



**HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTAL COMPLEX, KHALINI, SHIMLA-171002**

Case No. 46 of 2018

In the matter of:

M/s Himalayan Vegefruit Ltd., Plot No.12 A, Sector-3, Parwanoo, Tehsil Kasauli, distt. Solan (HP)-173220 through its authorised representative Sh. Rahul Mahajan, Advotate.

Applicant/Representationist

Versus

1. The Executive Director (Personnel), HPSEB Ltd., Vidyut Bhawan, Shimla-171004
2. The Addl. Superintending Engineer, Electrical Division, HPSEBL Parwanoo, (HP).
3. The Asstt. Engineer, Electrical Sub- Division, HPSEBL, Parwanoo.

.....Respondents/Applicants

And

In the matter of:

Representation under Regulation 6(2) of HPERC (CGRF & Ombudsman) Regulations, against the Order dated 18.01.2018 passed by Consumer Grievances Redressal Forum of HPSEBL, Shimla-9 (H.P.) in Complaint No. 1421/1/17/011 titled as Himalayan Vegefruit Ltd., Plot No.12 A, Sector-3, Parwanoo, Tehsil Kasauli, Distt. Solan (HP)-173220 through its authorised representative Sh. Rahul Mahajan, Advotate Versus HPSEB Ltd. and others.

11.4.2018

Present for:

Applicant : Sh. Rakesh Bansal & Sh.Rahul Mahajan, Advocate

Respondents : Sh. Bhagwan Chand, Counsel

Sh.Ashok Kumar, Assistant Engineer, ESD Parwanoo.

ORDER

(Last Heard on 11.4.2018)

Heard. Taking into consideration, the arguments exchanged by representatives of both the parties during the course of hearing and the Application/Petition and Additional submission in support of Review petition/application filed by the Applicant/Respondent Board in context of the Order dated. 18.01.2018 passed by Consumer Grievances Redressal Forum of HPSEBL, Shimla-9 (H.P.) in Complaint No. 1421/1/17/011 titled as Himalayan Vegefruit Ltd., Plot No.12 A, Sector-3, Parwanoo, Tehsil Kasauli, Distt. Solan (HP)-173220 through its authorised representative Sh. Rahul Mahajan, Advocate Versus HPSEB Ltd. and others.

Complainant's Contention:

1. That the complainant has two small industries located at Parwanoo at Plot No. 12 A, Sector 3, Parwanoo. The first unit of the complainant was set up in the year 1980 for the manufacture of fruit and vegetable products with a power connection of 17.48 kW, whereas the second unit was set up for processing of herbs and spices with a power connection of 18.20 kW in the subsequent years.
2. The respondents wrote a letter dated 18.06.2016 serving a notice under Para G of the Tariff Schedule referring to single point supply, for running more than one units in the same premises under the same name. The notice demanded to produce the separate registration of the industries department of both units within 15 days. The complainant could not produce the separate registrations at that time, as the record was not traceable.
3. Later in the energy bill issued for the month of 12/2016 the respondent charged a sum of Rs. 100917/- as sundry charges, without providing any details to the complainant, contravening the instructions of CE (Comm.) as well as the procedure for recovering the arrears defined under the Supply Code, 2009. The complainant only paid the amount due from him for the month amounting to Rs. 617/- excluding the arrears of Rs. 100917/- charged. Simultaneously, the complainant wrote a letter to the Respondent No.3 demanding the details of Sundry Charges vide their letter dated 24.01.2017. The complainant never received any reply to his letter, but instead a disconnection order was issued in contravention of the provision of the Supply Code, 2009 and the Provisions of the electricity Act, 2003. The respondents were required to give 15 days' clear notice before issuing the disconnection order. The complainant again approached the respondents vide their letter dated 15.02.2017 for holding the steps taken for disconnection. The supply was finally not disconnected. The complainant was supplied a detail prepared by the Audit Officer of HPSEBL, in which Rs. 100917/- were calculated as the difference of tariff for SIPS and MIPS tariff for the period 3/12/ to 3/16 for the two connections of the complainant i.e. PLSP 4 and PLSP 5.
4. The respondents are trying to club the two connections of the complainant for the purpose of tariff to their advantage, which is against the rules and regulations.

5. That no direction has been given by the respondents to the effect that two connections have been treated as clubbed. Two different bills are still being issued under two separate consumer numbers as the contract/agreements are separate for the two connections.
6. The demand notice issued by the respondents and the Orders dated 18.01.2018 passed by the Consumer Grievance Redressal Forum in the complaint number 1421/1/17/011, asking the complainant/applicant company to deposit a sum of Rs. 1,00,917/- as charges in respect of clubbing of load is illegal, arbitrary and without taking into consideration the provisions of act, rules and regulations.

Respondents Contention:

1. The replying respondent issued a letter to the appellant and charged a sum of Rs. 1,00,917/- as sundry charges. It is specifically denied that this amount has been charged without providing and details to the appellant. It is pertinent to mention here that the replying respondents have already given the full detail to the appellant regarding the charge of amount Rs. 1,00,917/-. The appellant failed to pay this arrear to the respondent as such this amount has been shown as sundry charges in the energy bill. The replying respondents issued letter dated 29.11.2016 to the appellant regarding less billed amount of Rs. 1,00,917/- and this letter has been duly received by the appellant and despite of this letter the appellant failed to deposit the aforesaid amount with the respondents.
2. That the appellant is running two connection in the same premises under one roof in same name and style which belongs to the appellant. As per the sale circular 2005 it is made clear that whenever an existing consumer applies for a new connection in the same premises (Independent construction/unit having separated identity) in his name issued not be allowed and the consumer should be asked to apply for extension and existing load. Whenever a new connection is supplied by the same consumer in a new premises by carving out from the existing one or by purchasing a joining land/premises it should be treated as extension in load. On the basis of this sale circular the audit department raised audit objection and therefor reported that load of the appellant should be clubbed as the load for the both units of the appellant

should be clubbed as the load for the both units of the appellant charges more than 2000 kW w.e.f. 01.04.2005 and more than 2.2 MVA w.e.f. 01.08.2014 and the calculation of previous period is being done and the same is duly intimated to the appellant. The appellant is running its unit on 11 kV whereas the standard supply voltage is 33 kV and therefore the replying respondents charged to the appellant 3% LVSS as per the provision of tariff Order.

3. There is no need to sought clarification from the higher authorities in order to clubbing of the two connection of the appellant. It has already been made clear in the sale circular. The replying respondents clubbed the load of the appellant as per the provisions of sale circular tariff order.

Forum's Observations:

Keeping in view the instruction imparted by HPSEBL vide sales circular No.5/2001 further circulated vide letter No.HPSEBL/CE(Comm.)/T&S-33/2001-235-585 dated 11/04/2001 clubbing of load of two units is correct. The amount as raised by HPSEBL to the complainant amounting to Rs. 1,00,917/- may be deposited.

Electricity Ombudsman findings and Order:

In view of the above facts, contentions of the parties and examining the documents like replies/rejoinders and written arguments, it is observed that complainant M/s Himlayan Vegfruits, Parwanoo have two small power connections PLSP 4 & PLSP 5 having connected load 17.48 kW & 18.20 kW. These power connection were given to them way back in 1980 and subsequent year. The respondent HPSEBL in the month of 12/2016 raised a demand of Rs. 1,00,917/- an amount calculated as difference of tariff in SIPS & MIPS categories for the period 3/2012 to 3/2016 on the basis of Sale Circular No.5/2001 of HPSEBL.

It is surprising to note that when these two SIP connection were never clubbed & merged into one MIPS connection physically and in record also, how an amount of difference of tariff can be recovered from consumer when these connections are not treated as one. Even till date these two SIPS connections are running separately and billed separately, so the demand raised by respondent on account of difference of tariff is not correct and cannot be recovered from the consumer.

The compliance be reported within a month from the issue of this order.

Dated: 19.04.2018

Electricity Ombudsman

