

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9
No. CGRF/Complaint No. 1421/3/20/022 **Dated:-**

Complaint No.:- 1421/3/20/022
Date of Admission:- 27.07.2020
Quorum:- Er. Suresh Kumar, Chairman.
Er. Vikas Gupta, Member.
Sh. K.S.Dhaulta, Member.

M/s Manjushree Plastics Pvt. Ltd.
Plot No. 32, Sectro-5, Parwanoo,
District Solan (HP).

Complainant

V/s.

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

Respondents

Final hearing:-

21.06.2021

Present for:-

Complainant

1. Sh. Rakesh Bansal, Authorized Representative.

Respondent

1. Sh. Anil Kumar God, Advocate
2. Er. Chatter Sing, A.E. Parwanoo

Date of Decision: -

21.06.2021

ORDER

1. The instant complaint has been filed to refund the excess amount of Rs.8,91,908.50/- charged from the Complainant due to application of wrong tariff by HPSEBL/ Respondents. The complainant is aggrieved by over charging in the electricity bills issued to him. The bills Annexed with the complaint as Annexure C-2. The Complainant vide Annexure C-1 dated 22.06.2020 wrote to respondents about the charging of incorrect tariff in consumer ID 100012000629 along with calculations carried out and requested for refund of excess amount of Rs.8,91,908.50/- recovered from the complainant. The respondents failed to respond to the representation Annexure C-1 and resultantly the complainant filed the present complaint in pursuance of Regulation number 16,17 and 18 of the HPERC Consumer Grievances Redressal (Consumer Grievances Redressal Forum and Ombudsman) Regulation 2013.

2. The main controversy between the parties pertains to wrong charging of tariff. The complainant has alleged that he has been charged tariff for Large Industrial Power Supply category (LIPS) instead of Medium Industrial Power Supply category (MIPS). The fact on record is not disputed by the Respondent Board that Complainant has been sanctioned Industrial Load of 151.47KW with 85 KVA of contract Demand which clearly falls in the Medium Industrial Power Supply category (MIPS) as per tariff chargeable. The Respondents has been charging wrong tariff fixed for Large Industrial Power Supply category (LIPS) since August, 2014, the main difference being the rates of Demand Charges. The sanctioned Industrial Load of 151.47 KW with 85 KVA of contract Demand of the complainant falls into Medium Industrial Power Supply category (MIPS).The complaint alleged that the rate of Demand Charges chargeable from MIPS Category was Rs. 100/- per KVA since August 2014 up to March 2016 and thereafter the rate of Demand Charges is Rs.120/- KVA till date of filing complaint. It is alleged that the rate of Demand Charges in case of (MIPS) category were charged to the complaint @ Rs.250 per KVA. The complainant claims refund of excess amount charged from the

Respondents due to application of wrong tariff along with interest pay-able on refund amount, as per clause 5.7.3 of the Supply Code, 2009 read with Regulation 26(2) of the HPERC (CGRF and Ombudsman) Regulation, 2013 from the date of billing to such period the refund amount is not refunded to the complainant.

3. The Respondent Board in its reply in Para 8.2.2 has submitted that on receiving of present complaint, the account of the complainant has been overhauled and inaccordance to the applicable tariff, the excess amount to the tune of Rs. 5,57,194/ and 4,50,031/- (total Rs 10,07,225/-) stands credited through sundry in the energy bills of October, 2020 and January, 2021 of the complainant company. The Board has placed on record the bills as Annexure B and C, along with the reply. The rectification/ settlement of wrong tariff by the Board has not been disputed by the complainant in its rejoinder and the only issue left is of the interest payable on the excess amount refunded, as per extant Regulations.
4. We have heard the parties, perused the record made available carefully and submissions of the complainants and Respondents. We have also gone through the relevant provisions of the Supply Code, 2009 read with Regulation 26(2) of the HPERC (CGRF and Ombudsman) Regulation, 2013 etc., on the matter. It is an admitted fact that the complainant company was to be charged tariff, as per rate fixed for MIPS category Industrial Units, based on the sanctioned Industrial Load of 151.47 KW with 85 KVA of Contract Demand as per the chargeable tariff. The respondents on the other hand appear to have inadvertently charged tariff at the rate applicable for LIPS category since August, 2014 to up to March, 2016, thus causing main difference in the rates of Demand Charges. The Bills Annexure C-2 were issued to the complainant in excess demand. It is also on record that the Respondents after the present complaint have overhauled the account of the complainant company and have now settled the disputed amount of wrong / excess bills / Demand Charges, to the tune of Rs. 5,57,194/ and 4,50,031/- (total Rs 10,07,225/-) which stands credited through sundry in the energy bills of complainant for the month of October, 2020 and January, 2021.
5. The complainant, as per the extant regulation and provisions of the 5.7.3 of the Supply Code,2009 is entitled to the refund of interest on the excess amount refunded

with simple interest @ 15% per annum through adjustment in future energy bills from the date of payment till such time the excess amount is adjusted. Thus , Respondents are directed to refund the simple interest @ 15 % per annum by way of adjustment in future energy bills of the complainant on the excess amount refunded from the date payment till the excess amount is adjusted.

6. Accordingly in the aforesaid terms, the present complaint is allowed and disposed off today on 21.06.2021 in the presence of the parties at Shimla. The parties are left to bear their own costs.
7. Announced before the parties present at Shimla on 21.06.21.

The File be consigned to record room after due completion. The copy of the order be kept in safe custody of folder of orders. The certified copy of these order be supplied to both the parties.

Place: - Shimla

Dated: -21.06.2021

Sd/-

(K.S.Dhaulta)
(Member)

Sd/-

(Vikas Gupta)
(Member)

Sd/-

(Suresh Kumar)
Chairman

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 1421/3/20/022

Registered
Dated:-

M/s Manjushree Plastics Pvt. Ltd.
Plot No. 32, Sectro-5, Parwanoo,
District Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1421/3/20/022

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

Respondents

The Certified copy of final order dated 21.06.2021 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.