

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09
No. CGRF/Complaint No. 3325/3/20/010

Complaint No.: - 3325/3/20/010

Date of Admission: - 07.07.2020

Quorum: - Er. Sanjay Dewan, Chairman.
Sh. K.S Dhaulta, Member.

M/s S.R. Steels
Village Bathri, Tehsil Haroli,
Near Tahliwala, Distt. Una (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

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

Respondents

Final hearing:-

15.09.2020

Present for:-

Complainant

1. Sh. Rakesh Bansal, (Authorized Representative)

Respondent

1. Sh. Anil Kumar God, Advocate
2. Er. K.D. Sharma, AEE, Taliwala
3. Sh. Arun Sharma, Sr. Asstt.

Date of Decision: -

15.09.2020

ORDER

1. The present complaint filed by the complainant regarding non-compliance of the orders of this Ld. Forum passed in complaint No.3325/4/18/067 on 28.05.2019, directing the Respondents to overhaul the account of the complainant, within a period of three weeks, under intimation to this Forum. It is alleged that the Respondents took long time in overhauling the account & getting approvals from the authorities. The amount due to the complainant on account of overhauling was finally adjusted in the bill issued on 17.06.20, almost one year after the expiry of the period that was allowed by the Forum in its orders. It is contended that the amount of Rs.30, 37,271/- became outstanding after adjusting a sum of Rs.19,87,653/- that was approved to be refunded to the complainant, as per Forum's orders. Thus, late payment surcharge on account of delay in compliance of the orders of Forum has become a matter of dispute. The complainant seek relief to direct the Respondents to waive the entire amount of surcharge w.e.f., the date of order of the Forum i.e., 28.05.2019 and allow interest on refund amount, as per Regulations for the period up to the date of actual refund. The matter may be referred to Commission for delayed compliance of the orders of this Forum, as per provisions of the Regulations.
2. The Respondent Board has admitted the fact that due to some administrative reasons the compliance of the orders of this Forum could not be made within stipulated period. However, the same has been complied with in letter & spirit. The amount of Rs.19,87,653/- due to the complainant on account of overhauling, has been finally adjusted in the energy bill issued on 17.06.20. The reason for delay in reply was assigned to the fact that it was required to be sent to higher authorities for necessary approval which took sufficient time.
3. The Complainant in rebuttal submitted that the necessary approval from the higher authorities i.e Executive Director (Pers.) was given on 27.06.2019, as is evident from Annexure -4 of the reply. There-after, the Superintendent Engineer, (OP) Circle, HPSEBL, Una, for reasons best known to him, took almost one year to overhaul the account of the Complainant in compliance of the orders of this Forum dated 28.05.2019. Thus, the respondents are liable for penal action, as per Regulations for delaying implementation, which provide a period of 21 days for compliance of the orders of this Forum.
4. We have heard both the Parties and have gone through the case file carefully. After examination of complaint, it is observed that the Respondents have failed to comply with

the orders of this Forum dated 28.05.2019 with in a stipulated period of 21 days, which may be extended up to 90 days, as provided under regulation 27 of the HPERC (CGRF & Ombudsman) Regulation, 2013. The examination of reply of the Respondents also establish the fact that the higher authorities of the board had approved the implementation of the order dated 28.05.2019 passed by Ld. CGRF Shimla in its letter and spirit. The letter of Executive Director (Pers.) also placed on record with reply by the respondents as Annexure -4. The facts remains that Annexure -4 was issued on 27.06.2019, to Superintendent Engineer, (OP) Circle, HPSEBL, Una. There-after, the authorities below took almost one year to overhaul the account of the complainant in compliance of the order dated 28.05.2019, wherein it was specifically ordered that the account of the complainant be overhauled with in the period of three weeks under intimation to this Forum. The Respondents failed to justify this delay apparent on the face of record and have committed non-compliance of the orders of this Forum for reasons best known to them. Thus, we find force in the complaint and allow it accordingly. The Respondents are liable for delay in the implementation of the order dated 28.05.2019 of this Forum with in a period of 21 days as prescribed in order and HPERC (CGRF & Ombudsman) Regulations, 2013.

5. In view of observations made here-in-above, the complainant cannot be held responsible for any amount of late payment surcharge, as the respondents themselves failed to raise the revised Demand Notice on the basis of recalculated amount. Thus, respondents are directed to waive the amount of surcharge levied on complainant w.e.f. the order of the Forum i.e. dated 28.05.2019. It is further directed that the Respondent shall allow the interest as per Regulation / Sales Manual Instruction No.50, which provide for simple interest on excess amount @ 15% per annum from the date of payment till such time the excess amount is adjusted. The amount so calculated as per ibid directions for refund to complainant, may be adjusted in its future energy bills by Respondents. The Forum is constrained to take serious note of the non-compliance of its lawful orders by the concerned officers of the Respondent Board despite the fact that the higher authorities of the Board had also directed them vide **Annexure-4**, to comply with the orders of CGRF dated 28.05.2019 in letter and spirit. We find it appropriate and necessary at this stage to further direct that the Respondent Board shall ensure timely compliance of the orders of

this Forum in future and report compliance to Forum forth-with, and proceed against the erring officer/ officials to avoid any delay in compliance of the orders of this Forum, as per provision of HPERC (CGRF, & Ombudsman) Regulation, 2013.

6. In the aforesaid terms, the present complaint is decided in favour of the complainant. The compliance of the order /aforesaid directions, be ensured by the Respondents with in a period of three weeks, from the date of issue of orders under intimation to this Forum.
7. The parties are left to bear their own costs. Announced before the parties present at Kasumpti, Shimla on 15.09.2020.

The File be consigned to record room after due completion. A copy of the order be kept in safe custody of folder of orders. The certified copy of these orders be supplied to both the parties.

Dated:-15.09.2020

Place:- Shimla

Sd/-
(K.S. Dhaulta)
Member

Sd/-
(Sanjay Dewan)
Chairman

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No.CGRF/Complaint No. 3325/3/20/010 **Dated:-**

M/s S.R. Steels
Village Bathri, Tehsil Haroli,
Near Tahliwala, Distt. Una (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 3325/3/20/010

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Tahliwala, Distt. Una (HP).

Respondents

The Certified copy of final order dated 15.09.2020 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.