

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09
No. CGRF/Complaint No. 1453/2/19/020

Complaint No.: - 1453/2/19/020

Date of Admission: - 19.06.2019

Quorum: - Er. Sanjay Dewan, Chairman.
Sh. K.S Dhaulta, Member.

M/s. Kundlas Loh Udyog,
Vill. Balyana, P.O. Barotiwala,
Tehsil Baddi, Distt. Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1432/4/19/064

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Addl. Superintending Engineer,
Electrical Division, HPSEBL,
Baddi, Distt. Solan (HP).
3. The Assistant Engineer,
Electrical Sub-Division, HPSEBL,
Barotiwala Distt. Solan (HP).

Respondents

Final hearing:-

20.08.2020

Present for:-

Complainant

1. Sh. Rakesh Bansal, (Authorized Representative)

Respondent

1. Sh. Anil Kumar God, Advocate
2. Er. Rakesh Kumar, S.E. Solan
3. Er. Pratap Singh, A.E. Barotiwala

Date of Decision: -

20.08.2020

ORDER

1. Briefly stated facts of the complaint are that the complainant is aggrieved by the supplementary bill issued vide letter dated 27.06.2015 for a huge amount of Rs. 1,52,12,681/- for the period of August, 2014 to May 2015, alleging that the meter has been tampered with, so as to record less energy on the basis of MRI energy record and also alleged that the secondary of the 66KV current transformer has been shorted number of times. The complainant contends that the demand notices dated 27.06.2015 and 22.07.2015 are highly unjust, illegal, arbitrary and in violation of the principles of natural justice and canons of jurisprudence. The amount which have been levied is contrary to the provisions of Electricity Act and rules, regulations and guidelines, thus, the notices dated 27.06.2015 and 22.07.2015 are bad in law and sought to be quashed and set-aside.
2. The complainant had earlier filed a complaint before this Forum vide number 1453/3/15/047 on the same issue, protesting the levy of arrears on account of under assessment charges illegally charged in the energy bills of the complainant of Rs.1,52,12,681/-. The Forum dismissed the complaint filed before it vide order dated 20.12.2016 (**Annexure C-5**), for want of Jurisdiction, as the case falls Under Section 126 of the Electricity Act, 2003, which deals with the unauthorised extension of load, which is the subject matter of the complaint.
3. The complainant thereafter, approached the Ld. Divisional Commissioner, Shimla Division, Shimla-171002 H.P., by way of appeal No. 28/2017 which was decided on 14.03.2019 vide order appended as **Annexure-C-6**. The Ld. Appellate Authority dismissed the appeal being not filed as per requirement of law. The complainant has filed the present appeal mainly on the ground that the matter was not covered under section 126 of the Electricity Act, 2003 and the observations of this Forum made in order dated 20.12.2016 has been held incorrect by the Ld. Divisional Commissioner.
4. The Respondent Board in its reply questioned the locus standi to file the present complaint, as he is estopped to file the same by his own acts, conduct and deeds. The respondent contends that it has rightly raised the demand on account of under assessment of bill after following the due process, as laid under the prevalent Rules and Regulations. The account of the complainant was overhauled on account of underassessment of charges. Respondents further submits that seals of meter terminal box was found broken

during the visit on 20.05.2015. As per staff of Complainant Company, the seals were stated to be broken for MRI reading; as such meter box was re-sealed after proper mounting of energy meter in the presence of complainant company representative. The MRI data has clearly shown that meter was tampered with by shorting of CT secondary terminals number of times by using unfair means.

5. The complainant in its rejoinder reiterates the submissions made in the complaint and controvert the contentions of respondents that meter mounting was not in order and the seal of meter box was found broken. Complainant asserts that it has no relation with the ground of issuance of supplementary bill under questions in the complaint. The respondents failed to record evidence in shape of videos, pictures or statements etc. and also FIR has to be recorded with police within few hours in case of tempering and unauthorised extension of load etc., as per clear guidelines and provisions of law on the matter. Again the respondents failed to issue a provisional and final assessment order U/s 135 of Electricity Act, 2003, so as to facilitate complainant to take different legal recourse as per Regulations.
6. We have heard both the parties at length. We have carefully gone through the record placed before us and perused the order **(Annexure C-5) and (C-6)** of the Ld. Authorities. The order of this Forum dated 20.12.2016 clearly and in unambiguous terms, has held that as per reply and statements of respondents, it is a case of tempering of meter seals and shorting of C.T. secondary's, as such this case falls under section 126 of the Electricity Act, 2003 and is beyond the jurisdiction of this Forum. We are in total agreement with the observations of this Forum made in its order referred above dated 20.12.2016 **(AnnexureC-5)**. The facts of the case as presented before of us in the instant complaint remains the same which were before the Forum earlier in complaint No.1453/3/15/047 which stood decided as dismissed for want of jurisdiction.
7. Further the order dated 14.03.2019 **(Annexure C-6)** of Ld. Division Commissioner also held that appeal has not been filed as per requirement of law and hence dismissed. The complainant has again filed the present complaint on similar grounds and issues, which were raised before the Authorities earlier. The same stood disposed of on the grounds of jurisdiction by this Forum and on failure to fulfil requirement of law for filing appeal etc. The complainant failed to make out any case before us to entertain the complaint, as per

provisions of CGRF Rules, 2013, by establishing the fact that it's not a case of tempered meter and indulgence of complainant in unauthorised use of electricity, as claimed by respondents.

8. We find it hard to departure from the findings recorded by this Forum in its order (**Annexure C-5**) dated 20.12.2016 and conclude that the present matter does not fall within the jurisdiction of this Forum, as facts presented before us by the parties are similar, to the facts raised in the earlier complaint referred above. The respondents also states that MRI data clearly has shown that meter was tempered. Thus, the matter falls Under Section 126 of Electricity Act, 2003 and this Forum has no jurisdiction to decide such issue as per laid down provisions of law on the matter. Accordingly within going into the merits of the case, the present complaint is dismissed for want of Jurisdiction with a liberty to the parties to approach appropriate authority/courts for redressal of their grievance.

The parties are left to bear their own cost. The case is decided neither in favour of complainant nor in favour of Respondents. The order served on 18.08.2020 is released on 20.08.2020 in open court.

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:-20.08.2020

Place:- Shimla

Sd/-
(K.S. Dhaulta)
Member

Sd/-
(Sanjay Dewan)
Chairman

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.
No. CGRF /Complaint No. 1453/2/19/020

Registered

Dated:-

M/s. Kundlas Loh Udyog,
Vill. Balyana, P.O. Barotiwala,
Tehsil Baddi, Distt. Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1453/2/19/020

1. The Executive Director (Pers.),
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Barotiwala Distt. Solan (HP).

Respondents

The Certified copy of final order dated 20.08.2020 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.