

IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 967 of 2018

Decided on 27th November 2025

M/s. Kundlas Loh Udyog

...Petitioner

Versus

Himachal Pradesh State Electricity Board Ltd & Ors.

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting? Yes.

For the petitioner : Mr. Manik Sethi, Advocate.

For the respondents: Mr. Sunita Sharma, Senior Advocate,
with Ms. Meenakshi Katoch,
Advocate.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following relief:-

"A. Quash and set aside the impugned demand notice Ann P-2 as void ab initio having been issued without any mandate of law and to direct the respondents to release the Contract demand of 3060kva with immediate effect;

B. Pass an order and direction to Respondent No.2, the HPSEBL to render to the petitioner and audited account of expenditure showing the excess or deficit in relation to initial estimated amount within giving details of item wise estimation and actual expenditure along with the item wise figures of variance in terms of Regulation 6(2) of Regulations, 2005;

C. Pass an order and direction to the HPSEBL to refund to the petitioner, the excess amount with interest @18% per annum, if the actual expenditure is less than the initial estimated cost by more than 3% in terms of Regulation 6(2) of Regulations, 2005;

D. Pass an order and direction to the HPSEBL to refund to the Petitioner, the IDC amount paid at the time of issuance of PAC with interest @18% p.a.”

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2. Learned senior counsel for the respondent submits that the present petition is not maintainable on the ground that the petitioner, in its capacity as a consumer, has remedy available in terms of the Himachal Pradesh Electricity Regulatory Commission, Consumer Grievances Redressal Forum (CGRF). Learned counsel for the petitioner has drawn the attention of this Court to the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulation, 2013, in general, and Regulation 3 thereof, in particular and submitted that the petitioner should have raised grievance before the appropriate Fora in terms of the provisions of this particular Regulation.

3. On the other hand, learned counsel for the petitioner submitted that the fact that the petitioner is aggrieved by the demand notice which has been raised, and as the

grievance vis-à-vis the demand notice cannot be said to be covered under the definition of *grievance* as given in Regulation 3(e), therefore, the present petition is maintainable as the petitioner has no other remedy.

4. I have heard learned Counsel for the parties and carefully gone through the pleadings as well as record appended therewith.

5. The petitioner has approached this Court assailing Annexure P-2, which is a demand notice raised by the respondent-Board, in terms whereof, an amount of Rs.59,50,000/- has been demanded from the petitioner before releasing its demand for extension of board case, and as per the learned counsel for the petitioner, the petitioner is primarily aggrieved by the IDC required, quantum of control demand, quantified at Rs.40,00,000/.

6. Regulation 3(d) of the 2013 Regulations, which are statutory in nature, having been framed under Section 42(5) of the Electricity Act, 2003, defines *complainant* as under:-

“3(d) *complainant means and includes:-*

(i) *Any consumer or consumers including their legal heirs or successors, having a grievance/complaint against a licensee and*

- lodging the same either directly or through their representatives, or*
- (ii) Any voluntary consumer association or associations, registered under the law for the time being in force and making the complaints in the larger common or similar interest of the consumers, or*
 - (iii) Any person whose electricity connection is disconnected, or*
 - (iv) An applicant for a new connection for the supply of electricity;”*

7. Regulation 3(e) further defines grievance as under:-

“3(e). “grievance” means, and includes any complaint, relating to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to the Distribution Performance Standards of the licensees, as specified by the Commission, and includes billing disputes of any nature and matters related to safety of the distribution system having potential of endangering life or property.”

8. In terms of Regulation 3(e), *grievance* inter alia means and includes any complaint relating to any fault, imperfection, shortcoming, inadequacy, quality, nature, and manner of performance undertaken or to be performed by a licensee in pursuance of a licence, etc. This Court is of the considered view that because, as per the petitioner, the

demand raised by the respondent-Board is unjustified and uncalled for, it obviously amounts to an imperfection or inadequacy in the quality, nature and manner of performance on the part of the licensee, which is the respondent-Board. Therefore, the grievance of the petitioner is covered within the definition of *grievance* as given in Regulation 3(e). Accordingly, this Court concurs with the submissions made by learned senior counsel for the respondents that the present petition was not maintainable, as the petitioner had a statutory remedy and the grievance by the petitioner should have been raised before the Himachal Pradesh Electricity Regulatory Commission, Consumer Grievances Redressal Forum (CGRF).

9. Accordingly, this petition is closed and disposed of as not maintainable as the petitioner has a statutory remedy, with the observation that the petitioner may assail the impugned act of the respondent-Board before the appropriate Forum. As the petitioner was bonafidely pursuing its remedy before this Court, it is observed that in case a complaint is preferred by the petitioner within 30 days from today before the appropriate Forum, the same shall be treated as having been filed within

limitation and decided in accordance with law. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

November 27, 2025
(Shamsh Tarbez)