

BEFORE THE HIMACHAL PRADESH ELECTRICITY OMBUDSMAN, SHIMLA

PHONE: 0177- 2624525



CASE No. 30 of 2017

In the matter of:

M/s Heritage Laboratories Pvt. Ltd., Near Hindustan Liver Ltd. Village Balyana, P.O Barotiwala, District Solan (HP), through its authorized representative Shri Ramesh Gupta and Sh.O.C.Sharma, Advocate.

....Applicant/Representationist

Versus

1. H.P.State Electricity Board Ltd., Vidyut Bhawan, Shimla-171004 (HP), through its Executive Director (Personnel)
2. The Asstt. Executive Engineer, Electrical Sub Division, Barotiwala, District Solan (HP)

.....Respondents

**And
in the Matter of**

Representation under Regulation 28 (1) (b) of HPERC(Consumer Grievances Redressal Forum and Ombudsman) Regulations,2013, against the Order dated 09.12.2016 in Complaint No.1454/15/050 passed by the Consumer Grievances Redressal Forum, Shimla.

Presence: -

1. Shri O.C.Sharma Advocate for the Applicant/Representationist.
2. Shri Bhagwan Chand, Advocate for the Respondents.

ORDER

(Last Heard on 27.07.2017))

M/s Heritage Laboratories Pvt. Ltd., Near Hindustan Liver Ltd. Village Balyana, P.O. Barotiwala, District Solan (HP), hereinafter referred to as "**the Applicant/ Representationist**") is availing Electricity Supply on HT connection with connected load of 427.400 kW and 495 kVA, against Account No. LP-775, from the Himachal Pradesh State Electricity Board Limited (hereinafter referred to as "**the Respondent Board**") through Electrical Sub Division, Barotiwala, District Solan (HP).

Complainant's contention

1. The Applicant/Representationist feeling aggrieved and dissatisfied with the findings of the impugned Order dated 09.12.2016 passed in Complaint No. 1454/15/050 by the Consumer Grievances Redressal Forum (hereinafter referred as the **Forum**) has filed the present Representation for the redressal of his grievances:-
 - (i) That the Respondent No.2 issued Bill for the month of June,2015 Billing Cycle April-May,2015, wherein Rs.14,97,188/- was imposed as sundry charges without explaining any reason. The applicant firm challenged the correctness of the aforesaid demand of Rs.14,97,188/- before the Forum, Shimla.
 - (ii) That the respondents have taken a stand in their reply that the acts of the respondents are in accordance Clause 5.2.5 (b) of H.P. Electricity Supply Code, where in there is a provision to show the arrear in the monthly bill.
 - (iii) That the energy meter remained dead stop w.e.f.12/2009 to 2/2011 and no consumption had been recorded in the period by the energy meter.
2. The Applicant/representationist prayed for overhauling his account on the basis of average monthly consumption of 35543 kVAH of the previous year as available with the Respondents and not on the basis of average consumption of 74000 kVAH of the succeeding year with the demand of Rs.15,38,350/-.
3. Therefore, in view of above, the Applicant/Representations prayed that the impugned Order dated 09.12.2016 passed by the CGRF in their representation may be set aside and quashed.

Respondent's contention:

1. It is denied that bill issued including sundry charges without explaining any reason. The respondents Board first served a demand notice for Rs.14,97,188/- vide its letter No.293-94 dated 11.05.2015 to the Complainant company and upon expiry of notice period the amount was placed in their next energy bill. This is correct that the consumption after change of meter is 88373 kVAH and the average pointed by the audit is less than the actual average. Accordingly the respondents have to charge units at 88378 kVAH amounting to Rs.6,04,164/- immediately as per their calculation sheet.
2. It is clear that energy meter remained dead stop w.e.f.12/2009 to 2/2011 as no consumption had been recorded in this period by energy meter. As electricity connection was provided to

firm vide SCO No.130283 dated 25-02-2009 on 03.09.2009 for 427.400 kW, 495 kVA load. Thereafter meter become defective w.e.f. 12/2009 to 2/2011. Since the energy consumption of previously 6 months are not available, hence it is not justified to charge the average on the basis of consumption of approximately 3 months. It is also very much clear and generally seen that industrial consumers take around 2 to 3 months for initial set up and comes completely into production after that only. Hence it is very much justified to charge the amount on the basis of consumption w.e.f.3/2011 to 8/2011 which comes to be 88378 kVAH.

It is also prayed that additional demand of Rs.,6,04,164/- may also be allowed to be recovered from consumer as explained above.

Forum's observations and Order:

We find that the energy meter was defective since 1/2010 to 2/2011. We also noted all the above monthly averages and find that the complainant has not raised any issue of monthly average consumption in his original complaint. The complainant raised this issue in his rejoinder only and calculated the average of 35543 kVAH on the basis of consumption for 03 months prior to defectiveness of meter. The respondents calculated average of 88373 kVAH on the basis of six month consumption after the correct energy meter was installed. The behaviour of the new meter has not been challenged by the complainant. So this figure of monthly average of 88373 kVAH is more reliable than the average of 35543 kVAH. However, the demand has been revised by the audit on the basis of 74000 kVAH/month. We feel that the demand pointed out by the audit on the basis of 74000 kVAH per month average is much less than 88373 kVAH and appears to be more justified. We thus direct as under:-

- i) The demand of Rs.14,97,188/- (Rs.5,38,350/-) billed by the respondents in the energy bills for 6/2015 (7/2015) is correct and justified.
- ii) The complaint is dismissed.
- iii) The complainants are directed to pay the above said amount to the respondent after adjusting the amount already paid, if any, on the instance of this Forum.
- iv) The complainant to pay this amount in six equal monthly instalments alongwith the energy bill of next 6 months starting from 12/2016 to be paid in 1/2017.

The case is decided in favour of the respondents.

Electricity Ombudsman findings and Order:

1. From the above averments/submissions made and the documents produced by both the parties, it is evident that electricity connection was provided to firm vide SCO No.130283 dated 25-02-2009 on 03.09.2009 for 427.400 kW, 495 kVA load. Thereafter meter remained defective w.e.f. 12/2009 to 02/2011. As energy consumption was available for 04 months only during corresponding period in previous year, (because connection was released on 03.09.2009 only). Accordingly the consumer was charged on the basis of Average monthly consumption of 04 months for whole of the period in which the meter remained defective.
2. In the month of 02/2011 the correct meter was installed and the respondents Board calculated the average monthly consumption of 88373 kVAH on the basis of 06 months of consumption after the correct meter was installed. Further the audit arrived at monthly consumption of 74000 kVAH and accordingly the HPSEBL raised the demand for average consumption at this monthly average for whole of the period i.e. 01/2010 to 02/2011, in which the meter remained defective. This raising of demand by the HPSEBL seems to be quite illogical. In the first instance the respondents Board took huge time to replace the defective meter with correct meter, thereafter, billing the consumer at average of 74000 kVAH per month for the entire period of meter defectiveness, which is wrongful and unjust. In no case the consumer account can be overhauled for more than 06 months.

In view of this it is directed that the consumer account again be checked and overhauled for 06 months only on the basis of 74000 kVAH per month instead of entire period of defectiveness of the meter i.e. 14 months (01/2010 to 02/2011).

Dated:26.08.2017

ELECTRICITY OMBUDSMAN