

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

**Case No. HERC/P. No. 42 of 2025**

**Date of Hearing : 24/09/2025**

**Date of Order : 24/09/2025**

**IN THE MATTER OF:**

**Complaint under Section 142, read with Section 146 & Section 149 of the Electricity Act, 2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulations, 2020 for imposing penalty u/s 142 and institution of complaint u/s 146 of the Electricity Act, 2003 on account of noncompliance of the order/ direction passed by Ld. Corporate Forum CGRF DHBVN for redressal of consumer grievances (CGRF) DHBVN Gurgaon as well as continuing failure to comply with the direction(s) of order number 4811/2024 dated 11-03-2025 by respondent(s) and for direction(s) to ensure strict compliance of the direction issued by the Corporate CGRF DHBVN memo number 312/ CGRF /GGN , 4811-2024 dated 11.03.2025 and to impose the penalty as per HERC (Standard of Performance of Distribution Licensee and Determination of Compensation) Regulation 2020 Schedule – ii Sub Clause 2.**

**Petitioner**

M/s Mittal Polyfil, Plot No.30-33, Sector-26, Industrial Area, Bhiwani  
Through Its Partner Ravi Mittal.

**VERSUS**

**Respondents:**

1. SDO 'Op' Sub Division Sub Urban No-1, DHBVN, Railway Road, Old Power House, Bhiwani-127021
2. XEN 'Op' Division City, DHBVN, BTM Road, Circle Office, Bhiwani-127021

**Present**

**On behalf of the Petitioner**

Sh. Akshay Gupta, Advocate

**On behalf of the Respondent**

1. Sh. Raheel Kohli, Advocate
2. Sh. Vinod Punia, SE, DHBVN
3. Sh. Sandeep Dalal, XEN, DHBVN
4. Sh. Ankit, SDO, DHBVN

**QUORUM**

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

## **ORDER**

### **1. Petition:**

- 1.1 That M/s Mittal Polyfil is a registered partnership firm, situated at Plot Number 32-33, Sector-26 Industrial Area Bhiwani (Haryana).
- 1.2 That firm is having an HT industrial connection bearing account number 3613080000 in the name of M/s Mittal Polyfill Plot Number 32/33 Sector 26, Industrial Area Bhiwani under the jurisdiction of SDO Op Sub Urban Subdivision Number 1, Bhiwani.
- 1.3 That Sh. Ravi Mittal (hereinafter referred to as complainant petitioner) S/o Sh. Budh Kisore Mittal R/o H.No 96-97, Aadarsh Nagar Bhiwani is the partner of M/s Mittal Polyfil and authorized by partners to file the case.
- 1.4 That the Grievance of complainant is related with the non-adjustment/ refund of excess ACD from the financial year 2022 onwards. During the FY 2022-2023 the total ACD in the consumer's account was Rs. 4271071 (Rupees Forty-Two Lac Seventy-One Thousand Seventy-One Only) while as per HERC regulation the ACD in HT consumer's account should be equivalent to 1.5 times of average bills of the previous financial year. As such Rs. 14,54,302 (Fourteen Lac Fifty-Four Thousand Three Hundred Two) is the excess ACD amount which was ought to be refunded, similarly Rs. 10,05,876 is the excess ACD which was ought to be refunded on April-2024.
- 1.5 Since the respondent was failed to follow the HERC regulation and failed to refund the excess ACD amount in complainant's account, The Complainant petitioner filed a complaint before Corporate CGRF, DHBVN Gurgaon on dated 16-12-2024 which was instituted on 17-12-2024 vide case number 4811-2024 and prayed:
  - i. Declare the action of the respondent for not adjusting/ refund excess ACD per regulation of HERC as illegal, arbitrary and unjustified and be quashed and:
  - ii. Direct the respondent to refund excess ACD/ Security with rate of interest equailant to LPSC
  - iii. Direct the respondent to pay the compensation of Rs 1,00,000 to complaint on account of harassment, mental agony, pain suffered by its functionaries and legal expenses incurred and.
  - iv. Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favor of complainant in the interest of Justice.
- 1.6 Corporate CGRF DHBVN Gurgaon vide order dated 11-03-2025 disposed the case and the order passed by the CGRF is held as under: After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum directs the SDO (OP) to:
  - a. Adjust/refund of excess ACD amounting to Rs. 1454302 (Rupees Fourteen Lac Fifty-Four Thousand Three Hundred Two Only) w.e.f. 1.4.23 with interest@18 % till realization as per HERC Regulation 34/2016 after verification of record.

- b. Adjust/refund of excess ACD amounting to Rs. 1005876 (Rupees Ten Lac Five Thousand Eight Hundred Only) w.e.f. 01.04.2024 with interest @ 18% till realization as per HERC Regulation 34/2016 after verification of record.
- 1.7 That the respondent should comply with the order passed by Corporate CGRF DHBVN within 21 days i.e. by 02-04-2025 but respondent failed to comply with the order and direction(s) given by the Corporate CGRF DHBVN Gurgaon. Although the respondent has made some adjustment in the Feb month bill but the due refund as per CGRF order not done in toto.
- 1.8 That the Order dated 11-03-2025 was to be complied within 21 days i.e. by 02-04-2025 but it's been more than month since passing of order dated 26-12-2024 by Ld. Corporate CGRF DHBVN Gurgaon and the same has not been complied with by the respondent SDO in toto and the issues wise due refund as mentioned below is not adjusted so far in the electricity bills issued to complainant petitioner.
- i. Total excess ACD refundable on 1.4.24 is Rs. 10,05,876 while the respondent has adjusted Rs. 632778 in Feb-2025 bill, balance Rs. 373098 is not adjusted so far.
  - ii. Interest Rs. 261774 (Rs. 1454302 is the excess ACD due refund amount on 1.4.23 but respondent never adjusted/ refunded this excess ACD in consumer's account so as per CGRF order 18% interest is due for refund on this ACD amount for the period 1.4.22 to 31.3.23).
  - iii. Interest Rs. 181057 (Rs. 1005876 is the excess ACD due refund amount on 1.4.24 but respondent never adjusted/ refunded this excess ACD in consumer's account so as per CGRF order 18% interest is due for refund on this ACD amount for the period 1.4.23 to 31.3.24).
- 1.9 Despite the clear direction (s) from the Corporate CGRF DHBVN Gurgaon and the admission of respondent(s) before corporate CGRF during proceedings. The respondent SDO has failed to comply with the directions in the order dated 11-03-2025 and failed to adjust the due refund as per the order.
- 1.10 That the respondent has failed to comply with the order passed by Ld. Corporate CGRF DHBVN Gurgaon and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 11.03.2025.
- 1.11 Electricity Act, 2003- Section 142 "Punishment for Non-Compliance of directions by Appropriate Commission): in case any complaint is filed before the Appropriate Commission by any person or if that Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made, thereunder; or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be

liable under this Act, such person shall pay, by way of penalty, which shall not exceed One Lakh Rupees for each contravention and in case if a continuing failure with an additional penalty which may extend to Six Thousand rupees for every day during which the failure continues after contravention of the first direction.

Section 146: "Punishment for Non-Compliance of orders or directions- Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:

(Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.)

Section 149 (1) Where an offence under this act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:

(2) Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.

1.12 Regulation 2.32 of HERC (Corporate CGRF DBHVN and Ombudsman) Regulations, 2020 (Regulation 2.32):

"The decisions of the Corporate CGRF DBHVN will be recorded and duly supported by reasons. The Order of the Corporate CGRF DBHVN will be communicated to the complainant and the licensee in writing within 7 days of the passing of the Order. The licensee shall comply with the order of the Corporate CGRF DBHVN within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Corporate CGRF DBHVN, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. The aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard and decide the appeal.

In case of non-compliance of the order of the appropriate Corporate CGRF DBHVN, the aggrieved consumer may approach the Commission who will provide the consumer as well as the Licensee an opportunity of being heard. The Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”

- 1.13 That as per HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation, 2020 Schedule – II Sub Clause 20 provides that in case of compliance of CGRF is not made within the time framed defined in such order or the regulations specified by the commission in this regard, the compensation of Rs.100/- per day or part thereof is payable.

Prayer: -

It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon'ble Commission may kindly be pleased to:

- i. Institution of complaint under Section 142 RW Section 146 of Electricity Act, 2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 11.03.2025 as well as continuing failure to comply with the directions against the respondent(s).
  - ii. Direct the respondent(s) to comply with the direction(s) given Corporate CGRF DHBVN vide order dated 11.03.2025 and adjust the due refund as per order.
  - iii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 11.03.2025 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.
  - iv. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.
  - v. To award the penalty imposed on respondent(s) in favor of the complainant- petitioner.
  - vi. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
  - vii. To allow any other relief as deemed fit by the hon'ble Commission.
2. The case was heard on 16/07/2025, Ms. Himangini Mehta counsel for the respondent submitted that compliance of the order of the CGRF has already commenced and requested for one weeks' time for filing the reply. To the query of the Commission regarding the nonappearance of concerned XEN, the SDO intimated that there is an emergency due to disturbance of power supply owing to excessive rains in the region, the XEN could not make it to attend the hearing. The Commission expressed its displeasure and directed concerned XEN and SDO to ensure their presence on next date of hearing. Acceding to request of the respondent, the Commission adjourns the matter and directs respondents to file the reply with in one week.

3. The case was heard on 23/07/2025, The concerned XEN and SDO were present in the court as per directions of the Commission. To the query of the Commission regarding nonappearance of the XEN in the previous hearing, the XEN submitted that due to his bad health, farmers agitation and disturbance of supply, he could not attend the hearing. The XEN apologised and assured to be careful in future. The counsel for the respondent submitted that the CGRF order has been challenged in Hon'ble Punjab and Haryana High Court. However, the respondents neither produce any document in this regard nor stated about any injunction passed by the Hon'ble High Court. The Counsel for the petitioner submitted that no notice of any hearing before the Hon'ble High Court is serviced. The orders have not been complied as yet and the concerned officers are not paying any heed to make the compliance as such action against them is required to be initiated under section 142. The Commission expressed its displeasure as the respondents have neither implemented the order of CGRF nor filed reply to the petition. In light of the escalating number of similar instances MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF due to which the consumers are forced to run from pillar to post and ultimately, they have to approach the Commission for getting awards implemented. On 23.07.2025, single subdivision's four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF order by SDO Sub Urban No-1, Bhiwani and XEN 'Op' Division City Bhiwani were listed before the Commission. Many such cases have already been decided by the Commission and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should get DISCOM's Standard operating procedure for monitoring of CGRF/EO/HERC decisions (circulated vide CE /Commercial Hisar vide memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) implemented in true letter and spirit. The Commission observes that there is inordinate delay in implementation of the order of CGRF and decides to issue show cause notice to concerned XEN and SDO to explain their position within 15 days, as to why penal action should not be taken against them under section 142 read with Section 146 of the Electricity Act, 2003 for non-implementing the order in stipulated time. The Commission further directs respondents to submit the compliance

report within four weeks and Concerned SE/OP to be present in the court on next date of hearing..

**4. Compliance Report of DHBVN submitted on 29/08/2025:**

- 4.1 The Compliance Report is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN"/"Answering Respondent") to apprise this Hon'ble Commission regarding the compliance of the order dated 11.03.2025 passed by the Forum for Redressal of Consumer Grievance, DHBVN, Gurgaon ("CGRF") in Case NO.4811/2024 ("CGRF Order").
- 4.2 That the CGRF Order had directed the Answering Respondent to:
  - a. Adjust/refund of excess ACD amounting to Rs 14,54,302 (fourteen lac fifty-four thousand three hundred and two) w.e.f 1.04.2023 with interest @18% till realization as per HERC Regulations 34/2016 after verification of record;
  - b. Adjust/refund of excess ACD amounting to Rs 10,05,876 (ten lac five thousand eight hundred seventy six) w.e.f 01.04.2024 with interest @ 18% till realization as per HERC Regulation 34/2016 after verification of record.
- 4.3 It is submitted that upon a conjoined reading of the directions given in the CGRF Order, along with the ACD reviews, it is evident that the amount payable is Rs.10,05,876, after it got revised in the upcoming financial year. Considering Rs. 14,54,302/- for the financial year 2022-23, which got reduced to Rs. 10,05,876/- after review in the consecutive year, the excess ACD amount to be refunded has come out to be Rs. 10,05,876/- till 2023-24 only. From the said amount, Rs. 6,32,778 has been refunded to the Petitioner in the Month of February 2025.
- 4.4 The delayed penal interest of these financial years was already previously calculated and posted as per the sundry No. 253/215 amounting to Rs. 2,08,016/-, which is reflected in the bill of August 2025.
- 4.5 In the sundry No. 253/215, Rs. 3,73,000 along with its interest was not considered to be refunded as the same was sub-judice, as per case No. CWP No. 18807 of 2025 in the Hon'ble High Court of Punjab & Haryana. However, since the Hon'ble High Court of Punjab & Haryana has stayed only the surcharge, which the consumer is demanding back, already paid by him as per SWS 2022 of DHBVN, hence this office has now initiated refund of Rs. 3,73,000/- as well. The sundry has been prepared & approved by CBO, amounting to Rs. 8,26,044/- vide Sundry No. 274/215 approved on 25.08.2025.
- 4.6 In light of the above, a net refund of Rs. 10,34,060 has been approved for payment to the consumer, towards refund of excess ACD along with interest, penal interest which comes out to be Rs.2,08,016, and reduced ACD along with interest which comes out to be 8,26,044.
- 4.7 The amount of Rs.2,08,016 is already reflected in the energy bill of August 2025 and the amount Rs. 8,26,044 will be reflected in the upcoming bill of September 2025.

- 4.8 It is most respectfully submitted that the Answering Respondent has utmost respect and regard for the directions issued by the CGRF accordingly has taken all necessary steps towards compliance of the CGRF Order. Therefore, this Hon'ble Commission may be pleased to consider that the Respondent has acted in a bona fide manner and has accordingly implemented the CGRF's order.  
In light of the above submissions, this Hon'ble Commission may be pleased to dismiss the present petition
5. The case was heard on 03/09/2025, The Commission was apprised that the concerned SE, XEN and SDO has sought exemption on personal appearance due to emergent situation arisen due to heavy continuous rain in the region and all the officers have been directed by the district administration to maintain Head Quarter. To the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, it was apprised that no reply has been received in the registry till date. The Commission took a serious view of not filling reply to the show cause notice and decided to impose penalty of Rs. 25,000/ each. The counsel for the respondent submitted that the CGRF order has been complied with and the compliance report has been filed with late fee on 29/08/2025. Per contra, the Counsel for the petitioner submitted that the order of the CGRF has not been implemented in toto and even stated that respondent is misleading/misrepresenting the commission. The Commission directs the petitioner to submit its rejoinder by 17/09/2025 along with the details of the CGRF order regarding what is to be complied, what has been complied and pendency if any, with advance copy to respondent. The respondent XEN and SDO to file reply to the show cause notice along with penalty imposed above in the registry by 17/09/2025. Further, concerned SE/OP along with the respondent XEN and SDO to be present in the court on next date of hearing.
6. **Commission's order.**
- 6.1 The case was heard on 24/09/2025, as scheduled, in the court room of the Commission. The concerned SE, XEN and SDO were present in the court.
- 6.2 To the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, the SE/OP submitted that the reply was submitted through email but the same was not accepted in registry for want of cost imposed during last hearing. The officers pleaded to waive off the cost imposed.



6.3 The Commission took a serious view of the casual approach of the respondents as the cases are not being defended properly before the CGRF and changing their stand on some points before the Commission. The respondents even not bothered to submit the reply to the show cause notice as per procedure laid down for filing documents with registry. The Commission, therefore, again directs the respondents to deposit the cost of Rs. 25,000/- each imposed vide interim order dated 03/09/2025 within one month.

6.4 The Corporate Forum DHBVN Gurgaon vide order dated 11-03-2025 has held as under:

*“After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum directs the SDO (OP) to:*

- a. Adjust/refund of excess ACD amounting to Rs. 14,54,302/- (Rupees Fourteen Lac Fifty-Four Thousand Three Hundred Two Only) w.e.f. 1.4.23 with interest@18 % till realization as per HERC Regulation 34/2016 after verification of record.*
- b. Adjust/refund of excess ACD amounting to Rs. 10,05,876/- (Rupees Ten Lac Five Thousand Eight Hundred Only) w.e.f. 01.04.2024 with interest @ 18% till realization as per HERC Regulation 34/2016 after verification of record.”*

The respondents in its compliance report claimed that the excess ACD amount to be refunded has come out to be Rs. 10,05,876/- till 2023-24 only. From the said amount, Rs. 6,32,778/- has been refunded to the Petitioner in the Month of February 2025. The delayed penal interest of these financial years was previously calculated and posted as per the sundry No. 253/215 amounting to Rs. 2,08,016/-, which is reflected in the bill of August 2025. In the sundry No. 253/215, Rs. 3,73,000/- along with its interest was not considered to be refunded as the same was sub-juice, as per case No. CWP No. 18807 of 2025 in the Hon'ble High Court of Punjab & Haryana. However, since the Hon'ble High Court of Punjab & Haryana has stayed only the surcharge, which the consumer is demanding back, already paid by him as per SWS 2022 of DHBVN, hence this office has now initiated refund of Rs. 3,73,000/- as well. The sundry has been prepared & approved by CBO, amounting to Rs. 8,26,044/- vide Sundry No. 274/215 approved on 25.08.2025. A net refund of Rs. 10,34,060/- has been approved for payment to the consumer. The amount of

Rs.2,08,016/- is already reflected in the energy bill of August 2025 and the amount Rs. 8,26,044/- will be reflected in the upcoming bill of September 2025.

- 6.5 The counsel for the petitioner submitted that there is some difference in the calculations of respondents, however the refunds/settlements made by the respondents are acceptable to the petitioner. As such, the petitioner is not interested in following up the matter any further and requested to close the matter alongwith refund of court fee and litigation expenses, as the CGRF order has been implemented only after intervention of the Hon'ble Commission.
- 6.6 The Commission observes that since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition. However, the dispute was primarily pertaining to non-compliance of the CGRF orders in timely manner. The negligence on the part of officials/officers of Respondent Nigam cannot be ignored, due to which the consumer had to suffer and had to approach the Commission for implementation of CGRF orders. Due to not taking timely action, Nigam has been burdened with interest and litigation charges in addition to wastage of valuable time of the officers/officials.
- 6.7 The Commission, therefore, directs the respondent DHBVN to make payment of ₹50,000/- Court Fee deposited by the petitioner along with ₹15,000/- towards litigation expenses to the petitioner within 30 days from the date of this order. However, Nigam is at liberty to recover these charges from the defaulters for failing to implement the Forum order in stipulated time.
- 6.8 The present petition is disposed of in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 24/09/2025.

**Date: 24/09/2025**  
**Place: Panchkula**

**(Shiv Kumar)**  
**Member**

**(Mukesh Garg)**  
**Member**

**(Nand Lal Sharma)**  
**Chairman**