

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1515/202404/07

M/s Amba Shakti Ipat Ltd

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

ORDER

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Amba Shakti Ipat Ltd, Plot No 6 and 6A, Industrial Area, Kala Amb, District Sirmaur (HP)- 173030, bearing consumer ID 100012002331;
- (2) Complainant is a Large Industrial Power Supply (LIPS) category Consumer availing electricity supply at 33 kV and Respondent is HPSEB Ltd who is a distribution licensee under the Electricity Act, 2003;
- (3) The complaint was listed today for admission hearing. Parties have argued the matter;
- (4) The Authorized Representative of the Complainant during the admission hearing today has submitted before the Forum that the instant complaint is with regard to the tariff made applicable by the Respondent to 33 kV sub-class of consumers within the LIPS consumer category as specified by the Ld HP Electricity Regulatory Commission (or the HPERC) in the Tariff Orders passed by it. The tariff which has been made applicable to the Complainant by the Respondent is that corresponding to 33 kV sub-class of consumers whereas the sub-class which ought to have been made applicable to it should have been that corresponding to 132 kV sub-class of consumers. The argument in support extended by the Complainant is that it has paid Lower Voltage Surcharge (LVSS) and thus the applicable tariff cannot be based upon the actually availed voltage

but should be based upon contract demand, Standard Supply Voltage etc;

- (5) The Authorized Representative has also submitted that the instant matter is not one of contravention by the Respondent of the Tariff Orders passed by the Ld HPERC nor of Regulations framed by the HPERC, as may be covered under section 142 of the Electricity Act, 2003;
- (6) At the outset, from bare perusal of the relevant provisions of Tariff Orders (**Annexure C9**) and Regulations, Forum finds that the Complainant does not see the action by the Respondent to be wrong and in contravention of the provisions of the Act/ Regulations / Tariff Orders. However, Complainant intends to avail tariffs not corresponding to availed conditions of supply but to nominal or reference conditions. The arguments of the Authorized Representative of Complainant clearly do not find support by the Forum. The arguments if given effect result in Complainant becoming a pseudo consumer of 132 kV voltage sub-class, whereas it is actually a consumer of 33 kV voltage sub-class. The Forum clearly finds the submissions made by the Complainant as absurd, argumentative and not tenable;
- (7) During the course of admission hearing, the Counsel for Respondent informed the Forum that the stakeholders in the Tariff petition for FY19 had already raised a similar issue as the one in the instant complaint, which was adequately addressed by the Ld HPERC;
- (8) Forum finds the submission of the Respondent as true. The stakeholders had in the Tariff petition for FY19 in-fact raised the same /similar issue which is at para 5.20.49 and which was addressed by the Ld HPERC at para 5.20.52 of the Tariff Order for

FY19 dated 04.05.2018. The observation of the Ld HPERC is as follows:—

“5.20.52 The Commission agrees with the views of the Petitioner that LVSS is a surcharge that is imposed to encourage discipline and ensure that consumers draw power at the standard supply voltage. Energy charges, on the other hand, are based on the actual voltage at which the consumer is drawing power since the distribution utility has to bear system losses due to power being drawn at a lower voltage as against the standard supply voltage. Therefore, the Commission is of the view that the current provisions for LVSS are reasonable and decides to continue with the same.”

- (9) Further, Forum is of the considered opinion that if the Complainant seeks recovery of money, then the Complainant is bound to state the precise amount claimed. On bare perusal of the complaint, Forum does not find any specific monetary claim nor is there any challenge to any bill that may have been raised by the Respondent. The fact that the Complainant has shied away from any monetary claim, it becomes amply clear to the Forum that the complaint has been raised on the back of interpretation of tariffs / Tariff Orders and Complainant is here before the Forum to indirectly seek interpretation of Tariff Orders passed by the Ld HPERC;
- (10) Forum is aware that even making an attempt by it to interpret Tariffs / Tariff Orders passed by the Ld HPERC, it shall be improper and of gross impropriety carrying within it action beyond authority. Also associated with such are larger ramifications on tariffing and previous billing of the Complainant which are not under challenge here and also ramifications in respect of tariffing and the corresponding billing of other consumers of the Respondent;
- (11) On the anvil of above, Forum holds that there is no sufficient cause of action raised by the Complainant that may warrant determination by the Forum;
- (12) Forum further holds in unequivocal terms that to interpret Tariffs / Tariff Orders passed by the Ld HPERC is clearly not within the

Forum's jurisdiction nor is it vested with such jurisdiction which other-wise falls strictly in the purview of the Hon'ble HPERC under the statute.

On aforesaid terms the complaint is disposed of with liberty to the Complainant, if it so desires, to approach the Ld. HPERC in the matter.

Order is announced before the parties present today on 03.09.2024 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: 03.09.2024

Place: Shimla

--Sd--
Anil Sharma
(Member)

--Sd--
Tushar Gupta
(Chairperson)

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

Complaint No.: - 1515/202404/07
Date of Admission: - 29.04.2024
Quorum: - Er. Tushar Gupta, Chairman
Sh. Anil Kumar Sharma Member

In ref:-

M/s Amba Shakti Ispat Ltd.
Plot No. 6 & 6A,
Industrial Area, Kala Amb
Distt. Sirmour

Complainant

V/s.

HPSEBL & Others.

Respondents

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

Respondents

Final hearing:- 03.09.2024.

Present for:-

- | | |
|-------------|---|
| Complainant | 1. Sh. Rakesh Bansal (Authorized Representative). |
| Respondent | 1. Sh. Kamlesh Saklani, Under Secretary Law. |
| | 2. Sh. Rajesh Kashyap, Advocate |

Date of Decision: -03.09.2024.

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 1515/202404/07

Dated:-

M/s Amba Shakti Ispat Ltd.
Plot No. 6 & 6A,
Industrial Area, Kala Amb
Distt. Sirmour

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V/s.

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Complaint No. 1515/202404/07

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HPSEBL, Kala Amb,
District Sirmour (H.P.)

Respondents

The Certified copy of final order dated 03.09.2024 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.

Sd/-

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