7.3 of H.P Electricity Supply Code 2009 is reproduced as below

5.7.1:- A consumer will effect full payment of the billed amount even if it is disputed one, failing which the licensee may initiate action treating it as a case of non-payment:

Provided that no action will be initiated if such a consumer deposits, under protest -

(a) an amount equal to the sum claimed from him, or

(b) the electricity charges for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

5.7.3 If on examination of a complaint, the licensee finds a bill to be erroneous, a revised bill will be issued to the consumer indicating a revised due date of payment, which will not be earlier than ten days from the date of delivery of the revised bill to the consumer. If the amount paid by the consumer under para 5.7.1 is in excess of the revised bill, such excess amount will be refunded through adjustment first against any outstanding amount due to the licensee and then against the amount becoming due to the licensee immediately thereafter. The licensee will pay to such consumer interest on the excess amount at twice the SBI's Short Term PLR prevalent on the first of April of the relevant year from the date of payment till such time the excess amount is adjusted.

Both the parties have been heard at length and as per record made available by them. It has been noticed by the Forum that all the issues pertaining to demand charges and contract demand violation charges have been covered in the minutes of meeting held on 05.08.2021, which was mutually consented by the representative of the complainant and the Respondent Board. The necessary excess payment amounting to Rs. 8,94,395/- has been made to the complainant in the energy bill of dated 05.08.2021 by the Respondent HPSEBL.

In view of above, the demand notice issued by the Respondent HPSEBL dated 03.03.2021 is quashed and set aside. The Respondent HPSEBL is further directed to make the payment of interest as per clause 5.7.3 of HP Electricity Supply Code 2009.

In terms of above the complaint is disposed of.

The File be consigned to record room after due completion. A copy of the order be kept in safe custody of folder of orders. The certified copy of these orders be supplied to both the parties.

Dated:- 26.08.2021

Place: - Shimla

Sd/-
(Vikas Gupta)
(Member)

Sd/-
(M.G Sharma)
(Chairman)

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No.CGRF/Complaint No. 1432/3/21/03 **Dated:-**

M/s Krishna Plastic Industries
Vill. Beli Dyor P.O Manpura,
Nalagarh Distt. Solan

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1432/3/21/03

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer,
Operation Circle, HPSEB Ltd.,
Sapruon, Tehsil & Distt., Solan (H.P)
3. Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Darlaghat, Distt. Solan (HP).

Respondents

The Certified copy of final order dated 26.08.2021 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.