



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2107 of 2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition filed pursuant to the Order dated 27.05.2024 in Writ Petition No. WRIT-C No. 18176 of 2024, Shashi Bhushan Singh Vs. State of UP & Ors,

AND

IN THE MATTER OF

Shashi Bhushan Singh,

Prop. Charaiweti Agro Farms R/o. Katanwar Road, Near Belwa Chungi, Padrauna, Kushinagar-274304.

..... Petitioner

VERSUS

Executive Engineer,

Uttar Pradesh Power Corporation Ltd., Vidyut Vitran Khand, Padrauna, Kushinagar-274304.

.....Respondent

THE FOLLOWING WERE PRESENT

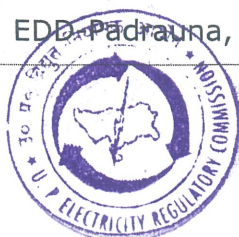
1. Shri Shashi Bhushan Singh, Petitioner

ORDER

(DATE OF HEARING: 25.02.2025)

1. The Petition has been filed by the Petitioner pursuant to the Order dated 27.05.2024 passed by Hon'ble High Court in Writ Petition No. WRIT-C No. 18176 of 2024.
2. It has been submitted that the Petitioner had applied for a 10 kW electricity connection for poultry farming in EDD Padrauna, Kushinagar, U.P. As per the

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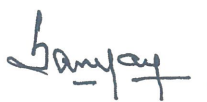
submission, the connection was energized on 25.11.2018 for which the electricity bills were raised from 25.11.2016 under LMV-2 tariff.

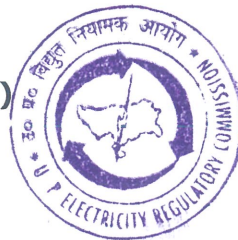
3. It has been further submitted that the Petitioner, aggrieved by the faulty billing, approached the Consumer Grievance Redressal Forum, Gorakhpur, which issued an Order dated 19.01.2021 for revising the bills as per the meter reading from the date of energization i.e. 25.11.2018 in agricultural tariff i.e. LMV-5 tariff/rate schedule.
4. It has also been submitted that the Petitioner approached the 'Electricity Ombudsman' for action under Section 142 of the Electricity Act, 2003 for non-compliance of the Order of the CGRF, Gorakhpur. The 'Electricity Ombudsman' issued an Order dated 08.02.2023 in case No. C-100/2022 wherein it was ordered that Respondent Executive Engineer would revise the Petitioner's electricity bills from LMV-2 to LMV-6 tariff category.
5. As per the submission made, the Petitioner aggrieved by the Order of the 'Electricity Ombudsman' approached Hon'ble High Court through Writ Petition No. WRIT-C No. 18176 of 2024 wherein, during the hearing, it was submitted by the Respondent Executive Engineer that change of tariff category falls under the jurisdiction of Electricity Regulatory Commission and subsequently an Order dated 27.05.2024 was passed by Hon'ble High Court as per which the counsel for the Petitioner had prayed for withdrawal of the petition with the liberty to seek remedy before appropriate forum.
6. Accordingly, prayers have been made by the Petitioner to direct the Respondent to revise the electricity bills of the Petitioner from LMV-6 category to LMV-5 category, in compliance to the Order of CGRF, Gorakhpur dated 19.01.2021. The Petitioner has further prayed to direct the Respondent to adjust the excess payment of Rs. 1,96,095/- that has been made by the Petitioner and also to direct Respondent to give compensation of Rs. 15,26,340/- to the Petitioner, along with interest, as provided in Section 43(3) of the Electricity Act, 2003.





7. There are two issues before the Commission that have to be addressed. Firstly, the Petitioner has prayed for revision of his electricity bills considering the applicable tariff category as LMV-5 instead of LMV-6 being charged by the Respondent Executive Engineer. However, such a relief cannot be granted as the prevailing Tariff/ Rate Schedule provides LMV-6 tariff for agro-industrial purposes and Floriculture/Mushroom Farming units whereas, LMV-5 tariff has been provided for Private Tube-wells/ Pumping Sets for irrigation purposes having a contracted load up to 25 BHP and for additional agricultural processes confined to Chaff-Cutter, Thresher, Cane Crusher and Rice Huller. Therefore, granting such a change would be violative of the applicable Tariff / Rate Schedule.
8. Regarding the second issue of allowing compensation of Rs. 15,26,340/- to the Petitioner, along with interest, as per the provision of Section 43(3) of the Electricity Act, 2003, the Commission observed that Section 43(3) of the Electricity Act, 2003 provides for penalty and not the compensation as claimed. Moreover, the Petitioner has submitted in his Petition that his electricity connection was sanctioned on 29.03.2016 and meter was also installed but it was energized only on 25.11.2018. However, the Petitioner has not made any mention about a fire incident in the Petitioner's poultry farm in December 2016 wherein, the machines and all poultry stock got burnt. This incident which finds mention in the Order dated 19.01.2021 of the CGRF Gorakhpur, which has been concealed by the Petitioner. Thus, it can be said that the Petitioner has not approached the Commission with clean hands.
9. In view of the above, the Petition is disallowed.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 12.03.2025