

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1451/202405/10

M/s Insignia Projects

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

BRIEF FACTS OF CASE–

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Insignia Projects, Village Tahliwala, Baddi, District- Solan (HP) -173101 ;
- (2) Complainant is a Large Industrial Power Supply (LIPS) Consumer of Respondent HPSEBL, bearing Consumer ID 100012003055;
- (3) The Complainant is aggrieved by the non-refund of balance of advance cost share of 20% of 1,80,000 amounting to Rs 1,44,000/=, which was paid by the Complainant on 14.07.2017 towards application for additional load of 200 kW towards Infrastructure Development Charges (IDC). In the matter, the Respondent issued Power Availability Certificate (PAC) (**Annexure C3**) but the Complainant failed to avail the additional load even after the expiry of three (3) year validity period of PAC;
- (4) Thus the Complainant is before the Forum for refund of the aforementioned amount along with Interest.

COMPLAINANT –

- (5) That on 08.06.2017 it had applied for additional load of 200 kW and additional contract demand of 180 kVA against which Respondent issued Demand Notice on 08.06.2017 (**Annexure C1**) as advance cost share towards Infrastructure Development Charges (IDC). On 14.07.2017 vide receipt number 0686126 (**Annexure C2**) it made the payment of Rs 1,80,000/- and on the same date the Respondent issued Power Availability Certificate (PAC) (**Annexure C3**);
- (6) That on 19.01.2024, it wrote letter (**Annexure C4**) to Respondent for the refund of the said amount of Rs 1,80,000/-, which was denied by the Respondent vide its letter dated 09.04.2024 (**Annexure C5**);

- (7) That in accordance with code 3.2.7 and 3.2.8 of the HP Electricity Supply Code, 2009 notified by the HPERC it is entitled to refund with effect from 15.08.2020 and in accordance with code 5.7.3 of the said Supply Code it is entitled to Interest on the refundable amount;
- (8) The Complainant has prayed to the Forum for directions to Respondent for the refund of said amount after deduction of 20% as provided in ibid code 3.2.7 and 3.2.8 of the Supply Code, 2009 and for Interest in accordance with code 5.7.3 of the said Supply Code.

RESPONDENT –

- (9) That the refund of Rs 1,44,000/=has been made to the Complainant in the bill of September 2024;
- (10) That the Complainant is not entitled to Interest in accordance with code 5.7.3 of the said Supply Code which is not applicable in the present matter;
- (11) Respondent has prayed for rejecting the complaint.

ORDER

- (12) 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 and 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;
- (13) At the outset Forum observes that in Application dated 23.10.2024 filed by the Authorized Representative appearing for the Complainant before the Forum, the Complainant has acknowledged refund of amount of Rs 1,44,000/- made by Respondent by way of

sundry in electricity bill dated 07.09.2024 as prayed for by it. This has further been confirmed by the Respondent in its Reply;

- (14) Forum also observes that the Respondent has partially settled the grievance of the Complainant during the concurrency of the complaint, by refunding the principal amount of Rs 1,44,000/= on 07.09.2024 which was received by it on 14.07.2017 as advance cost share towards Infrastructure Development Charges (IDC);
- (15) In view of the aforesaid action of the Respondent to refund the said amount of Rs 1,44,000/= to the Complainant, the only limited issue remaining for determination by the Forum, is that of payment of Interest to Complainant by the Respondent for holding the said amount from 15.08.2020 onwards till its payment on 07.09.2024;
- (16) In the submissions made before it by the Respondent, Forum does not find anything that may suggest that the amount was not refundable or that it had erroneously made the refund which was subsequently recoverable or that the amount refundable was not to be considered from the date as may have been claimed by the Complainant;
- (17) Forum from examination of code 3.2.8 of the Supply Code, 2009 finds that the refund has to be made within 30 days after the validity period of the PAC. Forum from **Annexure C3** also finds that the validity period of PAC was for three (3) years from 14.07.2017 i.e when the PAC was issued by the Respondent;
- (18) Thus, the Forum holds that the Complainant after the expiry of the said three (3) years and 30 days, automatically becomes entitled for the payment of Interest on the principal amount of Rs 1,44,000/= deposited by it on 14.07.2017 (**Annexure C2**). The Complainant has accordingly claimed Interest from 15.08.2020 in accordance with code 5.7.3 of the ibid Supply Code, 2009;
- (19) In view of foregoing discussion, Forum rejects the arguments made by the Respondent that the Complainant is not entitled to any refund of Interest. Forum holds that once the principal amount has been

refunded, the Complainant automatically becomes entitled to Interest on such amount refunded and thus such argument by the Respondent is not tenable;

- (20) However, from perusal of the provisions of HP Electricity Supply Code, 2009, the Forum finds that the said code 5.7.3 is applicable only to electricity billing disputes while the present matter is not one of disputed electricity bills;
- (21) Accordingly, Forum in terms of regulation 26(2)(a)(ii) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 holds that the Complainant is entitled to Interest on Rs 1,44,000/= from 15.08.2020 to 06.09.2024 which the Forum allows;
- (22) Accordingly, the Respondent is directed to calculate the Interest from 15.08.2020 to 06.09.2024 on principal amount of Rs 1,44,000/= refunded by it, as stated in paras supra and make its payment to the Complainant by way of adjustment in the next electricity bill to be raised upon the Complainant.

On aforesaid terms, the complaint is **Allowed** and is disposed accordingly.

Parties are left to bear their own costs.

Order is announced before the parties present today on 06.02.2025 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: 06.02.2025

Shimla

--Sd--

**Vikas Gupta
(Member)**

--Sd--

**Tushar Gupta
(Chairperson)**

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

Complaint No.: - 1451/202405/10

Date of Admission: -16.05.2024

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

In ref:-

M/s Insignia Projects
Village Tahlwala Baddi
Distt. Solan 174101

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division, HPSEBL
Baddi Distt Solan.
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Manpura,
District Solan (H.P.)

Respondents

Final hearing:- 29.01.2025.

Counsels:-

Complainant	1. Sh. Rakesh Bansal (Authorized Representative)
Respondent	1. Sh. Kamlesh Saklani, Under Secretary Law. 2. Sh. Rajesh Kashyap, Advocate

Date of Decision: -06.02.2025

Notice

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

No. CGRF/Complaint No. 1451/202405/10

Dated:-

M/s Insignia Projects
Village Tahliwala Baddi
Distt. Solan 174101

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1451/202405/10

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
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2. The Sr. Executive Engineer,
Electrical Division, HPSEBL
Baddi Distt Solan.
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Manpura,
District Solan (H.P.)

Respondents

The Certified copy of final order dated 06.02.2025 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.

Sd/-

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