

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1515/202403/04

M/s J.B. Rolling Mills Limited

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

ORDER

Complaint has been filed by M/s J.B. Rolling Mills Limited, bearing Consumer ID 100012002351 Village Kheri, Trilokpur Road, Kala Amb, Tehsil Nahan, District Sirmaur, HP;

The matter is listed today for first time for admission hearing;

Complainant has come before the Forum for refund of amount of Rs 90 lacs, paid by it to the Respondent HPSEBL towards normative Infrastructure Development Charges (IDC) on 24.09.2021 and on 30.09.2021;

As per Complainant, the said amount is refundable due to action of Respondent to release balance of 50% of Contract Demand (in KVA) on 05.04.2022 ie after the Tariff Order dated 29.03.2024 was passed by the Ld HP Electricity Regulatory Commission, wherein the rates of normative IDC have been revised from Rs 2000 per kVA to Rs 200 per kVA. The Complainant had applied for 10000 kVA Contract Demand out of which 50% i.e 5000 kVA was released on 14.12.2021 and the balance 50% was released on 05.04.2022 ie after the Tariff Order dated 29.03.2022 (effective 01.04.2022);

Forum observes that the Ld Commission in pursuance to sub-regulation 5(2) of the HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2012, specifies the normative rates of IDC (in Rs/kVA) in its Orders / Tariff Orders;

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1515/202403/04

From perusal of ibid Regulations, Forum further observes that the said normative IDC is a mode for the recovery of Expenditure as mandated under section 46 of the Electricity Act, 2003, for the expenses incurred or to be incurred for creation / augmentation / addition of distribution system to give supply to the applicant for the electricity connection, however, such mode not being based upon actual but on normative basis;

Forum, after perusal of the ibid Regulations comes to the logical conclusion that if recovery of expenditure is effected by the distribution licensee on actual basis, then such recovery takes place at the time of application by the consumer so as to enable the distribution licensee to undertake the expenditure for the distribution system as may be required by the consumer and this does not have any bearing on the date of release of load;

However, Forum falls short of understanding the treatment to the recovery of expenditure under the normative structure as is presented before the Forum in the peculiar situation carried in the complaint, as to whether under the said normative structure, the rates of IDC given in the Orders / Tariff Order have to be considered from the date of application or from the date of release of Contract Demand, which is a matter of interpretation;

Forum is aware that it is not within its authority or scope to interpret Orders / Tariff Orders passed by the Ld HP Electricity Regulatory Commission and accordingly the Forum holds that the complaint is not maintainable before this Forum;

On aforesaid terms, the complaint is disposed with liberty to the Complainant to approach the Hon'ble HP Electricity Regulatory Commission in the matter.

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1515/202403/04

Order is announced before the parties present today on 13.03.2024 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.

Dated:-13.03.2024

Place:- Shimla

--Sd--

(Anil Kumar Sharma)
(Member)

--Sd--

(Vikas Gupta)
(Member)

--Sd--

(Tushar Gupta)
(Chairman)

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

Complaint No.: - 1515/202403/04

Date of Admission: -05.03.2024

**Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member
Sh. Anil Kumar Sharma Member**

In ref:-

M/s J.B. Rolling Mills Ltd.
Village Kheri, Trilokpur Raod,
Kala Amb, Tehsil Nahan,
District Sirmour (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

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

Respondents

Final hearing:- 13.03.2024

Counsels:-

Complainant 1. Sh. O.C. Sharma, Advocate

Respondent 1. Sh. Ramesh, Adv. vice of Sh. Rajesh Kashyap Advocate
2. Sh. Kamlesh Saklani, Under Secretary Law.

Date of Decision: -13.03.2024

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No.CGRF/Complaint No.1515/202403/04

Dated:-

M/s J.B. Rolling Mills Ltd.
Village Kheri, Trilokpur Raod,
Kala Amb, Tehsil Nahan,
District Sirmour (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1515/202403/04

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

Respondents

The Certified copy of final order dated 13.03.2024 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.

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