

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1453/202506/16

M/s Kundlas Loh Udyog

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

Brief Facts of Complaint:

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Kundlas loh Udyog, Village Balyana, Post Office Barotiwala, Tehsil Baddi, District Solan (HP)-174103;
- (2) Complainant is a Large Industrial Power Supply (LIPS) category Consumer bearing consumer ID 100012001845 and Respondent is HPSEB Ltd who is a distribution licensee under the Electricity Act, 2003;
- (3) Forum finds from record that the Complainant had originally filed Complainant No 1453/2/17/028 before the Ld Forum which was disposed vide Ld Forum Order dated 08.05.2018 (**Annexure C1**). In this Order passed, Ld Forum had allowed the refund of Rs 10 lac in favor of the Complainant. Thereafter, Complainant preferred Representation No 60/2018 before Ld Ombudsman who was pleased to pass Order dated 29.09.2018 (**Annexure C4**) upholding therein the said Order passed by the Forum while denying the Interest payable on the refund. Thereafter Complainant preferred CWP No 2096 of 2020 before the Hon'ble HP High Court and the Hon'ble Court was pleased to pass Order dated 13.10.2025 (**Annexure C5**);
- (4) Grievance of Complainant is that pursuant to ibid Hon'ble HP High Court Order, it has been denied Interest by the Respondent as per code 5.7.3 of the HP Electricity Supply Code, 2009 and has accordingly once again approached the Forum;
- (5) On the other hand Respondent has contended that the said code 5.7.3 is not applicable to the Complainant, as this code 5.7.3 is for

erroneous billing while the Complainant's case is not that of erroneous billing.

- (6) Respondent has further contended that in compliance to the Orders passed by the Hon'ble HP High Court on 13.10.2025 (**Annexure C5**), it has already refunded the Interest.
- (7) Citing Hon'ble Apex Court in Satyadhyan Ghosal v. Deorajin Debi, AIR 1960 SC 941 and Hope Plantations Ltd. v. Taluk land Board, (1999) 5 SCC 590, Respondent has contended that the present complaint is barred on the principles of Res-Judicata (Section 11 CPC) in as much as the matter relating to refund of Interest has already been adjudicated upon by the Hon'ble HP High Court and further citing Hon'ble Apex Court in Gurbux Singh v. Bhooralal, AIR 1964 SC 1810 Respondent has contended that if a plaintiff omits to sue for a relief which he is entitled to in respect of same cause of action, he shall not subsequently sue for such relief.

ORDER

- (8) 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 the CGRF Regulations), HP Electricity Supply Code, 2009 and amendments thereto.
- (9) Forum observes that on 03.09.2025, the matter was ordered by the Forum to be listed on 04.09.2025 for final hearing. On this date of final hearing, the Complainant / its Authorized Representative are absent without intimation and despite knowledge. This Forum has heard the Respondent present today. The considered opinion of the

Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by the party present;

- (10) From perusal of record, Forum finds that the ibid refund of Rs 10 lacs was Ordered by the Respondent vide its Office Order dated 30.05.2019 (**Annexure C2**) which was paid by the Respondent through electricity bill dated 12.07.2019 (**Annexure C3**). Further, the refund of ibid Interest of Rs 4,08,295/- was Ordered by the Respondent vide its Office Order dated 18.03.2025 (**Annexure C8**) which was paid by the Respondent through electricity bill dated 08.04.2025 (**Annexure C9**);
- (11) Forum from perusal of code 5.7.3 of the HP Electricity Supply Code notified by the HP Electricity Regulatory Commission finds that the said code is in terms of payment of Interest in case of erroneous electricity billing disputed by the Complainant where-as the case of Complainant was originally for the refund of Rs 10 lacs and Interest thereon against work for underground cable which was not carried out by the Respondent. Erroneous billing of electricity and deposit against works are separate matters. Forum agrees with the Respondent that the case of the Complainant is not covered under erroneous billing and thus Forum holds that ibid code 5.7.3 of the Supply Code is not applicable in the instant matter;
- (12) Further, on perusal of sub-regulation 19(a) of the the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, Forum finds the following:-

“ **19. Limitations/ pre-conditions for submission of grievance.** - The Forum may reject the grievance at any stage under any or more of the following circumstances :-

(a) in cases where proceedings in respect of the same matter and between the same Complainant and the licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority; ”;

(13) Forum observes that Regulations framed by the HPERC also require matters of the nature of the instant complaint to be rejected. Thus, once Respondent has stated compliance of Hon'ble HP High Court Order passed on 13.10.2025 (**Annexure C5**), then this Forum holds that it sees no occasion to interfere in the action of the Respondent nor to pass any order on merits for the reason that doing so is improper and unlawful in the presence of an already existing Order passed the Hon'ble High Court. Forum further holds that it is also improper of the Complainant to have again raised complaint and once again raked up the issue of Interest which had already been agitated by it before the Hon'ble High Court;

On aforesaid terms the complaint is Dismissed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 04.09.2025 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: 04.09.2025
Shimla

--Sd--
Vikas Gupta
(Member)

--Sd--
Tushar Gupta
(Chairperson)

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

Complaint No.: - 1453/202506/16

Date of Receipt: - 21.06.2025

Quorum: - Er. Tushar Gupta, Chairman

Er. Vikas Gupta, Member

In ref:-

M/s Kundlas loh udyog
Vill Balyana P.O Barotiwala
Tehsil Baddi Distt Solan

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer
Electrical System Circle,
HPSEBL Totu Shimla-11

Respondents

Final hearing: - 04.09.2025.

Counsels:-

Complainant 1. None.

Respondent 1. Er. Lekh Ram A.E 132KV/Sub Station

2. Er. Ajay J.E 132KV/Sub Station

Date of Decision: -04.09.2025

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 1453/202506/16

Dated:-

M/s Kundlas loh udyog
Vill Balyana P.O Barotiwala
Tehsil Baddi Distt Solan

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1453/202506/16

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Superintending Engineer
Electrical System Circle,
HPSEBL Totu Shimla-11

Respondents

The Certified copy of final order dated 04.09.2025 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.

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