

CONSUMER GRIEVANCES REDRESSAL FORUM, HIMACHAL PRADESH

Complaint No.	1453/202604/04
In the matter of	M/S Zedco Plastico LLP V/s 1) Assistant Engineer ESD Barotiwala 2) Sr. Executive Engineer ED Baddi
Subject	Claim for concessional Electricity Duty at 5% under the HP Industrial Investment Policy, 2019

FINAL ORDER

Pronounced on: 18/7/2026

1. Introduction

The complainant challenges HPSEBL's letter dated 24.03.2026 declining to bill Electricity Duty at the concessional rate of 5%. The complaint is filed under Regulations 16, 17 and 18 of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, as amended ("CGRF Regulations").

The Forum has considered the complaint, the reply, rejoinder and written submissions. The core issue is not the correctness of meter reading or tariff classification. It is whether HPSEBL was bound, as a collecting agency, to give effect to an asserted industrial-policy concession despite the withdrawal and saving notifications governing Electricity Duty.

2. Material facts

Date	Event
01.09.2023	Government notification stated to have withdrawn the enabling provisions for electricity-duty incentives under the Industrial Investment Policy, 2019 and revised the Electricity Duty levied under section 3 of Himachal Pradesh Electricity (Duty) Act. 2009.
Intervening period	A Government notification prescribed Electricity Duty at the rate then applicable to the complainant's category; HPSEBL billed and collected duty at that notified rate.
29.12.2023	Complainant states that it commenced commercial production.
22.02.2024	Notification No. MPP-F-(6)-1/2023 amended the earlier notification to provide that industries granted benefits/concessions in Electricity Duty under the Himachal

	Pradesh industrial investment policy 2019 to the extent that the industries who have been granted benefit/concession in Electricity Duty shall continue to avail them for the admissible period, with immediate effect.
18.02.2026	Directorate of Industries issued Eligibility Certificate No. HPSW-2024-05-59664, stating that the unit is eligible for concessional Electricity Duty of 5% for five years.
19.03.2026/ 24.03.2026	Request made to HPSEBL; HPSEBL declined it by the impugned communication No. HPSEBL/ESDB/2025-26/CS2/1660 dated 24.03.2026
01.04.2026	Complainant served notice seeking implementation, refund/adjustment of overcharged Electricity Duty.

3. Submissions of the parties

The complainant submits that its Eligibility Certificate and the 22.02.2024 notification compel application of a 5% duty for five years. It argues that the Industrial Investment Policy was extended and that the unit is eligible for concessional Electricity Duty of 5% for five years.

HPSEBL submits that it is only a collecting agency. It says that the enabling notification was withdrawn on 01.09.2023, the 22.02.2024 notification preserves benefits only for industries that had already been granted them and the complainant began production thereafter. It further submits that interpretation of industrial policy and entitlement to Electricity Duty concession lies outside the Forum's jurisdiction.

4. Points for determination

1. Whether the Forum may adjudicate the complainant's entitlement to a State Government electricity-duty concession?
2. Whether the Eligibility Certificate, by itself, required HPSEBL to alter electricity-duty billing?
3. Whether excess recovery, interest, refund or costs are established?

5. Regulatory and statutory position

5.1 Electricity Duty is a State levy, not an energy charge determined by HPERC. Section 11(1) of the Himachal Pradesh Electricity (Duty) Act, 2009 authorises the State Government, in the public interest and by notification in the Official Gazette, to exempt a licensee, consumer or person from all or part of duty, subject to stated period and conditions. Section 11(2) authorises the State Government to revise duty rates by notification. HPSEBL's function is consequential: it must collect and bill duty as the State Government has notified.

5.2 The 2019 Industrial Investment Policy and Rules distinguish policy eligibility from operational implementation. The Rules define Electricity Duty as duty levied by Government from time to time. They make incentives subject to procedures specified by the concerned department and provide that an incentive is admissible from commencement of commercial production or from the date on which the respective administrative department issues an enabling notification under the relevant statute/law to operationalise it. Thus, the parent policy does not itself dispense with the enabling exercise under the Electricity Duty Act.

5.3 Regulations 16 and 17 of the CGRF Regulations prescribe the consumer grievance process. Regulation 18 enables the Forum to redress a grievance under the applicable legal framework. These Regulations do not confer power to annul a State Government notification, decide the inter se scope of policy and statutory exemption, or direct a collecting licensee to grant a concession not operationalised for that consumer by the competent Government department.

6. Findings

6.1 On jurisdiction

A consumer may certainly bring a wrong-billing grievance before the Forum. However, the relief sought here requires the Forum to decide the legal reach of notifications issued under the Electricity Duty Act and the relation between those notifications, the Industrial Investment Policy and an eligibility certificate. That is a matter of State Government policy and statutory exemption. The Forum's role is confined to testing whether HPSEBL faithfully implemented a clear and operative direction applicable to the consumer; it cannot itself grant, extend or declare an exemption from a State levy.

The prayer to set aside HPSEBL's communication is therefore examined only to the limited extent of alleged billing deficiency. It cannot be used to obtain an adjudication that the 2019 Policy or a later certificate overrides the statutory notification regulating duty.

6.2 No self-executing right from the eligibility certificate

The Eligibility Certificate records the Directorate of Industries' assessment under the industrial-policy framework. It does not, on its face, amount to a notification under section 11 of the Himachal Pradesh Electricity (Duty) Act, 2009 or a specific implementation direction issued by the Department of MPP & Power to HPSEBL. An eligibility certificate is relevant material for the competent authorities, but cannot by itself amend the notified incidence or rate of a statutory levy.

The complainant commenced commercial production on 29.12.2023, after the stated withdrawal notification of 01.09.2023. It is not the complainant's case that it had, before the withdrawal, been availing the electricity-duty concession. The notification dated 22.02.2024 used the words that industries 'who have been granted benefits/concessions' shall continue to avail the benefit for the admissible period, with immediate effect. In its ordinary meaning, 'shall continue to avail' is a saving provision for a subsisting benefit; it is not a new grant to an enterprise that was not already availing that benefit. The Eligibility Certificate issued on 18.02.2026 cannot retrospectively convert the complainant into an existing beneficiary as on 01.09.2023 or displace the notified rate applicable during the intervening period.

The complainant's reliance on the extension of the parent industrial policy does not change this result. Continuance of a policy framework cannot, without an enabling notification under the relevant duty statute or a binding implementation direction, revive or enlarge an electricity-duty concession that the Government has separately regulated. The policy itself makes operational entitlement conditional on the concerned department's enabling notification.

6.3 Billing, refund and interest

During the intervening period, a Government notification prescribed Electricity Duty at a different rate for the relevant consumer category. HPSEBL was required to collect duty at that notified

rate. It had no discretion to replace it with a 5% concessional rate merely because of a later Eligibility Certificate, particularly when Complainant had not been availing the policy concession at the time the saving provision became relevant. HPSEBL's refusal was therefore consistent with the operative duty-notification position. No excess recovery has been established. The precondition for refund or adjustment is absent; consequently, the claim for interest under the Supply Code also fails. Costs are not warranted.

7. Determination

Point	Decision
Forum's power	The Forum may address billing implementation, but lacks jurisdiction to grant or interpret a disputed State Government duty exemption.
Eligibility Certificate	It does not, by itself, supersede or operationalise statutory duty notifications, nor retrospectively establish that Zedco was already availing the saved benefit.
HPSEBL billing	HPSEBL correctly collected duty at the rate notified for the intervening period; no deficiency or excess recovery is proved.
Refund, interest and costs	Not payable.

8. Order

The complaint is dismissed. The prayers to quash the letter dated 29.03.2026, to direct HPSEBL to apply 5% Electricity Duty, and to order refund, interest and costs are declined.

This order is without prejudice to the complainant's right to approach the competent State Government/Department of MPP & Power or other authority having jurisdiction for a definitive determination or implementation direction under the Himachal Pradesh Electricity (Duty) Act, 2009 and the relevant notifications. If such authority issues a clear direction applicable to the complainant, HPSEBL shall give effect to it in accordance with law.

No order as to costs. Parties to bear their costs.

The case file along with this order be consigned to the record room.

Sd/-

(Madan Dhiman)
(Member)

Sd/-

(Harinder Thakur)
(Chairman)

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

No. CGRF/Complaint No. 1453/202604/04

Dated: -

Complaint No.: - 1453/202604/04
Date of Admission: - 24.04.2026
Quorum: - Er. Harinder Thakur, Chairman.
Er. Madan Dhiman, Member.

M/s Zedco Plastico LLP
Khasra No. 530 Village Tipra
Barotiwalwa 174103

Complainant

V/s.

1. The Sr. Executive Engineer,
Electrical Division, Baddi, HPSEBL,
District Solan (HP)173201.
2. The Assistant Executive Engineer
Electrical Sub-Divison,
HPSEBL, Barotiwalwa
Distt. Solan (HP)-173201.

Respondents

Complaint Regarding: -
Final hearing: -

19/06/2026

Present for:-

Complainant	1. Sh. Rakesh Bansal Authorized Representative.
Respondent	1. Sh. Rajesh Kashyap, Advocate
	2. Sh. Kamlesh Saklani, Deputy Secretary Law
	3. Er. R Vidur A.E Barotiwalwa

Date of Decision: -

20.07.2026

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No. CGRF/Complaint No. 1453/202604/04

Dated:-

M/s Zedco Plastico LLP
Khasra No. 530 Village Tipra
Barotiwala 174103

Complainant

V/s.

1. The Sr. Executive Engineer,
Electrical Division, Baddi, HPSEBL,
District Solan (HP)173201.
2. The Assistant Executive Engineer
Electrical Sub-Divison,
HPSEBL, Barotiwala
Distt. Solan (HP)-173201.

Respondents

The Certified copy of final order dated 20.07.2026 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.