



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
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(Regd. Post)

Appeal No. : 14/2024
Registered on : 22.04.2024
Date of Order : 06.05.2024

In the matter of:

Appeal against the order dated 29.03.2024 passed by CGRF UHBVNL, in complaint no. UH/CGRF- 277/2023.

M/s Bharti Infratel Ltd. (M/s Indus Tower Ltd.) SDM Pipe Factory,
26 HSIDC, Rai Industrial Area, Rai

Appellant

Versus

1. The XEN (Operation) City Division, UHBVN, Sonipat.
2. The SDO (Operation), Sub Division, UHBVN, Rai.

Respondent

Before:

Shri Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri M.S. Chauhan

Present on behalf of Respondents:

Shri Davesh Dahiya, SDO (Operation), Sub Division, UHBVN, Rai

ORDER

A. M/s Bharti Infratel Ltd. (M/s Indus Tower Ltd.) has filed an appeal against the order dated 29.03.2024 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 277/2023. The appellant has requested the following relief: -

1. It is submitted that M/s Indus Towers Limited is a registered company registered under the Companies Act having its registered office at Bharati Crescent Nelson Mendela Road Vasant Kunj, Phase-2, New Delhi and Circle Office at Bestech Business Tower, Tower-A, Industrial Plot No.1, Phase-9, Sector-66, SAS Nagar (Mohali)-160059 and we are engaged in the business of establishment, maintenance and provision of Telecom infrastructure which inter alia include mobile communication towers and other allied equipment to various mobile telecom service providers viz Bharti Infratel Ltd (earlier known as Bharti Mobile Ltd. Bharti Cellular Ltd, Bharti Televenture Ltd and Bharti Airtel Ltd), Vodafone Essar South Ltd (earlier known as Hutchison Essar South Ltd) and Idea Cellular Ltd. Now by virtue of joint Venture Company of the said operators, we are taking care of the existing and upcoming power connections of the above said operator companies.
2. We had a permanent NDS connection bearing A/C S15-RI55-1011F in the name of M/S Bharti Infratel Limited (Indus Towers Ltd.) at SDM Pipe

Factory, 26 HSIDC, Rai Industrial Area Rai District Sonipat. Our installation was not operative for quite a long time. We had dismantled our installation and discontinued the operations from the rented site. We had applied for the Permanent Disconnection of the connection. We were not aware of any action taken by the Nigam. We had again applied for the Permanent Disconnection of the connection and provide us the final bill after the adjustment of the wrong/provisional billing and adjustment of the ACD so recovered from the consumer and credit of other refundable charges vide our No. SPL-297/EB-03/KCS/BILLS/23 dated 19.04.2023.

3. The connection was permanently disconnected on 20/03/2021 vide PDCO No. 81/102 dated 13.03.2021. The readings are observed as 266082 KWH and 266108 KVAH. The working of the meter is observed as 'OK'. The meter Sr. No. HRT63844 was dismantled from the connection and was entered in CA-22 at Sr. No.611. The PDCO was closed in 05/2021, the provisional and wrong billing was adjusted and the final bill was issued for Rs. (-) 35502/- in 05/2021.
4. The PDCO was closed in 05/2021, the provisional and wrong billing was adjusted and the final bill was issued for Rs. (-) 35502/- in 05/2021. The negative balances of the connection are credited in our other running account no. 8722662000 of M/s Indus Towers Ltd. at Village Aterna in 01/2024. The request for the credit of the negative balances and the ACD in this account was made by us vide our no. SPL-297A/EB-05/KCS/BILLS/23 dated 23.08.2023. The excess billing in the connection of Rs. 36341/- is credited in our account no 8722662000 but the ACD so deposited for the release of the connection in the first instance and additional ACD so recovered through energy bills or otherwise is still not transferred to our other connection nor returned in cash to us so far.
5. We had submitted our complaint before the Circle CGRF, UHBVN, Sonipat vide our no. SPL-02/CGRF-4/UHBVN/23 dated 25.09.2023 but we were not heard. We had reminded the Circle CGRF vide our no. SPL-02A/CGRF-4/UHBVN/23 dated 13.10.2023 and SPL-02B/CGRF-4/UHBVN /23 dated 26.10.2023 but still there was no response from his end. We were not even provided the acknowledgement of the complaint despite making several visits to his office.

6. Since there was no response from the Circle CGRF, we had approached the Corporate Consumer Grievances Redressal Forum. Our complaint was received in the Forum on 13.12.2023. The complaint was admitted and we were informed accordingly. The complaint was Registered as Complaint No. UH/CGRF-277/2023. The SDO Operation Sub Division UHBVN Rai submitted the reply to our complaint to the Forum vide his memo no. 477/Rai dated 28.02.2024. The copy of the reply of the SDO was not provided to us. His submission is considered true by the Forum without having confirmed from us. It has wrongly been submitted by the defendant SDO that the ACD of the consumer is not adjusted in in any other account as consumer had not provided original payment receipt of ACD nor provided Affidavit regarding non availability of the ACD receipt. The Forum has been misled by the defendant SDO because no such formality is required if the amount is adjusted in the consumer account. The formality is needed when the amount of the ACD is claimed in cash. The requirement if any has not been intimated to us as we are approaching the defendant SDO since 19.04.2023.
7. The Corporate Consumer Grievances Redressal Forum has announced the decision on 29.03.2024 without resolving the issue of the complaint. Now instead of announcing his decision, the Forum left the same to be resolved by the defendant Nigam. The orders of the Forum says that the defendant SDO to get the needful done at his level after going through the records available in his office and the grievance of the consumer be redressed as per norms of the Nigam in 15 days. Now 15 days have already passed after announcing the decision and there is no response from the defendant SDO so far. The defendant SDO did nothing to resolve our grievance in last one year. Nothing can be expected from him now. Now if the grievance is to be resolved by the SDO at his convenience our approaching various Redressal Forum is fruitless and we can expect no justice from these Forums. The Circle CGRF did even not acknowledged our complaint and the Corporate CGRF left us at the mercy of the defendant SDO. We have not been heard by the Forums and we are left with no alternative than to approach Ombudsman, HERC.
8. It is certified that our present grievance is not pending before any Court of Law, Arbitrator or the Tribunal. Now if or submission is found incorrect, the Appeal is liable to be dismissed.

9. The Bharti Infratel ventures Limited along with whole of their undertakings, properties, rights, powers, liabilities and duties stand transferred to and merged with Indus Towers Limited in terms of the order dated 18/04/2013 of the Hon'ble High Court of Delhi at New Delhi sanctioning the scheme of arrangement/amalgamation operative from 11/06/2013 without any further act or deed.
10. It is prayed that the defendant Nigam be directed that the ACD so deposited for the release of the connection in the first instance and additional ACD so recovered through energy bills or otherwise be credited to our other running A/C No. S15-8722662000 of M/s Indus Towers Ltd Aterna, Rai under the Sub Division as was done in case of the credit of negative balances of this disconnected connection.
- B.** The appeal was registered on 22.04.2024 as an appeal No. 14/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 06.05.2024.
- C.** The respondent SDO vide email dated 06.05.2024 has submitted reply, which is reproduced as under:
- In this connection, point wise reply submitted as below:
1. Matter of record.
 2. As per consumer request PDCO effected vide PDCO No. 81/102 dated 13.03.2021 of A/c No. S15-RI55-1011F on the name of M/s Bharti Infratel Ltd.
 3. Matter of record.
 4. As per record found final adjustment amounting Rs. 36341/- and same amount transferred to other A/c No. 8722662000 on the name of M/s Indus Tower and same posted during Jan 2024 bill.
 5. Matter of record.
 6. Negative balance already transferred as mentioned account. If any other adjustment or ACD deposited by consumer is cash rest to refundable please provide the detail to take necessary action.
- D.** Hearing was held today, as scheduled. Both the parties were present through video conferencing. At the outset, the representative of the appellant submitted that there is only one dispute regarding refund/adjustment of the ACD deposited

by the appellant in their other running A/C No. S15-8722662000 of M/s Indus Towers Ltd Aterna, Rai under the Sub Division.

The respondent SDO assured that the ACD of amount Rs. 17000/- will be adjusted immediately after submission of original payment receipt of ACD or necessary affidavit in case of non-availability of ACD receipts.

E. In view of the above, it is decided that the appellant shall submit necessary documents as discussed at sr. no. "D" above in the office of the respondent SDO within three days and the respondent SDO shall adjust the ACD amount in their other running account within five days after receipt of ibid documents. The appeal is disposed of accordingly.

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

Given under my hand on 6th May, 2024.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 6th May, 2024

CC-

Memo. No. 351-57/HERC/EO/Appeal No. 14/2024

Dated: 06.05.2024

1. M/s Bharti Infratel Ltd. (M/S Indus Tower Ltd.) SDM Pipe Factory, 26 HSIDC, Rai Industrial Area Rai, Sonipat.
2. The Managing Director, UHBVNL, IP No.: 3&4, Sector-14, Panchkula.
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula.
4. The Chief Engineer (Operation), IP No.: 3&4, Sector-14, Panchkula.
5. The Superintending Engineer ('Op. '), UHBVN, 33KV S/S, Old D.C. Road Sonipat.
6. The Executive Engineer ('Op. '), UHBVN, 132 KV S/S Complex Fazilpur, Sonipat.
7. The SDO (Operation), Sub Division, UHBVN, Rai, 132KV S/S Complex Rai, Sonipat.