

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9
No. CGRF/Complaint No. 1422/1/22/03 **Dated:-**

Complaint No.: - 1422/1/22/03
Date of Admission: - 21.01.2022
Quorum: - Er. Rakesh Kumar, Chairman.
Er. Vikas Gupta, Member.
Sh. K.S Dhaulta, Member.

M/s Tashkent Stone Crusher,
Village Naraini, Tehsil Kasauli,
District Solan (HP).

Complainant

V/s.

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Executive Engineer.
Electrical Division, HPSEBL,
Solan, Tehsil and District Solan (H.P.).
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Dharampur, Tehsil Kasauli, Distt. Solan (HP).

Respondents

Final hearing:-

23.02.2022

Present for:-

Complainant

1. Sh. Bhagwan Chand, Advocate

Respondent

1. Sh. Anil Kumar God, Advocate
2. Sh. Kamlesh Saklani, Law officer
3. Er. Chattar Singh, A.E. Dharampur

Date of Decision: -

23.02.2022

ORDER

1. The instant complaint has been filed against the alleged wrong, illegal and arbitrary demand raised in terms of demand notice dated 10/01/2022 for Rs. 2,49,969/- on account of alleged overhauling of account of the complainant. The factual matrix of the complaint is that Complainant Company has account No. 100012000748 (5000698874) and is a consumer who had earlier entered into a contract demand of 125KVA with the Respondent Board.
2. The Respondent No. 3 has issued a notice dated 10.01.2022 **Annexure C-1** asking the complainant to pay an amount of Rs.2,49,969/- stated to be outstanding as on 08.07.2020 against the account of the complainant consumer. The complainant had earlier filed the complaint No.1422/3/20/018 against the similar demand of the Respondent issued through a demand notice dated 08.07.2020 for an amount of Rs.2,49,969/-, which has been placed on record as **Annexure C-3**.
3. The Ld. Forum while disposing of the said complaint has quashed and set-aside the demand notice dated 08.07.2020 **Annexure C-3** raised against the complainant for Rs.2,49,969. The Forum has further directed the Respondent Board to recalculate the demand for the said period excluding the unnecessary surcharges on the balance energy bills.
4. The complainant alleges that the Respondent No.3 has committed serious illegality by issuing the notice dated 10.01.2022 without complying with the clear cut directions of the Forum. The Respondent No. 3 has again raised the same demand notice which

was, as on 08.07.2020 without excluding the unnecessary surcharges etc., as the same was declared illegal by this Forum. The complainant alleges that the demand notice dated 10.01.2022 is self contradictory and cannot be taken into consideration in the eyes of law. The said demand of Rs. 2,49,969/- has already been quashed and set-aside by this Forum. In that eventuality Respondent No.3 has committed gross negligence by issuing the demand notice dated 10.01.2022 and raised the same demand again.

5. The Respondent Board filed the reply to the complaint. The complainant preferred not to file the rejoinder. The parties agreed to argue the case today itself. The arguments heard and the complaint is disposed of as per order recorded herein below.
6. We have heard the parties and gone through the record/document placed on record by the parties in support of their submissions. It is undisputed that the Forum had passed the directions in the complaint No.1422/3/20/018 against the similar demand notice dated 08.07.2020 of Rs.2,49,969/- to recalculate the demand for the said period excluding the unnecessary surcharges on the balance energy bills with in period of two months from the date of orders. The similar demand notice raised against the complainant for Rs.2,49,969/- **Annexure C-3** dated 08.07.2020 was quashed and set-aside, while disposing of the earlier complaint of complainant registered as Complaint No. 1422/3/20/018. The relevant extract of the order of the Forum dated 20.11.2021 is reproduced below for clarity sake:-

“.....In view of the discussions made herein above, the present complaint is partly allowed and the demand notice dated 08.07.2020 Annexure C-3 raised against the complainant for Rs. 2,49,969/- is quashed

and set-aside. The Respondent Board is directed to recalculate the demand for the said period excluding the unnecessary surcharges on the balance energy bills within a period of two months from the date of this order and the rebate, so calculated shall be adjusted in the future energy bills of the complainant. In the aforesaid terms the present complaint is disposed of.....”

7. The present demand notice Annexure C-1 dated 10.01.2022 issued by the Respondent No.3 clearly indicates that it has been issued on the basis of the arrear demand amounting to Rs.2,49,969/- as on 08.07.2020. It is clear from the impugned notice Annexure C-1 that the Respondent No.3 in gross negligence and without complying the directions of this Forum passed in its order dated 20.11.2021, has issued the same demand notice for Rs. 2,49,969/- which stood quashed and set-aside. It is pertinent to mention here that the Respondent Board has not assailed the order of the Forum dated 20.11.2021 and was duty bound to comply the said order in letter and spirit. The said order of the Forum has now attained finality and the Respondent Board is required to comply the said order in letter & spirit. The Parties at this stage agreed to this proposition that if the present demand notice dated 10.01.2022 is set-aside then fresh demand notice be raised after fair and independent assessment of demand, to be calculated by the Assistant Engineer of adjoining Sub-Division of district Solan of Respondent Board. The fresh demand notice shall be issued after compliance of the orders of this Forum dated 20.11.2021 in letter and spirit.

8. In view of the observations made herein above, we find that the demand notice dated 10.01.2022 issued by the Respondent No.3 for the same amount of Rs.2,49,969/- as on 08.07.2020, is patently wrong and arbitrary demand, which has been issued without complying in letter and spirit the orders of this Forum dated 20.11.2021. Thus, the demand notice dated 10.01.2022 **Annexure C-1** of Rs.2,49,969/- is quashed and set-aside accordingly. The Respondent Board is directed to comply with the order of this Forum dated 20.11.2021 in letter and spirit, within a period of two months from the date of this order. The fresh demand notice may be raised after fair and independent assessment of demand to be made by the Assistant Engineer of adjoining Sub-Division of HPSEBL in district Solan strictly in compliance of the orders of this Forum dated 20.11.2021. In the aforesaid terms the present complaint is allowed and disposed of. Parties are left to bear their own costs.
9. The Case 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:-23.02.2022

Place:- Shimla

Sd/-

(K.S. Dhaulta)
(Member)

Sd/-

(Vikas Gupta)
(Member)

Sd/-

(Rakesh Kumar)
(Chairman)

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No.CGRF/Complaint No. 1422/1/22/03

Registered

Dated:-

M/s Tashkent Stone Crusher,
Village Naraini, Tehsil Kasauli,
District Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1422/1/22/03

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Executive Engineer.
Electrical Division, HPSEBL,
Solan, Tehsil and District Solan (H.P.).
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Dharampur, Tehsil Kasauli, Distt. Solan (HP).

Respondents

The Certified copy of final order dated 23.02.2022 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.