

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

Case No. HERC/P. No. 38 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 08/10/2024 passed in DH/CGRF/4701/2024 By The Hon'ble Consumer Grievances Redressal Forum, DHBVN and for violating the various circular and Regulation passed by this Hon'ble Commission.

Petitioner

Carlton Estate Condominium Association, DLF city, Phase-V, Gurugram.

VERSUS

Respondent:

1. Dakshin Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, Vidyut Nagar, Hisar.
2. S.D.O., DHBVN, Sub Division DLF, 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 08/10/2024 passed by Hon'ble Consumer Grievance Redressal Forum, Dakshin Haryana Bijli Vitran Nigam, Hisar, Haryana in case bearing DH/CGRF/4701/2024. Copy of Orders 08/10/2024 passed by CGRF in DH/CGRF/4701/2024 is enclosed.
- 1.2 That the brief facts of the case are as given below :
 - i. That the Complainant is an association of Apartment Owners of Carlton Estate and Sh. Pawan Thirwani is the authorized Signatory of the association, who is authorized by of resolution by the Association to file the present complaint on behalf of the Association. Copy of the resolution is enclosed.
 - ii. That the Complainant has obtained an electricity connection through Account No- 9337450000 installed in the name of Carlton Estate Condominium Association with Sub Division- G21 DLF, Division- Sub Urban Gurugram under the category Tariff BS(DS) with the sanctioned load of 1500 KW and paid the Security deposit Rs.36,48,754.91p. Copy of the bill is enclosed.
 - iii. That the Complainant has received a bill of Rs.79,09,450/- issued for the month of March, 2024, in which the current demand was of Rs. 11,31,462.88p but under the head sundry charges an amount of Rs.67,77,987/- was added without giving any details of the amount. Copy of the bill of Rs.79,09,450/- is enclosed.
 - iv. That the complainant approached the office of the respondent and asked to give the details of the sundry charges, the respondent has supplied a copy of the half margin in which it was alleged that the respondent has charged less amount of Rs.67,77,987/- as per sales circular no. D-17/2020 they have raised the demand after proper verification . As per Sales circular the respondent was required to first verify and after satisfaction the amount is to be added but without proper verification the respondent no.2 has added an amount of Rs.67,77,987/- in the impugned bill illegally and arbitrarily. Copy of the half margin details is enclosed.
 - v. That the Complainant came to know that the respondents have shown the load of lift, water pump and fire fighting load under the head of common facilities load, which is in violation of the tariff provision as the aforesaid load comes under domestic load and not under common facilities load , which amounts to violation of the Regulation.
 - vi. That prior to 2016 number of dwelling units of the complainant are 485 and no slab benefit was given and hence a complaint was filed vide its no. 1310/2016 ,which was decided on 29.04.2016 in which the SDO has agreed to give slab benefit for 485 from 2013 onwards and state that he will take further action after obtaining sanction from competent authority but order was also implemented but suddenly the respondent have changed the number of dwelling

units from 485 to 464 illegally . Copy of the order dated 29.04.2016 is enclosed.

- vii. That despite the facts that the number of dwelling units were 485 , in the statement of account supplied to the complainant by the respondent the number of dwelling units was shown as 249 and recalculated the amount and thus the respondent has made out a false and fabricated supplementary demand of Rs.67,77,987/- illegally and arbitrarily. Besides this the respondent has charged the bill on NDS load also taken in to consideration lift, fire fighting and water pump load under common area load.
 - viii. That the Complainant made the representation on 18/03/2024 against the illegal bill raised by the respondent but no reply was received but representation was not considered. Copy of the representation dated 18/03/2024 is enclosed.
 - ix. That a short assessment of Rs.1332287/- was also issued on 16/05/2024 by the respondent illegally and arbitrarily. Copy of the short assessment of Rs.1332287/- is also enclosed.
 - x. That the since there was threat of disconnection and hence the Complainant has filed a complaint before the CGRF challenging the illegal action of the respondent. Copy of the Complaint is enclosed.
 - xi. That as per the direction of the Ld. CGRF the site was checked by the respondent and thereafter after checking the load it was found that in the common area load the respondent has included the lift load, water pump load, fire fighting load, where this load was to be included in the domestic load and hence after considering the number of dwelling units and domestic load a reply was filed by the respondent and issue the revised statement in which it was stated that after adjusting the two assessment amount the chargeable amount comes to Rs.222074/- only subject to pre audit . The complainant filed the rejoinder on 28/07/2024. Copy of the reply dated 25/06/2024 is also enclosed and rejoinder dated 28/07/2024 is enclosed.
 - xii. That after further deliberation in the complaint, the SDO has filed a reply vide Memo No. 2931 dated 11/09/2024 in which it was mentioned net amount chargeable comes to Rs.4,60,178/-. It was also mentioned that in the calculation sheet total load covered under BS(D) Tariff is 2451.994 and NDS load is 47.10 KW, common area load is within 15% and calculation has been made as per load of BS(Domestic) and NDS load and net amount is chargeable Rs.460178.00 subject to Audit. Copy of the Memo No. 2931 dated 11/09/2024 is enclosed.

Though it was mentioned that Rs.460178.00 is chargeable but this amount is also not chargeable as the total load beside the domestic load was found to be less than 15% and hence no amount was due.
- 1.4 That after considering the reply of both the parties the complainant was decided on 08.10.2024 but while passing the order the Ld. CGRF invariably in the operative part of the order mentioned the chargeable amount as Rs.1821221.00 as this amount was applicable in similar complaint no. 4695/2024 decided on the same day i.e. 08/10/2024

instead of Rs.460178.00 which was applicable as per the reply filed by the respondent.

- 1.5 That the order was passed on 08/10/2024 but the revised bill was not issued till date and due to which the Complainant was not able to deposit the aforesaid amount of Rs.460178.00 and the arrears in the bill along with the LPSC is increasing every month.
- 1.6 That the respondents failed to comply with the order within 21 days of the passing of the order and hence the respondents are liable for the action.
- 1.7 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.
- 1.8 That the cause of action arose in favour of the complainant and against the respondents when the respondents failed to comply with the order passed by the Hon'ble CGRF within the stipulated period of 21 days. 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 for violating the order dated 10/08/2024 passed by the CGRF, Gurugram, in DH/CGRF/4701/2024 as the respondents have failed to issue the revised bill till date and take strict action against the guilty officers under section 142, 146 and 149 of Electricity Act, 2003 and;
- b. Award the compensation and costs of present proceedings in favour of Complainant and against the Respondent and;
- c. 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 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 08.10.2024 ("Impugned Order"), wherein it was directed as under –
- "Based on above submissions and observation the Forum directs the SDO to charge penalty for unauthorised extension of load by complainant) and give 4% rebate as per DHBVN rules after approval from load sanctioning Authority/as per observations of Forum stated above. SE/Operation Gurgaon shall get the loads checked, video graphed, charge penalty to complainant as per load calculations after Audit is done and Take action against Officers for flouting regulations. The case is closed. No cost on either side."*
- (Emphasis Supplied)*
- 3.4 The Petitioner, in the present Petition, alleges the Respondents have failed to issue a revised bill in compliance with the penalty for unauthorised extension of load, as directed by the Ld. CGRF in its order dated 08.10.2024, to be calculated on the basis of the load assessment finalised post-audit.
- 3.5 At the very outset, the Respondent respectfully submits that, as on the date of filing the present reply, the directions contained in the order dated 08.10.2024, passed by the Ld. CGRF have been duly complied with. The Ld. CGRF had directed Respondent No. 2 to levy a penalty on the Petitioner for unauthorised extension of load, only after due audit. In compliance with the said direction, a detailed audit has been duly conducted. After a series of deliberations on the computation of the amount, the audit had been concluded on 20.06.2025 and the refund has been made in the next bill issued on 15.07.2025. Pursuant to the said audit, the net amount chargeable from the Petitioner was determined as ₹8,76,496/-. A copy of the computation of amount of penalty for unauthorized extension of load after audit is annexed..
- 3.6 After making certain statutory and permissible adjustments in accordance with applicable rules and regulations, the final chargeable amount stood revised to ₹7,80,833/-. A copy of the computation sheet

reflecting these adjustments along with the final revised amount is annexed.

- 3.7 It is pertinent to clarify that the Petitioner has relied, in paragraph 2(xii) of the petition, on the SDO's reply dated 11.09.2024 bearing Memo No. 2931, which mentions the net chargeable amount as ₹4,60,178/-. However, it is respectfully submitted that the said figure was based on a limited calculation for the period May 2020 to July 2024 only. Pursuant to further instructions and observations made by the Chief Billing Officer (CBO), a revised computation was undertaken for the extended period of May 2020 to June 2025, so as to facilitate the consumer and avoid any further litigation, resulting in the determination of the chargeable amount as ₹8,76,496/-.
- 3.8 It is further submitted that under the electricity bill dated 05.03.2024, sundry charges amounting to ₹67,77,987/- were raised against the Petitioner. Disputing the said demand, the Petitioner abstained from making payment and instead preferred a complaint before the Ld. CGRF. Pursuant to the proceedings and directions issued in the Impugned Order passed by the Ld. CGRF, a detailed audit was undertaken by the Respondent. Upon conclusion of the audit, the initially raised sundry charges were revised downwards, and an amount of ₹59,97,174/- was accordingly adjusted against the earlier demand of ₹67,77,987/-. A copy of the audit sheet reflecting the downward revision of the sundry charges is appended and annexed.
- 3.9 The amount of ₹59,97,174/- has been duly adjusted by the Respondent, and a revised electricity bill dated 15.07.2025 reflecting the said adjustment has also been issued to the Petitioner. A copy of the said revised electricity bill is annexed.
- 3.10 The allegations made by the Petitioner, asserting that the Respondents have contravened applicable rules, regulations, tariff provisions, or the order passed by the Ld. CGRF, 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 respectfully 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 Respondent, however, sincerely regrets any inconvenience caused to the Petitioner due to the time taken for compliance. However, it is essential to highlight that the time taken was a result of necessary procedural approvals and financial reconciliations, which were critical steps for issuing the revised bill. The initial audit was conducted for the period from May 2020 to July 2024. However, pursuant to the remarks issued by the then CBO dated 13.06.2025, it was directed that the audit must instead cover the extended period from May 2020 to June 2025. This revision significantly increased the scope and volume of data to be reviewed, thereby further complicating the audit process and contributing to the additional time required for its

completion. Further, there were certain round of queries on the computation made, which were finally settled on 20.06.2025. The process was also delayed owing to unforeseen technical disruptions, including multiple cyberattacks and a temporary outage of official website during the month of May 2025. A perusal of the foregoing reveals that there is no deliberate and wilful delay on the part of the Respondents in processing the case of the Petitioner.

- 3.12 That the allegation of the Petitioner, that the cause of action arose in their favour and against the Respondents due to non-compliance with the Impugned Order within the stipulated period of 21 days, is misconceived and is hereby specifically denied. A bare perusal of the Impugned Order clearly reveals that Respondent No. 2 was directed to impose penalty on the Petitioner only after the completion of an audit. The conduct of the audit was thus a precondition for the imposition of any such penalty. In the present case, the audit was duly completed on 20.06.2025, and only thereafter could the Respondents proceed to determine and levy any penalty on the Petitioner in accordance with the directions of the Ld. CGRF. Furthermore, certain statutory deductions were required to be applied to the audited amount. By the time these adjustments were finalized, the electricity bill for the month of July 2025 had already been issued to the consumer. Accordingly, the revised and compliant bill could only be issued in the August 2025 billing cycle.

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 delay was beyond the control of the Respondents and not intentional or deliberate, 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. The case was heard on 20/08/2025, Ms. Sonia Madan Counsel for the respondent submitted that the orders of the CGRF have been complied and some amount has already been refunded and the balance amount will be reflected in the next bill of the petitioner. The Counsel for the petitioner submitted its consent but desired to wait for the next bill to confirm the execution in toto. Acceding to request of the petitioner, the Commission adjourns the matter.

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 and compliance report has been submitted.
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