



**Consumers' Grievances Redressal Forum (HPSEBL),
Top Floor, Block No8, Shimla-9
(0177-2626104; Email: cgrfhp@gmail.com)**

Complaint No. 3241/202512/34

M/s Sunny Gramin Udyog
...Complainant

Versus

Himachal Pradesh State Electricity Board Limited (HPSEBL) & Others
...Respondents

ORDER

The complainant has filed the present complaint seeking quashing of the demand notice dated 10.12.2025, waiver of sundry charges, interest and penalty, adjustment of the alleged excess amount paid by him, and a direction restraining the respondents from disconnecting the electricity supply.

The respondents have contested the complaint by filing a detailed reply and prayed for dismissal of the complaint.

We have heard the learned counsel for both parties and carefully examined the pleadings, documents placed on record and the entire material available before this Forum.

FACTS OF THE CASE

It is not in dispute that the complainant is running a flour mill under the name and style of M/s Sunny Gramin Udyog and is an electricity consumer of HPSEBL. Initially, the electricity connection was released with a sanctioned load of 77.48 kW.

The record further reveals that the complainant himself applied for enhancement of the connected load. The respondents have placed on record the application for enhancement and the Service Connection Order showing that the load was enhanced from 77.48 kW to 125.597 kW on 15.05.2016 after completion of all codal formalities. The complainant has failed to produce any evidence to show that the enhancement of connected load was never sanctioned.

The respondents have further explained that due to a clerical/system error during migration of the billing system to SAP, the enhanced load could not be updated in the software.



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Consequently, the complainant continued to be billed under the lower tariff and lower sanctioned load. This mistake was subsequently detected during audit, whereafter the short recovery was assessed and entered as sundry charges in the consumer's account.

The record also shows that after the audit objection, the respondents issued notices to the complainant demanding payment of the outstanding dues. Instead of clearing the dues, the complainant approached the District Consumer Commission. The dispute was settled by way of a compromise dated 28.10.2022, whereby the complainant agreed to pay Rs.1,50,000/- per month towards arrears/energy bills till the entire arrears were cleared.

The respondents have further placed on record that the complainant failed to comply with the compromise. The execution application filed by the complainant was dismissed and the appeal before the Hon'ble State Consumer Disputes Redressal Commission was also dismissed. The State Commission observed that the interim protection stood vacated and HPSEBL was at liberty to proceed in accordance with law.

POINTS FOR DETERMINATION

The following questions arise for consideration:

1. Whether the demand raised by HPSEBL is illegal or arbitrary?
2. Whether the complainant is entitled to waiver of the sundry charges, interest or penalty?
3. Whether the complaint deserves to be allowed?

Finding on Limitation

The complainant has contended that the impugned demand is barred by limitation and is hit by Section 56(2) of the Electricity Act, 2003. The said contention is devoid of merit.

The material available on record clearly establishes that the enhanced load was duly sanctioned in the year 2016 and the subsequent short assessment occurred only because of a clerical/system error in updating the enhanced load in the billing software. Upon detection of the error during audit, the respondents raised the demand by way of sundry charges and



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thereafter continuously reflected the outstanding amount in the monthly electricity bills. The respondents also issued statutory notices demanding payment of the outstanding dues. Further, the complainant himself entered into a compromise dated 28.10.2022 before the learned District Consumer Commission, whereby he agreed to pay Rs.1,50,000/- per month towards arrears and energy bills until the entire outstanding amount was cleared. Thereafter, execution proceedings and the appeal arising therefrom also continued between the parties.

In these circumstances, the outstanding dues remained a continuing liability and were never abandoned by the respondents. The demand was consistently reflected in the consumer's account and was repeatedly communicated to the complainant. Therefore, the present demand cannot be treated as a stale or time-barred claim.

This Forum is of the considered view that neither the provisions of Section 56(2) of the Electricity Act, 2003 nor the principles of limitation are violated in the facts and circumstances of the present case. The respondents have merely corrected the under-assessment detected during audit and sought recovery of the lawful electricity charges payable by the complainant. Such recovery is permissible in law and cannot be defeated on the ground of limitation in the peculiar facts of the present case.

Accordingly, the plea of limitation raised by the complainant is rejected.

DISCUSSION AND FINDINGS

The principal contention of the complainant is that the respondents cannot recover the disputed amount because the under-billing occurred due to their own clerical mistake. This contention cannot be accepted.

The material placed on record clearly establishes that the enhanced load was duly sanctioned in the year 2016. Therefore, the complainant was liable to pay electricity charges applicable to the enhanced load. Merely because the billing software failed to reflect the sanctioned load does not extinguish the liability of the consumer to pay the lawful electricity charges actually payable.



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The audit report only detected the short recovery arising out of under-billing. The respondents have consistently pleaded that the sundry charges represent recovery of the amount which remained unbilled due to the clerical error and are not in the nature of any arbitrary penalty. Nothing has been produced by the complainant to discredit this explanation.

The complainant has also relied upon Section 56(2) of the Electricity Act, 2003 to contend that the demand is barred by limitation. However, the record shows that the outstanding dues were reflected in subsequent bills, notices were repeatedly issued, and the complainant himself entered into a compromise acknowledging the outstanding liability. The liability therefore continued to remain alive and cannot be treated as a stale or time-barred claim in the facts of the present case.

Another important aspect is that the complainant had already approached the Consumer Commission in respect of the same dispute. The parties voluntarily entered into a compromise before the competent Commission. Thereafter, the complainant filed execution proceedings, which were dismissed. The appeal against the dismissal of the execution application was also dismissed by the Hon'ble State Commission. The findings recorded therein have attained finality. The complainant cannot now seek substantially the same relief by initiating another round of litigation before this Forum. Such a course is legally impermissible.

The complainant has also failed to establish any deficiency in service or unfair action on the part of HPSEBL. On the contrary, the respondents have satisfactorily explained the circumstances under which the under-billing occurred and the subsequent recovery proceedings were initiated after audit.

This Forum is therefore satisfied that the impugned demand has been raised in accordance with law and applicable billing procedure. No ground is made out for interference.

Finding regarding Late Payment Surcharge (LPS)

The complainant has also questioned the penalty, which is rather Late Payment Surcharge (LPS). The record shows that the principal demand pertains to short assessment detected



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during audit and the same has been held to be legally recoverable. Accordingly, the challenge to the principal demand is rejected.

However, this Forum finds that the issue relating to levy of Late Payment Surcharge requires separate consideration. The respondents have not demonstrated that the LPS has been levied strictly in accordance with the applicable Supply Code, Supply Regulations and Tariff Orders governing the field. In these circumstances, the levy of Late Payment Surcharge requires reconsideration in accordance with the applicable regulations. While HPSEBL is entitled to recover the lawful principal dues, the levy of LPS must strictly conform to the provisions of the applicable Supply Code, Tariff Orders and other governing regulations.

ORDER

In view of the foregoing discussion, it is ordered that:

1. The demand raised by the respondents, including the sundry charges assessed on account of under-billing, is held to be legal and valid.
2. The complainant is not entitled to waiver of the disputed amount, interest.
3. While upholding the principal demand, the respondents are directed to recalculate the Late Payment Surcharge (LPS) strictly in accordance with the applicable Supply Regulations, Tariff Orders and the relevant provisions of law. Any amount of LPS found to have been charged contrary to the applicable regulations shall be withdrawn or suitably adjusted in the consumer's account. Such recalculation shall be completed by the respondents within **30 days** from the date of receipt of this order and a revised statement of account shall thereafter be supplied to the complainant.
4. The respondents are at liberty to recover the outstanding dues in accordance with the provisions of the Electricity Act, 2003, the applicable Supply Code and other governing regulations.
5. In the event of continued default, the respondents shall also be at liberty to disconnect the electricity supply after following the procedure prescribed under law.
6. Parties shall bear their own costs.



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Except to the limited extent regarding recalculation of the Late Payment Surcharge, the impugned demand is upheld and the complaint otherwise stands dismissed.

Order is pronounced before the parties today on 06.08.2026.

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:06.08.2026

Shimla

Sd/-

(Madan Dhiman)
Member

Sd/-

(Harinder Thakur)
Chairman

CGRFHP

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

No. CGRF/Complaint No. 3241/202512/34

Dated: -

Complaint No.: - 3241/202512/34

Date of Admission: - 26.12.2025

**Quorum: - Er. Harinder Thakur, Chairman.
Er. Madan Dhiman, Member.**

M/s Sunny Gramin Udyog,
Village Dhan, PO Matlahar,
Tehsil Jawali, Distt. Kangra.,
Pin-176403 (HP).

Complainant

V/s.

1. The Managing Director HPSEBL,
Vidyut Bhawan Shimla-171004.
2. The Chief Engineer (North) HPSEBL,
Dharamshala, District Kangra,
(HP)-176001.
3. The Sr. Executive Engineer, HPSEBL,
Electrical Division, Jawali, Teh. Jawali,
District Kangra (HP)-176023.
4. The Assistant Executive Engineer
Electrical Sub-Divison,
HPSEBL, Jawali,
Distt. District Kangra (HP) -176023.

Respondents

Complaint Regarding: -

Final hearing: -

18.07.2026

Present for:-

Complainant

1. Miss Narvada Advocate

Respondent

1. Sh. Rajesh Kashyap, Advocate.
2. Sh. Kamlesh Saklani, Deputy Secretary Law
3. Er. Kapil Dev A.E. ESD Jawali.

Date of Decision: -

06.08.2026

Notice

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

No. CGRF/Complaint No. 3241/202512/34

Dated:-

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Electrical Sub-Divison,
HPSEBL, Jawali,
Distt. District Kangra (HP) -176023.

Respondents

The Certified copy of final order dated 06.08.2026 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.