

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Review Application No RC-1421/202503/03

M/s MicroTurners (Naryal Unit)

Vs

HP State Electricity Board Ltd and ors

ORDER

- (1) Review Application has been filed on 20.02.2025 by M/s Micro Turners (Naryal Unit) original Complainant in complaint No. 1421/202405/13 which was decided by the Forum vide its Order dated 27.11.2024;
- (2) Matter was listed today for the first time. Parties have been heard;
- (3) On 26.12.2024, the original Complainant/ Applicant herein had filed Representation No 12/2024 before the Ld Ombudsman for Electricity, which was decided by the Ld Ombudsman vide Order dated 03.02.2025;
- (4) In the para 9 of part 'L' of ibid Order dated 03.02.2025, Ld Ombudsman is pleased to pass the following Order –
“ 9. the Complainant is also at liberty to file a review Application before Ld. CGRF to re-adjudicate only the issue of rebate on night hour consumption in addition to night hour concession in consonance with the letter of clarification dt. 31.07.2020 issued by the Hon'ble Commission which could not be adjudicated in the Forum for want of jurisdiction in absence of such directives. ”
- (5) Forum observes from complaint that the letter dated 31.07.2020 referred to in the ibid Ld Ombudsman Order is on record. Based on this letter, Review Applicant has averred that the observations of the Forum in its Orders is contrary to clarification given in the said letter and has prayed for adjudicating the matter again. However, Forum also observes that the Review Applicant has not placed on record the said Orders passed by the Forum on 27.11.2024 against which the instant Review Application has been filed. However, on examination of Order passed by the Ld Ombudsman, Forum finds that abstract of Forum's Order from para 38 to 67 has been reproduced in Ld Ombudsman's Order in para 2 to 31 of part H;

- (6) Further, from perusal of para 41 to 43 of said Order passed by the Forum on 27.11.2024, Forum finds that the issue of rebate on night hour consumption has specifically been dealt and speaking Orders passed on the basis of Tariff Orders passed by the HP Electricity Regulatory Commission (or the HPERC). However, the ibid letter dated 31.07.2020 has not been dealt in the said Order as then it was not the case of the Complainant;
- (7) Forum observes on examining the said letter dated 31.07.2020 that it is a communication between the HPERC and the Chief Engineer (Commercial), HPSEBL, which inter-alia is in terms of delay by the Respondent in seeking of clarification, hardships faced by the consumers during covid-19 etc. This letter further gives directions to the Respondent to give details of amounts for truing up for FY21, the with-drawl of some previous clarification by the HPERC and for consideration of rebate for night time consumption till the issuance of next Tariff Order for FY22;
- (8) In context of the said letter dated 31.07.2020, Forum holds that a letter cannot supersede or override any statutory Judicial Tariff Orders passed by the Ld HPERC. Forum also holds that a statutory Judicial Order of clarificatory nature either by the Ld HPERC or Order by the Hon'ble Courts alone have the powers to do so. Accordingly, Forum further holds and concludes that when Order has been passed by the Forum on 27.11.2024 which is based on Judicial Tariff Orders passed by the Ld HPERC, then this letter between the HPERC and the HPSEBL cannot not have any supersession or overriding effect on Order passed by the Forum in complaint No 1421/202405/13;
- (9) Forum also observes that the Review Application is in terms of discovery of new evidence namely the said letter dated 31.07.2020. From perusal of provisions of sub-regulation 26(7) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman)

Regulations, 2013, Forum finds the following provisions governing the instant matter–

Quote

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26. Issuance of Order (1)

.....

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¹[(7) *The Forum, either on its motion or on an application moved within 30 days of the order by any of the parties to the original proceedings, may, after affording an opportunity of being heard, review its order on-*]

(i) the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time the order was made;

....

....

Un-Quote

- (10) When the ibid provisions of Regulations on Review are read vis-à-vis Review Application filed, Forum finds that the review Applicant here-in has nowhere shown the specified due diligence that may have been exercised by it at the time the Order dated 27.11.2024 was passed by the Forum. Clearly the Review Application is not in accordance with the Regulations notified by the HPERC;
- (11) Forum further finds that the Order in original complaint was passed by the Forum on 27.11.2024 and the instant Review Application has been filed on 20.02.2025 i.e after a gap of 85 days. Considering the fact that the Complainant was before the Ld Ombudsman in the matter from 26.12.2024 to 03.02.2025 ie for 40 days, the Review Application is delayed by 45 days against the mandated provision in ibid Regulations of 30 days. Clearly the Review Application is barred by limitation;
- (12) In view of foregoing, Forum does not find any wrong in its Order dated 27.11.2024 which may necessitate its Review on discovery of new matter of evidence by the Review Applicant herein / Complainant in original complaint. Forum concludes that the

instant Review Application is not in accordance with the Regulations notified by the HPERC while at the same time it has been filed after the mandated 30 days and is clearly barred by limitation.

On aforesaid terms the instant Review Application is dismissed and accordingly disposed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 12.03.2025 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: 12.03.2025
Shimla

--Sd--
Vikas Gupta
(Member)

--Sd--
Tushar Gupta
(Chairperson)

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

Complaint No.: - RC-1421/202503/03

Date of Admission: - 05.03.2025

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

In ref:-

M/s Micro Turners (Naryal Unit)
Village, Naryal Parwanoo HP.

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division, HPSEBL
Parwanoo Distt Solan.
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Parwanoo,
District Solan (H.P.)

Respondents

Final hearing:- 12.03.2025.

Present for:-

Complainant	1. Sh. Rakesh Bansal, Authorised Representative
Respondent	1. Sh. Rajesh Kashyap, Advocate

Date of Decision:- 12.03.2025

Notice

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.**

No. CGRF/Complaint No. RC-1421/202503/03

Dated:-

M/s Micro Turners (Naryal Unit)
Village, Naryal Parwanoo HP.

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. RC-1421/202503/03

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
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2. The Sr. Executive Engineer,
Electrical Division, HPSEBL
Parwanoo Distt Solan.
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Parwanoo,
District Solan (H.P.)

Respondents

The Certified copy of final order dated 12.03.2025 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.

Sd/-
Secretary,
Consumers Grievances Redressal Forum,
HPSEBL, Kasumpti Shimla-9.