



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109

Telephone No. 0172-2572299

Website: <https://herc.gov.in/Ombudsman/Ombudsman.aspx#>

E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 19/2012 (R)
Registered on: 30.09.2024
Date of order: 17.03.2025

In the matter of:

Appeal against the order dated 10.07.2014 of CGRF, DHBVNL, Hisar in case no. 574/2012.

Urban Improvement Company (P) Limited.
Versus

Appellant

1. The Managing Director, DHBVN Limited, Vidyut Sadan, Vidyut Nagar, Hisar.
2. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula.
3. The Chief Engineer 'Op', Delhi Zone.
4. The Superintending Engineer Operation, DHBVN, Faridabad.
5. The XEN (Operations), DHBVNL, Old Faridabad.
6. The SDO (Operations), DHBVNL, Mathura Road, Faridabad

Respondents

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Vaneet Soni, Advocate

Present on behalf of Respondents:

Shri Naresh Kumar, SDO 'Op.' DHBVNL, Mathura Road, Faridabad

ORDER

- A.** Hearing was held on 30.09.2024 in compliance to the order dated 28.08.2024 passed by Hon'ble Punjab and Haryana High Court in CWP No. 25536 of 2013 (O&M) vide which it has been directed to the Electricity Ombudsman to pass a fresh order in appeal No. 19 of 2012 after taking in to consideration the respective submissions advanced on behalf of the parties including subsequent developments that may have taken place such as various Court orders and the settlement between the parties. Both the parties were present. The counsel for the appellant requested to grant 04 weeks' time to file its submissions. Accordingly, the appellant is allowed 02 weeks' time to file the same with an advance copy to the respondent. The respondent is also directed to file reply within 10 days thereafter. The matter was adjourned for hearing on 05.11.2024.
- B.** Hearing was held on 05.11.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the appellant briefed the appeal and submitted that in terms of order dated 30.09.2024 passed by the Hon'ble Electricity Ombudsman, Panchkula, Haryana, the present appellant (Urban Improvement Co.) was allowed two weeks time to file the submissions on behalf of the appellant in furtherance to the order dated 28.08.2024 passed by the Hon'ble High Court. Since, the records pertaining to the captioned appeal relates from the year 2012-2013 onwards which are to be referred to file the present submissions on behalf of the appellant, therefore, the appellant was not being able to compile the records within the stipulated period of time granted by the Hon'ble Electricity Ombudsman, Panchkula, Haryana to file the present submissions. Thus, the delay in filing the present submissions on behalf of the appellant is neither intentional nor willful. The respondent SDO is directed to



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submit point wise reply within 10 days with an advance copy to the appellant. The matter was adjourned for hearing on 26.11.2024.

C. Hearing was held on 26.11.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the respondent requested for 2 weeks time being engaged recently. The respondent SDO is directed to submit point wise reply within 15 days with an advance copy to the appellant. Acceding to the request of the respondent, the matter was adjourned for hearing on 24.12.2024.

D. The counsel for the respondent on 23.12.2024 has submitted reply, which is reproduced as under:

1. The present submissions are being filed through Shri Naresh Kumar working as SDO 'Op.' DHBVNL, Mathura Road, Faridabad, who is competent to file the present submissions as well as fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record, on behalf of Dakshin Haryana Bijli Vitran Nigam (hereinafter to be referred as "Respondent" or "DHBVNL").

2. At the outset, it is submitted that, in light of the Order dated 28.08.2024 of Hon'ble Punjab and Haryana High Court and the subsequent developments, the issue requiring adjudication in the present appeal pertains to:

- a) The status of the electrical infrastructure in Greenfield Colony, Faridabad developed by the Appellant; and
- b) The details of the utilization of the amounts deposited by the Appellant for its development.

3. The submissions with respect to the aforementioned issue are as under: -

A. As per the DHBVN Instruction No. 8/2006/ P&D dated 17.07.2006, the load of Greenfield Colony, Faridabad has been worked out as under: -

No. of Plots of various sizes	3713
Load Calculated	82917 KW
After applying load factor of 0.6	49966 KW
Load already applied/sanctioned	6215 KW
Inadequacy of load	43451 KW

B. As per Sales Circular No. D- 15/2010 dated 14.12.2010, the load norms had to be shared in the ratio of 75:25 between the developing agencies and the DHBVN. In 2011, the total financial implication for the development of internal electrical infrastructure in the Greenfield Colony was calculated at Rs. 10.59 crore, of which Rs. 7.94 crore was to be deposited by the Appellant. The same was communicated to the Appellant vide memo dated 12.01.2011. However, due to the Appellant's delay or inability to deposit the said amount in a timely manner, the Respondent decided to halt improvement works in Greenfield Colony and suspend the release of new connections.



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- C. Aggrieved by the Respondent's decision to stop releasing new connections, new applicants filed a case before the Permanent Lok Adalat, Faridabad, seeking the release of their connections. The Permanent Lok Adalat, directed the Respondent to release the connections upon receiving additional charges of Rs. 30,000 from each applicant.
- D. Certain residents of the Colony also approached the Hon'ble Punjab and Haryana High Court and filed Civil Writ Petitions No. 16667 and 16767 of 2012, seeking the release of new connections. The Hon'ble High Court, vide its order dated 11.04.2013, directed the Respondent to release the new connections upon receiving Rs. 30,000 from each resident seeking such connection.
- E. On 17.01.2013, a meeting was conducted between the Respondent and the Chairman of the Appellant Company. During the meeting, the Appellant agreed to deposit Rs. 2 crore out of Rs. 7.94 crore (which was communicated to the Appellant by the Respondent in the year 2011 mentioned in Para B above) for augmentation/ construction of internal electrical infrastructure with the remaining amount to be paid subsequently in equal instalments. It was further agreed that the Appellant would transfer the land of Greenfield Colony and facilitate the construction of a new substation. The Appellant was directed to pay its share of the cost of the substation in a single instalment upon demand by HVPNL and to transfer the requisite land in favour of HVPNL for construction of sub-station. The load of Greenfield Colony was previously being catered to by two independent feeders from the 66 KV substation at Sector-46, Faridabad.
- F. In 2013, the cost of construction of the feeding line and the new substation (with a capacity of 2x25/31.5 MVA 66/11 KV) was worked out as approximately Rs. 8 crore. Thus, the total amount required to be deposited by the Appellant, including other related costs, was recalculated at Rs. 15.94 crore i.e. Rs. 8 Crore to be paid to HVPNL + Rs. 7.94 Crore to be paid to DHBVN.
- G. The Appellant deposited Rs. 2 crore on 19.03.2013. However, no further payments have been made by the Appellant since then. Further, the land for construction of substation was handed over by the Appellant only on 13.12.2017.
- H. A meeting dated 07.06.2017 was held between the Appellant and the Respondent wherein the Appellant showed their inability to deposit the requisite cost in one go and submitted that they can only do so by liquidating some of their asset.
- I. Due to delays in the deposit of funds and transfer of land by the Appellant, there had been significant escalation in prices for creation



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of the Greenfield 66 kV substation in Faridabad, along with the associated feeding lines. As on today, the cost involved in setting up of sub-station and feeding line to cater to the load of the Greenfield Colony as well as for the up-gradation of the distribution network is Rs. 23.91 Crores i.e. Rs. 15.97 crores (for sub-station and associated line) + Rs. 7.94 crores (for internal distribution network).

- J. Pursuant to the Order of the Hon'ble High Court dated 11.04.2013 and Order of Permanent Lok Adalat, an amount of Rs. 17,98,80,000 was received from the residents of the Colony towards release of connection. In addition, thereto, an amount of Rs. 2 crores was received from the Appellant Company on 19.03.2013. In view thereof, as of November 2024, the Respondent has received a total of Rs. 19,98,80,000 from the Appellant and residents for the development of electrical infrastructure.
- K. Considering the total expenditure requirements and the funds available, the Respondent initially deposited Rs. 10 crore with HVPNL for the construction of the substation and associated transmission lines.
- L. Out of total of Rs. 19,98,80,000 received by the Respondent, approximately Rs. 17 crore had been expended. The detailed breakup is as follows:

Particulars	Amount (in Rs.)
Amount deposited by the Respondent to the HVPNL for construction of substation and transmission line	10,00,00,000/-
Amount expended by the Respondent for upgrading the distribution network in Greenfield Colony	6,94,38,866/-
Total	16,94,38,866/-

- M. Further, break-up of the above mentioned figures are as under: -

Cost of Substation and transmission lines -

Particulars	Total Value of Purchase Order (in Rs.)	Cost to be paid by the Appellant for the works connected to Greenfield Colony (in Rs.)
HVPNL has issued a Purchase Order dated 12.01.2024 to M/s Jain Brothers for construction of 66 kV and 132 kV composite transmission line work in Faridabad and Karnal Area on turnkey basis	6,31,00,000/-	2,77,80,000/-
HVPNL has issued a Purchase Order dated 12.01.2024 to M/s Absolute Projects (India) Ltd. for supply, erection, civil, testing and commissioning for creation of 66 KV substation Greenfield, Faridabad with capacity 2x25/31.5 MVA, 66/11 kV T/Fs to be fed from 220 kV substations Sector-46/ Palla, Faridabad on turnkey basis	13,20,00,000/-	13,20,00,000/-
Total	19,51,00,000/-	15,97,80,000/-

The construction of the substation and transmission lines is currently under process and is estimated to be completed by 11.05.2024 and 09.02.2025, respectively. Reliance in this regard is placed upon the



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letter of the HVPNL dated 23.12.2024. The balance amount to be paid to HVPNL after adjusting the amount already deposited comes to Rs. 5,97,80,000.

Cost of amounts expended on Distribution Network for Greenfield Colony from 2013-14 till 2023-24 -

Financial Year	Amount (in Rs.)
2013-2014	1,57,37,664/-
2014-2015	45,83,606/-
2016-2017	22,16,121/-
2017-2018	47,25,245/-
2018-2019	92,35,073/-
2019-2020	15,06,792/-
2021-2022 and 2021-2022	1,17,80,931/-
2023-2024	1,96,53,434/-
Total	6,94,38,866/-

- N. It is pertinent to mention that certain balance works remain to be carried out by the Respondent and out of Rs. 7.94 crore estimated for the distribution network upgrade, the remaining amount will be utilized for those works.
- O. After considering the expenditures incurred by the Respondent and the amounts already paid to HVPNL, the balance amount remaining with the Respondent amounts to Rs. 3,04,41,134 (Rs. 19,98,80,000 – Rs. 16,94,38,866). From this balance, the Respondent intends to utilize Rs. 99,61,134 for the remaining works, leaving Rs. 2,04,80,000 available. Even after these adjustments, a payment of Rs. 3,93,00,000 (Rs. 5,97,80,000 – Rs. 2,04,80,000) remains due from the Appellant which is to be paid to HVPNL for construction of the substation and transmission lines.
- P. The Appellant, in their submissions filed before the Hon’ble Ombudsman at Para 17, Page 16, has contended that certain entries reflected by the Respondent in the details of costs expended on the Greenfield Colony are incorrect. An amount of Rs. 75,72,357.16 has been disputed by Appellant, the year wise breakup of which is as under –

Year	Amount
FY 2014-15	425281.39
FY 2017-18	85693.77
FY 2018-19	7061382
Total	7572357.16

- Q. The Respondent’s submissions in this regard are as follows:

Particulars	Remarks
At Sr. Nos. 22 to 33, 73, and 75 to 122 of Annexure R-7, an amount of approximately Rs. 75.72 lakh has been shown as expended for the shifting of the 11 KV Greenfield feeder from the 66 kV substation to the 220 kV metro substation in Sector 46. However, this expenditure does not pertain to the upgradation of the internal infrastructure within the Greenfield Colony.	An amount of approximately Rs. 75.72 lakh, shown as expended for the shifting of the 11 KV Greenfield feeder from the 66 kV substation to the 220 kV metro substation in Sector 46 pertains to the Greenfield Colony, as it ensures improved connectivity and enhanced reliability of the power supply to the colony. The shifting of the feeder was a necessary ancillary work to integrate the electrical infrastructure of the Greenfield



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	Colony with the upgraded substation and ensure uninterrupted service.
The Respondent has shown an amount of Rs. 95,138/- under Sr. No. 4 of Annexure A-9, towards the estimate for the replacement of the ACSR Conductor with XLPE Cable. However, the old ACSR Conductor, which was originally provided by the Appellant and subsequently retrieved by the Respondent (DHBVN), has neither been returned to the Appellant nor has any credit amount been reflected against this item.	As per DHBVN policy, there is no provision to return dismantled materials, such as the ACSR Conductor, to the original provider or to credit its value. The dismantled material becomes the property of DHBVN and is disposed of as per internal procedures and policies.

4. In view of the foregoing, it is submitted that the total amounts deposited by the residents of the Greenfield Colony as well as the Appellant are being used towards development/up-gradation of the electrical infrastructure required to cater to the load of the Colony. The Respondent is duty bound to ensure that the same is expended in the best interest of residents of the Colony. It is further submitted that if deemed necessary or so directed by the Hon'ble Ombudsman, the Respondent shall facilitate a conciliatory meeting to explain the amounts expended/to be expended. As is evident from the foregoing details, the Appellant is still to pay Rs. 3,93,00,000 towards development of complete electrical infrastructure.
5. It is humbly prayed that the foregoing submissions may kindly be taken on record and the present matter may kindly be disposed off in light of the foregoing submissions.
- E.** Hearing was held on 24.12.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the appellant submitted that the reply has been received yesterday and requested for 2 weeks' time to go through the same, since certain facts needs to be reverted. The counsel for the respondent suggested for the reconciliatory meeting, on which the counsel for the appellant submitted that the appellant may discuss with the respondent SDO if required. The appellant may file response on the reply submitted by the respondent, if any within 15 days, with an advance copy to the respondent. Acceding to the request of the appellant, the matter was adjourned for hearing on 28.01.2025.
- F.** The counsel for the appellant vide email dated 23.01.2025 has submitted additional submissions, which is reproduced as under:
1. That the aforesaid appeal is being filed by the appellant before this Hon'ble Court, which is pending adjudication for 28.01.2024.
 2. That in addition to the submissions dated 04.11.2024 submitted by the Appellant-Company before this Hon'ble Court, the Appellant-Company most respectfully submits the additional submissions as under for kind consideration of this Hon'ble Court: -
 - a) It is being submitted by the Respondent-DHBVN that the cost of substation & Transmission lines is Rs. 15,97,80,000/- with provision of 2x25/31.5 MVA Distribution Transformers against a total load of 49,966 KW as set forth in para no. 3(A) of the reply-submissions



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submitted by the Respondent-DHBVN. In view thereof, the Appellant-Company hereby submits that the Respondent-DHBVN be directed to submit undertaking that the set of 2x25/31.5 MVA Transformers from 66 KV Substation in Greenfields Colony is entirely for feeding electricity supply to Greenfields Colony & that there will be no other beneficiary from the said 66 KVA Substation except the Greenfields Colony. However, if there is any beneficiary from the said 66 KVA Substation, then the cost of said 66 KVA Substation may be recalculated accordingly.

- b) So far as submissions made by the Respondent- DHBVN in para no. 3Q. of the reply-submissions submitted by the Respondent- DHBVN are concerned it is submitted that an expenditure of Rs. 75.72 Lakhs shown to be towards upgradation of existing 66 KV Substation at Sector 46 to 220 KVA Metro Station has no reflection on the 11KV feeders of Greenfields Colony. The work of laying of 11 KV double feeder from Sector 46 to incoming switching station at Greenfields (Independent Feeder) was carried out by the Appellant-Company prior to the filing of CWP No. 16667 of 2012 in the Hon'ble Punjab & Haryana High Court titled as Ajay Kishore Sharma & Anr. V/s State of Haryana & Ors. i.e. by one of the allottee of Greenfields Colony developed by the Appellant-Company. It is further submitted that the plea of Respondent-DHBVN that feeding from 220 KVA Sub Station shall ensure better supply to Greenfields Colony is also not correct. Thus, the Respondent-DHBVN is mandated to take into account the cost of existing independent feeders from Sector 46, after the energization of under construction 66 KV sub-station Greenfields and the same be account for against the payments made by the Appellant-Company to the Respondent-DHBVN.

3. That it is further submitted that as per the records of Appellant-Company, the Appellant-Company had already deposited the amount of Rs. 20,09,90,000/- (Rupees Twenty Crores Nine Lakhs Ninety Thousand Only) with the Respondent-DHBVN till 31.12.2024, details may be shared with the appellant. Detailed Chart reflecting the payment of Rs. 20,09,90,000/- (Rupees Twenty Crores Nine Lakhs Ninety Thousand Only) by Appellant-Company to Respondent-DHBVN from 01.01.2013 to 31.12.2024.

- G. Hearing was held on 28.01.2025, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the respondent suggested for the reconciliatory meeting for which the counsel for the appellant also agreed and requested to fix the date. Both the parties are directed to sit on 11.02.2025 in the office of respondent SDO for reconciliation of the matter. The respondent SDO is directed to submit the action taken report along with the reply on the rejoinder if any. The matter was adjourned for hearing on 25.02.2025.



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- H.** In compliance of the interim order dated 28.01.2025, the respondent SDO submitted the reconciliation meeting report, which is reproduced as under:

In this regard, it is submitted that a joint meeting was held on 11.02.2025 as per interim order on dated 28.01.2025 between this office and Urban Improvement Company (P) Ltd to reconcile the matter. During the meeting, it was submitted that an amount of Rs. 20,09,00,000/- had been received from connection seekers by the year ending December, 2024, as per the Hon'ble Punjab and Haryana High Courts directive as per Urban Improvement Company (P) Ltd. However, according to this offices records, the amount received is Rs. 20,07,50,000/- resulting in a difference of Rs. 1,50,000. Additionally, there is a discrepancy in the total number of connections provided with Urban Improvement Company (P) Ltd records indicating 6,030 nos. connections, while this offices records show 6,027 nos. connections. It is may be possible that demand drafts issued by Urban Improvement Company (P) Ltd were not submitted to this office. Therefore, this office advised to Urban Improvement Company (P) Ltd to visit this office with all complete relevant details and reconcile the records accordingly.

The respondent SDO again submitted the reconciliation meeting report on 12.03.2025, which is reproduced as under:

In this regard, it is submitted that a joint meeting was held on 11.02.2025 as per interim order on dated 28.01.2025 between this office and Urban Improvement Company (P) Ltd to reconcile the matter. During the meeting, it was submitted that an amount of Rs. 20,09,00,000/- had been received from connection seekers by the year ending December 2024, as per the Hon'ble Punjab & Haryana High Court's directive as per Urban Improvement Company (P) Ltd. However, according to this office's records, the amount received is Rs. 20,07,50,000/-, resulting in a difference of Rs. 1,50,000. Additionally, there is a discrepancy in the total number of connections provided, with Urban Improvement Company (P) Ltd records indicating 6,030 nos. connections, while this office's records show 6,027 nos. connections. It is may be possible that Demand Drafts issued by Urban Improvement Company (P) Ltd were not submitted to this office. After that Urban Improvement Company (P) Ltd officials visited this office for reconciliation on dated 06.03.2025 and found that amount and connection nos. are same as provided by this office previously.

- I.** Hearing was held 13.03.2025, as scheduled. Both the parties were present. During the hearing, Appellant's counsel raised a concern regarding an amount of Rs. 75.72 lakh that was charged for the 11 KV double feeder. The Appellant's counsel clarified that the work of erection of independent feeders was carried out by the appellant and requested for adjustment for the charges related to these feeders and the same has been agreed by the Respondent Counsel. Respondent SDO further informed that reconciliation meeting was held on 06.03.2025 with the respondent SDO and the Appellant company. During the meeting, it was found that according to the office record the amount received is Rs. 20,07,50,000/-, resulting in a difference of Rs.1,50,000/-same was also agreed by the Appellant's counsel.



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Further, the Appellant's counsel requested that the set of 2x25/31.5 MVA Transformers from 66 KV Substation in Greenfields Colony is entirely for feeding electricity supply to Greenfields Colony & that there will be no other beneficiary from the said 66 KVA Substation except the Greenfields Colony. The Respondent's SDO, however, indicated that the Nigam may use these feeders for other purposes in case of an emergency, should the need arise.

Decision:

After hearing both the parties and going through the record made available on file and issues raised during the hearings it is ordered as under:

1. Regarding expenditure of 75.27 lacs shown towards upgradation of existing 66kv substation is concerned, the Respondent Nigam in their submissions dated 23.12.2024, stated that the said works are necessary ancillary works required to integrate the electrical infrastructure of the Greenfield colony with the upgraded substation and ensure uninterrupted service. The response of the Respondent Nigam as regards justification of inclusion of Rs. 75.72 Lakhs towards the electrical work Greenfield colony is vague and unjustified. Admittedly, the work of 11KV double feeder from Sector-46 to incoming switching station at Greenfields (Independent feeder) was carried out prior to the filing of CWP No. 16667 of 2012. As such an amount Rs. 75.72 lacs shall be excluded by the Respondent Nigam towards accounting of total cost of electrical infrastructure developed/to be developed for Greenfield colony from the amount deposited through the Appellant.
2. On the issue of undertaking to the effect that the set of transformers installed in the Greenfields colony shall be used for feeding electricity supply to the colony only, the Respondent Nigam stated that although the said infrastructure has been installed keeping in view the requirement of Greenfield colony only yet it will not be feasible for respondent to undertake that they will never be used for connecting to any other beneficiary as in case of any exigency/requirement and in the event of surplus load being available, connection may have to be given from the said transformers. It was further averred that the distribution of electricity in the entire State of Haryana has to be made holistically considering that the power supply is an essential requirement and electrical infrastructure shall be optimally utilized to ensure reliable and effective supply to all the consumers. As such, it is not feasible to absolutely rule out any eventuality that the surplus load available from the transformers installed at 66 KV substation of Greenfield Colony may be used to distribute electricity to some beneficiary outside the Greenfield colony in case of any exigency. However, it should be ensured by respondent that the set of two transformers installed in the 66KV substation in Greenfields colony is for feeding electricity supply to the residents of the colony and therefore, the electricity consumption and demand of the Greenfields colony will have utmost priority.



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In view of the submission of the parties, it is directed that Respondent shall prioritise that the demand of the residents of the Greenfields colony be appropriately fed from the electrical infrastructure installed for them.

As regards the amount deposited by the Appellant company, it is clear that 20,07,50,000/- has been deposited with the Respondent Nigam and the balance amount shall be deposited by the Appellant to the Respondent.

Respondent Nigam is further directed to complete the work of Appellant company at the earliest after deposit of balance amount.

The appeal is disposed off in above terms.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 17.03.2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:17.03.2025

CC

Memo. No. 5532-38/HERC/EO/Appeal No. 19/2012 (R) Dated: 20.03.2025

1. Urban Improvement Company (P) Limited.
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar -125005
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
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