

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 3234/202507/22

M/s Himachal Aluminum & Conductors

Vs

Himachal Pradesh State Electricity Board Ltd and ors

Complaint No 3234/202507/24

M/s United Wire Products

Vs

Himachal Pradesh State Electricity Board Ltd and ors

BRIEF FACTS OF CASES–

- (1) Complaints have been filed under regulation 17 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by Large Industrial Power Supply (LIPS) consumers of the HP State Electricity Board Ltd namely-
 - (a) **Complaint No 3234/202507/22:** M/s Himachal Aluminum & Conductors – Village Mohtli, Tehsil Indora, District Kangra, HP-176403, bearing Account No 100012000173;
 - (b) **Complaint No 3234/202507/24:** M/s United Wire Products, Village Lodhwan, Tehsil Nurpur, District Kangra -176128 bearing Account No 100012000204;
- (2) In these matters, the HP State Electricity Board Ltd is the distribution licensee and the Respondent herein;
- (3) Complainants are aggrieved by the non-action of the Respondent to give rebates for additional consumption over previous year's consumption, as provided in Tariff Orders passed by the Ld HPERC;
- (4) In the instant complaints, grievances of the Complainants is that pursuant to provisions on rebates in respect of additional consumption contained in Tariff Orders for FY 208-19 (or FY19), FY 2019-20 (or FY20) and FY 2020-21 (or FY21), this rebate has not been given to the Complainants. Total claim filed for FY19 and FY20 in Complaint No 3234/202507/22 is Rs 2,61,187.93 and in Complaint No 3234/202507/24 filed for FY19, FY20 and FY21 is Rs 5,16,606.64. Further, because of the delay in not allowing these rebates, the Respondent is liable to pay Interest as per Clause 5.7.3 of the HP Electricity Supply Code, 2009;

- (5) Complainants have further placed on record letters dated 04.06.2021 and 30.04.2022 written by it to the Respondent to allow the rebate on additional consumption;
- (6) On foregoing grounds, facts and submissions, the Complainants have sought relief in terms of directions to the Respondent to allow the said rebate and also to direct Respondent to pay Interest in accordance with Clause 5.7.3 of the HP Electricity Supply Code, 2009 for the delay from the date same was not allowed in billed amount;
- (7) On the other hand, it is the case of the Respondent that the complaints with regard to respective claims pertaining to years FY19, FY20 and FY21 are time barred and that the said Tariff Orders relied upon by the Complainants only provide for rebate on expansion and the Complainants have not undergone expansion, thus the Complainants are not entitled for the rebates claimed;
- (8) Respondent has accordingly prayed for dismissing the complaints;
- (9) On foregoing facts and circumstances, Forum finds that the nature of complaints being similar, these are hereby disposed by common Order –

ORDER

- (10) Forum has examined the relevant provisions of the Electricity Act, 2003, various relevant Regulations framed by the Ld HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 (or in short referred as the 'CGRF Regulations 2013'), HP Electricity Supply Code, 2009 (or in short referred as 'the Supply Code 2009') and amendments thereto, relevant Tariff Orders passed by the Ld HPERC and record as facts along with pleadings of the parties. Forum has heard the parties present on the dates of admission and final hearing. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and pleadings of the parties;

- (11) Before the Forum delves on the claim of rebates made in the instant complaints, Forum finds it imperative to reproduce for sake of convenience the provisions of rebates contained under Schedule - Large Industrial Power Supply (LIPS) in various Tariff Orders passed by the Ld HPERC and which have been relied upon by the Complainant –

(a) Tariff Order passed on 04.05.2018 by the Ld HPERC for FY 2018-19 (applicable w.e.f 01.04.2018 to 30.06.2019)-

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3. Two part Tariff

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b) Energy charge (Charges-2)

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***Note:**

a. For existing industrial consumers, a rebate of 10% on energy charges shall be applicable for additional power consumption beyond the level of FY 2017-18

b. For new industries coming into production after 01.04.2018 the energy charges shall be 10% lower than the approved energy charges for the respective category for a period of 3 years

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c) Demand Charge (Charges-3)

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4. Peak load charges (PLC)

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Un-Quote

(b) Tariff Order passed on 29.06.2019 by the Ld HPERC for FY 2019-20 (applicable w.e.f 01.07.2019 to 31.05.2020) --

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3. Two part Tariff

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b) Energy charge (Charges-2)

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***Note:**

a. For existing industrial consumers, a rebate of 15% on energy charges shall be applicable for additional power consumption beyond the level of FY 2018-19

b. For new industries which have come into production between 1.04.2018 to 30.06.2019, the energy charges shall be 10% lower than the approved energy charges for the respective category for a period of 3 years

c. For new industries coming into production after 01.07.2019 the energy charges shall be 15% lower than the approved energy charges for the respective category for a period of 3 years

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c) Demand Charge (Charges-3)

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4. Peak load charges (PLC)

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Un-Quote

(c) Tariff Order passed on 06.06.2020 by the Ld HPERC for FY 2020-21 (applicable w.e.f 01.06.2020 to 31.05.2021) --

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3. Two part Tariff

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b) Energy charge (Charges-2)

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***Note:**

a. For new industries coming into production after 01.06.2020, the energy charges shall be 10% lower than the approved energy charges for the respective category for a period of 3 years.

b. For existing industries which have undergone expansion in the FY 2018-19 onwards and/or shall be undergoing expansion in this financial year i.e. FY2020-21, energy charges shall be 10% lower than the approved energy charges corresponding to the respective category for a period of three years for quantum of energy consumption corresponding to proportionate increase in contract demand.

Provided that such expansion if undertaken during 1.07.2019 to 31.05.2020, the energy charges shall be 15% lower than the approved energy charges for the respective category for a period of 3 years for quantum of energy consumption corresponding to proportionate increase in contract demand.

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4. Peak load charges (PLC)

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Un-Quote

- (12) At the outset, Forum finds that the Complainants have sought rebate for additional consumption done by them in the years FY 19, FY20 and FY21 with regard to the respective previous year's consumption and not rebates against expansion. Therefore, Forum is not inclined to agree with the contention of the Respondent that the Complainants are seeking rebates against expansions;

- (13) Forum observes from the perusal of the Tariff Orders reproduced in paras supra that rebate for additional consumption in a year over that in respective previous year, has been provided only in the Tariff Orders for FY 19 and FY20 but has not been provided in the Tariff Order for FY21. Still further after examination of provisions of the applicable Tariff Orders passed by the Ld HPERC for FY 19 and FY20, Forum does not find any provision in these that may entitle the Complainants to rebates on night time and peak hour consumption. The provision of rebate is clearly only enshrined under the normal energy charges and not under night time and peak hour charges and thus applicable to only normal hours;
- (14) On examination of the claims submitted by the Complainants, Forum finds these to wrongly include for rebates on additional consumption done in FY21 and also on night time and peak hour consumption;
- (15) Further, Forum observes that the Complainants had written letters on 04.06.2021 and 30.04.2022 to the Respondent to allow the rebate on additional consumption. Record does not show that these letters written by Complainants may have been accompanied with any claim. However, fact remains that the entitlement of rebate by the Complainants had been brought into the knowledge of the Respondent on which the Respondent failed to act;
- (16) On foregoing facts and circumstances and contentions by the Complainant, it cannot be held by the Forum that the Respondent's electricity bills raised upon the Complainant are incorrect. No-where has the Complainant shown to the Forum that the bills paid by the Complainant contained undue charges and neither can the Forum find any bill that may be disputed by the Complainant to carry undue charges. It has to be shown by the Complainant that the charges included in the bill were not due but were paid by the Complainant. Merely the non-inclusion of rebate by the Respondent in a bill does not make the bill to become erroneous so as to attract the provisions of code 5.7.3 of the Supply Code, 2009 which is in terms of erroneous billing. Forum holds that this rebate is separate and it may be a case

that such rebate is also computed and paid separately by the Respondent and thus the provisions of code 5.7.3 are not attracted in the instant matter;

- (17) In view of foregoing, Forum concludes that in accordance with Tariff Orders passed by the Ld HPERC for FY 19 and FY20, the Complainants are entitled to rebates for additional consumption done by them in FY 2018-19 and FY 2019-20 with respect to consumption done in the respective previous year. However, per claims raised by the Complainants, it is made clear that the Complainants are not entitled to the said rebate on additional consumption for FY2020-21. Further, it is also made clear that provision of rebate during night time and peak hour consumption and Interest for delayed payment are not provided in the ibid Tariff Orders and further provisions of code 5.7.3 of the Supply Code, 2009 are not attracted in the instant matters. The claims raised by the Complainants are therefore rejected;
- (18) In view of foregoing, Respondent is directed to assess the quantum of rebate, as per Tariff Orders, on additional consumption for FY 2018-19 and FY 2019-20 with respect to previous year's consumption only during normal hours and further directed to adjust the same in the next electricity bill of the Complainants.

On aforesaid terms the complaints Complaint No 3234/202507/22 and Complaint No 3234/202507/24 are '**Partly Allowed**' and disposed accordingly;

Parties are left to bear their own costs.

Order is announced before the parties present today on 26.09.2025 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: 26.09.2025

Shimla

**--Sd--
Vikas Gupta
(Member)**

**--Sd--
Tushar Gupta
(Chairperson)**

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

Complaint No.:- 3234/202507/22
Date of Admission:- 21.07.2025
Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

M/s Himachal Aluminum & Conductors **Complainant**
Village Mohtli Tehsil Indora
Distt. Kangra HP 176403

V/s.

HPSEBL & Others. **Respondents**

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer,
(OP) Circle HPSEBL Dalhousie
3. The Sr. Executive Engineer
Electrical Division HPSEBL,
Indora, District Kangra (HP).
4. Assistant Engineer,
Electrical Sub-Division HPSEBL,
Damtal District kangra HP.

Respondents

Final hearing:- 03.09.2025.

Counsels:-

Complainant 1. Sh. Sher Singh (Authorized Representative)

Respondent 1. Sh. Rajesh Kashyap, Advocate

2. Sh. Kamlesh Saklani, U.S. Law

Date of Decision:-26.09.2025

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.

No. CGRF/Complaint No. 3234/202507/22

Dated:-

M/s Himachal Aluminum & Conductors
Village Mohtli Tehsil Indora
Distt. Kangra HP 176403

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 3234/202507/22

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer,
(OP) Circle HPSEBL Dalhousie
3. The Sr. Executive Engineer
Electrical Division HPSEBL,
Indora, District Kangra (HP).
4. The Assistant Engineer,
Electrical Sub-Division HPSEBL,
Damtal District kangra HP

Respondents

The Certified copy of final order dated 26.09.2025 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.