

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09
No. CGRF/Complaint No. 1142/4/22/34

Complaint No.: - 1142/4/22/34

Date of Admission: - 09.12.2022

Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

Sh. Ved Parkash,
S/o Sh. Bhader Ram,
R/o V.P.O Sangla Distt. Kinnaur HP

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer,
(OP) Circle, Rampur, Distt. Shimla
3. The Senior Executive Engineer,
Electrical Division, Reckongpeo
Distt Kinnaur HP.
4. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Sangla, Distt. Kinnaur (HP).

Respondents

Final hearing:-28.03.2023

Counsels:-

- | | |
|-------------|--|
| Complainant | 1. Sh. Mohit Pathak vice of Sh. Rakesh Bansal, (Auth. Rept.) |
| Respondent | 1. Sh. Anil Kumar God, Advocate |
| | 2. Sh. Kamlesh Saklani, Under Secretary Law |

Date of Decision: -25.04.2023

ORDER

BRIEF FACTS OF THE CASE –

- (1) Complaint has been filed under regulations 17 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013. The Complainant Sh. Ved Prakash, s/o Sh. Bhader Ram, R/o V.P.O Sangla, Distt. Kinnaur, is the owner of Aswan Home Stay at the ibid address and is a Commercial Supply (CS) consumer of the Respondent HPSEBL bearing Consumer ID 100009007400, since July 2020;
- (2) The Complainant is aggrieved by the action of the Respondent HPSEBL to raise the first bill suddenly only in the month of June 2022 for an amount of Rs 2,70,035/= including surcharge (Annexure C2). This Bill clearly depicts old reading date as 01.04.2021.
- (3) Thereafter, the Complainant is aggrieved by the action of the Respondent to issue Demand Notice dated 17.11.2022 for an outstanding amount of Rs 2,36,316/= (Annexure-C4) even after the Complainant had made various payments amounting to Rs 1,05,000/= (Annexure C3) and without adjusting for these payments.

COMPLAINANT –

- (4) The Complainant has submitted that after the installation of 3 phase energy meter, he was not issued energy consumption bill on monthly basis by the Respondent No. 4. He had however, made verbal requests and written communications to Respondent No.4 vide its letters dated 14.12.2020, 20.05.2021 and 18.01.2022 respectively (Annexure C-1), but the Respondent No.4 did not pay any heed to these;
- (5) On 01.06.2022, the Respondent No.4 issued the first energy bill amounting to Rs. 2,70,035/=. In this energy bill, initial reading date is depicted as 01.04.2021 (Annexure C-2). That shows the Respondent had not issued monthly energy bills;

- (6) Had monthly energy bills been issued to him from time to time, there would not have been any inconvenience to make the payments and that there arises inability to pay the huge accumulated sum. Requests had also been made to the Respondent for allowing payment in installments which was denied.
- (7) The Bills raised by the Respondent for the months of June 2022, July 2022, September 2022, October 2022 and November 2022 are at Annexure C2;
- (8) A total sum of Rs. 1,05,000/- has been deposited by the Complainant in the months of June 2022, July 2022, August 2022 and October 2022 (Annexure C3);
- (9) Despite the fault being of the Respondent, surcharge @3% has been levied on the arrears. The Complainant submits that it is agreeable to deposit the arrears but not the surcharge being the fault of the Respondent;
- (10) The Complainant has impugned the Demand Notice dated 17.11.2022 (Annexure C4) raised by the Respondent.

RESPONDENT --

- (11) The Respondent submits that 3 phase energy meter was installed in the premises of Complainant on 09.10.2019. However, due to spreading of Pandemic Covid-19 and unavoidable circumstances the energy bills could not be issued for some time to the Complainant;
- (12) Because the outstanding amounts were not cleared, thus Surcharge was levied @1.5% as per instructions of the Board and that the monetary demand is in terms of Schedule of General and Service Charges and therefore Demand is legal and justified;
- (13) Thus, the complaint be dismissed.

FORUM --

- (14) This Forum has examined the relevant provisions of the Electricity Act, 2003, various relevant Regulations framed by the HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, HP Electricity Supply Code, 2009 notified by the HPERC,

amendments thereto and record as facts along with pleadings of the parties. This Forum has heard the parties at length. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by both the parties;

- (15) At the outset Forum observes that the Respondent has admitted that a three (3) phase connection was released to the Complainant in October 2019. However, billing could not be done for some time;
- (16) The Forum also observes that the Respondent has not disputed the contention of the Complainant that the bills were not raised to the Complainant before June 2022. Further, Annexure R-A stated to be placed on record by the Respondent is found missing;
- (17) From record, Forum finds that once the billing of the Complainant commenced, it was being done on a monthly basis, thereby clearly implying that the Complainant is billed under the monthly billing cycle;
- (18) Based on the above simple facts, the Forum concludes that the reasons given by the Respondent for not issuing regular bills to the Complainant are without any valid grounds. It was certainly the fault of the Respondent to not raise timely monthly Bills to the Complainant for the period October 2019 to May 2022. The Forum finds the first Bill to have been raised by the Respondent to the Complainant only after a period about 2½ years of the installation of electricity connection to the Complainant. This resulted in Complainant suddenly being burdened with a huge sum in the month of June 2022;
- (19) The Forum is of the considered opinion that the Complainant is bound to pay the statutory dues. However, due to the fault of the Respondent, this Forum can also clearly see huge arrears and late payment surcharges piling up. Forum also finds from record that the Complainant is willing to settle the dues but is averse to paying the late payment surcharge arising due the fault of the Respondent;
- (20) The Forum does not find any merit whatsoever in the Reply submitted by the Respondent. The Reply unnecessarily seeks to justify the action by the

Respondent 4. The Forum finds that the Complainant has clearly been subjected to hardship by the action of the Respondent;

- (21) In view of foregoing, Forum directs the Respondent to overhaul the account of the Complainant from the date of inception of the electricity connection up to the time the first bill was raised, which is in June 2022. This be done for each month, after taking into account the payments received. No late payment surcharge shall be chargeable on this amount. The consolidated arrears so worked out shall be tabulated and conveyed to the Complainant. The Complainant shall be allowed to make the payment of these arrears in 6 equal monthly installments to be reflected in its electricity bills to be issued after this Order in future by the Respondent;
- (22) Accordingly, the Complainant is directed to pay the ibid future electricity bills in full including the installment of arrears contained there-in. Non-payment by the Complainant of these future bills shall attract late payment surcharge on the total billed amount as well as disconnection as per extant Rules, Regulations and Tariffs.

On aforesaid terms, the complaint is allowed;

Parties are left to bear their own costs.

Order is announced before the parties present today on 25.04.2023 at Shimla in open Forum.

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: 25.04.2023

Shimla

Sd/-

**Vikas Gupta
(Member)**

Sd/-

**Tushar Gupta
(Chairperson)**

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No.CGRF/Complaint No. 1142/4/22/34

Dated:-

Sh. Ved Parkash,
S/o Sh. Bhader Ram,
R/o V.P.O Sangla Distt. Kinnaur HP

Complainant

V/s.

HPSEBL & Others.

Respondents

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Distt Kinnaur HP.
4. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Sangla, Distt. Kinnaur (HP).

Respondents

The Certified copy of final order dated 25.04.2023, passed by the Hon'ble Forum in the aforesaid complaint is enclosed herewith for further necessary action at your end please.

DA:-As above.

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