

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Review Application No RC-3157/202507/18

HP State Electricity Board Ltd and Ors

Vs

M/s Classic Engineering Works Pvt. Ltd.

ORDER

- (1) Review Application has been filed by HP State Electricity Board Ltd and ors in complaint No. 3157/202407/19 which was decided by the Forum vide its Order dated 04.06.2025. Review Applicant is the distribution licensee and Respondent / Non Applicant herein is its electricity supply consumer;
- (2) The Review Application is listed today for the first time for admission hearing. Forum has examined the Review Application and parties heard;
- (3) From perusal of the instant Review Application, Forum observes that the Review Applicant while relying on its interpretation of code 3.2.4 of the HP Electricity Supply Code 2009 and code 3.2.2 of amended provisions dated 03.07.2020 of this Supply Code (**Annexure RA-1**), has broadly based its contentions inter-alia on the following facts and grounds for preferring the instant Review Application:-
 - (a) That Forum has not appreciated certain documents which inadvertently had not been submitted earlier by the Review Applicant with regard to build up of load and fact of completion of codal formalities by the non-applicant after 05.06.2025 (**Annexure RA-2 / Annexure RA-3 Colly**);
 - (b) That the ibid Order passed by this Forum on 04.06.2025, is against its Order dated 13.03.2024 (**Annexure RA-4**) passed by the Ld Forum in Complainant No 1515/202403/04
- (4) Before Forum proceeds in the matter, it finds it expedient to refer to provisions of Regulations governing Review of Forum's own Orders notified by the HP Electricity Regulatory Commission (HPERC). From perusal of provisions of sub-regulation 26(7) of the HPERC (Consumer Grievances Redressal Forum and Ombudsman)

Regulations, 2013, Forum finds the following provisions governing Review of its Orders—

Quote

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26. Issuance of Order (1)

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.....

¹[*(7) The Forum, either on its motion or on an application moved within 30 days of the order by any of the parties to the original proceedings, may, after affording an opportunity of being heard, review its order on-*]

(i) *the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time the order was made;*

(ii) *on account of some mistake or error apparent from the face of the record;*

(iii) *for any other sufficient reasons.*

....

....

Un-Quote

- (5) Forum observes that when the instant Review Application is seen vis-à-vis the ibid provisions on Review, Forum finds that the documents (**Annexure RA-2 / Annexure RA-3 Colly**) stated by the Applicant to have inadvertently not been submitted in the original complaint cannot be held by this Forum to imply discovery of new piece of evidence which was not in knowledge of the Applicant HPSEBL at the time of original complaint. Negligence to disclose documents already in its possession by the Applicant at the time of original complaint, cannot be ground for Review of Order passed by Forum on 04.06.2025 especially when documents in original complaint have been considered as observed from this Order dated 04.06.2025. On this contention of the Applicant, Forum holds that the instant Review Application fails;
- (6) Forum observes that the Review Applicant while raising the issue of maintainability and while placing on record ibid Orders passed by the Forum has however not placed on record the ibid complaints No 1515/202403/04 and 3157/202407/19, to show to the Forum whether issue of maintainability was ever raised by it as Respondent in complaint No 3157/202407/19. Forum from perusal of ibid Order

dated 04.06.2025 does not find any issue of maintainability having been raised in original complaint;

- (7) From perusal of ibid Order dated 04.06.2025 passed by the Forum, Forum holds that when issue of maintainability was not the case of the Review Applicant / Respondent in the original complaint No. 3157/202407/19, then it is not open to the Respondent to raise the same in the instant Review citing Forum's Orders dated 13.03.2024 (**Annexure RA-4**) passed in Complainant No 1515/202403/04. Forum further holds that a Review cannot be in the manner of disguise to raise fresh issues. Forum still further holds that it is a known fact of law that each case is decided on its own merits. Further, when such contention raised by the Review Applicant is seen vis-à-vis the ibid provisions on Review, then too Forum holds that the Review Application fails for the simple reason that such contention raised by the Applicant cannot be held to be an error apparent on face of record in Order passed by the Forum on 04.06.2025 especially when this Order is a speaking one;
- (8) Thus, Forum concludes that in view of the conditions specified in ibid HPERC Regulations, 2013, for Review of its Orders by the Forum, Forum concludes that for the reasons given in paras supra, the instant Review Application fails the tests prescribed in the said Regulations.

On aforesaid terms the instant Review Application is Dismissed and accordingly disposed.

Parties are left to bear their own costs.

Order is announced before the parties present today on 22.07.2025 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: 22.07.2025

Shimla

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

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

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

Complaint No.: - 3157/202507/18

Date of Admission: -04.07.2025

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

In ref:-

HPSEBL & Ors.

Complainant

V/s

M/s Classic Engineering Works Pvt. Ltd.
Plot No.104 Phase-III, Industrial Area,
Sansarpur Terrace Tehsil Jaswan,
Distt. Kangra (HP)

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division,
HPSEBL, Dehra, Distt. Dehra Kangra (HP).
3. The Assistant Engineer M&T Sub-Division HPSEBL,
Banikhet Tehsil Dalhousie Distt. Chamba (HP).
4. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Sansarpur Terrace, Kangra (H.P.)

Respondents

Final hearing: - 22.07.2025.

Counsels:-

Complainant 1. Sh. Rajesh Kashyap, Advocate
 2. Sh. Kamlesh Saklani, U.S. Law

Respondent 1. Sh. Atharv Sharma Advocate.

Date of Decision: -22.07.2025

Notice

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 3157/202507/18

Registered

Dated:-

HPSEBL & Ors.

Complainant

V/s

M/s Classic Engineering Works Pvt. Ltd.
Plot No.104 Phase-III, Industrial Area,
Sansarpur Terrace Tehsil Jaswan,
Distt. Kangra (HP)

Respondents

Complaint No. 3157/202507/18

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Banikhet Tehsil Dalhousie Distt. Chamba (HP).
4. The Assistant Engineer,
Electrical Sub-Division
HPSEBL, Sansarpur Terrace, Kangra (H.P.)

Complainant

The Certified copy of final order dated 22.07.2025 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.