

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

No. CGRF/Complaint No. 1413/202310/32

Dated:-

M/s Kailash Chand (LR Collage)
Village Jabli, (Kyar) P.O. Oachghat,
Tehsil and District Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1413/202310/32

Present for:-

Complainant	1. Sh. O.C. Sharma, Advocate
Respondent	1. Sh. Rajesh Kashyap, Advocate
	2. Sh. Kamlesh Saklani, Under Secretary Law

Dated:-31.10.2023

(Interim Order)

(The previous date of listing: Nil).

Complaint is listed for the first time and has come up for admission hearing today.

The Complainant has filed the instant complaint along with Application for Ex-parte Interim Stay, being aggrieved by Demand Notice dated 22.09.2023 (**Annexure C6**) raised by the Respondent upon the Complainant.

The Complainant states that in this Demand Notice an amount of Surcharge of Rs.4,85,908/- has wrongly been added in violation of the final Orders

passed by this Forum on 05.09.2023 (**Annexure C4**) in complaint No. 1413/1/23/09 at the time of its disposal.

Complaint is admitted.

Forum, after going through its ibid Orders passed on 05.09.2023 in complaint No. 1413/1/23/09, observes that the ibid demand dated 22.09.2023 (**Annexure C6**) has been raised by the Respondent No 3 with an added surcharge, which is in violation of the said Orders passed by the Forum. In this Order, specific directions were imparted to the Respondent No 3 to raise corrected demand for the period of defective metering duly supported with MRI data for each day for which arrears were determined. This was to be further validated by the Respondent No 2, before the corrected demand was raised upon the Complainant. The matter of dispute in the said complaint was not of that of surcharge nor was it the case of the Respondent at that time.

The action of the Respondent No 3 and Respondent No 2 has led to a fresh cause of action for the Complainant and has created litigation on an already settled litigation. It is clear in the mind of the Forum that the Respondents are not at liberty to add surcharge at their whims and fancies for late or non-payment for a corrected demand which is just being raised at the behest of final Orders passed by the Forum on 05.09.2023. Late payment surcharge becomes applicable only when the raised demand is not paid and certainly not when the demand is raised.

This action of the Respondent No 3 and Respondent No 2 is certainly not in the interest of grievance settlement and is likely to be viewed seriously towards contravention of Regulations notified and Tariff Orders passed by the Ld HP Electricity Regulatory Commission.

On aforesaid terms, the operation of Demand Notice dated 22.09.2023 (**Annexure C-6**) and recovery of arrears raised in electricity bill dated 16.09.2023 (**Annexure C-7**) and in electricity bill dated 17.10.2023 (**Annexure C-10**) are

Stayed, with the direction to the Respondent do not take any coercive action against the Complainant during the pendency of the instant complaint. Application filed for Ex-parte Interim Stay is accordingly disposed of.

Respondents are directed to file Reply in main complaint on or before 21/11/2023.

Respondent No 2 and Respondent No 3 are directed to be present before the Forum on the said date.

Main complaint be listed on 21/11/2023 at 11:30 am.

Date: 31.10.2023

**Sd/-
(Anil Kumar Sharma)
(Member)**

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

**Sd/-
(Tushar Gupta)
(Member)**