

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI-9.

No. CGRF/Complaint No. 1521/202605/05

Dated: -

Complaint No.: - 1521/202605/05

Date of Admission: - 12.05.2026

**Quorum: - Er. Harinder Thakur, Chairman.
Er. Rakesh Chand Negi, Member.
Er. Madan Dhiman, Member.**

M/s ABCI Infrastructure,
National Highway 707,
Paonta Sahib Sirmour HP 173025.

Complainant

V/s.

1. The Executive Director (Pers.),
Vidyut Bhawan, Kumar House,
Shimla-171004.
2. The Sr. Executive Engineer, HPSEBL,
Electrical Division, Paonta Sahib, Teh. Nahan,
District Sirmour (HP).

Respondents

Complaint Regarding: -

Final hearing: -

06.08.2026

Present for: -

Complainant 1. Sh. Rahul Chandel Ld. Adv vice of Sh. Bhagwan Chand Ld. Adv.

Respondent 1. Sh. Rajesh Kashyap, Ld. Advocate.
2. Sh. Kamlesh Saklani, Deputy Secretary (Law).
3. Er. Ravi Shankar Chauhan Assistant Engineer, E.S.D, Satoun.
4. Sh. Pramod Kumar, Sr. Assistant, E.S.D, Satoun.

Date of Decision: -

18.08.2026

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-9.

No. CGRF/Complaint No. 1521/202605/05

Registered
Dated: -

M/s ABCI Infrastructure
National Highway 707
Paonta Sahib Sirmour HP 173025

Complainant

V/s.

1. The Executive Director (Pers.),
Vidyut Bhawan, Kumar House,
Shimla-171004.
2. The Sr. Executive Engineer, HPSEBL,
Electrical Division, Paonta Sahib, Teh. Nahan,
District Sirmour (HP).

Respondents

The Certified copy of final order dated 18.08.2026 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.

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

M/s ABCI Infrastructure Private Limited

Versus

Himachal Pradesh State Electricity Board Limited and Others

BRIEF FACTS OF THE CASE

- (1) The present complaint has been filed under Regulation 17 of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s ABCI Infrastructure Private Limited, having its registered office at Knowledge Hub, DN-23, Second Floor, Sector-V, Salt Lake, Kolkata-700091, and a Project Office at National Highway-707, Paonta Sahib, Tehsil Paonta Sahib, District Sirmaur, Himachal Pradesh.
- (2) HPSEBL is the distribution licensee and the Respondent herein.
- (3) The principal grievance relates to the tariff classification of two electricity connections obtained by the Complainant for operating street-lighting installations on the National Highway-707 Project.
- (4) The Complainant challenges, inter alia, the demand notice dated 22.12.2025 for Rs.24,04,850/- (Annexure C-1), contending that the connections were applied for and sanctioned for street lighting, but the consumption was subsequently billed under the Commercial and Large Industrial Power Supply (LIPS) categories.
- (5) The Complainant has also challenged the temporary and subsequent permanent disconnection of the two connections for alleged non-payment of bills raised under the disputed tariff categories. It seeks restoration of supply, application of the Street Lighting Supply tariff, revision of bills, adjustment/refund of any excess amount recovered and consequential relief.

- (6) The Respondents oppose the complaint. Their principal defence is that the Complainant is a private infrastructure company and, therefore, is not eligible for the Street Lighting Supply tariff, which, according to the Respondents, is restricted to Municipalities, Nagar Panchayats, Special Area Development Authorities (SADA) and Panchayats.

COMPLAINT

- (7) The Complainant states that it is executing an Engineering, Procurement and Construction (EPC) project for rehabilitation and upgradation of the Paonta Sahib-Hewna section of NH-707 under the Green National Highways Corridor Project, awarded by the Ministry of Road Transport and Highways, Government of India, with loan assistance from the World Bank.
- (8) For public-utility street lighting under the NH-707 Project, the Complainant applied for two electricity connections under the Street Lighting category. It contends that the electricity has throughout been used exclusively for street-lighting installations, but the bills were raised under an incorrect tariff category.
- (9) The Complainant states that it noticed the alleged incorrect tariff classification in or around March 2024 and approached the Respondents for correction. It further states that its request was declined by letter dated 21.11.2025 (Annexure C-3). The Complainant also approached the Superintending Engineer, HPSEBL, Nahan, and states that assurances were given that the tariff category would be corrected and the excess amount adjusted/refunded. A representation dated 03.12.2025 was thereafter submitted to the Respondents (Annexure C-4).
- (10) The Complainant states that it paid the outstanding bills up to November 2024 on the basis of such assurances, but the Respondents thereafter neither corrected the tariff category nor revised the bills or

adjusted/refunded the alleged excess amount charged. According to the Complainant, the connections were disconnected without first resolving the tariff dispute. It is further contended that disconnection of street lights installed on a National Highway has serious implications for public and road safety.

- (11) The Complainant particularly relies upon the demand notice dated 30.05.2023 (Annexure C-2) relating to the second connection, which records the category as “Street Lighting Supply-1 Part”. It contends that both connections were expressly applied for street lighting and have been used exclusively for street-lighting installations on NH-707. During hearing, to substantiate his contentions, the Complainant has cited and relied upon the judgement/order dated 09.09.2024 passed by Ld. APTEL in the case titled as M/s Dilip Buildcon Limited & Anr. v/s Maharashtra Electricity Regulatory Commission & Anr.
- (12) The Complainant accordingly seeks setting aside of the demand notice dated 22.12.2025 for Rs.24,04,850/-, restoration of supply, correction of tariff category to Street Light category, revision of bills and refund/adjustment of excess amount charged along with applicable interest.

REPLY OF THE RESPONDENTS

- (13) The Respondents have raised preliminary objections that the complaint is devoid of merit, has been filed to avoid legitimate electricity dues and amounts to an abuse of the process of the Forum.
- (14) It is pleaded that the Respondents have acted in accordance with the Electricity Act, 2003, the Himachal Pradesh Electricity Supply Code, 2009, the Regulations framed by the Ld. Himachal Pradesh Electricity Regulatory Commission (Ld. HPERC) and the tariff orders issued thereunder. According to the Respondents, tariff classification is

governed by the Tariff Orders of Ld. HPERC and the distribution licensee has no authority to depart from the tariff category approved by the Commission. The Complainant, being a private limited company, is stated not to fall within the eligibility criteria of the Street Lighting Supply category.

- (15) The Respondents further contend that the Complainant is estopped by its conduct from disputing the tariff classification because it availed supply from April 2023, accepted the bills raised under the Commercial/LIPS categories and made payments without a formal written protest until November 2024.
- (16) The alleged oral representations and assurances are denied. The Respondents state that no competent authority approved any change of tariff category, refund or adjustment and that an alleged oral assurance cannot override an approved tariff order or the prescribed procedure for classification/reclassification.
- (17) In respect of the first connection, bearing Application No. 2000623633, the Respondents state that the application was submitted on 25.03.2023 for installation of lights on NH-707 from Nihalgarh to Rajban, initially with a connected load of 49 kW (Annexure RA-1). The demand notice was issued on 25.03.2023 (Annexure RA-2) and deposited on 29.03.2023 (Annexure RA-3). The service connection order was issued on 04.04.2023 and the connection was released on 16.04.2023 under Consumer ID No. 200006000551 (Annexure RA-4). The load was subsequently enhanced from 49 kW to 200 kW and the Contract Demand from 49 kVA to 200 kVA. Thereafter, upon submission of the requisite documents, a Power Availability Certificate (PAC) was issued on 04.12.2023, followed by sanction order dated 12.12.2023 (Annexure RA-5).

- (18) In respect of the second connection, bearing Application No. 2000640546, the Respondents state that the application was submitted on 11.05.2023 for installation of lights on NH-707 near Laborate Pharma, Nariwala to Jwalapur, with a connected load of 22.5 kW (Annexure RA-6). The demand notice was issued on 30.05.2023 (Annexure RA-7) and deposited on 31.05.2023 (Annexure RA-8). The Service Connection Order was issued under Consumer ID No. 200006000558 on 23.06.2023 (Annexure RA-9).
- (19) The Respondents admit that both connections were initially applied for under the Street Lighting category. They nevertheless contend that the Street Lighting Supply schedule under the applicable tariff order is confined to street-lighting systems, including traffic-control signal systems on roads and park lighting, in Municipalities, Nagar Panchayats, SADA areas and Panchayats (Annexure RA-11). According to the Respondents, the Complainant does not satisfy this eligibility condition.
- (20) It is further contended that the Complainant is a private infrastructure company executing a commercial EPC contract for consideration and profit and is neither a Municipality, Nagar Panchayat, SADA authority nor Panchayat. It is therefore submitted that the Complainant cannot claim the Street Lighting Supply tariff merely because the electricity is used for illuminating a road.
- (21) The Respondents state that Consumer ID No. 200006000558 was billed under the Commercial category, whereas Consumer ID No. 200006000551 was billed under the LIPS category. They admit that application of the LIPS category to Consumer ID No. 200006000551 was inadvertent, but maintain that the Street Lighting Supply tariff is not applicable to either connection.

- (22) The Respondents deny having received the alleged objections in March 2024 or having given any assurance regarding correction of tariff. They also deny receipt of the alleged written representation prior to 03.12.2025, insofar as such receipt is disputed.
- (23) It is stated that the Complainant paid the electricity bills up to 08.11.2024 without raising any objection to the tariff and thereafter defaulted in payment from November 2024 onwards. Notices were issued on 17.12.2024 and 20.01.2025, followed by temporary disconnection on 10.03.2025 in accordance with the applicable provisions of the HPSEBL Sales Manual.
- (24) The Respondents further state that notices were issued on 26.05.2025, 20.06.2025, 20.08.2025, 15.09.2025 and 20.09.2025. On failure to clear the outstanding dues, the supply was permanently disconnected on 10.10.2025 in accordance with Instruction No. 36.1 of the HPSEBL Sales Manual.
- (25) The Respondents state that the first written objection regarding tariff classification was submitted on 03.12.2025, after permanent disconnection, and was replied to by the Senior Executive Engineer, Electrical Division, Paonta Sahib, on 23.12.2025.
- (26) The Respondents contend that classification of tariff, issuance of bills, recovery proceedings and disconnection were lawful and in accordance with the applicable statutory and regulatory framework. According to them, disconnection was occasioned by persistent default in payment and was not arbitrary or illegal.
- (27) On these grounds, the Respondents pray for dismissal of the complaint.

ORDER

- (28) The Forum has considered the complaint, the reply filed by the Respondents, the documents placed on record and the applicable

provisions of the Electricity Act, 2003, the Himachal Pradesh Electricity Supply Code, 2009 (Supply Code), the relevant HPERC Tariff Orders and the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.

- (29) The record establishes that both connections were applied for in connection with street-lighting installations on NH-707. The applications, demand notices and service connection orders placed on record indicate that the purpose for which the connections were sought was street lighting. The demand notice dated 30.05.2023 in respect of Consumer ID No. 200006000558 also records the category as “Street Lighting Supply-1 Part”.
- (30) It is equally established from the Respondents’ reply that Consumer ID No. 200006000558 was billed under the Commercial category and Consumer ID No. 200006000551 was billed under the LIPS category. The Respondents have expressly admitted that application of the LIPS category to Consumer ID No. 200006000551 was inadvertent. Thus, the classification actually adopted in billing was not, in that respect, consistent with the category under which the connection had initially been applied for/sanctioned.
- (31) The principal issue, therefore, is not whether the electricity is being consumed for street lighting, the record indicates that it is, but whether, under the applicable HPERC tariff schedule, a street-lighting connection used for public lighting on a National Highway can claim the Street Lighting Supply tariff when the connection stands in the name of a private EPC contractor.
- (32) Clause 2.3 of the Himachal Pradesh Electricity Supply Code, 2009 makes the classification, tariff and other conditions of supply applicable to a consumer category subject to the tariff determined by Ld. HPERC from

time to time. The distribution licensee is consequently required to implement the tariff category approved by the Commission and cannot, by its own action, create a new tariff category or alter the scope of an approved category.

- (33) At the same time, the classification dispute has to be examined with reference to the actual purpose and nature of the electricity consumption and the precise wording of the tariff schedule. The fact that the consumer is an EPC contractor is not, by itself, determinative if the tariff schedule is framed by reference to the use or purpose of electricity. Conversely, where the HPERC tariff schedule expressly restricts the Street Lighting Supply category to specified classes of local bodies or areas, that limitation cannot be ignored by the Forum merely because the end-use is street lighting.
- (34) In this context, the decision of the Ld. Appellate Tribunal for Electricity (APTEL) in M/s Dilip Buildcon Limited & Anr. v/s Maharashtra Electricity Regulatory Commission & Anr., Appeal No. 230 of 2024, decided on 09.09.2024, relied by the Complainant, is of considerable persuasive value because it concerned electricity used for street lighting on National Highways by an EPC contractor/NHAI arrangement. Ld. APTEL held, on the basis of the applicable Maharashtra tariff schedule and Supply Code, that the relevant test for classification/reclassification is the purpose for which electricity is used and that street lighting on National Highways, other than lighting in and around toll plazas or places where commercial activity is carried on, falls under the street-light tariff category. The Tribunal also emphasized that the approved tariff schedule, rather than an inconsistent billing practice of the distribution licensee, governs classification.

- (35) The aforesaid decision cannot, however, be mechanically applied to the present case because tariff classification is within the statutory domain of the Ld. HPERC and the wording of the tariff schedule is relevant. In particular, the Street Lighting Supply schedule relied upon by the Respondents contains an applicability clause referring to Municipalities, Nagar Panchayats, SADA areas and Panchayats. The Forum must therefore determine whether that wording is intended to restrict the category by the identity of the consumer, by the location/nature of the street-lighting facility, or by both. Such an interpretation has consequences beyond the present two connections and is appropriately clarified by Ld. HPERC, which is the tariff-determining authority.
- (36) The Forum is also mindful that tariff categorization is a function entrusted to the State Commission under Section 62(3) of the Electricity Act, 2003, and that the licensee must implement the Commission approved tariff. The principle that classification should correspond to the purpose of use is therefore relevant, but it must operate within the boundaries of the tariff schedule actually approved by Ld. HPERC.
- (37) The Forum accordingly holds that the Respondents were not justified in treating Consumer ID No. 200006000551 under LIPS when, on their own showing, that classification was inadvertent. The Respondents shall correct that admitted error in the billing record. As regards the broader question whether either connection is entitled to the Street Lighting Supply tariff, the issue shall be determined in accordance with the applicable Ld. HPERC tariff schedule and the clarification/determination of Ld. HPERC sought pursuant to this order.
- (38) As regards disconnection, Section 56(1) of the Electricity Act, 2003 permits disconnection for non-payment of electricity charges or other sums due after service of the statutory notice. The Respondents have

stated that notices were issued on 17.12.2024 and 20.01.2025 before temporary disconnection on 10.03.2025 and that further notices preceded permanent disconnection on 10.10.2025. On the material presently available, the Complainant has not established that the statutory notice requirement was not complied with or that the undisputed dues had been paid before disconnection. The existence of a subsequent tariff dispute, by itself, does not invalidate a disconnection otherwise carried out in accordance with Section 56 of the Electricity Act, 2003 and the Supply Code.

- (39) The demand notice dated 22.12.2025 for Rs.24,04,850/- shall not be enforced in its present form. This direction is issued without prejudice to the Respondents' right to recover the amount that is ultimately found payable under the applicable tariff, including any undisputed dues, after a proper reconciliation of the accounts. The Respondents shall also correct the admitted LIPS classification error in respect of Consumer ID No. 200006000551.
- (40) The Respondents shall prepare a provisional, month-wise statement of account for both connections, clearly showing: (i) the tariff category actually applied; (ii) the tariff category that would apply if the Street Lighting Supply category is held applicable; (iii) all payments already made; (iv) the undisputed component; and (v) the differential component arising from the tariff-classification dispute.
- (41) For the purpose of resolving the classification issue, the Respondents shall, within fifteen days from the date of this order, place before the competent authority, the complete record comprising the applications, demand notices, service connection orders, sanctioned loads/contract demand, relevant bills, applicable tariff schedules and the factual details of the use of the two connections. The Respondents shall seek a specific

clarification/determination from Ld. HPERC as to whether street-lighting installations on NH-707, operated/maintained as part of a Government/National Highway EPC project but supplied through connections standing in the name of the EPC contractor/NHAI, fall within the Street Lighting Supply tariff.

- (42) Upon receipt of the clarification/determination from Ld. HPERC, the Respondents shall revise the accounts of both connections from the relevant dates in accordance with the tariff category determined to be applicable. All payments already made shall be duly given credit. Any excess recovery shall be adjusted in accordance with the applicable regulations and tariff order; any shortfall lawfully payable shall be communicated through a revised statement of account.
- (43) So far as restoration of supply is concerned, the Complainant shall not be required to deposit the disputed differential amount merely because it is disputed. The Respondents shall first ascertain the undisputed amount legally payable after excluding, on a provisional basis, the differential amount arising solely from the disputed tariff classification. Upon payment of the undisputed amount, together with applicable reconnection charges and completion of the other prescribed formalities, the Respondents shall process restoration of supply in accordance with the Supply Code and applicable Regulations, subject to the technical feasibility and other statutory requirements.
- (44) This direction for restoration shall not be construed as a waiver of any amount that may ultimately become payable under the tariff category determined by Ld. HPERC. Equally, the Respondents shall not recover any amount contrary to the tariff finally determined by Ld. HPERC.
- (45) The Forum considers the public-safety implications of the street lighting on NH-707 to be a relevant circumstance while directing expeditious

processing of restoration, but such consideration cannot dispense with payment of the undisputed lawful charges or the statutory requirements governing reconnection.

- (46) The Respondents shall initiate the process for obtaining the aforesaid clarification/determination from Ld. HPERC within fifteen days from the date of this order and shall take consequential action without undue delay after receipt thereof. A copy of the clarification/determination and the final revised statement of account shall be supplied to the Complainant.

On aforesaid terms, the complaint is **Partly Allowed** and disposed of accordingly.

The parties are left to bear their own costs.

Order is announced before the parties present today on 18.08.2026 at Shimla in open Forum.

Certified copies of this order be supplied to the parties. The complaint, together with this order and the documents forming part of the record, be consigned to the record room for safe custody.

Sd/-

(Rakesh Chand Negi)
(Member)

Sd/-

(Madan Dhiman)
(Member)

Sd/-

(Harinder Thakur)
(Chairman)