

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

**Case No. HERC/P. No. 57 of 2024**

**Date of Hearing : 17/12/2025**

**Date of Order : 27/02/2026**

**IN THE MATTER OF:**

**Petition for execution under Section 142/146 of the Electricity Act 2003, of orders passed by the Hon'ble HERC, Panchkula in case no. HERC/Petition no. 15 of 2023, dated 29-02-2024 in the matter of Naresh Kumar Jindal Vs Unitech Realty Pvt. Ltd. and Others.**

**Petitioner**

Naresh Kumar Jindal, Flat No. 402, Tower- C2, Uniworld Gardens-II,  
Sector-47, Gurugram

VERSUS

**Respondent:**

1. Unitech Realty Pvt. Ltd. Through its Chairman / Managing Director Sh. Yudhvir Singh Malik, C/O Unitech Ltd., 8th Floor, Block-B, Signature Tower, South City- 1, Gurugram.
2. The Uniworld Gardens II Apartment Owners Association, Flat No.1003, Tower- A2, Uniworld Gardens II, Sector – 47, Gurugram.
3. XEN (OP) Division, DHBVN, Sohna Pocket-H, Nirwana Country, Vikas Marg, Sector- 47 Gurugram.
4. SDO (OP) Sub Division, DHBVN, Sohna Road, Pocket- H, Nirwana Country, Vikas Marg, Sector- 47 Gurugram.
5. The Nodal Officer, CGRF, DHBVN, D-Block, Ground Floor, Vidyut Sadan, Vidyut Nagar Hisar.
6. Chairman / Managing Director, DHBVN Vidyut Sadan, Vidyut Nagar Hisar

**Present**

**On behalf of the Petitioner**

Sh. Virinder Singh, Advocate

**On behalf of the Respondent**

1. Sh. Lovepreet Singh, Advocate for R-3 to 6
2. Ms. Aerika Singh, Advocate for R-2
3. Sh. Lalit Gupta, Executive-Legal, Unitech (R-1)
4. Sh. Sattar Khan, XEN, DHBVN
5. Sh. Rajesh Kaushik, SDO, DHBVN

## QUORUM

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

## ORDER

### 1. **Petition:**

The petitioner respectfully submits as under:

- 1.1 The petitioner, Naresh Kumar Jindal is a registered owner of Flat No. 402, Tower- C2, Uniworld Gardens II, Sector – 47, Gurugram- 122018, Haryana and a consumer of the Dakshin Haryana Bijli Vitran Nigam.
- 1.2 The petitioner had filed a petition No. HERC/ PETITION 15 OF 2023 (Annexure- 01), under section 142 and 146 of the Electricity Act 2003 for noncompliance of the orders of the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram; which passed a speaking orders on dated 02- 09- 2022 in case no. DH/CGRF- 3873/ 2021 (Annexure- 02) in the matter of Naresh Kumar Jindal versus XEN (OP) Division, DHBVN, Sohna and SDO (OP) Sub Division, DHBVN, Sohna Road, Gurugram and others .
- 1.3 The petitioner filed an application before the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram seeking relief towards blatant disobedience, violation and noncompliance of the directions and regulations of the Haryana Electricity Regulatory Commission by respondents as per the Regulations No. HERC/ 49/ 2020 of the Haryana Electricity Regulatory Commission; and after hearing matter the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram; passed a speaking orders on dated 02- 09- 2022 in case no. DH/CGRF- 3873/ 2021 (Annexure- 02) directing the respondents to comply the HERC regulations which they did not. Henceforth, Petition No. HERC/ PETITION 15 OF 2023 (Annexure- 01), under section 142 and 146 of the Electricity Act 2003 was filed.
- 1.4 That vide order Dated: 29-02-2024, the Hon. HERC have passed orders to be complied by the respondents in due course of time specifically mentioned in the order against each item as highlighted below:
  - “I) Under the head “Commission’s Analysis and Order” in para 15 “Consequently, the Commission directs respondent developer and RWA to:*
    - a) Comply with the order of the CGRF, DHBVN in toto within 30 days of issue of this order.*
    - b) Refund any excess amount charged or refunded by DHBVN to the residents proportionately from next billing cycle.*
    - c) Issue correct bills as per formats prescribed in single point supply Regulations, 2020 and applicable tariff as per directions of the Commission.”*

The above orders have been passed in consonance with orders of the honorable CGRF- DHBVN following the applicant raised the grievances in his complaint as follows:

- i. The respondent no. 1 and 2 are not raising electricity bills as per the approved tariff plan and the procedure laid down in the Single Point Supply Regulation. The respondents are charging as per their will arbitrarily with wrong tariff plan i.e. highest slab tariff to bulk supply domestic category / rate decided through their whims and wishes, ignoring the provisions of the Regulations with regard to application of different slabs in a tabular form, rebates, concessions, incentives and subsidies as may have been applicable and announced by the state government from time to time.
- ii. The respondent no. 1 and 2 are charging the petitioner @ Rs. 6.10 per under Mains Unit Rate, whereas the Discom, DHBVN charged the licensee distributor @ Rs. 5.25 per unit.
- iii. It is pertinent to mention that the respondent no. 1 and 2 were charging the petitioner @ Rs. 7.28 per unit as ' Mains Unit Rate ' till December , 2020 .
- iv. The respondent no. 1 and 2 are also charging some ' Standing Charges per Day ' @ Rs. 139 . The total sum charged under this head is Rs. 4309 which is much higher than the actual electricity consumption charges for the month i.e. Rs. 1255.99.
- v. The respondent no. 2 has been communicating with respondent nos. 3, 4 and 6 for refund of Rs. 60 lakhs as per the document obtained through RTI from the office of respondent no. 4. This amount definitely belongs the consumers of the group housing society Uniworld Gardens II and respondent no. 1 and 2 have no rights to retain and grab this amount which has been paid additionally by the consumers.

These were the key issues among several others as part the complaint.

*II) Under the head "Commission's Analysis and Order" in para 13, the Hon'able Commission ordered:*

*".....Therefore, the Commission, mindful of its obligation to uphold the integrity of regulatory framework and ensure consumer protection, hereby imposes a penalty of Rs. 50000/ - on RWA (Respondent No.2) as a consequence of wilful non-compliance with the CGRF's order regarding the issuance of correct bills as per tariff order of the Commission and refund of any excess amounts already charged".*

*III) Under the head "Commission's Analysis and Order" in para 16, the Hon'able Commission further ordered:*

*"In the event of persistent non-compliance with the CGRF's order, an additional penalty of six thousand rupees shall be imposed for each day as per Electricity Act 2003".*

- 1.5 It is very unfortunate that the respondents have not complied with the said orders since the pronouncement of the orders Dated 29- 02- 2- 24.

- 1.6 A letter written to the respected SDO Sohna Road, Gurugram and the XEN Sohna to take necessary action to ensure compliance of the said orders was of no avail (Annexure- 04)
- 1.7 The petitioner also sent three representations to the Hon'able Secretary of the HERC, Panchkula through email Dated 24- 04- 2024 ,15-05- 2024 and 10-07-2024 (Annexure- 05, 06 and 07) and two written representations through Speed Post Dated 27-05-2024 and 13-06-2024 (Annexure- 08 and 09) requesting to get enforced the said orders; seeking his indulgence to get the orders Dated 29-02-2024 executed by exercising powers entrusted under CLAUSE 94 IN COMPLIANCE WITH THE REGULATIONS NO. HERC/06/2004/ NOTIFICATION DATED 31- 08- 2004/ CONDUCT OF BUSINESS which reads as follow:  
*"The Secretary shall be responsible for enforcing the orders of the Commission in accordance with the provisions of the Act and Regulations. If necessary, the Secretary may seek further directions and orders of the Commission."*
- 1.8 The respondents have not complied the orders under the decided timelines, showing disrespect to the Hon'able HERC and the rule of law and continue to charge high and extra charges till date.
- 1.9 That, there is no case pending in any court of law or forum with regard to the present matter as raised through this petition.
- 1.10 REASON WHY THE HON. COMMISSION SHOULD GRANT THE REQUESTED RELIEF:
- A. It is very unfortunate that the respondents NO.1 and 2 are persistently and continuously indulged in brazen violation and non-compliance of not only the CGRF's order but also the orders of the Hon'able Commission Dated 29- 02- 2024, resulting in continuous exploitation of the consumers.
- B. By virtue of their conduct respondent no. 1 and 2 are pleading guilty of Contempt of the Hon'able HERC , which solicit appropriate redressal by the Hon'able Commission as prayed.
- C. The respondent no. 3 to 6 are also found to be guilty of dereliction of duty and possible connivance with the respondent no. 1 and 2.
- D. That it is appropriate stage of the case to invoke the provisions of the Section 146 of the Electricity Act 2003, which envisages " Punishment for non - compliance of orders or directions stipulates that ' 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, or with both in respect of each offence and in the case of a 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 .”

#### 1.11 STATEMENT OF RELIEF SOUGHT:

It is, therefore, respectfully prayed that:

1. The aforesaid execution petition may kindly be allowed.
2. Kindly issue warrants of attachment of the property/bank accounts of the Respondent no. 1 and 2, till the orders of Hon’able HERC at Panchkula Dated 29-02-2024 are complied with.
3. Kindly issue directions to get the orders of the Hon’able Commission Dated 29- 02- 2024, executed in accordance with the provisions of the Act and Regulations.
4. Kindly take the necessary legal action of civil imprisonment against the respondent no.2, RWA office bearers (present as listed below and future as may be appointed); as per provisions of the Act under section 146.
  - i). President  
Pardeep Singh Tomar, r/o- Flat No.1403, Tower- D1, Uniworld Gardens II , Sector – 47, Gurugram – 122018.  
Mobile No. 9717452777
  - ii). Secretary  
Deepak Gupta, r/o- Flat No. 1202, Tower- A2, Uniworld Gardens II , Sector – 47, Gurugram – 122018.  
Mobile No. 9818555776
  - iii). Treasurer  
Sumeet Gupta, r/o- Flat No. 101, Tower- B2, Uniworld Gardens II , Sector – 47, Gurugram – 122018.  
Mobile No. 9711411969 4.
5. Kindly levy heavy cost on respondent 1 and 2 for being a habitual and repeat offender and showing disrespect to the law by not implementing the 29-02-2024 orders.
6. Kindly order inquiry against the Discom, The Dakshin Haryana Bijli Vitran Nigam (respondent nos. 3 to 6) for their failure to ensure compliance of HERC Notification dated 22nd April, 2020 in letter and spirit and get the orders Dated 29-02-2024 executed.
7. Kindly issue directions to set up an inquiry as to why the Hon’able Secretary of the HERC, Panchkula failed to exercise his powers under **CLAUSE 94 IN COMPLIANCE WITH THE REGULATIONS NO. HERC/06/2004/ NOTIFICATION DATED 31- 08- 2004/ CONDUCT OF BUSINESS**, to get the order Dated 29-02-2024 enforced.
8. Any other relief this Hon’able Commission deem fit may also be awarded in the interest of the justice.

2. The case was heard on 13/11/2024. Sh. Sayyam Garg, counsel for the respondent-1 submitted that as per message from the counsel for the

respondent-2, he is not available due to his personal problem. Ms. Sonia Madan submitted that the case is primarily between the petitioner and the respondent-1 and 2. Sh. Sayyam Garg, submitted that the company is under moratorium and he will submit the copy of the decision of the court in this regard. The Commission directed the respondent -1 and 2 to file their replies/ compliance report within 2 weeks with an advance copy to all concerned

3. The case was heard on 16/12/2024. Sh. Sayyam Garg, counsel for the respondent-1 submitted its reply with copies of the same to petitioner and respondent-DHBVN. The petitioner objected to the submission of reply in the court and argued that the reply has been delayed and not been submitted as per procedure of the court. The Commission ordered to take the reply on record subject to deposition of late fee of Rs. 5000/- by the respondent-1. The petitioner further submitted that the respondent-DHBVN was required to submit the clarification with regard to Moratorium issued by the Hon'ble Supreme Court. Ms. Sonia Madan counsel for the respondent DHBVN submitted that the SLP has been filed and the latest status will be submitted on next date of hearing. The Commission observed that none has appeared on behalf of the respondent-RWA. The petitioner submitted that the respondent-RWA is habitual offender and had delayed the proceedings in previous case also. The Commission directed to serve a dasti summon to respondent RWA through petitioner. The President and Secretary of the RWA to be present in the court on next date of hearing

**4. Reply submitted by respondent number 1 received on 16/12/2024:**

- 4.1 That the instant execution proceedings have arisen out of order dated 29.02.2024 passed by this Hon'ble Commission in HERC/P No. 15 of 2023 and are now listed for hearing on 16.12.2024.
- 4.2 That the present short reply is being filed on behalf of Respondent No. 1 (a subsidiary of M/s Unitech Limited) through its Authorized Representative being Sh. Lalit Gupta in light of the Board Resolution dated 11.06.2020 passed by the Board of Directors of M/s Unitech Limited and further, Respondent No. 1 reserves the right to file a detailed para-wise reply if and when deemed necessary by this Hon'ble Court.
- 4.3 That all the allegations and averments made in the Execution Petition are denied in toto, except and to the extent, specifically admitted hereinbelow.
- 4.4 That the Respondent No. 1 seeks the kind indulgence of this Hon'ble Court to the fact that the present proceedings cannot be allowed to continue in light of the moratorium issued by the Hon'ble Supreme Court in CA No. 10856 of 2016 titled '*Bhupinder Singh v Unitech Ltd.*' dated 20.01.2020. Copy of the order dated 20.01.2020 is being annexed.

- 4.5 That vide order dated 20.01.2020, the Hon'ble Supreme Court issued several directions with respect to the M/s Unitech Limited and all its subsidiaries. The same was done after due consideration and with the purpose of ensuring that all the stakeholders are taken care of and that their interests are not subdued.
- 4.6 That firstly, the Hon'ble Supreme Court decided to appoint a new Board of Directors for the company as proposed by the Union Government. The said Board of Directors was to consist of reputed government officials and experts under the Chairmanship of Mr. Yudhvir Singh Malik, IAS (Retd.), formerly Secretary to Government of India (Chairman & Managing Director), and the other members being namely (a) Shri Anoop Kumar Mittal; (b) Ms. Renu Sud Karnad; (c) Shri Jitu Virwani; (d) Shri Niranjan Hiranandani; (e) Dr. Girish Kumar Ahuja; and (f) Shri B Sriram.
- 4.7 That the newly appointed Board was entrusted with the responsibility of preparing a resolution framework for Unitech Limited and the said resolution framework would then be supervised and scrutinized by a retired judge of the Hon'ble Supreme Court once the same was submitted before the Apex Court.
- 4.8 Furthermore, the Hon'ble Supreme Court issued a moratorium against the institution of any proceedings against M/s Unitech Limited and its subsidiaries. The relevant portion from the order dated 20.01.2020 passed by the Hon'ble Supreme Court of India has been reproduced hereunder:  
*“(vii) Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company.”*
- 4.9 That a bare perusal of the order dated 20.01.2020 with respect to the issuance of moratorium makes it clear as daylight that the said moratorium is to be applicable not only to initiation of fresh proceedings against Unitech Limited but also to the existing proceedings pending against the said company. Also, the order makes it amply clear that the issuance of moratorium and its consequential effects are not only limited to Unitech Limited, but also extends to all the subsidiaries of the company.
- 4.10 That the Union Government had proposed several measures and suggestions to successfully manage the affairs of Unitech Limited which were appreciated and accepted by the Hon'ble Supreme Court. The Court had recorded that:  
*“In pursuance of the order of this Court dated 18 December 2019, Mr. K.K Venugopal, learned Attorney General of India, has submitted a note on behalf of the Union government. The Union government had previously approached the National Company Law Tribunal in December 2017 to remove the existing management of Unitech Limited and to appoint ten nominee directors. In pursuance of the suggestions contained in the previous order, the Union government has indicated that it is prepared to revisit the proposal and to appoint nominee*

directors to take over the management of Unitech Limited, subject to the following stipulations:

- (i) That the Government will not infuse any funds for the completion of pending projects;
- (ii) That this Hon'ble Court, to ensure a period of calm, will direct a moratorium for 12 months;
- (iii) That this Hon'ble Court may appoint a retired judge of the Supreme Court for supervising the resolution framework finalized by the proposed Board of Directors;
- (iv) That this Hon'ble Court may allow the proposed Board of Directors to appoint key managerial persons (KMPs, on need based), professionals (legal, insolvency, financial advisors, real estate professionals, etc.) for assisting the Government appointed Board and payment of requisite professional fees including the legal fees thereof from the Company's account;
- (v) That this Hon'ble Court may direct the promoters and the present management of the company to co-operate with the proposed Board of Directors;
- (vi) That this Hon'ble Court may direct the Forensic Auditor. Asset Reconstruction Companies / Banks / Financial Institutions / State Government(s) and all the regulators to extent cooperation to the proposed Board of Directors;
- (vii) That this Hon'ble Court may issue directions to restrain the promoters from alienating, mortgaging, creating charge or lien or interest in the movable and immovable properties owned by them;
- (viii) That this Hon'ble Court may place, under the control of the proposed Board of Directors, all the projects carried out by the Asset Reconstruction Companies or independent parties, and the services of the Committee headed by Justice Dhingra may be put to rest;
- (ix) That this Hon'ble Court may confer immunity for the proposed Directors in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc.;
- (x) That this Hon'ble Court may permit the proposed Board of Directors to raise funds due from the home buyers, and to sell the unsold inventory of stock and unclaimed inventory available re-selling. Further, the proposed Board be allowed to monetize the unencumbered assets of the Company for the completion of housing units. In addition, this Hon'ble Court may release, to the proposed Board of Directors, funds lying with this Hon'ble Court pertaining to the Company or its management;
- (xi) That this Hon'ble Court recognized and directs that without prejudice to any order, the Government has the right to refer the Company to liquidation or IBC like resolution outside the framework of IBC, in case the assigned takeover is not viable in the absence of requisite resources."

Thus, considering the proposal made by the Union government and other parties, the Hon'ble Supreme Court have observed that:

"We issue the following directions:

- (i) *The existing Board of Directors of Unitech Limited is superseded with immediate effect in order to facilitate the taking over of management by the new Board of Directors constituted in terms of the proposal submitted by the Union government;*
- (ii) ....
- (iii) ....
- (iv) *All concerned including the erstwhile management of Unitech Limited shall cooperate with the newly constituted Board. the Board shall be at liberty to devise appropriate modalities for securing full disclosure of information from the erstwhile management;*
- (v) *We request the newly constituted Board of Directors to prepare a resolution framework within a period of two months from today and to submit it to this court;*
- (vi) ...
- (vii) ...
- (viii) ...
- (ix) ...
- (x) ...
- (xi) ...
- (xii) *The newly constituted Board of Directors would be at liberty to take a comprehensive view of all pending and other projects and to make such proposals as would appear to them to be proper;*
- (xiii) ...
- (xiv) *The proposal submitted by the Union government is, hence, accepted. Besides the directions issued above in regard to the moratorium, we accept the specific requests contained in clauses (iv), (v), (vi), (vii), (ix), and (x) of the proposal of the Union government and issue directions in the terms as sought.”*

4.11 That a comprehensive reading of the order dated 20.01.2020 makes it amply clear that the Hon’ble Supreme Court has made an attempt to infuse life in Unitech Limited and its subsidiaries by appointing a new Board of Directors. The said Board of Directors and other people put in charge of managing the affairs of the company have been granted immunity by the Hon’ble Apex Court with respect to all cases pending all across the country to enable them to work towards an effective Resolution Framework and try and fulfil the obligations of Unitech Limited and its subsidiaries towards the various stakeholders.

4.12 That it is respectfully submitted that in compliance with the order dated 20.10.2020, the new Board for Unitech Limited, prepared the Resolution Framework on 07.07.2020 and filed the same before the Hon’ble Supreme Court in the matter titled ‘*Bhupinder Singh Vs. Unitech Limited*’ being Civil Appeal No. 10856/2016, which is pending approval.

It would be pertinent to mention that the Resolution Framework lays down the broad contours on how the Board proposes to go about endeavouring to provide an equitable resolution for various stakeholders, with emphasis on the completion of under-construction projects. Also, it is important to mention herein that through this framework, the Board is attempting a challenging and complex task of

finding a possible solution that would enable the completion of projects and delivery of residential units within a reasonable time frame, while at the same time looking for an equitable settlement for other stakeholders, saving capital for all creditors (especially Homebuyers).

4.13 That to facilitate the control and management of the new Board for Unitech Limited, the Hon'ble Supreme Court vide order dated 24.03.2021 in Civil Appeal No.10856 of 2016 titled '*Bhupinder Singh Vs. Unitech Limited*' has further laid down several directions one of which says that the newly appointed Board for Unitech Limited shall take full charge of the projects of the Unitech Group (including all its affiliates, trusts, subsidiaries, etc.) and the Order dated 20.01.2020 is applicable to all group entities (subsidiaries) of Unitech Ltd. The management is authorized to appoint and remove Directors/ Trustees of its subsidiaries/ trusts etc. A copy of the order dated 24.03.2021 is being annexed.

4.14 Further, in the said Order, the Hon'ble Supreme Court has held that no bank, Authority or Forum shall appropriate/ attach any amount from the company's accounts on account of its payment obligations without the prior approval of this Hon'ble Court. The attention of the Hon'ble Court is specifically invited to Direction no. (1) and (3) of the said order:

(1) *The new Board shall be responsible for the management and control of the Unitech Group (including all its affiliates, trusts, subsidiaries etc.). The Order passed by this Court dated 20 January 2020 is applicable to all group entities of Unitech Ltd. The management is authorized to appoint and remove Directors/ Trustees of its subsidiaries/ trusts etc.;*

(3) *No bank, authority or forum shall appropriate/ attach any amount from the company's accounts on account of its payment obligations without the prior approval of this Hon'ble Court.*

4.15 That the Hon'ble Punjab and Haryana High Court has adjourned the matters pertaining to Unitech Limited & its subsidiaries as *sine die* after placing reliance upon the Order dated 20.01.2020 in the *Bhupinder Singh* case (supra). The relevant portion of the said orders are reproduced herein below:

1. *Order dated 14.07.2022 passed by Hon'ble Justice Lisa Gill, Punjab and Haryana High Court.*

*M/S MILLENNIUM ENGINEERS VS M/S UNITECH LIMITED*

*Mr. Abhinav Sood, Advocate appears on behalf of the Respondent and submits that in view of order dated 20.01.2020, passed by the Hon'ble Supreme Court in Civil Appeal No.10856/2016, as of now there is a moratorium against the institution or continuation of proceedings against Respondent no.1. Same is not denied by learned counsel for the applicant. Adjourned sine die to await decision of the Hon'ble Supreme Court in Civil Appeal No.10856/2016*

2. *Order dated 26.08.2022 passed by Hon'ble Justice Ravi Shankar Jha, Punjab and Haryana High Court.*

*“SPEED TOWN PLANNERS PVT. LTD. VS GIRNAR INFRASTRUCTURE PVT. LTD.”*

*The parties are ad-idem that in view of the order dated 20.01.2020 passed by the Supreme Court in Civil Appeal No(s). 10856/2016 titled as Bhupinder Singh Vs Unitech Ltd., the matter may be adjourned sine-die awaiting decision of the Supreme Court.*

*Prayer made is allowed. The matter is adjourned sine-die awaiting the decision of the Supreme Court.*

3. *Order dated 10.10.2022 passed by Hon’ble Justice Raj Mohan Singh, Punjab and Haryana High Court.*

*“GUNJIT SINGH AND ORS VS M/S UNITECH HOSPITALITY SERVICES LTD AND ORS”*

*Learned counsel for the Respondent submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of the orders that may have been passed against the company.*

*Learned counsel for the petitioners, however, submits that the Applicant/DH is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner. In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings sine die in order to await the decision of the Hon'ble Apex Court in Civil Appeal No. 10856 of 2016.*

*Adjourned sine die to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.*

4. *Order dated 10.10.2022 passed by Hon’ble Justice Raj Mohan Singh, Punjab and Haryana High Court.*

*“MR. AVTAR SINGH VS M/S UNITECH HOSPITALITY SERVICES LTD. & ORS.”*

*Learned counsel for the Respondent submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the*

company as well as the enforcement of the orders that may have been passed against the company.

Learned counsel for the petitioner, however, submits that the Applicant/DH is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner. In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings sine die in order to await the decision of the Hon'ble Apex Court in Civil Appeal No.10856 of 2016.

Adjourned sine die to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.

5. Order dated 10.07.2023 passed by Hon'ble Justice G.S. Sandhawalia, Punjab and Haryana High Court.

*"Unitech Mohali Buyers Welfare Association v/s State of Punjab & Ors."*

*In view of the matter being pending before the Apex Court and keeping in view the earlier order passed in different cases, the proceedings are adjourned sine die to await the decision of the Apex Court.*

*CM stands disposed of. Parties are at liberty to file appropriate application.*

6. Order dated 15.11.2023 passed by Hon'ble Justice Vinod Bhardwaj, Punjab and Haryana High Court.

*"Johnny Mathew v/s The District Registrar & Ors."*

*Prayer made in the present writ petition was to issue directions to the Respondents to execute a conveyance deed in favour of the Petitioner. Counsel appearing on behalf of Respondent No. 3 has pointed out that pursuant to the order dated 20.01.2020, the Hon'ble Supreme Court has ordered a moratorium against institution of proceedings against UNITECH Ltd. & its subsidiaries.*

*Passing of the above said order is not disputed by counsel for the parties.*

*Adjourned sine die.*

*To be listed after determination / finalization of proceedings pending before the Hon'ble Supreme Court / expiry of the period of moratorium."*

- 4.16 That it is pertinent to note that in respect of the moratorium, the Hon'ble Supreme Court in the matter of *Alchemist Asset Reconstruction Company Limited vs. Hotel Gaudavan Private Limited & Ors. (2018) 16 SCC 94* has held that continuation of any proceedings after the imposition of the moratorium is '*non est in law*'. Therefore, this Hon'ble Forum is also prevented from issuing any notice of compliance or passing an order of execution in the instant execution application in light of the moratorium issued by the Hon'ble Apex Court vide order dated 20.01.2020 in Civil Appeal No. 10856 of 2016 titled as '*Bhupinder Singh v. Unitech Limited*'. A copy of the said judgment dated 23.10.2017 is being annexed.

- 4.17 That the Hon'ble Telangana High Court in the matter of *M/s Golden Jubilee Hotels Limited Vs M/s EIH Ltd. & Anr. (2018) SCC Online Hyd.*

315 has held that “upon the moratorium order being passed, the pending suit proceedings necessarily had to come to a complete halt”. Therefore, when a moratorium is announced, the institution of suits and continuation of pending suits, etc. cannot proceed. A copy of the said judgment dated 27.09.2018 is being annexed.

- 4.18 That it is a matter of both fact and record that moratorium has been issued by the Hon’ble Supreme Court vide order dated 20.01.2020 in *Bhupinder Singh v. Unitech Limited* being Civil Appeal No. 10856 of 2016. On a combined reading of this order along with the judicial pronouncements cited above, it becomes absolutely clear that the Courts nationwide are restricted to initiate any proceedings or pass any orders against Unitech Limited or its subsidiaries as an effect of the imposition of moratorium.
- 4.19 That the Respondent humbly craves the leave of this Hon’ble Tribunal to raise such further grounds, as may be available to the Respondent under law, during the course of hearing of the present petition.
- 4.20 That in view of the abovementioned submissions, Respondent No. 1 most humbly submits that no purpose will be served if this Hon’ble Commission proceeds against Respondent No. 1 as the Hon’ble Supreme Court is already adjudicating upon the affairs of the Unitech & its subsidiaries and there is a moratorium in place against the initiation and/or continuance of proceedings against Unitech Ltd. and/or its subsidiaries.
- Therefore, it is most humbly prayed that this Hon’ble Court may be pleased to adjourn the instant proceedings *sine die* as the Hon’ble Supreme Court has imposed a moratorium vide its order dated 20.01.2020 and as such, the initiation of the present proceedings against the Respondent No. 1 cannot continue.

**5. Service report submitted on 27/01/2025:**

Vide interim order Dated 26/12/2024, the Hon’ble HERC court has directed the Petitioner in the Petition No. HERC - 57/2024 to service the Summons (Dasti) Dated 27/12/2024 to the Respondent no.2 the President and Secretary of RWA.

- 5.1 That, on Dated 04/01/2025, Sh. Naveen Kumar, representative of the petitioner; went to the address of the President and Secretary of the the RWA and asked the security guard at the main gate to allow entry for the purpose of serving summons. The security guard spoke to the addressees and told Sh. Naveen Kumar that addressees have refused the entry.
- 5.2 That, on Dated 06/01/2025, the petitioner himself (from his mobile number 9811292369) serviced the summons on the whatsapp of the President, Secretary and Administrator of the Respondent no.2 the RWA.
- 5.3 That, all three received the summons and reported 'seen'.
- 5.4 That, the Petitioner subsequently, served the Summons on email IDs as well on request of respondent:

That, none of the email was received as bounce back.

That, it is reiterated that the Administrator of the RWA, Sh. Anil Kumar Dhir was appointed recently (by order Dated -18/12/2024) by the District Registrar of Societies Gurgaon and the Petitioner sent full details of the same to your good office through a Speed Post.

6. The case was heard on 18/02/2025. Kunal Thapa, counsel for the respondent-2 submitted that he has been engaged recently and could not file reply. Mr. Thapa further requested to grant two weeks to file the same. The petitioner objected to the submission of R-2 and argued that it's a wilful disobedience and cost may be imposed for this default. Ms.Sonia Madan submitted a copy of the listing of the case filed in Hon'ble Supreme court for clarification on the moratorium and submitted that the application for Implement and clarification filed by DHBVN is listed at Sr. No. I-218 and I-452 respectively. As of now, the next date of hearing has not been notified. The latest position shall be apprised to Hon'ble Commission as soon as the same is available on the official website of the Hon'ble Supreme Court. Upon hearing parties, the Commission directed respondent-2 file its reply with in two weeks' time with an advance copy to the petitioner. The President and Secretary of the RWA to be present in the court on next date of hearing.
7. The case was heard on 19/03/2025. The Commission enquired whether The President and Secretary of the RWA are present in the court. Sh. Sayyam Garg, counsel for the respondent-2 submitted that the election process has not concluded as yet and the post of the Secretary is vacant. Further, Mr. Garg submitted the reply on behalf of respondent-2 and requested to take the same on record. The Commission ordered to take the reply on record subject to deposit of Rs. 5,000/- towards late fee.The Commission directed the petitioner to file its rejoinder with an advance copy to respondents with in two weeks' time.
8. The case was heard on 23/04/2025. Sh. Garv Malhotra, counsel for the respondent-2 submitted that the election process of RWA has been completed and accordingly, he is submitting a fresh reply on behalf of newly elected RWA. The counsel for the petitioner objected to the same and submitted that the rejoinder has been filed as per earlier reply of the respondent-2. Sh. Garv Malhotra, counsel for the respondent-2 argued that only advance copy of the reply was supplied to the petitioner and the same is not on record of the Commission due to non-deposition of late fee.Upon hearing the parties, the Commission allowed the respondent-2 to file reply on behalf of elected RWA subject to deposit of Rs. 5,000/- towards late fee. The petitioner may file its rejoinder, if any, within two weeks with an advance copy to respondents.

**9. Reply of respondent number 2 submitted on 23/04/2025:**

That the Judgment Debtor most humbly and respectfully submits as under: -

- 9.1 That the abovementioned case title is listed for adjudication before this Hon'ble Authority for today.
- 9.2 That the present execution petition has been filed by the Decree Holder against the Judgment Debtor to execute the order dated 29.02.2024, passed by this Hon'ble Authority.
- 9.3 That this application being moved by newly elected President of Judgment Debtor No. 2 Uniworld Garden II Apartment Owners Association in pursuance of election held on 23.03.2025 under supervision of returning officer appointed by the District Registrar Gurugram and election result of which was approved on 02.04.2025 by the District Registrar Gurugram.
- 9.4 That basis case history explained by counsel of the Judgment Debtor No. 2 Uniworld Garden II Apartment Owners Association handling present case, it is humbly mentioned that an ex-parte order/ judgment dated 29.02.2024 was passed by this Hon'ble Authority, in the case titled bearing Naresh Kumar Jindal Vs Unitech Realty Private Limited & Others. That the answering Judgment Debtor, i.e., Judgment Debtor No. 2 Uniworld Garden II Apartment Owners Association, was proceeded ex-parte while passing the order dated 29.02.2024, as an Administrator was appointed by the District Registrar of Firms & Societies, Gurugram upon the Judgment Debtor no 2 society and thus the answering Judgment Debtor was not given an effective opportunity to present its stand/ case before this Hon'ble Authority during the hearing held on 28.02.2024, in the present case.
- 9.5 That it is submitted, before this Hon'ble commission, that the answering judgment debtor No 2, is merely the electricity connection holder in the present case, and all the accounts and bills are raised by the judgment debtor no 1/ builder i.e. M/s Unitech. That it is submitted, that the answering judgment debtor no. 2, had consequent to the order dated 29.02.2024, had already sent an email dated 13.03.2024 (Annexure-1) to the judgment debtor no 1/ builder i.e. M/s Unitech to comply with the order dated 29.02.2024, passed by this hon'ble commission, as the answering judgment debtor no. 2 is merely the electricity connection holder, and that all the accounts were being handled by the judgment debtor no 1/ builder i.e. M/s Unitech Builder, and thus the onus to comply with the order dated 29.02.2024, falls upon judgment debtor no 1/ builder i.e. M/s Unitech, as it is legally not feasible for the answering judgment debtor no 2 since management and maintenance of Uniworld Garden-II society is in hands of judgment debtor no 1/ builder i.e. M/s Unitech.
- 9.6 That it is submitted, that the bills of electricity are raised by the judgment debtor no 1/ builder i.e. M/s Unitech, from the residents. Further, all the payments from the residents are collected by the judgment debtor no 1/ builder i.e. M/s Unitech and thereafter paid to the concerned authorities. That it is further submitted, that the judgment debtor no 1/ builder i.e. M/s Unitech uses its GST registration for undertaking all these transactions.

- 9.7 That it is submitted, before this Hon'ble Commission that, the Hon'ble Supreme Court of India, in Writ Petition (Criminal) No 351 of 2023, titled as Sarvesh Mathur Vs The Registrar General of High Court of Punjab & Haryana, had directed all the tribunals, High Courts, District Court to allow the parties in a case, and their counsels to appear through video conferencing, and thus in the interest of justice it is prayed before this Hon'ble commission, that the Judgment Debtor no. 2, be allowed to appear through Video Conferencing, before this Hon'ble Commission, as it causes great financial hardships on the AOA to travel and appear before this Hon'ble Commission on each and every date of hearing.
- 9.8 That it is submitted, that the answering judgment debtor no. 2 is formed by owners/residents of society Uniworld Garden-II, pray for an exemption/waiver to pay the fine amount as per the order dated 29.02.2024, as the same would be utilized from the welfare fund of the allottees/residents, and thus would cause great prejudice to the residents of the society, as there was no non-compliance on the part of the Judgment Debtor no. 2, AOA. That since, the said amount of penalty, would have to be paid by the Association of allottees from the funds belonging to the residents of the society, no fruitful purpose would be served, since the default was not in the part of the Judgment Debtor no. 2.
- 9.9 Without prejudice ready to comply with the order dated 29.02.2024, under protest and Therefore, in the interest of justice, it is prayed before this Hon'ble Commission, that the present execution qua the Judgment Debtor no. 2, be dismissed, and the Judgment Debtor no. 2 i.e., AOA be exempted from depositing the amount as per the order dated 29.02.2024. Further, any other order this Hon'ble Commission may pass in favour of the Judgment Debtor No. 2.
- 9.10 That it is further prayed, that the authorized member of newly elected governing body on 02.04.2025 on behalf of the Judgment Debtor no. 2 society located at Gurugram, also pray for appearance before this Hon'ble court through Video Conferencing, as travelling physically, before this Hon'ble commission causes great financial hardships the Judgment Debtor no. 2, which ultimately causes great financial distress to all the Allottees, of the Society.

**10. Revised Rejoinder submitted on 03/05/2025:**

The petitioner respectfully submits as under:

**PRELIMINARY SUBMISSIONS:**

- 10.1 The petitioner, Naresh Kumar Jindal is a registered owner of Flat No. 402, Tower- C2, Uniworld Gardens II, Sector – 47, Gurugram- 122018, Haryana and a consumer of the Dakshin Haryana Bijli Vitran Nigam.
- 10.2 The petitioner had filed a petition No. HERC/ PETITION 15 OF 2023, under section 142 and 146 of the Electricity Act 2003 for noncompliance of the orders of the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram; which passed a speaking orders on dated 02- 09- 2022 in case no. DH/CGRF- 3873/ 2021 in the matter of Naresh Kumar Jindal

versus XEN (OP) Division, DHBVN, Sohna and SDO (OP) Sub Division, DHBVN, Sohna Road, Gurugram and others .

- 10.3 That vide order Dated: 29-02-2024, the Hon. HERC passed orders to be complied by the respondents particularly Respondent No. 2; in due course of time specifically mentioned in the order against each item. The respondents have not complied the orders under the decided timelines, showing disrespect to the Hon'able HERC and the rule of law and continue to charge high and extra charges till date.; forcing the petitioner to file this instant petition for Execution of orders Dated: 29-02-2024.
- 10.4 The Hon'ble Commission issued notices to the Respondent No. 2 to file the reply vide their orders Dated: 18-11-2024, 26-12-2024 and 20-02-2025 but they chose to ignore all of them being habitual and repeat offenders.
- 10.5 That, a reply was finally filed on 19-03-2025 on behalf of Respondent No.2 before the court and a copy given to the petitioner physically in the court room in broad daylight under naked eyes of all present. *Following that the Hon'able Commission recorded in para 3,4 and 5 of the order dated 19-03-2025 that, "Mr. Garg submitted the reply on behalf of respondent -2 and requested to take the same on record."* And, *"The Commission ordered to take the reply on record subject to deposit of Rs. 5000/ towards late fee."* Further, *"The Commission directed the petitioner to file its rejoinder with an advance copy to the respondents within two weeks time."* To which, the petitioner respectfully complied and filed the rejoinder physically with the HERC in stipulated time with valid acknowledgment.
- 10.6 That, on 23-04-2025; the counsel of Respondent No.-2 stated before the court that only advance copy of the reply was supplied to the petitioner on 19-03-2025; which is untrue, incorrect and an absolutely a fraud enacted upon the court; given the situation in para 5 above. Respondent no 2 served brazen lies to the court and which were accepted with thanks. That, the act of Respondent No.2 is totally wrong, misleading, full of brazen lies, misinformed and amounts to contempt of this court which deserves immediate stern action.
- 10.7 That, the fact remains that the reply of Respondent No. 2 was not taken on record because the penalty of Rs. 5000/ as imposed by the Hon'able Commission was not paid, committing another contempt of court.
- 10.8 That on last hearing 23-04-2025; the Respondent No-2 submitted another reply before the court which was neither serviced to the petitioner as an advance copy nor given any hard copy in the court room but was recorded in the order Dated 23-04-2025 as received and further directions were issued. That the content of the reply of 23-04-2025 different from that of 19-03-2025. The change in the content is an act of another fraud

considering their plea that they served the advance copy of the reply during the previous hearing on 19-03-2025.

10.9 That it is very unfortunate that, the Hon'able Commission accepted the second reply as well submitted by the Respondent No.2.

As per standard legal practice a party can be afforded only one opportunity to file a reply, having accepted another reply submitted fraudulently under the garb of lies, manipulated facts and following illegal means is a mockery of the legal system; which the Hon'able Commission is requested to address and make a course correction while writing the judgment in the instant case.

10.10 That it is very important to note that in their reply, the Respondent no 2 have not uttered a single word on compliance and execution of the orders of the Hon'ble HERC, Dated: 29-02-2024 for which they have been granted opportunities time and again since last one year. They have not even deposited the penalty amounts as levied in the order, payable to the Hon'ble Commission.

10.11 That, having gone through their reply which is full of lame excuses; there is not even an iota of their intent to comply with and execute the orders of the Hon'ble HERC Dated: 29-02-2024. It is pertinent to mention and remind here that the whole case i.e. Case No. HERC/P-57 of 2024 only pertains to Execution of orders of Dated: 29-02-2024.

10.12 That the Respondent No. 2 is insulting and disrespecting the Hon'ble Commission by calling and blaming the 29-02-2024 order as ex-parte, while the commission gave ample opportunities to the Respondent No. 2 to file reply on the compliance of Hon'ble CGRF orders, list of opportunities given date wise:

06-04-2023.	First notice to file reply to R2
17-05-2023.	2 week time to file reply to R2
19-07-2023.	2 week time to file reply to R2
26-09-2023.	Adjourned
25-10-2023.	last chance to file reply to R2
22-11-2023.	Adjourned
31-01-2024	last chance to file reply to R2
28-02-2024.	R2 still not appeared.

On the contrary the Respondent No. 2 wilfully avoided the appearance before the Hon'able HERC having no answers; the Hon'able Commission to decide the case on the basis of an email submitted by the Respondent No. 2 as recorded in the order Dated: 29-02-2024, *“Given the non-participation of the RWA respondent in the court hearing on 28-02-2024, the Commission acknowledges that the reply submitted by the RWA through email dated 07-08-2023. Although, the submission of the RWA through email cannot be formally taken on record, yet the Commission has considered the contents of the email on its decision making process.”*

That the Respondent no 2 did not file any appeal against the CGRF order before the OMBUDSMAN HERC as per provisions but as a special case, the petition 15 of 2023 filed by the petitioner was heard by the Hon'ble Ombudsman in case no. 04/2023/12-01-2023. The Respondent No. 2 made more three appearances, filed their reply and

made arguments before the Hon'ble Ombudsman before he made recommendations in the case with his observations that the case be heard as a petition of non-compliance. Annexure-04 reply of the Respondent No. 2 before the Ombudsman.

10.13 That the Respondent No.-2 in para 5 of their reply is pleading guilty and admitting to subletting of electricity against the Electricity Regulations and in specific terms in violation of the Affidavit submitted while taking connection by stating that while they have the connection in their name and bill is also received in their name, the billing is done by Respondent No.-1 charging higher electricity rates. This is an act of extortion and money laundering committed by both the respondents in connivance with each other.

The petitioner has repeatedly requested Respondents No.3-6 to register a case of subletting in relevant sections and clause. But they are turning a blind eye indicating their involvement in this act.

10.14 That the Respondent No. 2 has full locus as judgment debtor and is equal partner in all the acts of extortion and money laundering committed in connivance with Respondent No.1. To establish their locus and partnership in crime with Respondent No. 1; the following evidence is produced before the Hon'ble Commission:

- A. Letter of understanding with the developer i.e. Respondent No.1, for taking Common Area Maintenance Charges through the electricity pre-paid metre as seen Annexure-03.
- B. Communication with the DHBVN regarding release of excess money having done from the official id of the Respondent No. 2 as can be seen annexed on page 39 of the original petition.
- C. Admission regarding passing Rs.23 lacs of residents as received from the DHBVN directly to the Respondent No. 1s account. Annexure-04, para-6, page-5.
- D. Copy of the Electricity Bill as issued by the DHBVN in the name of the Respondent No. 2 as can be seen annexed on page 36 of the original petition.

10.15 That, in order to understand the real conduct, character and behaviour of the Respondent No. 2, the petitioner would pray before Hon'able Commission to recall the observations of the Hon'able HERC in its order Dated: 29-02-2024 as follows:

*(i) para 10- "the Commission holds the RWA jointly responsible and severally liable for raising correct electricity bills in accordance with the prevailing regulations and it is noted that respondent RWA has full responsibility for the accurate generation and issuance of electricity bills. Despite any attempt to shift this responsibility onto the developer. It is imperative that the RWA has failed in its duty in the line with regulatory requirements."*

*(ii). para 11, "The Commission observes that the respondent RWA's absence during the proceedings and their failure to submit a formal reply signify a casual approach towards compliance with the legal obligations enriched as per regulations. This disregard for procedural requirements raises concerns regarding respondent's commitment in*

*upholding the rule of law and addressing grievances in accordance with established procedures.*

*(iii). para 13, "Despite being afforded ample opportunities for compliance of CGRF's Orders, it is regrettable to note that the respondent RWA has failed to adhere to the directives issued by this Commission."*

10.16 That, above mentioned scrutiny of the character and conduct of the Respondent No. 2 establish them a repeated and habitual offenders, violators and non believer of rule of law and perpetrator serious heinous crimes.

It is henceforth, once again prayed before the Hon'ble HERC to initiate immediate action against Respondent No. 2 under the provisions of section 146 of the Electricity Act 2003 with retrospective effect i.e. 29-03-2024 (having granted 30 days time to comply with the orders Dated: 29-02-2024) and also allow relief to the petitioner as prayed in the Petition as well as in this Rejoinder.

PARAWISE REPLY:

1. Para 1, 2 and 3 are matter of record only.
2. Para 4, it is wrong and incorrect that the Respondent No.2, the Judgment Debtor was proceeded ex-part while passing the orders Dated:29-02-2024 and was not given effective opportunity to present its stand. In this regard, it is submitted that:
  - I. The observations of the Hon'ble HERC in its order Dated: 29-02-2024, are once again reproduced below:
    - (i). *para 11, "The Commission observes that the respondent RWA's absence during the proceedings and their failure to submit a formal reply signify a casual approach towards compliance with the legal obligations enriched as per regulations. This disregard for procedural requirements raises concerns regarding respondent's commitment in upholding the rule of law and addressing grievances in accordance with established procedures.*
    - (ii). *para 13, "Despite being afforded ample opportunities for compliance of CGRF's Orders, it is regrettable to note that the respondent RWA has failed to adhere to the directives issued by this Commission."*
  - II. The Hon'able Commission gave ample opportunities to the Respondent No. 2 to file reply on the compliance of Hon'able CGRF orders, list of opportunities given date wise:

06-04-2023.	First notice to file reply to R2
17-05-2023.	2 week time to file reply to R2
19-07-2023.	2 week time to file reply to R2
26-09-2023.	Adjourned
25-10-2023.	last chance to file reply to R2
22-11-2023.	Adjourned
31-01-2024	last chance to file reply to R2
28-02-2024.	R2 still not appeared.
  - III. On the contrary the Respondent No. 2 wilfully avoided the appearance before the Hon'ble HERC having no answers; the Hon'ble Commission to decide the case on the basis of an email submitted by the Respondent No. 2 as recorded in the order Dated: 29-02-2024, "Given

*the non-participation of the RWA respondent in the court hearing on 28-02-2024, the Commission acknowledges that the reply submitted by the RWA through email dated 07-08-2023. Although, the submission of the RWA through email cannot be formally taken on record, yet the Commission has considered the contents of the email on its decision making process.”*

- IV. The Respondent no 2 did not file any appeal against the CGRF order before the OMBUDSMAN HERC as per provisions but as a special case, the petition 15 of 2023 filed by the petitioner was heard by the Hon'ble Ombudsman in case no. 04/2023/12-01-2023. The Respondent No. 2 made more three appearances, filed reply and made arguments before the Hon'ble Ombudsman before he made recommendations in the case with his observations that the case be heard as a petition of non-compliance. See Annexure-04, a reply filed before the Ombudsman by the Respondent No.2. Hence, the claim by the Respondent No. 2 that they were not given effective opportunity to present the case and the case was decided ex-parte is absolutely wrong.
3. Para 5 having already adjudicated by the Learned CGRF at the trial level does not have any legal value at this point. Respondent No.2 is trying shift the blame on other party, whereas; the Respondent No.-2 is pleading guilty and admitting to subletting of electricity against the Electricity Regulations and in specific terms in violation of the Affidavit submitted while taking connection by stating that while they have the connection in their name, the billing is done by Respondent No.-1 charging higher electricity rates. This is an act of extortion and money laundering committed by both the respondents in connivance with each other. The petitioner has repeatedly requested Respondents No.3-6 to register a case of subletting in relevant sections and clause. But, they are turning a blind eye indicating their involvement in this act.
4. Para 6, that the Respondent No. 2 has full locus as judgment debtor and is equal partner in all the acts of extortion and money laundering committed in connivance with Respondent No.1. To establish their locus and partnership in crime with Respondent No. 1; the following evidence is produced before the Hon'able Commission:
- A. Letter of understanding with the developer i.e. Respondent No.1, for taking Common Area Maintenance Charges through the electricity pre-paid metre as seen Annexure-03.
  - B. Communication with the DHBVN regarding release of excess money having done from the official id of the Respondent No. 2 as can be seen annexed on page 39 of the original petition.
  - C. Admission regarding passing Rs.23 lacs of residents as received from the DHBVN directly to the Respondent No. 1s account. Annexure-04, para-6, page-5.
  - D. Copy of the Electricity Bill as issued by the DHBVN in the name of the Respondent No. 2 as can be seen annexed on page 36 of the original petition.
5. Para 7 and 10 are not related to the case, hence need not reply.

6. Para 8 and 9, the Respondent No. 2 is ruthlessly and mercilessly indulged in loot and exploitation of its own members and innocent residents since last eight years having overcharging them for electricity.

Earlier, in 2022; Hon'able Commission intervened to delink the maintenance charges from the pre-paid electricity meters which was perpetrated by the Respondent No. 2 in connivance with Respondent No. 1 in order to steal monies from the pre- paid electricity wallets of the consumers.

After committing a thousand sins, now the Respondent No. 2 is shedding crocodile tears. They do not deserve any mercy rather severe punishment as prayed by the petitioner below:

**PRAYER:**

In the interest of justice, the Hon'able HERC is prayed to reject the plea of the Respondent No.2 to keep the Execution of the orders Dated: 29-02-2024 in abeyance and proceed with its authority and powers to provide relief to the thousands of consumers as prayed in the petition and reproduced below:

**STATEMENT OF RELIEF SOUGHT:**

It is, therefore, respectfully prayed that:

1. The aforesaid execution petition may kindly be allowed.
2. Kindly issue warrants of attachment of the property/bank accounts of the Respondent no. 1 and 2, till the orders of Hon'able HERC at Panchkula Dated 29-02-2024 are complied with.
3. Kindly issue directions to get the orders of the Hon'able Commission Dated 29- 02- 2024, executed in accordance with the provisions of the Act and Regulations.
4. Kindly take the necessary legal action of civil imprisonment against the respondent no.2, RWA office bearers (present as listed below and future as may be appointed); as per provisions of the Act under section 146.
  - i). President- Pardeep Singh Tomar, r/o- Flat No.1403, Tower-D1, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9717452777
  - ii). Secretary- Deepak Gupta, r/o- Flat No. 1202, Tower- A2, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9818555776
  - iii). Treasurer- Sumeet Gupta, r/o- Flat No. 101, Tower- B2, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9711411969 4.  
Along with newly elected (on 23-03-2025) RWA office bearers:
    - i). President- Joginder Singh, r/o- Flat No.504, Tower- B2, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9555555067
    - ii). Secretary- Sukhwinder Singh, r/o- Flat No. 904, Tower- C2, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9810233394

- iii). Treasurer- Rahul Aggarwal, r/o- Flat No. 904, Tower- A4, Uniworld Gardens II , Sector – 47, Gurugram – 122018. Mobile No. 9910349992.
5. Kindly levy heavy cost on respondent 1 and 2 for being a habitual and repeat offender and showing disrespect to the law by not implementing the 29-02-2024 orders.
  6. Kindly order inquiry against the Discom, The Dakshin Haryana Bijli Vitran Nigam (respondent nos. 3 to 6) for their failure to ensure compliance of HERC Notification dated 22nd April, 2020 in letter and spirit and get the orders Dated 29-02-2024 executed.
  7. Kindly issue directions to set up an inquiry as to why the Hon'ble Secretary of the HERC, Panchkula failed to exercise his powers under CLAUSE 94 IN COMPLIANCE WITH THE REGULATIONS NO. HERC/06/2004/ NOTIFICATION DATED 31- 08- 2004/ CONDUCT OF BUSINESS, to get the order Dated 29-02-2024 enforced.
  8. Any other relief this Hon'ble Commission deem fit may also be awarded in the interest of the justice.
11. The case was heard on 28/05/2025. Sh. Garv Malhotra, counsel for the respondent-2 submitted his written arguments and further submitted that only electricity meter is under the name of the respondent-2, but all the invoices and collection in respect of electricity is done by the respondent-1. The common area and maintenance of society has also not been handed over to the respondent -2 by the respondent-1. Therefore, it is the respondent-1 (Developer) who is doing actual billing and collection and is liable to issue correct bills of electricity to the residents. Moreover, the petitioner is a habitual litigant who has filed multiple false and frivolous litigations, against the respondent-2 due to reasons best known to him. The proxy Counsel for Respondent-I submitted that the arguing counsel is stuck in the Hon'ble High Court in some other matter and requested for short accommodation. The counsel for the petitioner submitted that the instant petition is an execution Petition and none of the respondents have either reported any execution of the order dated 29/02/2024 or shown any intent to execute the same. The issues raised and argued by the respondent-2 have no merit in the execution petition since the same have already been rejected in the final order by the lower court. The respondent-1 is trying to hide under the garb of Supreme Court moratorium, whereas the top court has never granted any leave and omission to violate HERC regulations and indulge in money laundering in connivance with the respondent-2. The Commission expressed its displeasure and conveyed the moratorium does not prevent to issue correct bills as per regulations to the residents of the society. On the query of the Commission on the possible solution to this problem, Ms. Sonia Madan counsel for the

respondents-3 to 6 suggested that the possibility of allowing multiple electricity connection could be explored.

Upon hearing the parties, the Commission adjourns the matter and directs as under:

1. The Respondent-2 to submit list of the residents of the society:
  - a) Who are willing to shift from Single Point Supply connection to multipoint point supply connection.
  - b) Who are interested to continue on existing single point supply connection.

2. The Respondents-3 to 6 to submit details of expenditure required to be incurred in case of shifting from single point supply connection to multipoint point supply connection. The above information by the respondents is to be submitted before next date of hearing.

12. The case was heard on 23/07/2025. Ms. Sonia Madan counsel for respondents 3 to 6 requested for some more time to furnish the information sought by the commission vide interim order dated 28/05/2025. Ms. Aerika Singh counsel for the respondent-2 intimated that in compliance to the directions of the Commission, all the 1046 residents including 150 EWS residencies were requested to provide their option to shift from single point to multipoint connections. Out of which only 43 responses have been received till date and only 13 nos. have expressed their intent to shift to multipoint connection. No written submission of these facts were made and the counsel requested for some more time to submit the requisite information. The proxy Counsel for Respondent-1 submitted that the orders of the Commission cannot be implemented in wake of the moratorium imposed by Hon'ble Supreme Court. The respondent 1 is bound with the orders of the Hon'ble Supreme Court which mandated constitution of board with new members and the respondent 1 is not a member of the new board. The counsel for the petitioner submitted that the instant petition is an execution Petition and none of the respondents have either reported any execution of the order dated 29/02/2024 or shown any intent to execute the same. The counsels for the respondent 2 & 3 to 6 submitted that since the affairs of M/s Unitech Realty Pvt. Ltd., Gurugram is being managed by the board constituted by Hon'ble Supreme Court and collection of electricity charges are also being managed under its supervision, the execution of any orders of CGRF in this regard is also to be carried out by the board managing the affairs. It appears that newly constituted board is unaware of the said orders. The counsel for the petitioner requested to allow to implead the newly constituted board in the matter. Upon hearing the contentions of the parties, the Commission allow the petitioner to implead the Board constituted by Hon'ble Supreme

Court through its authorised officer in the petition. The petitioner is directed to file the amended memo of parties within two (2) weeks and on receipt of the same notice be issued to new parties.

13. The case was heard on 09/10/2025. Sh. Sayyam Garg, Counsel for Respondent No. 1, submitted that the orders passed by the Commission could not be implemented in view of the moratorium imposed by the Hon'ble Supreme Court of India. The Commission took serious note of the submission and observed that the imposition of a moratorium cannot, in any manner, absolve or exempt any party from adhering to the law and the applicable regulations. The Commission further observed that the Developer and the RWA are not entitled to levy or collect any excessive charges from the consumers, and that billing of consumers must be carried out strictly through the Universal Billing Software (UBS) as mandated. The learned Counsel submitted that while the refund of any excessive amount may presently be constrained by the moratorium, the billing process in future can be undertaken through UBS. He further requested that some time may be granted to obtain instructions from his client on the issue of compliance with the billing procedure through UBS. Considering the prolonged non-compliance with the previous orders of the Commission and the unresolved billing issues relating to M/s Unitech Realty Pvt. Ltd., Gurugram, which is currently under the control of the Board constituted by the Hon'ble Supreme Court, the Commission directs that the Chairman or any designated Member of the said Board shall personally appear before the Commission on the next date of hearing to apprise the Commission of the status of compliance and the corrective measures undertaken. At this stage, the learned Counsel for Respondent No. 1 pleaded for exemption from personal appearance of the Board Members, citing practical constraints in view of the ongoing proceedings before the Hon'ble Supreme Court. However, the Commission did not accede to the request, observing that the presence of the Board's representative is indispensable for ensuring accountability and effective resolution of the matter.
14. The case was heard on 17/12/2025, Sh. Lalit Gupta, Executive-Legal, Unitech (R-1) submitted his authority letter in compliance to the Commission's order dated 09/10/2025. He further submitted that the orders of the HERC have been complied with and submitted his reply. Sh. Virinder Singh counsel for the petitioner submitted that the respondents are delaying the matter by submitting one or the other document. The order of the HERC has not been complied. The Commission observes that the arguments of the parties are not leading to any conclusion, thus directs the parties to submit their written arguments with

copy to other parties, within two weeks. The Commission reserves the order.

**15. Written submissions of respondent-1 dated 23/12/2025:**

- 15.1 That the instant submissions are being made on behalf of Respondent No. 1 i.e., M/s Unitech Realty Private Limited (a subsidiary of M/s Unitech Limited) through its authorized representative Sh. Lalit Gupta in light of the Board Resolution dated 11.06.2020 passed by the Board of Directors of M/s Unitech Limited. The instant submissions are being made in compliance with the order dated 17.12.2025 passed by this Hon'ble Court whereby, the matter has been reserved for orders.
- 15.2 That the instant execution proceedings have arisen out of order dated 29.02.2024 passed by this Hon'ble Commission in HERC/P No. 15 of 2023, in turn arising out of order dated 02.09.2022 passed by the Ld. CGRF DHBVN.
- 15.3 That all the allegations and averments made in the Execution Petition are denied in toto. In fact, the instant petition has become infructuous in light of the fact that the orders passed by the Ld. CGRF DHBVN and thereafter, by this Hon'ble Court have been complied in toto by Respondent No. 1.
- 15.4 That with regard to the compliance qua issuance of correct bills as per formats described in Annexure A & B of the Single Point Regulations 2020, it is submitted that pursuant to the order dated 02.09.2022 being passed by Ld. CGRF DHBVN, the electricity bills in respect of consumption of electricity by individual residence of the Group Housing Colony- 'Uniworld Garden II', Sector 47, Gurugram have been segregated w.e.f. March 2022 from other monthly user charges, namely, Common Area Maintenance charges (CAM), Common Area Electricity charges (CAE), charges against supply of electricity through DG sets and charges being paid to M/s Secure Meters Limited for collection of meter readings etc. the process is continuing and there is no deviation till date. For the sake of reference, the copies of electricity bills generated for the month of April 2022 and November 2025, are being annexed.
- 15.5 That further, it shall be relevant to mention that the total maintenance of Uniworld Garden II is being carried out by Respondent No. 1 in coordination with the Apartment Owners Association (AOA) with their consent w.e.f. 30.05.2020. A copy of the consent letter dated 26.05.2020 containing all the terms and conditions signed by both Respondent No. 1 and representatives of AOA is being annexed.
- 15.6 That with regard to implementing the tariff, orders of HERC, applying all the telescopic tariff rates as applicable, on the basis of individual consumption, it is submitted that Respondent No. 1 & AOA of the group housing colony have hired the services of M/s Secure Meters Limited for generation of electricity bills for the individual apartment owners in respect of the electricity consumed by them. The bills of individual apartment owners are being generated by M/s Secure Meters Limited on the basis of latest tariff orders being generated by DHBVN from time to time. It is further pointed out that the main electricity connection to the residential group. Housing colony has

been obtained under the Bulk Domestic Supply Category of DHBVN and the recovery is being made on the same basis.

- 15.7 That next, with regard to the direction that no electricity connection should be disconnected except on non-payment of electricity bill, it is humbly submitted that no electricity connection has been disconnected till date by the joint forum of Unitech & AOA maintaining the colony, except in case of non-payment of electricity charges in respect of individual apartment owners.
- 15.8 That further, with regard to the direction that any amount which had once been charged by DHBVN but was subsequently refunded either in full or in part by DHBVN on any account, the same should be credited proportionately to individual residents account in the next billing cycle, it is humbly submitted that the excess amount of INR 23, 29, 505/- refunded by DHBVN was utilized for the maintenance and repair of internal roads within the colony on the request of the AOA. The payment of the expenditure incurred on account of repair and maintenance of the internal Roads was made to the executing agency only after obtaining the written consent from the AOA. Further, it shall also be pertinent to point out that all the bills have been jointly signed by Unitech Limited & the AOA. A copy of the consent obtained from AOA via email dated 03.12.2021 is being annexed.
- 15.9 That lastly, with respect to the direction that 4% rebate and the fixed charges on the basis of recorded MDI are applicable only to the billing on single point connection and are not applicable while billing the individual resident because the telescopic tariff order has to be implemented while generating and delivering the individual electricity consumption bill, it is submitted that all electricity bills are being generated by M/s Secure Meters Limited as per the consent/approval of the AOA. It is clarified that no income has been generated by Unitech Limited on account of electricity charges, collected from the apartment owners. Since the bill of the Society is being generated on the Blk Supply (Domestic) basis, individual bill of the residents are also generated accordingly and telescopic tariff applicable to the general category of Domestic consumption are not being applied to the consumers of Group Housing Society.
- 15.10 That further, without prejudice, it is submitted that the instant proceedings cannot be allowed to continue in light of the moratorium issued by the Hon'ble Supreme Court in CA No. 10856 of 2016 titled '*Bhupinder Singh v Unitech Ltd.*' dated 20.01.2020. Copy of the order dated 20.01.2020 is being annexed.
- 15.11 That vide order dated 20.01.2020, the Hon'ble Supreme Court issued several directions with respect to the M/s Unitech Limited and all its subsidiaries. The same was done after due consideration and with the purpose of ensuring that all the stakeholders are taken care of and that their interests are not subdued.
- 15.12 That firstly, the Hon'ble Supreme Court decided to appoint a new Board of Directors for the company as proposed by the Union Government. The said Board of Directors was to consist of reputed government officials and experts under the Chairmanship of Mr.

Yudhvir Singh Malik, IAS (Retd.), formerly Secretary to Government of India (Chairman & Managing Director), and the other members being namely (a) Shri Anoop Kumar Mittal; (b) Ms. Renu Sud Karnad; (c) Shri Jitu Virwani; (d) Shri Niranjana Hiranandani; (e) Dr. Girish Kumar Ahuja; and (f) Shri B Sriram.

15.13 That the newly appointed Board was entrusted with the responsibility of preparing a resolution framework for Unitech Limited and the said resolution framework would then be supervised and scrutinized by a retired judge of the Hon'ble Supreme Court once the same was submitted before the Apex Court.

15.14 Furthermore, the Hon'ble Supreme Court issued a moratorium against the institution of any proceedings against M/s Unitech Limited and its subsidiaries. The relevant portion from the order dated 20.01.2020 passed by the Hon'ble Supreme Court of India has been reproduced hereunder:

*“(vii) Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company.”*

15.15 That a bare perusal of the order dated 20.01.2020 with respect to the issuance of moratorium makes it clear as daylight that the said moratorium is to be applicable not only to initiation of fresh proceedings against Unitech Limited but also to the existing proceedings pending against the said company. Also, the order makes it amply clear that the issuance of moratorium and its consequential effects are not only limited to Unitech Limited, but also extends to all the subsidiaries of the company.

15.16 That the Union Government had proposed several measures and suggestions to successfully manage the affairs of Unitech Limited which were appreciated and accepted by the Hon'ble Supreme Court. The Court had recorded that:

*“In pursuance of the order of this Court dated 18 December 2019, Mr. K.K Venugopal, learned Attorney General of India, has submitted a note on behalf of the Union government. The Union government had previously approached the National Company Law Tribunal in December 2017 to remove the existing management of Unitech Limited and to appoint ten nominee directors. In pursuance of the suggestions contained in the previous order, the Union government has indicated that it is prepared to revisit the proposal and to appoint nominee directors to take over the management of Unitech Limited, subject to the following stipulations:*

- (xii) That the Government will not infuse any funds for the completion of pending projects;*
- (xiii) That this Hon'ble Court, to ensure a period of calm, will direct a moratorium for 12 months;*

- (xiv) That this Hon'ble Court may appoint a retired judge of the Supreme Court for supervising the resolution framework finalized by the proposed Board of Directors;
- (xv) That this Hon'ble Court may allow the proposed Board of Directors to appoint key managerial persons (KMPs, on need based), professionals (legal, insolvency, financial advisors, real estate professionals, etc.) for assisting the Government appointed Board and payment of requisite professional fees including the legal fees thereof from the Company's account;
- (xvi) That this Hon'ble Court may direct the promoters and the present management of the company to co-operate with the proposed Board of Directors;
- (xvii) That this Hon'ble Court may direct the Forensic Auditor. Asset Reconstruction Companies / Banks / Financial Institutions / State Government(s) and all the regulators to extent cooperation to the proposed Board of Directors;
- (xviii) That this Hon'ble Court may issue directions to restrain the promoters from alienating, mortgaging, creating charge or lien or interest in the movable and immovable properties owned by them;
- (xix) That this Hon'ble Court may place, under the control of the proposed Board of Directors, all the projects carried out by the Asset Reconstruction Companies or independent parties, and the services of the Committee headed by Justice Dhingra may be put to rest;
- (xx) That this Hon'ble Court may confer immunity for the proposed Directors in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc.;
- (xxi) That this Hon'ble Court may permit the proposed Board of Directors to raise funds due from the home buyers, and to sell the unsold inventory of stock and unclaimed inventory available re-selling. Further, the proposed Board be allowed to monetize the unencumbered assets of the Company for the completion of housing units. In addition, this Hon'ble Court may release, to the proposed Board of Directors, funds lying with this Hon'ble Court pertaining to the Company or its management;
- (xxii) That this Hon'ble Court recognized and directs that without prejudice to any order, the Government has the right to refer the Company to liquidation or IBC like resolution outside the framework of IBC, in case the assigned takeover is not viable in the absence of requisite resources."

Thus, considering the proposal made by the Union government and other parties, the Hon'ble Supreme Court have observed that:

"We issue the following directions:

- (xv) The existing Board of Directors of Unitech Limited is superseded with immediate effect in order to facilitate the taking over of management by the new Board of Directors constituted in terms of the proposal submitted by the Union government;
- (xvi) ....

- (xvii) ....
- (xviii) *All concerned including the erstwhile management of Unitech Limited shall cooperate with the newly constituted Board. the Board shall be at liberty to devise appropriate modalities for securing full disclosure of information from the erstwhile management;*
- (xix) *We request the newly constituted Board of Directors to prepare a resolution framework within a period of two months from today and to submit it to this court;*
- (xx) ...
- (xxi) ...
- (xxii) ...
- (xxiii) ...
- (xxiv) ...
- (xxv) ...
- (xxvi) *The newly constituted Board of Directors would be at liberty to take a comprehensive view of all pending and other projects and to make such proposals as would appear to them to be proper;*
- (xxvii) ...
- (xxviii) *The proposal submitted by the Union government is, hence, accepted.*  
*Besides the directions issued above in regard to the moratorium, we accept the specific requests contained in clauses (iv), (v), (vi), (vii), (ix), and (x) of the proposal of the Union government and issue directions in the terms as sought.”*

15.17 That a comprehensive reading of the order dated 20.01.2020 makes it amply clear that the Hon’ble Supreme Court has made an attempt to infuse life in Unitech Limited and its subsidiaries by appointing a new Board of Directors. The said Board of Directors and other people put in charge of managing the affairs of the company have been granted immunity by the Hon’ble Apex Court with respect to all cases pending all across the country to enable them to work towards an effective Resolution Framework and try and fulfil the obligations of Unitech Limited and its subsidiaries towards the various stakeholders.

15.18 That it is respectfully submitted that in compliance with the order dated 20.10.2020, the new Board for Unitech Limited, prepared the Resolution Framework on 07.07.2020 and filed the same before the Hon’ble Supreme Court in the matter titled ‘*Bhupinder Singh Vs. Unitech Limited*’ being Civil Appeal No. 10856/2016, which is pending approval. It would be pertinent to mention that the Resolution Framework lays down the broad contours on how the Board proposes to go about endeavouring to provide an equitable resolution for various stakeholders, with emphasis on the completion of under-construction projects. Also, it is important to mention herein that through this framework, the Board is attempting a challenging and complex task of finding a possible solution that would enable the completion of projects and delivery of residential units within a reasonable time frame, while at the same time looking for an equitable settlement for

other stakeholders, saving capital for all creditors (especially Homebuyers).

- 15.19 That to facilitate the control and management of the new Board for Unitech Limited, the Hon'ble Supreme Court vide order dated 24.03.2021 in Civil Appeal No.10856 of 2016 titled '*Bhupinder Singh Vs. Unitech Limited*' has further laid down several directions one of which says that the newly appointed Board for Unitech Limited shall take full charge of the projects of the Unitech Group (including all its affiliates, trusts, subsidiaries, etc.) and the Order dated 20.01.2020 is applicable to all group entities (subsidiaries) of Unitech Ltd. The management is authorized to appoint and remove Directors/ Trustees of its subsidiaries/ trusts etc. A copy of the order dated 24.03.2021 is being annexed.
- 15.20 Further, in the said Order, the Hon'ble Supreme Court has held that no bank, Authority or Forum shall appropriate/ attach any amount from the company's accounts on account of its payment obligations without the prior approval of this Hon'ble Court. The attention of the Hon'ble Court is specifically invited to Direction no. (1) and (3) of the said order:
- (2) *The new Board shall be responsible for the management and control of the Unitech Group (including all its affiliates, trusts, subsidiaries etc.). The Order passed by this Court dated 20 January 2020 is applicable to all group entities of Unitech Ltd. The management is authorized to appoint and remove Directors/ Trustees of its subsidiaries/ trusts etc.;*
- (4) *No bank, authority or forum shall appropriate/ attach any amount from the company's accounts on account of its payment obligations without the prior approval of this Hon'ble Court.*
- 15.21 That the Hon'ble Punjab and Haryana High Court has adjourned the matters pertaining to Unitech Limited & its subsidiaries as *sine die* after placing reliance upon the Order dated 20.01.2020 in the *Bhupinder Singh case* (supra). The relevant portion of the said orders are reproduced herein below:
7. Order dated 14.07.2022 passed by Hon'ble Justice Lisa Gill, Punjab and Haryana High Court.  
M/S MILLENNIUM ENGINEERS VS M/S UNITECH LIMITED  
*Mr. Abhinav Sood, Advocate appears on behalf of the Respondent and submits that in view of order dated 20.01.2020, passed by the Hon'ble Supreme Court in Civil Appeal No.10856/2016, as of now there is a moratorium against the institution or continuation of proceedings against Respondent no.1. Same is not denied by learned counsel for the applicant. Adjourned sine die to await decision of the Hon'ble Supreme Court in Civil Appeal No.10856/2016*
8. Order dated 26.08.2022 passed by Hon'ble Justice Ravi Shankar Jha, Punjab and Haryana High Court.  
"SPEED TOWN PLANNERS PVT. LTD. VS GIRNAR INFRASTRUCTURE PVT. LTD."

*The parties are ad-idem that in view of the order dated 20.01.2020 passed by the Supreme Court in Civil Appeal No(s). 10856/2016 titled as Bhupinder Singh Vs Unitech Ltd., the matter may be adjourned sine-die awaiting decision of the Supreme Court.*

*Prayer made is allowed. The matter is adjourned sine-die awaiting the decision of the Supreme Court.*

9. Order dated 10.10.2022 passed by Hon'ble Justice Raj Mohan Singh, Punjab and Haryana High Court.

“GUNJIT SINGH AND ORS VS M/S UNITECH HOSPITALITY SERVICES LTD AND ORS”

Learned counsel for the Respondent submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of the orders that may have been passed against the company.

Learned counsel for the petitioners, however, submits that the Applicant/DH is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner.

In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings *sine die* in order to await the decision of the Hon'ble Apex Court in Civil Appeal No. 10856 of 2016.

Adjourned *sine die* to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.

10. Order dated 10.10.2022 passed by Hon'ble Justice Raj Mohan Singh, Punjab and Haryana High Court.

“MR. AVTAR SINGH VS M/S UNITECH HOSPITALITY SERVICES LTD. & ORS.”

Learned counsel for the Respondent submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing

proceedings against the company as well as the enforcement of the orders that may have been passed against the company.

Learned counsel for the petitioner, however, submits that the Applicant/DH is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner.

In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings *sine die* in order to await the decision of the Hon'ble Apex Court in Civil Appeal No.10856 of 2016.

Adjourned *sine die* to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.

11. Order dated 10.07.2023 passed by Hon'ble Justice G.S. Sandhawalia, Punjab and Haryana High Court.

“Unitech Mohali Buyers Welfare Association v/s State of Punjab & Ors.”

In view of the matter being pending before the Apex Court and keeping in view the earlier order passed in different cases, the proceedings are adjourned *sine die* to await the decision of the Apex Court.

CM stands disposed of. Parties are at liberty to file appropriate application.

12. Order dated 15.11.2023 passed by Hon'ble Justice Vinod Bhardwaj, Punjab and Haryana High Court.

“Johny Mathew v/s The District Registrar & Ors.”

Prayer made in the present writ petition was to issue directions to the Respondents to execute a conveyance deed in favour of the Petitioner.

Counsel appearing on behalf of Respondent No. 3 has pointed out that pursuant to the order dated 20.01.2020, the Hon'ble Supreme Court has ordered a moratorium against institution of proceedings against UNITECH Ltd. & its subsidiaries.

Passing of the above said order is not disputed by counsel for the parties.

Adjourned *sine die*.

To be listed after determination / finalization of proceedings pending before the Hon'ble Supreme Court / expiry of the period of moratorium.”

13. Order dated 19.09.2025 passed by Hon'ble Justice Parmod Goyal, Punjab and Haryana High Court.

“Parkash v/s Unitech Industries Limited”

Mr. Abhinav Sood, Advocate appears on behalf of the respondent and submits that in view of the order dated 20.01.2020, passed by the Hon'ble Supreme Court in Civil Appeal No. 10856/2016, as of now, there is a moratorium against the institution or continuation of proceedings against respondent no. 1. Same is not denied by learned counsel for the applicant.

Adjourned *sine die* to await decision of the Hon'ble Supreme Court in Civil Appeal No. 10856/2016.

A photo copy of this order be placed on the file of the connected case. Copies of the aforesaid orders are being annexed.

- 15.22 That it is pertinent to note that in respect of the moratorium, the Hon'ble Supreme Court in the matter of *Alchemist Asset Reconstruction Company Limited vs. Hotel Gaudavan Private Limited & Ors. (2018) 16 SCC 94* has held that continuation of any proceedings after the imposition of the moratorium is '*non est in law*'. Therefore, this Hon'ble Forum is also prevented from issuing any notice of compliance or passing an order of execution in the instant execution application in light of the moratorium issued by the Hon'ble Apex Court vide order dated 20.01.2020 in Civil Appeal No. 10856 of 2016 titled as '*Bhupinder Singh v. Unitech Limited*'. A copy of the said judgment dated 23.10.2017 is being annexed.
- 15.23 That the Hon'ble Telangana High Court in the matter of *M/s Golden Jubilee Hotels Limited Vs M/s EIH Ltd. & Anr. (2018) SCC Online Hyd. 315* has held that "*upon the moratorium order being passed, the pending suit proceedings necessarily had to come to a complete halt*". Therefore, when a moratorium is announced, the institution of suits and continuation of pending suits, etc. cannot proceed. A copy of the said judgment dated 27.09.2018 is being annexed.
- 15.24 That it is a matter of both fact and record that moratorium has been issued by the Hon'ble Supreme Court vide order dated 20.01.2020 in *Bhupinder Singh v. Unitech Limited* being Civil Appeal No. 10856 of 2016. On a combined reading of this order along with the judicial pronouncements cited above, it becomes absolutely clear that the Courts nationwide are restricted to initiate any proceedings or pass any orders against Unitech Limited or its subsidiaries as an effect of the imposition of moratorium.
- 15.25 That in light of the aforesaid submissions, it is most humbly submitted that the order dated 02.09.2022 and 19.02.2024 have been complied in toto by Respondent and therefore, the instant petition has become infructuous.
- 15.26 That even otherwise, without prejudice, it is submitted that in light of the fact that a moratorium has been imposed by the Hon'ble Supreme Court on Unitech Limited and all its subsidiaries, the instant proceedings cannot be allowed to continue against Respondent No. 1.
- 15.27 That in light of the aforesaid submissions, it is reiterated and humbly submitted that the present petition be disposed of as having been rendered infructuous, and / or otherwise, be adjourned sine die awaiting orders of the Hon'ble Supreme Court in light of the moratorium operating on Respondent No. 1.
- 16. Written submissions of respondent-2 dated 30/12/2025:**
- 16.1 That the Petitioner has filed the present petition seeking execution of the order dated 29.02.2024 in Petition No. 15 of 2023 wherein the Hon'ble Commission had directed as follows:  
"a) Comply with the order of the CGRF, DHBVN in toto within 30 days of issue of this order.

- b) *Refund any excess amount charged or amounts refunded by DHBVN to the residents proportionately from next billing cycle.*
- c) *Issue correct bills as per formats prescribed in single point supply Regulation, 2020 and applicable tariff as per directions of the Commission.*

RESPONDENT NO. 2 HAS NO ROLE TO PLAY IN EITHER THE ISSUANCE OF ELECTRICITY BILLS OR COLLECTION OF AMOUNT FROM THE INDIVIDUAL RESIDENTS:

- 16.2 That at the outset, it is submitted that Respondent No. 2- Uniworld Gardens II Apartment Owners Association, being the RWA has no role whatsoever in the issuance of electricity bills or in the collection of amounts from individual residents, and therefore the present execution is misconceived insofar as it is sought to be enforced against Respondent No. 2. This factual position was duly brought to the notice of this Hon'ble Commission by way of the "*Reply/Objections on behalf of Judgment Debtor No. 2*" dated 23.04.2025 as well as the "*Written Arguments on behalf of Judgment Debtor No. 2 - Uniworld Garden II*" dated 28.05.2025.
- 16.3 That it is further submitted that there has been no handing over of the common area facilities or billing mechanism by the Respondent No. 1 to Respondent No. 2, and the same continues to remain under the control of Respondent No. 1. The billing and collection of electricity charges is under the direct control of Respondent No. 1 till date. It is humbly submitted that as per Regulation 6.1(d) of the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Residential cum Commercial/ Commercial Complexes of Developers and Industrial Estates/ IT parks/SEZ) Regulations, 2020, the responsibility for individual metering, billing, collection of charges from individual users and payment of the energy bill to the Distribution Licensee lies upon either the "*Employer/GHS/Developer/User Association*" which is actually undertaking such activities. It is humbly submitted that the law casts the onus upon the entity which is carrying out the actual billing and collection. In the present case, it is Respondent No. 1 who is admittedly undertaking billing and collection, and therefore Respondent No. 2 cannot be held liable under the Act or the Regulations. In other words, there has been no non-compliance/contravention of any Act/ Rules/ Regulations on the part of the Answering Respondent.
- 16.4 That it is humbly submitted that the only role played by the Respondent No. 2-RWA is advisory in nature and for protection of the interests of its members. The Respondent No. 2 has been consistently highlighting deficiencies in services rendered by security agencies and other service providers/vendors; however, it is the Respondent No. 1 who has failed to take effective steps. In view thereof, it is humbly submitted that the present execution petition deserves to be dismissed insofar as it pertains to the Respondent No. 2- RWA.

16.5 That, it is pertinent to mention here that, this Hon'ble Commission, vide interim order dated 02.06.2025, directed Respondent No. 2 to submit a list of residents who were willing to shift from single point supply to multipoint connection and those who intended to continue under the existing single point supply arrangement. The said direction, being within the control of Respondent No. 2, was duly complied with. This clearly demonstrates the bonafides of the Respondent No. 2-RWA and establishes that all directions which are within its control have been complied with, whereas the direction relating to issuance of electricity bills is beyond its control and therefore incapable of compliance.

It is humbly submitted that in compliance of the directions of the Hon'ble Commission, an affidavit was filed whereby it was brought to the notice of the Hon'ble Commission that out of total number of residents only 43 responses have been received and only 13 nos. of residents have expressed their intent to shift to multipoint connections. However, beyond issuance of notices and seeking information from the concerned residents, Respondent No. 2-RWA, at present, is not in a position to render any billing-related services/ implement billing through Unified Billing Software etc., the same being beyond its control.

16.6 That it is well settled that coercive execution or contempt proceedings cannot be sustained against a party when compliance with the decree is beyond the control of such party. In the present case, the decree/order is inexecutable as against the Answering Respondent. Reliance in this regard is placed on the decision of the Hon'ble Supreme Court in *S.K. Das Gupta v. Vijay Singh Sengar* [Law Finder Doc Id # 219741], wherein the Hon'ble Apex Court has duly recorded that – “... .. The officers of the Board had repeatedly come to Court to explain that the situation was beyond their control and that the short fall in the supply of electric power was not of their making or in their control. The High court ignored this basic fact and passed orders which were incapable of compliance.” In other words, it has been held that a party cannot be proceeded against for non-compliance when performance of the act directed is beyond its authority or control.

NO ELECTRICITY CONNECTIONS WERE DISCONNECTED:

16.7 That at this stage, it is also brought to the notice of the Hon'ble Commission that no electricity connection has been disconnected by Respondent No. 2, as the RWA has no authority to disconnect electricity supply. It is submitted that the averments made by the Petitioner alleging disconnection of electricity supply are factually incorrect and misleading. Issues of non-payment arise due to certain residents not paying electricity charges, and Respondent No. 1, which is undertaking billing and collection, has failed to address the same, thereby resulting in the financial burden being passed on to residents who are regularly making payments.

DEFAULTS AND DISCRIPANCIES ARE ON THE PART OF THE RESPONDENT NO. 1 ALONE:

- 16.8 That throughout the proceedings of the present case, the Respondent No. 1 has sought shelter under moratorium proceedings to contend that no proceedings are maintainable against M/s Unitech Limited and its subsidiaries. In this regard, attention is invited to the judgment dated 19.07.2024 passed by the Hon'ble National Company Law Appellate Tribunal in Sanskriti Allottee Welfare Association (Reg.) & Ors. v. Gaurav Katiyar, RP, Earthcon Universal Infratech Pvt. Ltd. & Anr. [(2024) ibclaw.in 450 (NCLAT)], wherein it has been held that there is no prohibition under the IBC on payment of dues arising from supply of essential services during the CIRP period, nor is there any statutory bar absolving the Corporate Debtor from such liability during moratorium. Applying the ratio of the said judgment to the present case, Respondent No. 1 cannot evade its liability to issue correct electricity bills by taking shelter under moratorium proceedings.
- 16.9 That, at this stage, it is also brought to the notice of the Hon'ble Commission that Respondent No. 1 is maintaining a joint bank account for collection of electricity charges and CAM, which lacks transparency, while simultaneously contending that it is not earning any margin on electricity collections. The Respondent No. 2 had, approximately six months ago, suggested that a separate bank account be maintained for receipts and payments relating exclusively to electricity charges; however, Respondent No. 1 failed to act upon the said suggestion. Accordingly, it is most respectfully prayed that this Hon'ble Commission may also be pleased to issue appropriate directions to Respondent No. 1 to maintain separate and distinct accounting record and bank accounts for electricity charges and for CAM-related charges.
- 16.10 That, it would also not be out of place to mention here that the Hon'ble Commission has also directed– *“Refund any excess amount charged or amounts refunded by DHBVN to the residents proportionately from next billing cycle”*. In this regard it is submitted that the Respondent No. 1 is duty bound maintain and repair the internal road from the utilization of IFMS funds. The present governing body of Respondent No. 2-RWA had been calling upon the Respondent to use IFMS amount for such expenses.
- PETITIONER BEING A HABITUAL LITIGANT AND IS CAUSING HARRASSMENT & FINANCIAL BURDEN ON THE RESIDENTS OF SOCIETY:
- 16.11 That despite having complete knowledge of the factual position that the RWA has no role in issuance or collection of electricity bills, the Petitioner has deliberately arrayed Respondent No. 2 as a party respondent. It is well settled that a decree obtained by fraud or suppression of material facts cannot be executed. Reliance in this regard is placed on the judgment of the Hon'ble Supreme Court in Ram Kumar v. State of Uttar Pradesh & Ors., [Civil Appeal No. 4258 of 2022 decided on 28.09.2022.]
- 16.12 That attention is also invited to the *“Rejoinder on behalf of the Petitioner in response to the Second reply filed by Respondent No.2/ Judgment Debtor No. 2 in case No. HERC/P-No. 57 of 2024”* dated 03.05.2025

wherein, despite making allegations of fraud, extortion and money laundering, the Petitioner has nowhere denied the categorical factual position that no electricity bill is being issued by the Respondent No. 2-RWA.

- 16.13 That it is humbly submitted that the Petitioner is a habitual litigant who has filed multiple false and frivolous litigations against the RWA, thereby causing unnecessary financial burden upon the residents of the society. It is humbly submitted that any penalty imposed upon Respondent No. 2 would necessarily be paid from the welfare funds of the residents/allottees of Respondent No. 2-RWA, which would cause grave prejudice to innocent residents despite there being no wilful non-compliance on the part of Respondent No. 2, especially when the alleged default is not attributable to the Answering Respondent.
- 16.14 That, it is lastly submitted that the orders passed by the Hon'ble Commission are articles of faith for the Respondent No. 2-RWA who has always endeavoured to abide by the same in letter and spirit. The Respondent No. 2-RWA has not in any manner wilfully disobeyed the orders passed by the Hon'ble Commission. The Respondent is ready and willing to comply with any specific directions which are executable by the Respondent No. 2-RWA within the framework of law.
- 16.15 That as such, in the given facts and circumstances and the settled position of law as stated above, the present Petition is not maintainable under Section 142 the Electricity Act, 2003 as against the Respondent No. 2-RWA.

#### PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

- A. Dismiss the present execution petition insofar as it pertains to Respondent No. 2 – Uniworld Gardens II Apartment Owners Association, holding that the directions relating to issuance of electricity bills and collection thereof are inexecutable and beyond the control of Respondent No. 2; AND
- B. Recall, set aside and/or modify the order dated 29.02.2024 to the limited extent it fastens liability or imposes any penalty upon Respondent No. 2, there being no wilful non-compliance on its part; AND
- C. Hold that the obligation to issue correct electricity bills and undertake refunds/adjustments lies upon Respondent No. 1 – Unitech Realty Pvt. Ltd., being the entity actually undertaking billing and collection from individual residents; AND
- D. Direct to Respondent No. 1 to maintain separate and distinct accounting record and bank accounts for electricity charges and for CAM-related charges; AND
- E. Pass such other and further order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

**17. Written submissions of petitioner:**

17.1 That, the Case - HERC/ P- 57 OF2024 is an Execution Petition and having the proceedings so far and the submissions and replies of the Respondents particularly No. 1 and 2; none of the Respondents have reported any execution of the orders Dated- 29-02-2024 nor shown any intent to execute the same.

Rather, they have been indulged in delay tactics and kept wasting time of the Hon'ble HERC taking the Hon'ble commission for granted.

The Respondents are indulged in repeated acts of contempt by flouting and violating Electricity Acts and directions of the Hon'ble Commission.

17.2 The Hon'ble HERC vide it's interim orders Dated-15-10-2025 had directed the Chairman or any designated member of the board (of Respondent No-1) as appointed by the Supreme Court to appear before the commission to explain the compliance status. But, neither the Chairman nor any board members (of the Respondent no 1) appeared before the Hon'ble HERC on scheduled date of hearing 17-12-2025, instead only a junior legal executive represented them; once again committing an act of contempt and inflicting insult to the Hon'ble HERC by disrespectful act of Respondent No.1.

17.3 As recorded in the Interim Order Dated 17-12-2025, the authorized representative of Respondent No. 1 submitted a reply before the Hon'ble Commission on the status of the execution of orders claiming the same have been complied with which is absolutely wrong and a document of brazen lies.

Having scrutinized the reply on execution status filed by the Respondent No. 1 and the orders of the Hon'ble CGRF Gurugram Dated- 02-0-2022 and Hon'ble HERC, Dated-2-02-2024 the following astonishing facts have emerged.

The fact remains that nothing as ordered have been complied, only lies have been served through this reply on compliance status as explained with evidence below:

A. As directed by the Hon'ble CGRF in Annexure-02, CGRF orders- page 62 para 2 of the petition, The Tariff order of HERC applying all the telescopic tariff rates as applicable on the basis of individual's consumption has not been implemented so far.

The Respondent No. 1 continues charge higher rates as confirmed by the SDO (OP) S/DIVN. S ROAD, DHBVN in his report page 54 of the petition and as can be reverified through the recent bill raised and notice issued by the R-1 in Annexure- 01A, 04A and 05 as annexed herewith. According to the recent bill the R-1 is charging @6.85 against the purchase price @5.80 and also availing 4% rebate on recorded MDI.

B. As directed by the Hon'ble CGRF in Annexure-02, CGRF orders- page 63 para 6 of the petition, The bills as not been issued as per the HERC tariff order, have not been rebilled and corrected so far and issued to the individual consumers.

This leaves behind huge difference of higher tariff rates and illegal fixed charges charged over a period of eight years till date

amounting to 50 crores, which needs to be refunded to the consumers.

The same is confirmed by the SDO (OP) S/DIVN. S ROAD, DHBVN in his report page 54 of the petition.

- C. As directed by the Hon'able CGRF in Annexure-02, CGRF orders- page 63 para 4 of the petition, The amount of Rupees 23 lacs refunded by the DHBVN have not been credited to individual resident/consumer's account.

The fact remains that both R-1 and R-2 owes Rs. 60 lacs on this account.

- D. As directed by the Hon'able CGRF in Annexure-02, CGRF orders- page 63 para 9 of the petition, No checking and sealing of diesel generator report have been ever shared with the consumers to establish transparency.

- E. The so called compliance of raising bills as claimed in the reply, as per described formats A and B is done only with the intention of hiding illegal fixed charges from the main bill which are no transferred to DG bill. Annexure-01B and 04B.

- F. That vide order Dated: 29-02-2024, the Hon. HERC have passed orders (Annexure- 03 of the petition, page 71-92) to be complied by the respondents in due course of time specifically mentioned in the order against each item as highlighted below:

Under the head "Commission's Analysis and Order" in para 15 "Consequently, the Commission directs respondent developer and RWA to:

- a) Comply with the order of the CGRF, DHBVN in toto within 30 days of issue of this order.
- b) Refund any excess amount charged or refunded by DHBVN to the residents proportionately from next billing cycle.
- c) Issue correct bills as per formats prescribed in single point supply Regulations, 2020 and applicable tariff as per directions of the Commission.

The Respondent No. 1 shut its eyes and chose not to comply with the orders of the Hon'ble HERC.

- G. The Hon'ble HERC mindful of its obligations to uphold the integrity of the regulatory framework and ensure consumer protection imposed the following penalty in its order Dated-29-02-2024.

Under the head "Commission's Analysis and Order" in para 13, the Hon'ble Commission ordered:

*".....Therefore, the Commission, mindful of its obligation to uphold the integrity of regulatory framework and ensure consumer protection, hereby imposes a penalty of Rs. 50000/- on RWA (Respondent No.2) as a consequence of wilful non-compliance with the CGRF's order regarding the issuance of correct bills as per tariff order of the Commission and refund of any excess amounts already charged".*

In para 16, the Hon'ble Commission further ordered:

*“In the event of persistent non-compliance with the CGRF’s order, an additional penalty of six thousand rupees shall be imposed for each day as per Electricity Act 2003”.*

It is very unfortunate that the respondents have not complied with the said orders since the pronouncement of the orders Dated 29-02-2024, even the above penalties have not been paid.

H. That, the justifications given by the Respondent No.1 in the reply on execution are absurd and irresponsible.

Shifting the blame of raising wrong bills on Respondent No. 2 and a vendor hired by them itself is ridiculous.

Respondent No. 1 enjoy full authority to get any changes in the bills. Recently they illegally received Rupees 15 lacs as arrears from the consumers by generating bills through the same vendor by tempering and forging the internal setting of the electricity bills. Annexure- 02.

I. The Respondent No.2 have no authority to consume money belonging to the electricity consumers by transfer to Respondent No.1 for any work. Hon’ble CGRF and HERC have over ruled this justification in their orders.

J. That the Respondent no 1 kept repeating their stance on Supreme Court judgement and were trying to hide behind the Hon’ble Supreme Court under the garb of moratorium, whereas the top court have never granted any leave and omission to violate HERC Regulations and indulge in money laundering in connivance with Respondent no 2.

K. It is pertinent to mention here that, the Respondent no 1 is complying all the norms and regulations of all other Authorities, Regulators, Boards including Environment ,Town and Country Planning, Pollution, Banking, EPF and SEBI but choose to mock, disobey and demean the Hon’ble HERC. Recently R-1 pleaded before the Hon’ble Supreme Court for approval Rs 52 Cr to be paid into the EPF account in order to make mandatory compliances.

17.4 The reply on compliance status pleads guilty and confirm deep conspiracy and connivance between R-1 and R-2. Respondent No. 2 have been constantly pleading that they have no role except connection been in their name but the reply on compliance status clearly establish that they are working hand in glove with Respondent NO.1 by entering into agreements and hold powers to approve bills and payments. It is a quid pro quo arrangement between both the parties.

17.5 That in the order Dated -29/02/2024 the Hon’ble HERC equally held Respondent No. 2 responsible for all the violations taken place and non compliance of the orders, the petitioner would pray before Hon’ble Commission to recall the observations of the Hon’ble HERC in its order Dated: 29-02-2024 as follows:

*(i) para 10- “the Commission holds the RWA jointly responsible and severally liable for raising correct electricity bills in accordance with the prevailing regulations and it is noted that respondent RWA has full responsibility for the accurate generation and issuance of electricity*

*bills. Despite any attempt to shift this responsibility onto the developer. It is imperative that the RWA has failed in its duty in the line with regulatory requirements.”*

*(ii). para 11, “The Commission observes that the respondent RWA’s absence during the proceedings and their failure to submit a formal reply signify a casual approach towards compliance with the legal obligations enriched as per regulations. This disregard for procedural requirements raises concerns regarding respondent’s commitment in upholding the rule of law and addressing grievances in accordance with established procedures.*

*(iii). para 13, “Despite being afforded ample opportunities for compliance of CGRF’s Orders, it is regrettable to note that the respondent RWA has failed to adhere to the directives issued by this Commission.”*

17.6 That on hearing Dated-23/04/2025; the Respondent no-2 submitted another reply under the garb of first reply being supplied as advance copy but upon checking it is found that the second reply is different in content. The change in the content is a fraud enacted on the court and further, non deposit of late fee doesn't entitle the respondent to file a second reply rather it forfeits any opportunity to file a reply; both the actions invite contempt action by the Hon'ble HERC.

17.7 That the Respondents 3-6 have been acting like an associate of R-1 and R-2 throughout this case. They are also facing contempt as; as they failed to comply with the direction of the Hon'ble Commission to seek clarification in specific terms of this case; in interim orders Dt. 25/01/2023, para 4 / page 83-84 of the petition, this Hon'ble court directed as follows:

*"In the interest of the consumers of the state, DHBVN is therefore, directed to approach the Hon'ble Supreme Court within four weeks and seek appropriate clarifications with regard to the effect of the order of the Supreme Court declaring moratorium on the issue of raising of electricity bills by them in violation of the applicable regulations, their statutory duties - past , present and obligations in accordance with the HERC Regulations."*

The respondents 3-6 never filed any such a clarification application before the Apex court as directed by the Hon'ble commission and kept telling lies before the Hon'ble HERC that they have complied with the direction. They deserved to be penalized for contempt of the commission.

17.8 That the Respondent 3-6 also did not took cognizance of subletting the electricity from R-2 to R-1 under the relevant sections and provisions of the Electricity Acts despite the petitioner submitting several complaints.

17.9 That the petitioner also hereby reiterate each and every content as mentioned in the original petition in Case No. HERC/ P- No.57 of 2024 and once again pray before the Hon'ble HERC to grant relief as prayed there in.

## PRAYERS

1. Kindly direct to freeze property/bank accounts of the Respondent no. 1 and 2, till the orders of Hon'ble HERC at Panchkula Dated 29-02-2024 are complied with.
2. Kindly issue directions to get the orders of the Hon'ble Commission Dated 29- 02- 2024, executed in accordance with the provisions of the Electricity Acts by invoking Section 146 or even harsher measures.
3. Kindly take the necessary legal action of civil imprisonment against the Respondent No.1 (Chairman and other Board members) and Respondent no.2 (RWA office bearers).
4. Kindly levy heavy cost on respondent 1, 2 and 3 for being a habitual and repeat offender, committing contempt and showing disrespect to the law by not implementing the 29-02-2024 orders.
5. Kindly black list Respondent No. 1 for a stay on all their future electricity connections till they fall in line.
6. Kindly ask R-1, R-2 and R-3 to pay a compensation of Rs. 10 lacs each to the petitioner for incurring financial cost of single handedly fighting for the cause of consumers since last 5 years and physical sufferings being a senior citizen and mental agony.
7. Any other relief this Hon'ble Commission deem fit may also be awarded in the interest of the justice.

### **Commission's Order:**

1. The present execution petition has been instituted seeking enforcement of the final order dated **29.02.2024** passed by this Commission in Petition No. HERC/15 of 2023, whereby specific directions were issued to Respondent Nos. 1 and 2 relating to electricity billing, refund of excess amounts collected, and payment of penalty for established non-compliance with the statutory framework governing Single Point Supply.
2. At the threshold, it is necessary to delineate the **scope and limits of execution jurisdiction**. Execution proceedings are not a forum for re-agitation of issues already adjudicated, nor can they be converted into a collateral challenge to a final regulatory determination. The only enquiry permissible is **whether the order has been complied with**, and if not, **how compliance is to be secured in accordance with law**.
3. This Commission exercises execution jurisdiction not merely as an adjunct to its adjudicatory role, but as an essential facet of its statutory mandate. A regulatory order which cannot be enforced ceases to be law and degenerates into advice—an outcome wholly impermissible under the Electricity Act, 2003.
4. The dispute originates from electricity supply to a group housing society operating under the **Single Point Supply (SPS) mechanism**, governed by

the Electricity Act, 2003, tariff orders issued by this Commission, and the HERC (Single Point Supply) Regulations, 2020.

5. The petitioner, an individual consumer, approached the Consumer Grievance Redressal Forum (CGRF), DHBVN, alleging systematic over-charging, incorrect application of tariff slabs, levy of unauthorised standing charges, and retention of consumer monies refunded by the distribution licensee.
6. The CGRF, by order dated **02.09.2022**, allowed the complaint and issued categorical directions requiring lawful billing strictly in accordance with tariff and regulations. That order was neither stayed nor set aside.
7. Despite the CGRF order attaining finality, the Developer and the RWA continued billing practices contrary to law, compelling the petitioner to invoke this Commission's jurisdiction under Sections 142 and 146 of the Act.
8. After extensive hearings, this Commission passed a **reasoned and speaking order dated 29.02.2024**, holding that such conduct to be in clear violation of the Electricity Act, tariff orders and Single Point Supply Regulations, and issued **time-bound directions for correction of billing, refund of excess amounts, and cessation of unlawful practices**. A penalty of ₹50,000 was imposed, with a continuing daily penalty of ₹6,000 for non-compliance beyond the stipulated period.
9. Further, the material placed on record in the present execution proceedings establishes that revised bills have not been issued in conformity with the order; refunds have not been made; unlawful billing has continued even after expiry of the compliance period. The said default is not isolated or technical. It is **continuing, systemic and deliberate**, resulting in recurring financial injury to consumers on a monthly basis.
10. In the above factual backdrop, the reliance placed by Respondent No. 1 on the plea of moratorium is wholly misconceived, both in law and doctrine, for the following reasons:
  - a. The Electricity Act, 2003 establishes a comprehensive regulatory framework wherein State Commissions are vested with plenary powers over tariff determination, supply conditions, billing discipline, and consumer protection. The Act is not merely adjudicatory but regulatory and supervisory in character, intended to ensure orderly development, transparency, and discipline in the electricity sector.
  - b. The Hon'ble Supreme Court in PTC India Ltd. v. Central Electricity Regulatory Commission, (2010) 4 SCC 603, held that: "The Regulatory

Commission is not a mere adjudicatory body. It is a statutory regulator with wide-ranging powers to frame regulations, enforce compliance and ensure discipline in the electricity sector.” Accordingly, once a Commission passes a final order within its jurisdiction, compliance is mandatory, and execution is not a matter of grace but of statutory obligation. Any interpretation permitting regulated entities to disregard binding regulatory directions would undermine the very foundation of the Electricity Act, 2003.

- c. The order dated 29.02.2024 was passed after due notice, repeated opportunities, and consideration of all material on record. It has attained finality, having neither been stayed, modified, nor set aside by any superior forum. The present proceedings are therefore purely executory, and no defence touching upon merits or jurisdiction is maintainable at this stage.
- d. Respondent No. 1 seeks to resist execution solely on the basis of a so-called moratorium flowing from the Supreme Court’s orders in *Bhupinder Singh v. Unitech Limited*. At the outset, it is recorded that this moratorium is not a statutory moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016. It is a case-specific, court-crafted protective arrangement, intended only to facilitate corporate restructuring.
- e. The Supreme Court in *Alchemist Asset Reconstruction Co. Ltd. v. Hotel Gaudavan Pvt. Ltd.*, (2018) 16 SCC 94, has clarified that the effect of such a moratorium is confined to the statutory framework under which it arises and cannot be extended to nullify independent statutory obligations under a separate enactment.
- f. Obligations under the Electricity Act particularly tariff compliance, lawful billing, and consumer protection are public law duties, not mere contractual or financial obligations. As held in *BSES Ltd. v. Tata Power Co. Ltd.*, (2004) 1 SCC 195: “Electricity supply is a matter of public interest and statutory control. Private arrangements cannot override the regulatory framework or tariff discipline imposed by law.”
- g. A moratorium, even if valid, cannot legitimise continuing statutory illegality, particularly in a sector providing essential public services. The Electricity Act is a special statute governing a critical public utility. Any moratorium must be construed harmoniously so as not to defeat its purpose, and to preserve the authority and efficacy of the regulator, as emphasised in *PTC India Ltd.*

- h. Obligations relating to correct tariff application, lawful billing, and refund of excess amounts are continuing public law duties. Each billing cycle in violation of tariff orders or regulations constitutes a fresh cause of action and a continuing wrong. A moratorium cannot be used to perpetuate ongoing statutory violations.
- i. Acceptance of the respondent's contention would lead to impermissible consequences, including indefinite continuation of unlawful billing, unenforceability of tariff orders, and collapse of consumer protection. Such an interpretation would be contrary to legislative intent, public policy, and settled law.

For all these reasons, the plea of moratorium is rejected in toto as legally untenable, doctrinally unsound, and destructive of the statutory scheme of the Electricity Act, 2003.

- 11. Consequently, continued billing in violation of tariff orders and Single Point Supply Regulations cannot be immunized by lapse of time, pendency of proceedings, or inter se arrangements between private entities. The RWA is not a passive entity. Under the *ibid* Regulations, it functions as the interface between the licensee and individual consumers, and is statutorily bound to ensure lawful billing and transparent pass-through of charges. The RWA's attempt to distance itself from responsibility is contrary to both the regulatory framework and its own conduct. Liability in execution is **joint and several**, as already determined. Sections 142 and 146 of the Electricity Act are not punitive provisions alone but are integral to the regulatory enforcement architecture; they are **enforcement tools** designed to ensure obedience to regulatory orders. Additionally, Section 56, read with the tariff framework, empowers the regulatory system to prevent unlawful recovery and to restore consumers to their lawful position. Execution is therefore not discretionary but **mandatory once non-compliance is established**.
- 12. This Commission accordingly records a categorical finding that the order dated 29.02.2024 has attained finality; respondents have wilfully failed to comply; the moratorium defence is untenable; continued unlawful billing constitutes a continuing wrong warranting coercive action. Therefore, in exercise of powers under Sections 94, 142 and 146 of the Electricity Act, 2003, this Commission hereby directs:
  - a. Respondent Nos. 1 and 2 shall **forthwith** implement the order dated 29.02.2024 in its entirety.

- b. Revised bills strictly in accordance with applicable tariff, Single Point Supply Regulations, and UBS shall be issued within **15 days**.
- c. All excess amounts collected shall be refunded proportionately and transparently.
- d. The penalty of ₹50,000 stands reaffirmed, and the continuing penalty of ₹6,000 per day stands attracted from 29.03.2024 till actual compliance.
- e. In the event of failure to deposit the penalty within 10 days, the **concerned Sub-Divisional Officer / Executive Engineer (Operations), DHBVN** shall initiate recovery of the amount in accordance with the applicable revenue recovery rules of the state as arrears of land revenue. The said field officers shall also ensure that no billing in the society is carried out except in strict conformity with law and regulations. MD DHBVN is directed to issue necessary directions to concerned officers for strict compliance of the orders

This order shall operate as a **guiding precedent** for all similarly placed entities within the jurisdiction of this Commission.

**Execution Petition is ALLOWED.**

**Ordered accordingly.**

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 27/02/2026.

<b>Date:</b> 27/02/2026	Sd/- <b>(Shiv Kumar)</b>	Sd/- <b>(Mukesh Garg)</b>	Sd/- <b>(Nand Lal Sharma)</b>
<b>Place:</b> Panchkula	<b>Member</b>	<b>Member</b>	<b>Chairman</b>