

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 3324/202506/15

M/s Vardhman Ispat Udyog

Vs

Himachal Pradesh State Electricity Board Ltd & Others

Brief Facts of Complaint:

- (1) Complaint has been filed by M/s Vardhman Ispat Udyog, Village Bathri, Tehsil Haroli, Near Tahliwala, District Una (HP) bearing consumer ID 100012001204 who is a Large Industrial Power Supply (LIPS) category consumer of HPSEB Ltd;
- (2) HPSEB Ltd is the distribution licensee and Respondent herein;
- (3) Complainant has submitted that Respondent raised electricity bill dated 11.10.2024 (**Annexure C3**) for the consumption period 31.08.2024 to 30.09.2024 where-in the Respondent wrongly discontinued the Government of Himachal Pradesh (GoHP) subsidy which was to be withdrawn w.e.f 01.10.2024;
- (4) Accordingly, Complainant after writing letter dated 14.10.2024 (**Annexure C1**) on its own deducted the GoHP subsidy amounting to Rs 59,18,400/- from total amount of Rs 3,93,83,250/- and deposited the balance amount. However, Respondent in the electricity bill dated 14.11.2024 (**Annexure C4**) charged late payment surcharge (LPS) of Rs 88,776/- on the unpaid amount;
- (5) Complainant is aggrieved by the ibid LPS of Rs 88,776/- recovered by the Respondent and has prayed for refund of this LPS along with Interest in accordance with regulation 5.7.3 of the HP Electricity Supply Code, 2009;
- (6) On the other hand it is Respondent's case that the Complainant without following the provisions of the Supply Code notified by the HP Electricity Regulatory Commission (HPERC) has on its own deducted the subsidy, which resulted in LPS being charged and is thus not entitled to refund of LPS. The subsidy is adjusted in compliance to directions of the State Government and the Complainant acted on its own without following due procedure;
- (7) Respondent has cited, reproduced and placed on record Hon'ble HP High Court Order passed on 03.12.2024 (**Annexure RA2**) in CWP

12178 of 2024 and other connected 191 CWP's, wherein the Complainant is also a petitioner. In this Order, while dismissing the petitions, the Hon'ble Court is pleased to hold that the "...court sees no reason to interfere with the decision of Board in raising energy bills, without component of subsidy...";

- (8) Respondent has also relied on and quoted code 5.7 of the HP electricity Supply Code (**Annexure RA1**) notified by the HP Electricity Regulatory Commission (HPERC) which provides as follows:-

"....5.7 Disputed electricity bills :-

5.7.1 A consumer will effect full payment of the billed amount even if it is disputed one, failing which the licensee may initiate action treating it as a case of non-payment:"

- (9) Respondent, for reasons aforesaid, has prayed for dismissal of complaint;

ORDER

- (10) Forum has examined the relevant provisions of the Electricity Act, 2003, relevant Regulations / Codes framed and notified by the HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and the HP Electricity Supply Code, 2009 and amendments thereto, record and facts along-with pleadings of the parties. We have heard the parties at length. The considered opinion of the Forum has been gathered after examining and analyzing fair facts, evidences and correspondence placed on record and arguments adduced by parties;
- (11) Forum from examination of complaint finds that the instant matter is originally regarding non-grant of Government of Himachal Pradesh (GoHP) subsidy to the Complainant by the Respondent in electricity bill dated 11.10.2024 (**Annexure C3**). Subsequently, this subsidy was at its own level deducted by the Complainant from the total bill and balance paid by the Complainant. This eventually resulted in

Complainant being charged LPS in electricity bill dated 14.11.2024 (**Annexure C4**) for the unpaid part of the said previous bill;

- (12) During the course of hearing in the matter, the Authorized Representative strongly argued that after its letter dated 14.10.2024 to the Respondent, this action of the Complainant to deduct the subsidy at its own and pay the balance bill without properly approaching the authorities was a right action;
- (13) Forum finds from perusal of ibid Supply Code that the levy of LPS on unpaid amount is to be in accordance with the provisions of Supply Code which has accordingly been levied by the Respondent. Further, the Complainant under law/ Supply Code is vested with right to dispute electricity bill. However, Forum does not find any right vested with the Complainant to act as an adjudicator of its own cause especially when it is vested with right to approach the Respondent in the first instance and thereafter the notified adjudicating authorities;
- (14) Forum observes that the issue of said late payment surcharge (LPS) has arisen in the matter merely due to the wrong action of the Complainant to not make the full payment of the electricity bill. Had the Complainant made full payment of electricity bill and thereafter approached the Respondent for any reversals / refund, then the issue of LPS would not have arisen. Forum is inclined to agree with the Respondent in this regard. When Rules / Regulations / checks and balances exist, then it is not open for the Complainant to act on its own whims and fancies or to attempt to drive the system otherwise vested under the Electricity Act, 2003 with the Respondent as distribution licensee to do;
- (15) Forum accordingly holds that Complainant's own doings and actions have resulted in the instant dispute and such actions of the Complainant cannot garner the support of this Forum;
- (16) Now returning to the original matter of GoHP Subsidy. In the Hon'ble HP High Court Order passed on 03.12.2024 (**Annexure RA2**) in CWP 12178 of 2024 and other connected 191 CWPs,

Forum finds that even the Court has clearly refused interfering with the decision of the Board in raising energy bills without component of subsidy;

- (17) Therefore, Forum observes that grant or non-grant of GoHP subsidy, being a matter purely between the Government of HP and the Respondent, this Forum cannot interfere in the matter which originally pertains to GoHP subsidy. Consequently Forum cannot interfere and pass Orders even on the levy of LPS for less payment of an electricity bill after deducting the GoHP subsidy on its own by the Complainant such arising originally from non-grant of the said GoHP;
- (18) Forum from perusal of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 also finds that no powers are vested with the Forum to decide matters pertaining to GoHP Subsidy;
- (19) In view of foregoing, Forum holds that it shall not interfere with the actions of the Respondent and thus cannot pass any Orders / directions to the Respondent in the instant complaint. Accordingly Complainant is given liberty to approach the Respondent in the instant matter;

On aforesaid terms the complaint is **Dismissed**.

Parties are left to bear their own costs.

Order is announced before the parties present today on 28.07.2025 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: 28.07.2025

Shimla

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

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

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

Complaint No.:- 3324/202506/15
Date of Admission:- 19.06.2025
Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

M/s Vardhman Ispat Udyog
Vill. Bathri Tehsil Haroli Near
Tahliwala Dist.. UNA -174301

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division,
HPSEBL, Haroli, Disstt. Una (HP).
3. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Tahliwala
District Una (H.P.)

Respondents

Final hearing:- 25.07.2025.

Counsels:-

Complainant 1. Sh. Rakesh Bansal (Authorized Representative)

Respondent 1. Sh. Rajesh Kashyap, Advocate

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

Date of Decision:- 28.07.2025

Notice

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

No. CGRF/Complaint No. 3324/202506/15

Dated:-

M/s Vardhman Ispat Udyog
Village Bathri Tehsil Haroli,
Near Tahliwala Distt Una HP

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 3324/202506/15

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Assistant Engineer,
Electrical Sub-Division
Tahliwala HPSEBL, Distt. Una, (HP)
3. The Sr. Executive Engineer
Electrical Division HPSEBL,
Haroli Distt Una (HP).

Respondents

The Certified copy of final order dated 28.07.2025 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.

