

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT
PANCHKULA**

Case No. HERC/P. No. 39 of 2025

Date of Hearing : 10/12/2025

Date of Order : 16/12/2025

IN THE MATTER OF:

Complaint under Section 142, 146 and 149 of Electricity Act, 2003 for violating the order dated 20/11/2024 passed in DH/CGRF/4378/2024 by the Hon'ble Consumer Grievances Redressal Forum, DHBVN and for violating the various circular and regulation passed by this Hon'ble Commission.

Petitioner

Summit Condominium Association, Sector 54, Gurugram.

VERSUS

Respondent:

1. Dakshin Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, Vidyut Nagar, Hisar.
2. S.D.O., Sub Division DLF, DHBVN, Sector 47, Gurugram.

Present

On behalf of the Petitioner

Sh. B. P. Agarwal, Advocate

On behalf of the Respondent

1. Sh. Lovepreet Singh, Advocate
2. Sh. Vikas Yadav, XEN, DHBVN
3. Sh. Krishan Sheoran, SDO, DHBVN

QUORUM

**Shri Nand Lal Sharma, Chairman
Shri Mukesh Garg, Member
Shri Shiv Kumar, Member**

ORDER

1. Petition:

- 1.1 That the present Complaint is being filed by the Complaint as the respondents have failed to comply with the order dated 20/11/2024 passed by Hon'ble Consumer Grievance Redressal Forum, Dakshin Haryana Bijli Vitran Nigam, Hisar, Haryana in case bearing DH/CGRF/4738/2024. Copy of Orders 20/11/2024 passed by CGRF in DH/CGRF/4378/2024 is enclosed.
- 1.2 That the brief facts of the case are as given below :-
- i. That Complainant i.e. Summit Condominium Association is a housing society and Mr. Arun Bhardwaj is the President and he is authorized by the Governing Body of the Association/society to take the legal action for the recovery of the excess amount paid to the DHBVN. Copy of the Resolution is enclosed.
 - ii. That the complainant is a housing society and has obtained the electricity connection through account No. CC No. 5236740000 with the contract demand of 3246 KW and paid the Security deposit of Rs. 32,46,000/- which is as per the bill. The connection was obtained for domestic purpose and is being used for housing society for the resident of the society members. Copy of the bill is enclosed.
 - iii. That there are 228 flats in the society and occupancy certificate was issued by the competent authority and the Complainant is billing to all 228 occupants for using the electricity and hence Complainant is entitled for the slab benefit for all 228 dwelling units.
 - iv. That since the connection was obtained prior to 2013 and hence as per the tariff order issued every year by the Haryana Electricity Regulatory Commission starting from 2013, which is still continue and as per Regulation issued from time to time, Single Bulk Supply Consumers are entitled for the slab benefit w.e.f. 01.04.2013 and slab benefit is required to be continue as the per provision of law but no slab benefit was given to Complainant from 01.04.2013 for all 228 dwelling units till date, though the Complainant has requested many times to give the slab benefit but no action was taken.
 - v. That Complainant has deposited security deposit/ACD amounting to Rs. 32,46,000/-, which was paid as demanded by your office from time to time and as per Section 154(4) of Electricity Act, 2003, the respondents are liable to pay the interest on the security deposit from the date of deposit of the security amount at bank rate in the month of April each year but the same was not given in the month of April.
 - vi. That as per the Directive issued by HERC under clause 5.8.1 & 5.8.2 of Regulation No. 34/2016 i.e. the Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 and Sales Instruction 9/2016, the respondents are required to pay the interest in the month of April of each year and in case the interest accrued during the year is not

adjusted in the consumer's bill for the first billing cycle of the ensuing financial year, then the respondents are liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed but the respondents have failed to make the payment of the interest on security deposit till date. The relevant para are reiterated as under:-

"5.8.1: The licensee shall pay interest to the consumer at the Bank rate as determined by the Reserve Bank of India on 1st April of each year or more as specified by the Commission payable annually on the Consumer's security deposit. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year.

5.8.2: In case the interest accrued during the year is not adjusted in the consumer's bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed."

- vii. That the respondents have withheld the 4% rebate for the period April 2020 to Oct.2020 and hence the respondents are liable to pay the rebate of 4% for the aforesaid period.
 - viii. That thereafter the complainant has served a legal notice dated 05.07.2024 through the counsel but no reply was received. Copy of the legal notice dated 05.07.2024 is enclosed.
 - ix. That since the respondent have failed to comply with the Supply Code /Regulation passed by this Hon'ble Commission and various circular issued by the respondent and hence the Complainant was forced to file a Complaint before the Consumer Grievances Redressal Forum, Gurugram vide Complaint No. DH/CGRF/4378/2024 and the respondent in its reply admitted the refund of Rs.68,18,492/- including 4% rebate and on account of slab benefit and Rs. 11,39,076/- on account of interest and penal interest and thus an amount of Rs.79,57,568/- was refundable to the complainant . Copies of the complaint and reply are enclosed.
- 1.3 That Respondents are liable to refund the excess payment paid by Complainant along with the interest as per Section 61(6) of the Electricity Act,2003 and also as per Section 2.33 of Haryana Electricity Regulatory Commission (Forum and Ombudsman) (1st Amendment) Regulations,2022. The relevant provision of regulation is reproduced as under:-
- 2.33 The Forum may, subject to the Supply Code, 2014, as amended from time to time, allow interest on recoverable/ refundable amount, if any, by either party as under:
- i) Cases covered under 2.18 (i) above: as per Regulations 6.10.2 & 6.10.3 of Supply Code, 2014, as amended from time to time;
 - ii) Cases covered under 2.18 (ii) above: at SBI Base Rate prevalent on 1st of April of the relevant year.
- 1.4 That the complainant has filed the complaint before this Hon'ble Commission and the same was returned vide memo no. 5489/HERC/legal section /17/03/2025 with some objections i.e. regarding paragraph of court fee, each page of complaint was not

signed by the complainant, original resolution not filed and page no. 19 i.e. occupancy certificate not legible but after filling the complaint the respondent has adjusted an amount of Rs. 58,83,125/- reflected in the bill issued for the month of April 2025, whereas the admitted amount was Rs.79,57,568/- and thus the respondent has paid less amount of Rs.

That whereas the amount as admitted by the respondent in its reply vide memo no.3283 dated 11.11.2024 was up to 01.04.2024, whereas the respondent is liable to give the slab benefit till date and continue in the future. The interest for the Year 2024-25 was also not given in the first bill and hence liable for penal charges. In the bill issued for the month of March 2025, though the number of dwelling units were shown as 228 but slab benefit was not given though the Complainant was entitled as the number of dwelling units per flat was less than 800 units. Copy of the bill for the month of March and April 2025 are enclosed.

- 1.5 That as per Section 142 of the Electricity Act, 2003 if in case any person contravened the rules/regulation made under the Electricity Act, 2003 then he is liable to be punished under Section 142 of the Electricity Act, 2003 and in the present case the respondents have contravened the Rules/Regulation/Tariff Provision/Order passed by the Forum and hence liable for the action and hence this Complaint.
- 1.6 That Since the Complainant is running a housing society in which all the members are residing and there are no commercial activities and hence as per rule the Complainant is not liable to pay Court fees of Rs.50,000/- as required for the Commercial connection.
- 1.7 That since the respondent has not complied the order passed by the Hon'ble CGRF within the stipulated period and hence the respondents are liable to pay the interest on the refund amount @ 18%.
- 1.8 That the cause of action arose in favour of the complainant and against the respondents when the respondents are failed to comply with the order passed by the Hon'ble CGRF in toto within the stipulated period of 21 days. Cause of action again arose when the respondent has partly complied the order in the month of April 2025. Cause of action is still subsisting.

P R A Y E R :-

In view of the above facts and circumstance it is most respectfully prayed that this Hon'ble Commission may kindly be pleased to :-

- a. Initiate an inquiry against the respondents/ against the guilty officers under section 142, 146 and 149 of Electricity Act, 2003 for violating the order dated 20/11/2024 passed by the CGRF, Gurugram, in DH/CGRF/4378/2024 as the respondents have failed to adjust the entire admitted and order amount of Rs.68,18,491/- on account of slab benefit and Rs.11,39,076/- on account of ACD interest up to Aug.2024 and thereafter till April 2025 (started giving the rebate for slab after April 2025), and adjusted only Rs. 58,83,125/-, in the bill issued for the month of April 2025 with due date 15/04/2025 and :

- b. Direct the respondents to refund the balance amount till date along with the interest @18% and also directed to pay the interest on the already adjusted amount of Rs. 58,83,125/-,
 - c. Award the compensation and costs of present proceedings in favour of Complainant and against the Respondent and;
 - d. Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Complainant in the interest of justice.
2. The case was heard on 10/07/2025, None appeared on behalf of the respondents. Ms. Sonia Madan, advocate present in the court intimated that although she has not been engaged in this case, she will take up the matter with DHBVN to file the reply before next date of hearing. The Commission took serious note of nonappearance of representative from the respondent DHBVN and directs the MD DHBVN to enquire into the matter and take appropriate action against the concerned officer and also, submit report thereof before next date of hearing. The Commission adjourned the matter and directed the respondent to submit its reply within four (4) weeks with advance copy to the petitioner..

3. Reply submitted by DHBVN received on 18/08/2025:

- 3.1 The present reply is being filed through SDO/OP, DLF City, DHBVN, Gurugram, (hereinafter referred to as 'DHBVN/Respondents'), who is competent to file the present reply as well as fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record, on behalf of Respondents.
- 3.2 The Respondents are filing the present composite reply ('Reply') to the complaint/petition filed by the Petitioner. It is submitted that all the contentions and grounds urged by the Petitioner in the said complaint have been comprehensively and substantively addressed in the submissions made hereinbelow. The issues raised by the Petitioner have been dealt with in detail hereunder, rendering a para-wise rebuttal unnecessary at this stage.
- 3.3 The Petitioner has filed the present petition seeking compliance of the direction(s) issued by the Corporate CGRF, DHBVN, Gurgaon ("Ld. CGRF") vide Order dated 20.11.2024 ("Impugned Order"), wherein it was directed as under –
"After going through the record available on file and submissions made by both the parties, The Forum observed that according to the Sales circular D-17/2020 4% rebate for consumed units and slab benefits per dwelling units was being given and as per sales circular no. D-04/2013 on dt. 19.01.2013 but billing process under BLDS category consumer is not being done as per Ibld circular In the non R-APDRP as well R-APDRP system. As per SDO letter no, 5215 dt. 30.10.2024 the calculation for the period 01.04.2013 to 01.04.2020 & 01.04.2020 to 01.08.2024, the

amount of Rs. (-) 68,18,491/- is to be adjusted and ACD interest & TDS amount Rs. 1139076.00 is to be adjustable in complainant's account. The Forum directs the SDO (OP) DLF to give slab benefit as per total dwelling units to consumers of complainant petitioner and ACD Interest with Penal Interest for delayed period as per Regulations and as per calculations in SDO (OP) DLF vide letter no. 3283 dt. 11.11.24 and as detailed in above Observations. The case is closed. No cost on either side.

(Emphasis Supplied)

- 3.4 It is submitted that, in the present complaint, the Petitioner has sought, *inter alia*, the initiation of an inquiry against the Respondents under the provisions of the Electricity Act, 2003, alleging violation of the order of the Ld. CGRF purportedly bearing reference No. DH/CGRF/4378/2024. However, it is pertinent to point out that the order of the Ld. CGRF, as attested and annexed by the Petitioner at *Annexure C-2*, bears reference No. 4738/2024 and not 4378/2024 as relied upon by the Petitioner.
- 3.5 The Petitioner has further alleged that the Respondents have failed to adjust an amount of ₹68,18,491/- towards slab benefit and ₹11,39,076/- towards ACD interest, and have instead adjusted only ₹58,83,125/- in the electricity bill for the month of April 2025. On this basis, the Petitioner has prayed for directions to refund the alleged balance amount along with interest at the rate of 18% per annum, and further to direct the Respondents to pay interest on the amount of ₹58,83,125/- already adjusted.
- 3.6 At the very outset, the Respondents submit that the findings recorded in the proceedings before the Ld. CGRF in the Impugned Order were based on calculations that were not audited at the relevant time. These calculations were, in fact, subject to audit, a fact which is a matter of record and is also reflected in the reply of the SDO, as communicated through email dated 09.08.2024 in relation to the proceedings before the Ld. CGRF. The same can be duly observed in the Impugned Order at pages 1-2.
- 3.7 In view of the nature of the proceedings and the issues involved, a comprehensive audit was undertaken to ascertain the actual sum of money required to be adjusted against the account of the Petitioner. Pursuant to the said audit, the recalculated and duly verified amount towards slab benefit and rebate for the periods 01.04.2013 to 01.04.2020 and 01.04.2020 to 01.08.2024 was determined to be ₹58,83,125/-, as against the earlier unaudited figure of ₹68,18,491/. Accordingly, the audited amount of ₹58,83,125/- has already be adjusted in place of the previously considered unaudited amount. A copy of the computation sheets reflecting the audited figure of ₹58,83,125/- proposed for adjustment is annexed.
- 3.8 Further, the ACD interest and TDS amount, which as per the Impugned Order was recorded at ₹11,39,076/- and directed to be adjusted against the account of the Petitioner, shall be duly adjusted in the next electricity bill to be issued to the Complainant at the earliest possible opportunity.

- 3.9 Thus, it may be observed that the final audited amount to be adjusted towards the account of the Petitioner stands at ₹58,83,125/-, which has already been duly adjusted against the Petitioner's account vide bill dated 02.04.2025. A copy of the said bill dated 02.04.2025 is annexed. Accordingly, the Respondents have duly adjusted the account of the Petitioner in relation to the allegations raised, post completion of a lawful and fair audit process, and strictly in accordance with the applicable provisions of law.
- 3.10 The allegations made by the Petitioner, asserting that the Respondents have contravened applicable rules, regulations, tariff provisions, are misconceived, baseless, and are hereby denied in toto. The Petitioner has failed to substantiate these claims with any cogent material or reference to specific provisions of law or regulation, apart from those already dealt with and addressed in the present Reply. These averments are unsubstantiated, bald assertions devoid of evidentiary support, and therefore deserve to be rejected outright. It is submitted that the Respondents have acted in good faith, strictly in accordance with law and within the bounds of the applicable regulatory framework.
- 3.11 The Respondents, while sincerely regretting any inconvenience caused to the Petitioner on account of the time taken for compliance, submit that such time was necessitated by essential procedural approvals and financial reconciliations, which were critical for accurately computing the adjustments to be made towards the Petitioner's account. The audit covered a period commencing from the year 2012 onwards, involving a substantial volume of data, which naturally required careful examination. Furthermore, certain queries arose in relation to the computations, which were duly addressed and finally settled on 27.03.2025. A perusal of the above facts clearly demonstrates that the time taken by the Respondents in processing the Petitioner's case was neither deliberate nor wilful.
- 3.12 The relief sought by the Petitioner in the present petition, seeking directions to the Respondents to refund any alleged balance amount (if any) along with interest at the rate of 18% per annum, deserves to be respectfully declined. As already stated, a comprehensive audit was undertaken to ascertain the actual sum of money required to be adjusted against the account of the Petitioner. Pursuant to the said audit, the recalculated and duly verified amount towards slab benefit and rebate for the periods 01.04.2013 to 01.04.2020 and 01.04.2020 to 01.08.2024 was determined to be ₹58,83,125/-, as against the earlier unaudited figure of ₹68,18,491/-. This audited and verified amount has already been duly adjusted in the account of the Petitioner in full compliance with the Impugned Order insofar as the slab benefit and rebate are concerned. As regards the ACD interest and TDS amount, recorded at ₹11,39,076/- in the Impugned Order, the Respondents are already in the process of effecting the same in the next electricity bill to be issued to the Petitioner at the earliest possible opportunity. The time taken in this regard is sincerely regretted, and

the reasons for the same have been set out in the preceding paragraphs.

PRAYER

In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Commission may kindly:

- a. Take note of the compliance efforts undertaken by the Respondents and accept the explanation provided regarding the time taken in compliance of the Ld. CGRF Order,
- b. Not impose any penalty/cost as the time taken was beyond the control of the answering respondent and not intentional, and/or
- c. Pass any other order(s) deemed fit and proper in the facts and circumstances of the case in the interest of justice.

4. Rejoinder of petitioner received on 08/09/2025:

- 4.1 That the contents of para no. 1 to 5 of the reply filed by the respondent are matter of record and needs no reply.
- 4.2 That the contents of para no. 6 of the reply filed by the respondents are admitted to the extent of filling the reply but it is submitted that before the Hon'ble CGRF the respondents are required to submit the actual refunded amount after audit and once the details of the amount is submitted and the order is passed on the basis of the submission made by the respondent then the respondents are bound to comply with the order within the stipulated period of 21 days but the respondents have failed to comply with the order.
- 4.3 That the contents of para no. 7 of the reply filed by the respondents are total wrong and denied. It is denied that the verified amount comes to Rs. 58,83,125/- for the period 01.04.2013 to 01.08.2024 moreover, the respondents have adjusted the amount after lapse of around 4 months and during the said period also slab benefit was not given, whereas the Complainant is entitled to refund the slab benefit from the date of order and till slab benefit was started also.
- 4.4 That the contents of para no.8 of the reply filed by the respondents needs no reply. However, it is submitted that the respondents are required to pay up to date interest along with penal interest till it is reflected in the bill.
- 4.5 That the Contents of para no.9 of the reply filed by the respondents are wrong and denied except the amount was adjusted but the calculation of the slab benefit was up to 01.08.2024 and it was adjusted in April 2025 bill during the period of Aug. 2024 to April 2025 around 7 months have been passed but no slab benefit of this period was given. Moreover, it was not intimated to the Complainant in the reply What was the mistake of calculation for which an amount of more than 9 lacs was deducted by the audit department. Once the order was passed then the respondents are required to comply the order as it is without any amendment in the order.
- 4.6 That the contents of para no.10 of the reply filed by the respondents are wrong and denied. It is submitted that the respondents have not complied the order till date, whereas the respondent have only

complied the order partly and hence liable for the action for the violation of the order.

- 4.7 That the contents of para no. 11 of the reply filed by the respondents are wrong and denied. It is submitted that the audit team has taken 4 months to check the calculation which can be checked in one day, which shows that the working pattern of the audit team.
- 4.8 That the contents of para no.12 of the reply filed by the respondents are wrong and denied.
- 4.9 Last para of the reply is prayer clause which is wrong and denied.
- 4.10 It is, therefore, prayed that the complaint of the complainant may kindly be decreed with costs, in the interest of justice.

Commission's Order:

1. The case was heard on 10/12/2025, as scheduled, in the court room of the Commission.
2. At the outset, Sh. Lovepreet Singh counsel for the respondent submitted that the orders of CGRF have been complied.
3. Sh. B. P. Agarwal counsel for the petitioner submitted that the orders of the CGRF have been complied and expressed his satisfaction to the compliance of the orders.
4. The Commission in cognizance to the acceptance conveyed by the petitioner observes that nothing remains to be adjudicated in the present petition and disposed of the petition, accordingly.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 16/12/2025.

Date: 16/12/2025	Sd/- (Shiv Kumar)	Sd/- (Mukesh Garg)	Sd/- (Nand Lal Sharma)
Place: Panchkula	Member	Member	Chairman