

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 2214/202507/21

M/s Suraj Fabrics Industries Limited

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

Brief Facts:

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Suraj Fabrics Industries Limited, Patch No 03 & 04, Phase II, Industrial Area, Gwalthai, District Bilaspur (H.P) bearing consumer ID 100012005900;
- (2) Respondent is HPSEB Ltd is a distribution licensee under the Electricity Act, 2003;
- (3) As per Complainant it is a Large Industrial Power Supply (LIPS) category Consumer of Respondent since 08.08.2021, having connected load as 14,961.82 kW and contract demand as 14,900 kVA, availing electricity supply at 66 kV;
- (4) The instant complaint is with regard to the tariff of 66 kV sub-class of consumers specified in the MYT Tariff Order for FY2015-19 and 2nd APR Order for 4th MYT (**Annexure C3 & C4**), passed by the Ld HP Electricity Regulatory Commission (or the HPERC), which has been made applicable to the Complainant by the Respondent;
- (5) It is the Complainant's argument that within the said LIPS category, the tariff charged by the Respondent corresponds to 66 kV sub-class of consumers, whereas it is entitled to tariff applicable to 132 kV sub-class which has a 5 paise lower tariff. This sub-classification is based upon 'Standard Supply Voltage' and not the supply voltage actually availed by it because the Commission in its Tariff Orders has made the tariff applicability to be based upon contract demand and because Lower Voltage Surcharge (LVSS) is charged to compensate for losses at lower voltage (**Annexure C3**) / (**Annexure**

- C4)** Complainant has enclosed electricity bills dated 01.09.2021(**Annexure C1**) and 06.04.2025(**Annexure C2**);
- (6) Complainant has further argued its case for the 132 kV supply tariff based upon the definition of 'Demand charges' (**Annexure C5**), based upon the Chief Engineer (Commercial) letters dated 10.08.2015 (**Annexure C6**) and dated 18.07.2017 (**Annexure C7**) with regard to temporary reduction of Contract Demand, based upon temporary reduction of Contract Demand (**Annexure C8**) and LVSS (**Annexure C9**) provisions of HP Electricity Supply Code, 2009;
- (7) Still further, the Complainant has argued that the instant matter is not one of interpretation of Tariff Order. Complainant's has cited few Ld Ombudsman's decisions (**Annexure C11**) passed in various similar matters and gone on to state that the Respondent has complied with such decisions and refunded tariff charged;
- (8) On foregoing arguments given by the Complainant, it has sought relief from the Forum in terms of directions to the Respondent to charge tariff applicable to 132 kV sub-class of consumers and to refund tariff charged since November 2021 (**Annexure C12**) along with Interest;
- (9) On the other hand, while technically explaining the various aspects of tariff and losses, the Respondent has countered the arguments made by the Complainant and has stated that as per regulation 2.1.6.1 (A), the limits of load for standard supply voltage of 66 kV is 14 MW / 12 MVA which stand exceeded by the Complainant by availing actual supply voltage of 66 kV for 14.96 MW / 14.96 MVA load and accordingly the Complainant is liable to pay LVSS as per Tariff Orders passed by the Ld HPERC and as per the Schedule of Tariff, the Complainant is to be charged tariff corresponding to supply voltage availed which is 66kV and not Standard supply voltage which has specifically been dealt by the Ld HPERC in Tariff Order for FY2017-18 (**Annexure R1**) and FY2018-19 (**Annexure**

R2) wherein objections were also raised by the stake holders at the time of tariff determination exercise;

- (10) Respondent has cited Hon'ble Apex Court decision in Maharashtra Electricity Commission vs Reliance Energy Ltd. (2007) 8 SCC 381 wherein it has been held that tariff determination and interpretation lie within the sole domain of the State Commission and not consumer forums. Further, the Orders passed by the Ld Ombudsman are under challenge in the CWPs and also assailed in the LPAs before the Hon'ble HP High Court;
- (11) Accordingly, Respondent has sought dismissal of complaint.

ORDER

- (12) 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, the HP Electricity Supply Code, 2009, relevant Tariff Orders passed by the Ld HPERC and record as facts along with pleadings of the parties. Forum has heard the parties at length. The considered opinion of the Forum has been gathered after considering the fair facts, evidences placed on record and pleadings of parties;
- (13) At the outset, on examining the complaints, Forum observes that the Complainant on various arguments intends to avail tariffs not corresponding to availed conditions of supply but on nominal or reference conditions of Standard Supply Voltages specified by the HP Electricity Regulatory Commission (or HPERC). On one hand where the Complainant de-facto seeks Interpretation of the Tariff Orders passed by the Ld HPERC, on the other hand it denies seeking any Interpretation whatsoever from the Forum;

- (14) Forum also observes that the Complainant on seeing a 5 paise per unit benefit at 132 kV has raised a complaint which is highly argumentative seeking there-in the dispensing of actual conditions being availed by while at the same time seeking therein Interpretation of Tariff Orders passed by the Ld HPERC. Forum holds that at the behest of an argumentative complaint, it cannot hold the tariffs being charged by the Respondent as being wrong in any way and declines to interfere with the action of the Respondent;
- (15) The arguments given by the Complainant, clearly cannot find support of the Forum. In the opinion of the Forum, the arguments if given effect, without doubt result in Complainant becoming a pseudo consumer in the 132 kV voltage sub-class, whereas it is actually a 66 kV consumer availing supply at 66 kV and thus corresponds to 66 kV voltage sub-class for the purpose of tariffing. The Forum clearly holds the argumentative submissions made by the Complainant, as being absurd and not tenable;
- (16) Forum observes that by way of the instant complaint, the Complainant is clearly seeking interpretation of the Tariff Orders passed by the Ld HPERC While the Complainant has raised grievance before the Forum of wrong tariffs being charged by the Respondent, it has correspondingly failed to file complaint before the Ld HPERC under section 142 of the Electricity Act, 2003 for contravention of its Orders by the Respondent. Clearly, Forum holds that the while Complainant does not see the action by the Respondent to be wrong and in contravention of the provisions of the Act/ Regulations / Tariff Orders, it has still raised grievance before this Forum;
- (17) Forum holds that for it to interpret Tariff Orders / tariffs passed by the Ld HPERC, it shall be improper and of gross impropriety inherently carrying within it action beyond authority and action beyond jurisdiction and thus Forum is not inclined to pass any Order

in the instant complaint. Also associated with such an action are larger ramifications in respect of tariffing and the corresponding billing of all industrial and other consumers of the Respondent;

- (18) Now coming to the decisions of the Ld Ombudsman cited by the Complainant by way of its arguments, Forum holds that the provisions of the Electricity Act, 2003 are clear to it and thus it cannot and shall not indirectly step into the jurisdiction of the Ld HPERC and wrongly perform such functions as are vested purely with the HPERC under the Electricity Act, 2003;
- (19) On the anvil of above, Forum holds that other than the Interpretation of Tariff Orders passed by the Ld HPERC, Forum does not see any other cause raised by the Complainant, that may necessitate interference and the aspect of Interpretation, has already been dealt and made clear in paras supra;
- (20) In unequivocal terms, Forum concludes, that as sought in the instant complaint, the interpretation of Tariff Orders passed by the Ld HPERC, is clearly not within its domain nor is it vested with such jurisdiction which other-wise, under the statute, falls explicitly and expressly only within the domain of the HPERC.

On aforesaid terms the complaint is disposed as **Dismissed** with liberty to the Complainant, to approach the HPERC in the matter.

Order is announced before the parties present today on 26.09.2025 at Shimla in open Forum.

Parties are left to bear their own costs.

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

Place: Shimla

--Sd--
Vikas Gupta
(Member)

--Sd--
Tushar Gupta
(Chairperson)

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI,
SHIMLA-9.**

Complaint No.:- 2214/202507/21
Date of Admission:- 18.07.2025
Quorum:- Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

M/s Suraj Fabrics Industries Ltd.
Patch No.03& 04, Phase II, Industrial
Area, Gwalthai distt. Bilaspur 174201

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer
Electrical Division HPSEBL,
Bilaspur, District Bilaspur (HP).
3. Assistant Engineer,
Electrical Sub-Division HPSEBL,
Kot /Gangwal District Solna HP

Respondents

Final hearing:- 18.09.2025.

Counsels:-

Complainant 1. Sh. Rakesh Bansal (Authorized Representative)

Respondent 1. Sh. Rajesh Kashyap, Advocate

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

Date of Decision:-26.09.2025

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.

No. CGRF/Complaint No. 2214/202507/21

Dated:-

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Patch No.03& 04, Phase II, Industrial
Area, Gwalthai distt. Bilaspur 174201
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Electrical Sub-Division HPSEBL,
Kot /Gangwal District Solna 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.