

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

Case No. HERC/P. No. 87 of 2025

Date of Hearing : 17/04/2026

Date of Order : 30/04/2026

IN THE MATTER OF:

Complaint under section 142, read with section 146 & section 149 of the Electricity Act,2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulations,2020 for imposing penalty u/s 142 and institution of complaint u/s 146 of the Electricity Act, 2003 on account of non compliance of the order/ direction passed by Ld. Corporate Forum for Redressal of Consumer Grievances (CGRF) Gurugram as well as continuing failure to comply with the direction of order number 4916-2025 dated 30-07-2025 by respondent(s) and for direction(s) to ensure strict compliance of the direction issued by the Corporate CGRF DHBVN Gurgaon vide order dated 30-07-2025 and to impose the penalty as per HERC (Standard of Performance of Distribution Licensee and Determination of Compensation) Regulation 2020 Schedule - II Sub Clause 2.

Petitioner

M/s Krishana Builder, Regd.at 301-A, Ring Road Mall, Deepali Chowk, Rohini, Sector-III, New Delhi.

VERSUS

Respondent:

Dakshin Haryana Bijli Vitran Nigam Limited through its

1. SDO 'OP' Sub Division, DHBVN, Maharaja Agrasen Road, Sohna
2. XEN 'OP' Division Sohna, DHBVN, Maharaja Agrasen Road, Sohna.
3. SE OP Circle -2, DHBVN, Mahrauli Road, Gurgaon

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate

On behalf of the Respondent

1. Sh. Raheel Kohli, Advocate
2. Sh. Rajesh Kaushik, SDO, DUBVN

QUORUM

Shri Nand Lal Sharma, Chairman

Shri Mukesh Garg, Member

Shri Shiv Kumar, Member

ORDER

1. **Petition:**

- 1.1 That M/s Krishna Builder is a proprietorship firm (hereinafter referred to as firm) having its registered office at 301-A, Ring Road Mall, Deepali Chowk, Rohini, Sector-III, New Delhi-110085.
- 1.2 Mr. Praveen Mittal is the prop of M/s Krishna Builder (hereinafter referred to as complainant).
- 1.3 That LOI for balance internal civil, Horticulture & MEP works at Alder Grove Vilas, Sector 71 Gurgaon Haryana was issued in favour of M/s Krishna Builder on dated 13th May-2025.
- 1.4 That the firm started the construction activity on the site i.e Alder Grove Vilas, Sector-71 Gurgaon, applied for temporary connection on 17-March-2025 but the same was rejected by the respondent on the ground BG not submitted as per EP clause Plain No 12 and connection not applied by builder.
- 1.5 That aggrieved with this the complainant filed a complaint before Ld. CGRF DHBVN GURGAON and prayed :
 - i. Direct the respondent to immediately release the temporary connection without depositing any BG, just for construction purpose to complete the project.
 - ii. Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favor of complainant in the interest of Justice.
- 1.6 The Ld. Corporate CGRF DHBVN Gurgaon disposed off the case. The order passed by the CGRF held as under:

“After hearing both the parties and perusal of the records submitted by them forum observed that Hon'ble Supreme Court, in its order dated 20.01.2020 in the case of Bhupinder Singh Vs. Unitech Ltd. (Civil Appeal No. 10856/2016), issued a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. Reliance is also placed on decision dt. 25.1.23 of HERC wrt Petition 46 of 2022 filed by DHBVN against Unitech for recovery of BG as in instant case and detailed above; particularly para v, vi, vi of decision.

In view of above, Forum is of view that at present DHBVN cannot initiate any proceeding against UNITECH for recovery of any dues or even ask for as done by SDO in instant case., ignoring Supreme court moratorium and HERC decision referred above Vide letter dt. 9.5.24 to SE /OP Gurugram, CE/commercial has referred to above decision of HERC vide para xi to seek clarification from Supreme Court in the matter of BG which should be complied by SDO/op. Sohna Road, Gurugram in instant case. SDO has though informed that DHBVN had filed an IA no. 17699/2023 in Honorable Supreme Court for seeking clarification in the matter.

The work for completion of halted project was allotted to M/s Krishna Builder in the interest of Home Buyers as per the directions of Hon'ble Apex Court. M/s Krishna Builder applied for temporary connection just for the construction purpose of the halted project. The submission submitted by DHBVN regarding Bank Guarantee is for permanent

connection and that too as per the Electrification plan submitted by the M/s Unitech. Nigam can recover / collect that amount at the time of giving permanent connection to M/s Unitech.

The SDO/OP. DHBVN is directed to allow a temporary connection of 15 KW to M/s Krishna Builder for a period of 6 months and further it can be extended for another 6 months after reviewal of the construction status,

M/s Krishna Builder is required to submit an indemnity bond, wherein he will submit that the connection is for construction purpose only and M/s Krishna Builder will submit the monthly progress report of the project with the DHBVN.

The case is closed. No cost on either side.”

- 1.7 That the order dated 30.07.2025 is to be complied with in 21 days i.e by 21.08.2025 but the order has not been complied with so far.
- 1.8 That the respondent has failed to comply with the order passed by Ld. Corporate CGRF DHBVN Gurgaon and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 30.07.2025
- 1.9 *Electricity Act, 2003- Section 142 “Punishment for Non-Compliance of directions by Appropriate Commission): in case any complaint is filed before the Appropriate Commission by any person or if that Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made, thereunder; or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed One Lakh Rupees for each contravention and in case if a continuing failure with an additional penalty which may extend to Six Thousand rupees for every day during which the failure continues after contravention of the first direction.*
- 1.10 *Section 146: “Punishment for Non-Compliance of orders or directions- Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:
(Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.)*
- 1.11 *Section 149 (1) Where an offence under this act has been committed by a company, every person who at the time the offence was committed*

was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:

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

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

1.12 Regulation 2.32 of HERC (Forum and Ombudsman) Regulations, 2020 (Regulation 2.32):

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

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

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

1.14 That as per HERC Fee regulations 10-2005 with its subsequent amendment(s), the connection of the complainant of is for residential Domestic Site and the court fees for the same is Nil.

Prayer:-

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

- i. Admit the petition for urgent hearing ;
- ii. Direct the respondent(s) to comply with order passed by the Ld. Corporate CGRF DHBVN vide order dated 30.07.2025

And:

- iii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 30.07.2025 as well as continuing failure to comply with the directions and pay the dues to the complainant.

And:

- iv. To direct institution of complaint under Section 142 RW Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 30.07.2025 as well as continuing failure to comply with the directions against the respondent SDO.

And:

- v. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.

And:

- vi. To award the penalty imposed on respondent(s) in favour of the complainant- petitioner.

And:

- vii. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.

And:

- viii. To allow any other relief as deemed fit by the hon'ble Commission.

2. The case was heard on 03/12/2025, Sh. Sattar Khan, XEN submitted that the petitioner has not applied for temporary connection till date. Sh.Akshay Gupta counsel for the petitioner submitted that the initial application filed was rejected and the Nigam is not accepting the fresh application despite the petitioner visiting SDO's office several times. The XEN submitted that the application is required to be submitted online only with indemnity bond alongwith ACD etc. as per CGRF directions. The Commission observes that the connection has not been released till date even after lapse of approx. six months. To the query of the Commission, the XEN submitted that the connection will be released within a week from the date of application. The Commission adjourns the matter and directs the petitioner to submit online application alongwith indemnity bond and ACD and the respondent to release the connection within a week thereafter with intimation to the Commission. Further the respondent to file its reply within two (2) weeks, with advance copy to the petitioner and petitioner to file its rejoinder thereafter.

3. Reply of DHBVN received on 23/12/2025:

3.1 The present reply is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN") in response to the above captioned petition

and all submissions are made in the alternative and without prejudice to each other. All allegations made by the Petitioner are denied in totality and the same may be treated as a denial as if it was made in seriatim. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.

- 3.2 It is utmost relevant to mention that the present petition is not maintainable, as DHBVN is not in violation of the order dated 30.07.2025 passed by the Consumer Grievance Redressal Forum ("CGRF"). The relevant portion of the CGRF Order is excerpted below:

the SDO/OP DHBVN directed to allow a temporary connection of 15 kW to M/s Krishna Builder for a period of 6 months and further it can be extended for another 6 months after reviewal of the status.
M/S Krishna Builder is required to submit an indemnity bond, wherein he will submit that the connection is for construction purpose only and M/S Krishna Builder will submit monthly progress report of the project with the DHBVN

In terms of the above excerpted portion, CGRF has directed the SDO/OP, DHBVN to grant a temporary electricity connection of 15 kW to the Petitioner, subject to submission of an indemnity bond confirming that the connection shall be used exclusively for construction purposes and that monthly project progress reports shall be submitted to DHBVN. Upon compliance, the temporary connection shall be granted for a period of six months, which may be extended by a further six months after review of the construction status.

- 3.3 It is respectfully submitted that the Petitioner, without fulfilling its obligations under the directions issued by the CGRF—which constituted a condition precedent to any corresponding compliance by DHBVN—and without submitting a fresh application for release of a temporary connection, has directly approached this Hon'ble Commission, erroneously alleging non-compliance of the CGRF Order on the part of DHBVN. In the absence of any act of noncompliance on the part of DHBVN, the present petition is wholly misconceived, not maintainable in law, and liable to be dismissed with exemplary costs. The proceedings constitute a textbook instance of abuse and misuse of the jurisdiction of this Hon'ble Commission, having been initiated with an ulterior and oblique motive to procure directions against DHBVN while consciously evading compliance with the Petitioner's own obligations under the CGRF Order.
- 3.4 It is respectfully submitted that subsequent to the hearing in the captioned matter held on 03.12.2025, the Petitioner applied for a fresh temporary connection and submitted the requisite indemnity bond in compliance with the CGRF Order. Accordingly, without prejudice to the foregoing submissions and without prejudice to its rights and contentions, including the right to challenge the CGRF Order dated 30.07.2025, DHBVN released the temporary electricity

connection to the Petitioner on 08.12.2025. Copy of the Petitioner connection application, indemnity bond and service connection order is attached.

In light of the above submissions, this Hon'ble Commission may be pleased to dismiss the present petition in relation to DHBVN.

4. The case was heard on 06/01/2026, the Commission was apprised that Sh.Akshay Gupta counsel for the petitioner vide Email dated 06/01/2026 has intimated that due to dense fog in NCR region he is unable to attend today's hearings and requested for adjournment. Sh.Raheel Kohli counsel for the respondent submitted that the compliance to the Commission's orders has been made and the temporary connection has been released. The Commission adjourns the matter and directs the petitioner to submit his averments, if any, before next date of hearing.
5. The case was heard on 07/04/2026, Sh.Akshay Gupta counsel for the petitioner requested for some time to file the rejoinder. Acceding to the request of petitioner, the Commission adjourns the matter and directs the petitioner to submit its rejoinder within one week with advance copy to respondents.

6. Rejoinder received on 14/04/2026:

- 6.1 That at the outset all the contentions, adverts and statements made by the Respondents in the replies are denied and nothing therein shall be deemed as admitted by the Petitioners, by reason of non-traverse or otherwise, unless specifically admitted hereinafter. It is submitted that the replies filed by Respondents is nothing but a misuse of the process of law and is devoid of any merits and is therefore liable to be dismissed.
- 6.2 That the Petitioner reserves the right to file additional evidence, including, but not limited to, additional documents and witnesses as well as the expert opinion, should the same become inevitable at any stage of the proceedings and/or arising out of the further submissions made by the respondents.
- 6.3 The contents in para 2 of the reply is wrong, misconceived and hence denied.
 - i. It is submitted that the Respondent has deliberately misinterpreted and selectively reproduced the order dated 30.07.2025 passed by the Ld. CGRF. A plain reading of the said order clearly establishes that the Respondent was categorically directed to release a temporary electricity connection of 15 KW to the Petitioner, and the requirement of submission of an indemnity bond and progress reports was merely procedural in nature and not intended to defeat or delay the implementation of the order.
 - ii. It is further submitted that the CGRF order was required to be complied with within 21 days in terms of Regulation 2.32 of the HERC (Forum & Ombudsman) Regulations, 2020. However, the

- Respondent failed to comply with the said order within the stipulated period, thereby clearly committing non-compliance.
- iii. The Respondent cannot take shelter under hyper-technical objections regarding alleged non-submission of documents to justify its failure to comply with a binding order. The Petitioner was always ready and willing to comply with all procedural requirements, and the Respondent was under a statutory obligation to facilitate and implement the CGRF order in a time-bound manner.
 - iv. It is therefore denied that the present petition is not maintainable or that the Respondent is not in violation of the CGRF order. On the contrary, the delay and inaction on the part of the Respondent clearly amount to violation and continuing non-compliance, attracting penal consequences under Section 142 of the Electricity Act, 2003.
- 6.4 Para 3 of the reply is false, misleading and hence denied.
- i. It is submitted that immediately after passing of the CGRF order dated 30.07.2025, the Petitioner made repeated visits to the office of the Respondent and requested compliance of the said order. The Petitioner also requested the Respondent to accept the indemnity bond and sought clarification, if any prescribed format was required. However, despite repeated efforts, the Respondent neither provided any guidance nor took any steps towards compliance.
 - ii. It is further submitted that the Respondent never issued any notice, letter, or communication to the Petitioner alleging non-submission of the indemnity bond or pointing out any deficiency. The complete absence of such communication clearly demonstrates that the Respondent had no intention to comply with the CGRF order and is now raising such pleas only as an afterthought to mislead this Hon'ble Commission.
 - iii. It is pertinent to submit that the present petition was filed by the Petitioner and thereafter, this Hon'ble Commission issued notice of motion and admitted the petition vide interim order dated 17.11.2025, directing the Respondent to appear and submit a compliance report.
 - iv. Even after issuance of notice and the said interim order, the Respondent did not issue any communication to the Petitioner for removal of any alleged deficiency or submission of indemnity bond. This conduct clearly establishes that the Respondent deliberately chose not to comply with the CGRF order.
 - v. It is further submitted that only after the matter was taken up by this Hon'ble Commission on 03.12.2025, directions were issued to the Respondent to release the connection within a stipulated period.
 - vi. Thus, the eventual release of connection was not voluntary, but was solely on account of directions issued by this Hon'ble Commission, which clearly proves the intentional and deliberate non-compliance on the part of the Respondent.
 - vii. The contention of the Respondent regarding requirement of a "fresh application" is arbitrary, contrary to the CGRF order, and legally

unsustainable. Once the CGRF had adjudicated the issue, the Respondent was bound to comply and could not impose additional hurdles.

- viii. The allegations that the present petition is misconceived or an abuse of process are baseless and denied. On the contrary, the Respondent has acted in blatant disregard of a binding order and is attempting to shift the burden of its own default upon the Petitioner.
 - ix. It is submitted that the Respondent cannot be permitted to take advantage of its own wrongs, and the present case squarely warrants action under Sections 142 and 146 of the Electricity Act, 2003.
- 6.5 It is further submitted that the delay caused on the part of the Respondent has had serious and far-reaching consequences, inasmuch as thousands of homebuyers awaiting possession of their flats in the stalled Unitech project have been adversely affected. The Petitioner was awarded the work for completion of the said halted project pursuant to directions of the Hon'ble Supreme Court, with the primary objective of expediting construction and ensuring timely delivery to homebuyers.
- 6.6 In these circumstances, the Respondent, being fully aware of the background and urgency of the project, ought to have acted in a fair, reasonable, and bona fide manner to facilitate compliance of the CGRF order. Instead, the Respondent adopted an obstructive approach by creating unnecessary procedural hurdles and delaying the release of the temporary electricity connection, thereby impeding the progress of construction.
- 6.7 It is pertinent to submit that the Hon'ble Supreme Court of India has, in relation to stalled Unitech projects (Bhupinder Singh Versus Unitech India), categorically deprecated any delay in completion and has issued strict directions to all concerned authorities, including State authorities, to ensure that no impediment is created in execution of such projects. The Hon'ble Court has further cautioned that any delaying tactics or non-cooperation in implementation of its directions would not be tolerated and that all authorities must act expeditiously in granting necessary approvals and clearances.
- 6.8 In light of the above, the conduct of the Respondent is not only contrary to the directions of the Ld. CGRF but also runs counter to the spirit of the directions issued by the Hon'ble Supreme Court, thereby warranting strict action by this Hon'ble Commission.
- 6.9 It is further submitted that the Respondent, in its reply, has annexed a copy of an indemnity bond; however, the said indemnity bond was inadvertently uploaded earlier and was subsequently withdrawn by the Petitioner. The Petitioner thereafter submitted a fresh and duly executed indemnity bond dated 08.12.2025 along with the requisite application in compliance with the directions of this Hon'ble Commission.

It is further submitted that the Petitioner had also duly intimated the Respondent vide letter dated 08.12.2025, clearly stating that the earlier indemnity bond was uploaded by mistake and requesting the

Respondent to consider the corrected indemnity bond submitted afresh. (Copy attached as Annexure E-1)

In view of the above, it is respectfully submitted that the fresh indemnity bond submitted by the Petitioner forms part of the record and may kindly be taken on record for proper adjudication of the present case. The reliance placed by the Respondent on the earlier indemnity bond is therefore misplaced, misleading, and liable to be rejected.

PRAYER

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

- a. Allow the present petition and hold that the Respondent has failed to comply with the order dated 30.07.2025 passed by the Ld. Corporate CGRF, DHBVN, Gurugram;
- b. Initiate appropriate proceedings under Section 142 of the Electricity Act, 2003 against the Respondent(s) for willful and deliberate non-compliance of the CGRF order and impose maximum penalty as deemed fit;

Commission's Order:

1. The case was heard on 17/04/2026, as scheduled, in the court room of the Commission.
2. At the outset, Sh. Raheel Kohli counsel for the petitioner submitted that the Order has been complied with and the connection has been released.
3. Sh. Akshay Gupta counsel for the petitioner highlighted the deliberate delay by the respondents.
4. The Commission examined the petition in detail along with the reply, additional submissions and rejoinder on record and heard the arguments of the Petitioner and Respondents in the above matter.
5. The issue raised in the petition is the respondent's failure to comply with this order within the 21-days ending 21/08/2025. The petitioner argued that the respondent's inaction forced them to seek intervention under Section 142, which allows for penalties up to One Lakh Rupees for contravention and additional fines for continuing failure.
6. In its written reply, DHBVN countered that the petition was not maintainable because compliance was conditional and the petitioner failed to submit the indemnity bond or a fresh online application. The respondent submitted that it only released the connection on 08/12/2025 after the petitioner finally complied with these procedural requirements.
7. The petitioner's rejoinder, received on 14th April 2026, refutes these claims as "hyper-technical" and "misleading," as the firm made repeated

visits to the SDO's office seeking guidance on the format. The eventual release of the connection was not voluntary but a direct result of the Commission's intervention during the 03/12/2025 hearing. This delay, according to the petitioner, directly impeded the progress of construction for thousands of homebuyers.

8. The Commission finds that while the primary grievance regarding the connection has been addressed and the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition. However, the dispute was primarily pertaining to non-compliance of the CGRF orders in timely manner. The negligence on the part of officials/officers of Respondent Nigam cannot be ignored.
9. The Commission, therefore, directs the respondent DHBVN to make payment of ₹50,000/- Court Fee deposited by the petitioner along with ₹15,000/- towards litigation expenses to the petitioner within 30 days from the date of this order.
10. MD, DHBVN is directed to order an enquiry for the said lapses and take appropriate action on the delinquent officers/officials for causing harassment to the consumer and to recover the monetary loss caused to the Nigam from such officers/officials and enquiry report be submitted for information of the Commission with in 3 months
11. The petition is disposed of, in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 30/04/2026.

Date: 30/04/2026	Sd/-	Sd/-	Sd/-
Place: Panchkula	(Shiv Kumar)	(Mukesh Garg)	(Nand Lal Sharma)
	Member	Member	Chairman