

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

**Case No. HERC/P. No. 57 of 2025**

**Date of Hearing : 08/04/2026**

**Date of Order : 30/04/2026**

**IN THE MATTER OF:**

**Complaint under Section 146 read with Section 149 of the Electricity Act, 2003 for institution of complaint U/S 146 and Section 149 of the Electricity Act, 2003 on account of non-compliance of the order/direction passed Haryana Electricity Regulatory Commission (HERC) vide order dated 05.03.2025.**

**Petitioner**

M/S Shri Balaji Oil Mill, Kania Road, Charkhi Dadri, Through its Prop. Sanjay Kumar.

VERSUS

**Respondent:**

1. Managing Director, DHBVN, Hisar
2. Director Operations, DHBVN, Hisar.
3. Chief Engineer/OP, DHBVN, Hisar.
4. XEN 'OP' Division, DHBVN, Charkhi Dadri.

**Present**

**On behalf of the Petitioner**

Sh. Akshay Gupta, Advocate

**On behalf of the Respondent.**

1. Sh. Raheel Kohli, Advocate
2. Sh. Vijendra Singh, SE, DHBVN
3. Sh. Aashish Sodhi, SDO, DHBVN

**QUORUM**

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

**ORDER**

**1. Petition:**

- 1.1 That M/s Shri Bala Ji Oil Mill (hereinafter referred to as firm) is a registered proprietorship firm having its address at Kanina Road, Charkhi Dadri, Haryana.
- 1.2 That Mr. Sanjay Kumar (hereinafter referred to as complainant petitioner) is the proprietor of the firm.

- 1.3 That the complainant petitioner is having an HT connection bearing account number 1422270000 in the name Sanjay.
- 1.4 That the complainant petitioner filed a complaint before HERC on dated 03-01-2024 and prayed:
- i. 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 dated 24.03.2023 as well as continuing failure to comply with the directions and pay the dues to the complainant.
  - ii. To direct institution of complaint under Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 24.03.2023 and submission made by respondent on 23.01.2023 as well as continuing failure to comply with the directions against the respondent SDO.
  - iii. To pass an order directing the respondent to comply with directions issued by the Ld. Forum vide order dated 24.03.2023.
  - iv. To award the penalty imposed on respondent in favour of the complainant- petitioner.
  - v. Direct respondent to pay Rs. 100000/- (Rs. One Lac only) as court fee and litigation expenses.
  - vi. To allow any other relief as deemed fit by the hon'ble Commission.
- 1.5 That Hon'ble Commission disposed off the case order of the commission held as under.

*In view of the above facts and discussions, the Commission observes that;*

*(a) In another case No. 3235 of 2020, CGRF vide order dated 01/03/2021 decided the ToD refund of Rs. 8,58,188/- for FY 2017-18 and 2018-19 with direction to initiate payment of interest on delayed ToD/ToU rebate as per Nigam's instructions within 15 days which was refunded on 05.02.2021. The interest @9% per annum for the above period is admissible to the petitioner as per sales Circular No. D-32/2019 which inter-alia contains "in case of arrears of such rebate, the responsibility of concerned officer/ official shall be fixed and the consumer shall be given the rebate along with the interest @9% per annum."*

*(b) The amount of Rs. 4,02,732/- has been adjusted on 06/09/2023 whereas it was paid on 29/09/2020. 33(c) Amount of Rs. 7,81,604/- (excess amount of half margin paid on 26/06/2021) was adjusted on 02/03/2024 that too after filing of petition.*

*The Commission observes that there has been inordinate delay in adjustment of amount paid by the petitioner at sr. no. (b & c) above. Therefore, the Commission decides that interest @9% per annum for the delayed period be paid to the petitioner by the respondent.*

*i) In view of the above, the Commission is in concurrence with the opinion of the committee that Rs. 49,065/- is recoverable from the consumer. Further, the respondent is directed to refund interest @9% per annum on above amounts at Sr. No. h) (a), (b) & (c) for the delayed period to the petitioner within 15 days of this order after adjusting the recoverable amount of Rs.49,065/-*

*j) The Commission observes that the dispute was primarily pertaining to discrepancies in billing, non-timely corrections, and inadequate surcharge adjustments. This is a case of negligence on the part of officials/officers of Respondent Nigam due to which the consumer had to suffer and had to knock the doors of CGRF for relief in the first instance and then had to approach the Commission for implementation of CGRF orders. Nigam has been burdened with interest and litigation charges in addition to wastage of valuable time of the officers/officials. Therefore, the Commission decides as under:*

*i. The respondent DHBVN is directed to pay ₹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.*

*ii. 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 shall recover the monetary loss caused to the Nigam from such officers/officials under intimation to the Commission.*

*k) The petition is disposed of, in above terms.*

- 1.6 That as per the direction(s) given by Hon'ble HERC the respondent should have refunded the refund interest @9% per annum on above amounts at Sr. No. h) (a), (b) & (c) for the delayed period to the petitioner within 15 days of this order after adjusting the recoverable amount of Rs.49,065/- (as mentioned in the order) The respondent should have refund the due refund as per the direction of the Commission. But respondent failed to follow the directions of commission, and no amount has been refunded so far.
- 1.7 That As per the order the respondent DHBVN was directed to pay ₹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.
- 1.8 The respondent should have refunded the above amount i.e Rs. 65,000 ( Rupees Sixty Five Thousand) by 05.04.2025.
- 1.9 But respondent failed to follow the directions of commission, and no amount has been refunded so far.
- 1.10 That there was no adjustment in the bills issued to complainant petitioner in April-2025 and May-2025.
- 1.11 Despite the clear direction (s) from HERC the respondent failed to adjust the due refund as per the order
- 1.12 The act of the respondent is deliberate and confirm his disobedience towards the order passed by the Commission.
- 1.13 That the respondent has failed to comply with the order passed by HERC and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 146 Read with Section 149 of Electricity Act-2003 for non-compliance of order passed by Hon'ble HERC.
- 1.14 *Section 146 of Electricity Act-2003: "Punishment for Non-Compliance of orders or directions- Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made*

*thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:*

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

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

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

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

1.15 That IA for fee exemption along with affidavit is filed.

Prayer: -

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

- i. Institution of complaint under Section 146 RW Section 149 of Electricity Act,2003 for failure to comply with the order / direction passed by the HERC vide order dated 05.03.2025.
- ii. Direct the respondent(s) to comply with the direction(s) given by HERC vide order dated 05.03.2025 and adjust the due refund as per the order.
- iii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 146 of Electricity Act 2003 for failure to comply with the order / direction passed by HERC on 05.03.2025 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.
- iv. To award the penalty imposed on respondent(s) in favor of the complainant- petitioner.
- v. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
- vi. To allow any other relief as deemed fit by the hon'ble Commission.

2. The case was heard on 15/10/2025, Sh. Akshay Gupta Counsel for the petitioner submitted that there is deliberate delay on the part of SDO in

compliance to the orders of the Commission. The SDO was member of the Committee and based on the report of the Committee the Commission has passed the order dated 05/03/2025 with clear instructions and amounts refundable and still the SDO has failed to comply with the order. The Commission observes that the consumer cases are not being defended properly. The officers are not following any SoPs and appearing unprepared even before the Commission. The lack of Co-ordination is clearly visible among officers of DHBVN. Despite, numerous directions imparted time to time and discussions with MDs DISCOMs in various forums, on non-compliance cases, DHBVN has miserably failed to ensure compliance of the orders of the Commission / CGRF. The Commission adjourns the matter and directs respondents to file the compliance report of the orders up to next billing cycle ending 15/11/2025 and its reply with advance copy to petitioner and petitioner to file its rejoinder within one week thereafter. Further, the Director (Operations), Director (Finance), SE/CBO and concerned SE/OP are directed to appear in person with details of cases where compliance is still pending.

3. The case was heard on 04/12/2025, The Commission taken a serious view of non-appearance of the Director (Operations), Director (Finance) and concerned SE/OP as called for personal appearance vide interim order dated 15/10/2025 and decided to issue show cause notice under section 142 of the Electricity Act, 2003 to all concerned. Further, the request of SE/OP dated 03/12/2025 regarding exemption from personal appearance was not granted as the commission observes that the directions are not complied with. Further, the order of the Commission dated 05/03/2025 has not been complied with in stipulated period even till date which shows that the officers are not serious for implementation of the CGRF / Commission's orders. To the query of the Commission, the Concerned XEN and SDO submitted that the action for challenging the order is already in process before Hon'ble High Court. The delay is due to prolonged communication with the offices of CBO and LR. The XEN, DHBVN also submitted a report in compliance to the order dated 15/10/2025. The Commission observed that the said report is not containing the details of communications made to CBO and LR office and has not been filed as required, thus adjourns the matter and directs respondents to file the detailed report of such cases where compliance has been made or still pending from 01/01/2025 to 30/11/2025 with date wise details of communications with different offices. Further, the

Director (Operations), Director (Finance), L.R., SE/CBO and concerned SE/OP along with XEN and SDO are directed to appear in person. The respondents are directed to submit the compliance report of HERC order dated 05/03/2025 before next date of hearing, with advance copy to petitioner.

4. The case was heard on 10/12/2025, At the outset, Sh. Raheel Kohli, counsel for the respondents submitted that the order has been complied. The report as per directions of the Commission for cases where compliance has been made or still pending from 01/01/2025 to 30/11/2025 (Pendency Report) with date wise details of communications with different offices has also been filed. The reply to the show cause notices will be submitted in prescribed time frame. The counsel for the petitioner submitted his satisfaction to the compliance report but requested to provide the copy of the pendency report submitted by the respondents. The Commission accepted the pendency report submitted by the respondents and conveyed their observations on the same to the officers present in the court. Further, the oral submissions of the Director/Operations and Directors/Finance were accepted and officers were exempted from submission of reply to the show cause notices. Accordingly, the matter was kept open and to come up next on 08/04/2026 for compliance of the directions issued in the similar matter regarding SoP in P.No. 72 of 2025 during hearing on 10/12/2025.

**5. Compliance Report Submitted on 10/12/2025:**

- 5.1 The present compliance is being filed on behalf of Dakshin Haryana Bijli Vitran Nigam Limited ("DHBVN") in terms of the order dated 04/12/2024 passed by this Hon'ble Court in the captioned matter, wherein DHBVN has been directed to showcase the compliance of order dated 05/03/2025 passed by this Hon'ble Commission in HERC/Petition No. 03 of 2024.
- 5.2 It is respectfully submitted that in compliance of order dated 05/03/2025, DHBVN initiated a refund of Rs. 383742/-. In this regard copy of the sundry dated 22.04.2025 and invoice dated 13/06/2025 are attached.
- 5.3 During the course of hearing on 15.10.2025, the petitioner's council submitted that interest on later refund of Tod amount @9% needs to be refunded year wise respectfully. Accordingly, DHBVN initiated the refund of Rs 33553/- as per the observation raised by the Petitioner. In this regard, reliance is placed on sundry dated 28/10/2025 and invoice dated 13/11/2025 and the same are attached. Pursuant there to, vide email dated 17/11/2025, the Petitioner's Counsel was informed regarding the said adjustment. Copy of the email dated 17/11/2025 is attached.

5.4 It is submitted that, during the course of hearing on 04/12/2025, the learned Counsel for the Petitioner appeared satisfied with the requisite adjustments made in favour of the Petitioner and did not, at that stage, indicate any concern regarding the implementation of the Order dated 05/03/2025 passed by this Hon'ble Commission in I-IERC/Petition No. 03 of 2024.

**Commission's Order:**

1. The case was heard on 08/04/2026 as per schedule in the court room of the Commission.
2. The Commission noted that DHBVN has issued Sales Instructions No. 01/2026 dated 07/01/2026 - Comprehensive Instructions and Standard Operating Procedure (SOP) for Consumer Grievance Redressal, Implementation of CGRF / Ombudsman / HERC Orders and Compliance with HERC Order No. 72 of 2025.
3. The Commission observes that the order of CGRF since has been complied with, nothing remains to be adjudicated in the present petition. DHBVN has issued requisite SoP as per directions of the Commission. 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.
4. 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.
5. 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.

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