



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. : 28/2024
Registered on : 28.08.2024
Date of Order : 07.04.2025

In the matter of:

Appeal against the order passed by CGRF DHBVN Gurugram on 24.07.2024 in Case No DH/ CGRF 4680/2024.

M/s Sardar Patel Educational & Cultural Society, 484/532, **Appellant**
485/583, Farukh Nagar, District Gurugram
Versus

1. The Executive Engineer Operation, DHBVN, Manesar, Gurugram
2. The SDO (Operation), DHBVN, Farukh Nagar, Gurugram **Respondent**

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Vijay Bansal, Secretary

Present on behalf of Respondents:

Shri Sanjay Bansal, Advocate

Shri Avneet Kumar, SDO (Operation), DHBVN, Farukh Nagar, Gurugram

ORDER

A. Shri Vijay Bansal, Secretary, M/s Sardar Patel Educational & Cultural Society has filed an appeal against the order dated 24.07.2024 passed by CGRF, DHBVN, Gurugram in complaint No. DH/ CGRF 4680/2024. The appellant has requested the following relief: -

1. We filed 1st appeal with Corporate CGRF, Gurugram vide letter No. SPE&CS/ 2024-25/03 dated 23.04.2024.
2. (i) During last hearing on 16.07.2024, DHBVN, Farrukh Nagar submitted his reply vide memo No. 3103/ Spl-1 dated 16.07.2024, in which they calculated reading 249 days @ 15.5 units per day as per newly released city line connection in spite of PDCO AP connection, which is not satisfactory.
(ii) Concluded to adjust only two no. bill payments deposited by the consumer Rs. 12436 on 24.03 2023 and Rs. 1101 on 17.08.2023 during disputed period of 245 days, which does not match as payment done.

3. Hon'ble Corporate CGRF announced the decision on 24.07.2024 without hearing our side only on the basis of DHBVN reply submitted on 16.07.2024.

In reply of pare no. 2 & 3 we want to submit as under: -

(a) As per discussion during last hearing by CGRF on 08.02.2024. It was decided to calculate the bill units of 249 days by taking the average of past one year electricity consumed (which is 249 days @6.65 units per day=1658.30 units only) because PDCO connection was AP having very short supply during day hours, almost supply for farmers in night hours only. Also, urban supply is calculated 16 Hours whereas AP for 8 Hours only. But DHBVN calculated consumption in units on the basis of newly released city line connection at their own without any interim order / instructions in this regard.

(b) (i) Previously DHBVN raised bills of total amount Rs. 47565.66 in which we paid Rs 19033.55 and Rs. 28533.18 adjusted as allowances / arrears / provisional adjustments etc.

(ii) Also, DHBVN previously generated all the bills by charging F.C. @89.41 Per day but later revised bills @Rs. 112 Per day in same duration, we are unable to understand the reason, need to be clarify.

(c) (i) It was requested to Hon'ble CGRF to pass the necessary directions to refund / adjust the amount of Rs. 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose.

(ii) Also, this matter was never considered during hearing at any stage.

Hence, we humbly request to you

1. To calculate reading of 249 days
2. To adjust paid bill amount
3. To adjust the amount of Rs. 28711.

Kindly accept our petition and provide justice in this regard.

B. The appeal was registered on 28.08.2024 as an appeal No. 28/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 24.09.2024.

C. The counsel for the respondent SDO vide email dated 20.09.2024 has submitted reply, which is reproduced as under:

1. That the contents of para no. 1 are matter of record.
2. That the contents of sab- para no. (i) & (ii) is replied in this way that the new connection was released on 22-08-2023 and the reading was 2455 KWh and 2666 KVAh verified on 09-02-2024. Total no. of days of reading were 172 days and the reading per day was $172 \text{ days} / 2666 \text{ KVAh} = 15.5$ reading per day. But the period of LT-CT meter installed at the premises of the consumer was 249 days, as actual connection was started on dated 12.12.2022. So, the total no. of days in which the consumer has used electricity is 249 days. So, the M&P wing has calculated total chargeable reading = $15.5 \text{ reading per day} \times 249 \text{ days} = 3859 \text{ KWH} + \text{fix charges}$ as per load and the notice was given to the consumer vide this office memo no. 4937 dated 10-01-2024 to deposit the penalty of Rs. 2,85,961/- as per prevailing Nigam instructions.

In this connection, it is submitted that M&P team headed by Sh. Anil Solanki, SDO visited the premises of consumer vide SDO/OP, Farukh Nagar office memo no. 2030 dated 04-08-2023 for regularization of connection and PDCO on consumer's request. But during the site visit SDO M&P wing reported observations from site on MT-I no. 32/1870 dated 05-08-2023 which says the said connection was not in M&P record and when opened the MCB and CTs chamber to check the connection and found wrong connection i.e. supply was found by passed without CT and consumer was using 3 phase supply in CT direct position. Hence meter became slow by 100% which caused penalty to the consumer because of financial loss to the department.

Thereafter the appellant filed a case against the above said amount before the Forum Zonal Redressal of Consumer Grievances/ OP Zone Delhi. The Forum has directed to the respondent to overhaul the account of complainant to rectify the bill.

As per the decision of the Ld. Forum, Delhi, the account is overhauled. The details of the overhauled account is as under: -

- The connection was released by M&P on 22.08.2023.
- But the actual connection was started on 12.12.2022.
- Reading was verified on dated 09.02.2024 is 2455 KWh and 2666 KVAh.

- Total no. of days are 249.

| | | | |
|---------------|---|-------------|----------------|
| 2666/172 days | = | 15.5 KWH | |
| 249 x 15.5 | = | 3859 KWH | |
| SOP | = | 3859 x 6.40 | = 24698.00 |
| F.C. | = | | 27888.00 |
| E.D. | = | 3859 x 0.10 | = 386.00 |
| M. Tax | = | | <u>1052.00</u> |
| Total | = | | 54024.00 |

In this way Rs. 54,024/- has been approved by CBO instead of Rs. 2,85,961/- and updated in consumer account.

Besides this, as per consumer's request the ACD amount of Rs. 21,000/- of PDCO LT connection and two no. of bills amounting to Rs. 12,436/- and Rs. 1,101/-, which has been deposited by the consumer within the above said disputed period, has been adjusted. The calculations of adjusted amount is as under: -

| | | |
|-------------------------------------|---|---------------------|
| Chargeable amount approved by CBO | = | Rs. 54,024/- |
| Less ACD amount | = | Rs. 21,000/- |
| Less Two no. of bills (12436+ 1101) | = | <u>Rs. 13,537/-</u> |
| Net Chargeable Amount | = | Rs. 19,487/- |

3. That contents of para no. 3 is not admitted.
4. That in context to appellant's reply of para no. 2 & 3 it is mentioned that Forum for Zonal Redressal of consumer grievances, Delhi passed the order: -

That the respondent vide memo no. 6676 dated 20-02-2024 submitted that new connection was released on 22-08-2023 and reading verified on 09-02-2024 was 2455 KWh and 2666 KVAh. Total days of reading are 172 days/ 2666 = 15.5 reading per day. Period of LT CT meter installed at site was 249 days. Therefore, total chargeable reading = 15.5 x 249 = 3859 + fixed charges as per load. After going through the record, the Forum directed the respondent SDO to overhaul the account of complainant. And the account was overhauled and is mentioned above thoroughly in the para no. 2 of the present reply of the respondent department.

So, it is, therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be dismissed. And pass any other order in favour of respondent in the interest of justice.

- D.** Hearing was held on 24.09.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, appellant submitted that reply has been received and requested to file rejoinder. The appellant is directed to file rejoinder within 10 days with an advance copy to the respondent. The respondent SDO may also file response on the rejoinder if any within 7 days thereafter. The matter was adjourned for hearing on 22.10.2024.
- E.** The appellant vide email dated 08.10.2024 has submitted rejoinder, which is reproduced as under:

The reply submitted by the respondent through mail on dated 23.09.2024 which is misleading, prevaricating and unsatisfactory. They stated in para No. 2 that the M & P wing has calculated total chargeable reading 3859+ Fixed charges which is total misleading, actually M & P Division submitted their report vide Memo No. Ch. 253/DRG-3/vol-III dated 28.08.2023 as below: -

To

The XEN/OP Division,
DHBVN, Manesar.

Memo No. Ch. 253/DRG-3/vol-III Dated 28.08.2023

Subject: Meter of M/s Sardar Patel Education Society, bearing A/c No. [7759291000](#) found 100% Slow.

In this Connection, it is intimated that M&P team headed by Sh. Anil Solanki, SDO visited the premises of subject cited consumer vide SDO/OP Farukh Nagar office memo No. 2030 dated 04/08/2023 for regularization of connection & PDCO on consumer request. During site visit SDO M&P reported following observation from site on MT-I no. 32/1870 dated 05/08/2023.

1. The said connection was not in M& P record, released by OP staff at their own level.
2. Opened the MCB & CT's chamber to check the connection and found wrong connection i.e. supply was found by passed (without CT) and consumer was using proper 3-phase supply in CT direct position. Hence, meter became slow by 100%.

From the above stated facts, it is concluded the connection has released by OP officials themselves without checking/ ensuring proper connection through meter or metering equipments with careless attitude resulting meter became 100% slow due to direct supply through CT chamber. Further, the Sub Division fails to arrange the details of earlier installed meter/metering equipment, therefore the possibility of existence of LOR can't be ruled out for earlier period of MCO i.e. before 12.12.2022 (load change case initiated in CCB portal). Matter needs to be enquired in details to prevent chance of loss of revenue for the period also.

In view of the above, it is requested to fix the financial responsibility of officer/ officials involved in releasing the connection without checking proper connections, who have violated the instructions of Nigam as conveyed vide SC No. D-01/2023 dated 03.01.2023 also. Further, the assessment & realization against LOR may also be communicated to this office please.

Further during the last hearing on 08.02.2024, CGRF exempted the penalty of Rs. 285961 generated by the SDO, Farrukh Nagar which was totally invalid.

Further it is again requested to ask respondent to submit proper reply of points mentioned in earlier letter, still awaiting response from respondent side as below:

1. To calculate reading of 249 days.
 - (a) As per discussion during last hearing by CGRF on 08.02.2024. It was decided to calculate the bill units of 249 days on the basis of taking average of past one year electricity consumed during AP connection because PDCO connection was AP having very short supply during day hours, almost supply for farmers in night hours only. Also, urban supply is calculated 16 Hours whereas AP for 8 Hours only.

But DHBVN calculated consumption 15.5 reading inspite of 6.65 reading per day and chargeable reading = $15.5 \times 249 \text{ days} = 3859$ on the basis of newly released city line connection at their own without any interim order / instructions in this regard.

Hence, we challenged the calculation submitted by the DHVBN which is totally baseless and unacceptable.

2. To adjust paid bill, amount as per para (b) i & ii

- (i) DHBVN raised bills of total amount Rs. 47565.66 during disputed period in which we paid Rs. 19033.55 directly and Rs. 28533.18 adjusted as Allowances / Arrears / provisional adjustments etc., but they considered paid amount Rs. 13537/- only
- (ii) DHBVN generated all the bills by charging F.C. @ Rs. 89.41 Per day during disputed period but later revised calculation @ Rs. 112 Per day in same duration, we are unable to understand the reason, need to be clarify.

Hence need to be adjust paid amount accordingly and clarify if any error in calculation etc.

3. To adjust the amount of Rs. 28711 as per para (c) i & ii.

- (i) It was requested to Hon'ble CGRF to pass the necessary directions to refund / adjust the amount of Rs 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose.

- (ii) Also, this matter was never considered during hearing at any stage.

It is prayed to take necessary action and pass directions so that we could get justice in this regard.

F. The counsel for the respondent vide email dated 19.10.2024 has submitted reply on the rejoinder submitted by the appellant, which is reproduced as under:

1. That the contents of para no. 1 belong to the M&P report dated 28-08-2023 issued by Executive Engineer, M&P Division, DHBVN, Gurugram and is a matter of record. This M&P report is already on record and appellant has elaborated this report in his rejoinder. That regarding calculations of total chargeable reading 3859 KWh + Fixed charges as per load, the notice was given to the consumer vide this office memo no. 4937 dated 10-01-2024 to deposit the penalty of Rs. 2,85,961/- as per prevailing Nigam instructions.

As per the decision of the Ld. Forum, Delhi, the account was overhauled. The details of the overhauled account is as under: -

- The connection was released by M&P on 22-08-2023.
- But the actual connection was started on 12-12-2022.
- Reading was verified on dated 09-02-2024 is 2455 KWh and 2666 KVAh.

Total no. of days are 249.

2666/172 days = 15.5 KWH

249 x 15.5 = 3859 KWH

SOP = 3859 x 6.40 = 24698.00

F.C. = 27888.00

E.D. = 3859 x 0.10 = 386.00

M. Tax = 1052.00

Total = 54024.00

In this way Rs. 54,024/- was approved by CBO instead of Rs. 2,85,961/- and updated in consumer account.

Besides this, as per consumer's request the ACD amount of Rs. 21,000/- of PDCO LT connection and two no. of bills amounting to Rs. 12,436/- and Rs. 1,101/-, which has been deposited by the consumer within the above said disputed period, was adjusted. The calculations of adjusted amount is as under: -

Chargeable amount approved by CBO = Rs. 54,024/-

Less ACD amount = Rs. 21,000/-

Less Two no. of bills (12436+ 1101) = Rs. 13,537/-

Net Chargeable Amount = Rs. 19,487/-

2. That the other contents of rejoinder are the same as paras mentioned in appeal, for which the reply has already been submitted by the respondent department on 20-09-2024, which needs no reply to avoid repetition.
3. That the respondent department has further made adjustments of the account and amount of the appellant which is mentioned below: -

That it is mentioned that the earlier connection having load of 15 KW was on AP feeder and the consumption of that connection of the period 11-11-2020 to 20-10-2022 was 5745.44 KWH for 708 days. The calculation as per previous consumption and as per previous sanctioned load 15 KW is as under: -

= 5745.44/ 708 = 8.115 (Reading per day)

As per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249 days) of sanctioned load 21 KW.

= 8.115 x 249 = 2020.635 KWH. (Units)

As per sanctioned load 21 KW calculations is as under: -

| | | | |
|------------------------------------|-------------------|---|---------------------|
| | = 2020.635/ 15 | = | 134.709 KWH |
| | = 134.709 x 21 | = | 2828.889 KWH |
| SOP | = 2828.889 x 6.40 | = | 18105.00 |
| F.C. | = | = | 27888.00 |
| E.D. | = 2828.889 x 0.10 | = | 283.00 |
| M. Tax | = | = | <u>920.00</u> |
| Total | = | = | 47196.00 |
| In this way overhauled amount | = | = | Rs. 47,196/- |
| Less ACD amount | = | = | Rs. 21,000/- |
| Less Two no. of bills (12436+1101) | = | = | <u>Rs. 13,537/-</u> |
| Net Chargeable Amount | = | = | Rs. 12,659/- |

Now the net chargeable amount is Rs. 12,659/- only, instead of Rs. 19,487/-. Sir, with the best efforts of the respondent department, the net chargeable amount has been minimized to the last extent.

So, it is, therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be dismissed. And pass any other order in favour of respondent in the interest of justice.

G. Hearing was held on 22.10.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, appellant submitted that reply has been received but all the issues raised by the appellant have not been addressed in the reply. The respondent SDO is directed to submit the point wise reply on the rejoinder within 10 days with an advance copy to the appellant. The matter was adjourned for hearing on 19.11.2024.

H. The counsel for the respondent SDO vide email dated 07.11.2024 has submitted 2nd reply of rejoinder in the appeal, which is reproduced as under:

1. That the contents of reference para belongs to the M&P report dated 28-08-2023 issued by Executive Engineer, M&P Division, DHBVN, Gurugram and is a matter of record. This M&P report is already on record and appellant has elaborated this report in his rejoinder. That regarding calculations of total chargeable reading 3859 KWh + Fixed charges as per load, the notice was given to the consumer vide this office memo no. 4937 dated 10-01-2024 to deposit the penalty of Rs. 2,85,961/- as per prevailing Nigam instructions. The calculations were prepared on the basis of M&P report.

The contents of reference para of rejoinder i.e. Further during the last hearing -----was totally invalid, is replied in this way that as per the decision given by the Forum for Zonal Redressal of consumer Grievances/ op Zone Delhi, the case is disposed off with direction to the respondent SDO to overhaul the account of complainant to rectify the bill also, take up the matter with CBO for early resolution of grievances of the complainant. The Ld. Forum has clearly mentioned in the order that the respondent SDO will overhaul the account of the complainant instead of exemption of the penalty of Rs. 2,85,961/-.

Point wise reply: -

1. That the reply of the contents of point no. 1 is as under: -

As per the decision of the Ld. Forum, Delhi, the account was overhauled. The details of the overhauled account is as under: -

The connection was released by M&P on 22-08-2023. But the actual connection was started on 12-12-2022. Reading was verified on dated 09-02-2024 is 2455 KWh and 2666 KVAh.

Total no. of days are 249.

| | | |
|--------|---------------|------------------|
| | 2666/172 days | = 15.5 KWH |
| | 249 x 15.5 | = 3859 KWH |
| SOP | = 3859 x 6.40 | = 24698.00 |
| F.C. | = | = 27888.00 |
| E.D. | = 3859 x 0.10 | = 386.00 |
| M. Tax | = | = <u>1052.00</u> |
| Total | = | = 54024.00 |

In this way Rs. 54,024/- was approved by CBO instead of Rs. 2,85,961/- and updated in consumer account.

That the respondent department has further made adjustments of the account and amount of the appellant which is mentioned below: -

That it is mentioned that the earlier connection having load of 15 KW was on AP feeder and the consumption of that connection of the period 11-11-2020 to 20-10-2022 was 5745.44 KWH for 708 days. The calculation as per previous consumption and as per previous sanctioned load 15 KW is as under: -

$$= 5745.44 / 708 = 8.115 \text{ (Reading per day)}$$

As per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21 KW.

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

As per sanctioned load 21 KW calculations is as under: -

| | | | | |
|--------|---|-----------------|---|---------------|
| | = | 2020.635/ 15 | = | 134.709 KWH |
| | = | 134.709 x 21 | = | 2828.889 KWH |
| SOP | = | 2828.889 x 6.40 | = | 18105.00 |
| F.C. | = | | = | 27888.00 |
| E.D. | = | 2828.889 x 0.10 | = | 283.00 |
| M. Tax | = | | = | <u>920.00</u> |
| Total | | | = | 47196.00 |

2. That the contents of point no. 2 is replied in this way that the respondent department has adjusted two no. of bills amounting to Rs. 12,436/- and Rs. 1,101/-, which has been deposited by the consumer within the above said disputed period.
3. That the reply of the contents of point no. 3 is that as per consumer's request the ACD amount of Rs. 21,000/- of PDCO LT connection has been adjusted by the respondent department. The earlier calculations of adjusted amount is as under: -

| | | |
|-------------------------------------|---|---------------------|
| Chargeable amount approved by CBO | = | Rs. 54,024/- |
| Less ACD amount | = | Rs. 21,000/- |
| Less Two no. of bills (12436+ 1101) | = | <u>Rs. 13,537/-</u> |
| Net Chargeable Amount | = | Rs. 19,487/- |

Moreover, the respondent department has further made adjustments of the account and amount of the appellant which is mentioned below: -

That it is mentioned that the earlier connection having load of 15 KW was on AP feeder and the consumption of that connection of the period 11-11-2020 to 20-10-2022 was 5745.44 KWH for 708 days (Annexure R-2). The calculation as per previous consumption and as per previous sanctioned load 15 KW is as under: -

$$= 5745.44 / 708 = 8.115 \text{ (Reading per day)}$$

As per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21 KW.

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

As per sanctioned load 21 KW calculations is as under: -

| | | | | |
|-------------------------------|---|-----------------|---|---------------|
| | = | 2020.635/ 15 | = | 134.709 KWH |
| | = | 134.709 x 21 | = | 2828.889 KWH |
| SOP | = | 2828.889 x 6.40 | = | 18105.00 |
| F.C. | = | | = | 27888.00 |
| E.D. | = | 2828.889 x 0.10 | = | 283.00 |
| M. Tax | = | | = | <u>920.00</u> |
| Total | | | = | 47196.00 |
| In this way overhauled amount | | | = | Rs. 47,196/- |

| | |
|------------------------------------|-----------------------|
| Less ACD amount | = Rs. 21,000/- |
| Less Two no. of bills (12436+1101) | = <u>Rs. 13,537/-</u> |
| Net Chargeable Amount | = Rs. 12,659/- |

Now the net chargeable amount is Rs. 12,659/- only, instead of Rs. 19,487/-. Sir, with the best efforts of the respondent department, the net chargeable amount has been minimized to the last extent.

So, it is, therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be dismissed. And pass any other order in favour of respondent in the interest of justice.

- I.** The appellant vide email dated 16.11.2024 has submitted reply in response to 2nd reply on the rejoinder submitted by the respondent SDO, which is reproduced as under:

The reply submitted by the respondent through mail on dated 12.11.2024 in response of interim order passed vide Memo No. 1861/EO/HERC/Appeal No. 28/2024 dated 23.10.2024 but again issues raised by us have not been addressed in the submitted reply: -

1. To calculate reading of 249 days

During last hearing the CA of DHBVN, Farrukh Nagar told that units calculation of sanctioned load 21 KW = $2020.635/15 \times 21 = 2828.899$ KWh was calculated as per sale circular 9 but the above circular does not reveal any language related to this issue.

Further as per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21 KW due to negligence and wrong connection done by the DHBVN officials.

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

As per sanctioned load 21 KW, calculations should be as under: -

| | | |
|--------|-------------------|-----------------|
| SOP | = 2020.635 x 6.40 | = 12932.06 |
| F.C. | = | = 27888.00 |
| E.D. | = 2020.635 x 0.10 | = 202.06 |
| M. Tax | = | = <u>816.40</u> |
| Total | | = 41838.52 |

2. To adjust paid bill, amount as per para (b) i & ii

(b) (i) DHBVN raised bills of total amount Rs. 47565.66 during disputed period in which we paid Rs. 19033.55 directly and Rs. 28533.18 adjusted as Allowances / Arrears / provisional adjustments etc., but they considered paid amount Rs. 13537/- only.

(ii) DHBVN generated all the bills by charging F.C. @ Rs. 89.41 Per day during disputed period but later revised calculation @ Rs. 112 Per day in same duration, we are unable to understand the reason, need to be clarify.

No Clarification addressed in the submitted reply regarding both points.

3. To adjust the amount of Rs. 28711 as per para (c) i & ii.

(C) (i) It was requested to Hon'ble CGRF to pass the necessary directions to refund / adjust the amount of Rs 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose.

(ii) Also this matter was never considered during hearing at any stage.

No relevant issue addressed in the submitted reply.

It is prayed to take necessary action and pass directions so that we could get justice in this regard.

J. Hearing was held on 19.11.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, appellant submitted that no response has been received on the rejoinder dated 16.11.2024 and requested that respondent should address all issues raised in the rejoinder. When the respondent SDO was asked to explain issues raised by the appellant, the respondent SDO could not give satisfactory reply. Therefore, the respondent SDO is directed to file response to rejoinder within 7 days through concerned XEN with an advance copy to the appellant. Further, respondent XEN shall be present on the next date of hearing. The matter was adjourned for hearing 17.12.2024.

K. The respondent SDO vide email dated 22.11.2024 has submitted 2nd reply, which is reproduced as under:

1. It is submitted that Sale Circular 09/2019 as attached by consumer is for independent feeder. There is no link of this sale circular with this case. Further, the detail of the previous connection and EOL case detail is as under please: -

| | | | |
|----|--|--|----------|
| A | OLD AC NO. | 7759291000' | |
| 1 | NAME OF CONSUMER | M/S SARDAR PATEL | |
| 2 | CONNECTED LOAD | 15 KW | |
| 3 | FEEDER CATEGORY | AP | |
| 4 | EXTENSION OF LOAD | FROM 15 TO 21 KW | |
| 5 | DATE OF EXTENSION LOAD | 10.10.2022 | |
| 6 | FEEDER CATEGORY WHERE EOL DONE | AP | |
| 7 | CONSUMPTION DETAILS | 11.11.2020 TO 20.10.2022 (708 days) | |
| | | UNITS CONSUMED for above period | |
| | | KWH | KVAH |
| | | 5745.44 | 0 |
| 8 | EOL PERIOD | OCT-2022 TO NOV-2023 (Defective as per M&P report) | |
| | | KWH | |
| 9 | Consumption for the period from 12.12.2022 to 22.08.2023 for LT CT meter (249 days) on the basis of the above consumption mentioned against Sr. no. 7 for 21 KW load | 2828.90 | |
| 10 | PDCO DONE on consumer request | 09.11.2023 (In system) | |
| B | NEW ACCOUNT NUMBER | 9549772170' | |
| 1 | CONNECTED LOAD | 15 kw | |
| 2 | FEEDER CAT. | Urban | |
| 3 | SCO/SJO NO & date | G23-523-370-SCO & 11.07.2023 | |
| 4 | CONSUMPTION DETAILS | AUG 23 TO OCT 2024 | |
| | | UNITS CONSUMED | |
| | | KWH | KVAH |
| | | 9516.43 | 10508.29 |

2. (b) (i) It is intimated the detail of bill basis for the said period & payment made is as under: -

| Bill issue date | Bill period | Bill Basis | FC | SOP | MMC | OTHER | Adjustment | TOTAL | PAYMENT | Remarks |
|-----------------|----------------------|------------|---------|----------|---------|--------|------------|----------|-----------------------------------|---------------------------------|
| 03.02.23 | 20.10.22 TO 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | | 10577.36 | 10889.00 DT 6.3.23 With Surcharge | |
| 13.03.23 | 03.02.23 TO 01.03.23 | RNT | 2414.46 | 10080.00 | 0 | 252.09 | | 12747.36 | 12436.00 dt 24.3.23 | Both bill are cancel due to RNT |
| 12.04.23 | 01.03.23 TO 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | 2000 | 12636.00 | | |
| 13.04.23 | 03.02.23 TO 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 27383 | -9247.00 | | |
| 12.08.23 | 01.07.23 TO 01.08.23 | OK | 2772.16 | 12.80 | 0 | 55.70 | 1739.62 | 1101.00 | | |

- (ii) It is submitted that fixed charges are being charged as per sales circular No- D-13/2023 (i.e. 160/- KW of 80%) in case of ok billing.
3. It is submitted that the consumer had made the payment for extension of load (EOL) from 15 KW to 21 KW of Rs. 28711/- (as service connection charges, ACD, Processing fee, Meter Cost, LT/CT Cost). Later on, the same connection was PDCO on consumer request. ACD of earlier connection &

EOL case has already been refunded/ adjusted. Further the Fix charges of Rs. 27888/- is being calculated for 21 KW connection as per Nigam circular.

It is therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be dismissed and pass any other order in favour of respondent in the interest of justice.

- L.** Hearing was held on 17.12.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, counsel for the respondent requested for short adjournment being XEN and SDO are busy in filed work and unable to attend the hearing. The respondent SDO is directed to submit the point wise reply to the appellant directly under intimation to this forum. Further, respondent XEN shall be present on the next date of hearing. Acceding to the request of the respondent SDO, the matter was adjourned for hearing on 21.01.2025.
- M.** The respondent SDO vide email dated 13.01.2025 has submitted reply, which is reproduced as under:

It is submitted that Sale Circular 09/2019 as attached by consumer is for independent feeder. There is no link of this sale circular with this case. Further, the detail of the previous connection and EOL case detail is as under please: -

| | | | |
|----|--|--|------|
| A | OLD AC NO. | 7759291000' | |
| 1 | NAME OF CONSUMER | M/S SARDAR PATEL | |
| 2 | CONNECTED LOAD | 15 KW | |
| 3 | FEEDER CATEGORY | AP | |
| 4 | EXTENSION OF LOAD | FROM 15 TO 21 KW | |
| 5 | DATE OF EXTENSION LOAD | 10.10.2022 | |
| 6 | FEEDER CATEGORY WHERE EOL DONE | AP | |
| 7 | CONSUMTION DETAILS | 11.11.2020 TO 20.10.2022 (708 days) | |
| | | UNITS CONSUMED for above period | |
| | | KWH | KVAH |
| | | 5745.44 | 0 |
| 8 | EOL PERIOD | OCT-2022 TO NOV-2023 (Defective as per M&P report) | |
| | | KWH | |
| 9 | Consumption for the period from 12.12.2022 to 22.08.2023 for LT CT meter (249 days) on the basis of the above consumption mentioned against Sr. no. 7 for 21 KW load | 2828.90 | |
| 10 | PDCO DONE on consumer request | 09.11.2023 (In system) | |
| B | NEW ACCOUNT NUMBER | 9549772170' | |
| 1 | CONNECTED LOAD | 15 kw | |
| 2 | FEEDER CAT. | Urban | |

| | | | |
|---|---------------------|------------------------------|----------|
| | | | |
| 3 | SCO/SJO NO & date | G23-523-370-SCO & 11.07.2023 | |
| 4 | CONSUMPTION DETAILS | AUG 23 TO OCT 2024 | |
| | | UNITS CONSUMED | |
| | | KWH | KVAH |
| | | 9516.43 | 10508.29 |

2. (b) (i) It is intimated the detail of bill basis for the said period & payment made is as under: -

| Bill issue date | Bill period | Bill Basis | FC | SOP | MMC | OTHER | Adjustment | TOTAL | PAYMENT | Remarks |
|-----------------|----------------------|------------|---------|----------|---------|--------|------------|----------|-----------------------------------|--|
| 03.02.23 | 20.10.22 TO 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | | 10577.36 | 10889.00 DT 6.3.23 With Surcharge | Through NEFT only Rs. 5496/- disputed period |
| 13.03.23 | 03.02.23 TO 01.03.23 | RNT | 2414.46 | 10080.00 | 0 | 252.09 | | 12747.36 | 12436.00 dt 24.3.23 | Both bill are cancel due to RNT |
| 12.04.23 | 01.03.23 TO 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | 2000 | 12636.00 | | |
| 13.04.23 | 03.02.23 TO 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 27383 | -9247.00 | | |
| 12.08.23 | 01.07.23 TO 01.08.23 | OK | 2772.16 | 12.80 | 0 | 55.70 | 1739.62 | 1101.00 | 1101 dt. 17.08.2023 | |

- (ii) It is submitted that the payment of Rs. 12436 + 1101 = 13537/- has already adjusted. Payment of Rs. 10889/- dated 06.03.2023. The pro-rata amount of Rs. 5496/- will be adjusted in his bill after getting the approval of competent authority or as decided by Hon'ble Court for the disputed period 12.12.22 to 02.02.2023.
- (iii) It is submitted that fixed charges are being charged as per sales circular No- D-13/2023 (i.e. 160/- KW of 80%) in case of ok billing.
3. It is submitted that the consumer had made the payment for extension of load (EOL) from 15 KW to 21 KW of Rs. 28711/- (as service connection charges, ACD, Processing fee, Meter Cost, LT/CT Cost). Later on, the same connection was PDCO on consumer request. ACD of earlier connection & EOL case has already been refunded/ adjusted. Further the Fix charges of Rs. 27888/- is being calculated for 21 KW connection as per Nigam circular.

It is therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be dismissed and pass any other order in favour of respondent in the interest of justice.

- N.** The appellant vide email dated 20.01.2025 has submitted reply, which is reproduced as under:

The reply submitted by the respondent through mail on dated 13.01.2025 in response of interim order passed vide Memo No. 4257/EO/HERC/Appeal No. 28/2024 dated 17.12.2024, is unsatisfactory in which respondent avoids giving direct answer in a prevarication.

1. To calculate reading of 249 days

During hearing on 22.10.2024, Sh. Sukhbir Singh CA % SDO (OP), Farrukh Nagar, Gurugram told that units calculation formula of sanctioned load 21 KW = $2020.635/15 \times 21 = 2828.899$ KWH was calculated as per sale circular 9 but we found there is no concern of sale circular 09/2019 with this calculation, later SDO, Farrukh Nagar confirmed the same in his reply, but not clarified under which sale circular the above calculation is calculated?

As earlier stated as per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21 KW due to negligence and wrong connection done by the DHBVN officials.

In our view the calculation should be as under: -

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

2. To adjust paid bill amount as per para (b) i & ii

| Bill issue date | Bill period | Bill Basis | FC | SOP | MMC | Others | Total Current Cycle Charges (Rs.) | Adjustment | Amount Paid | Remarks |
|-----------------|--------------------------------------|------------|---------|----------|---------|--------|-------------------------------------|------------|-------------|-------------------------------|
| 03.02.23 | 20.10.22 to 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | 10577.36 | | | Rs. 10889 paid on dt 06.03.23 |
| | Part Payment of 12.12.22 to 02.02.23 | | | | | | 5496.35 | | 5496.35 | |
| 13.03.23 | 03.02.23 to 01.03.23 | RNT | 2414.46 | 10080 | 0 | 252.09 | 127747.36 | 311.27 | 12436 | |
| 12.04.23 | 01.03.23 to 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | | 2000.00 | | |
| 13.04.23 | 03.02.23 to 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 12635.74 (outstanding dues 5499.78) | 27383.01 | | |
| 12.05.23 | 01.04.23 to 01.05.23 | OK | 2682.74 | 19.84 | 0 | 54.08 | 2756.66 | 838.9 | | |
| 13.06.23 | 01.05.23 to 01.06.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | | |

| | | | | | | | | | | |
|----------|----------------------------|----|---------|------|---|-------|-------------|----------|----------|--|
| 12.07.23 | 01.06.23 to 01.07.23 | OK | 2682.74 | 12.8 | 0 | 53.91 | 2749.45 | | | |
| 12.08.23 | 01.07.23 to 01.08.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | 1101 | |
| | | | | | | | Total | 30533.18 | 19033.35 | |
| | | | | | | | Grand Total | 49566.53 | | |

Note: Details of adjustment amount need to be clarified.

- (ii) DHBVN generated all the bills by charging F.C. @ Rs. 89.41 Per day during disputed period but later revised calculation @ Rs. 112 Per day in same duration, we are unable to understand the reason for difference, need to be clarify.

No Clarification submitted in the reply.

3. To adjust the amount of Rs. 28711 as per para (c) i & ii.

(C) (i) It is requested to hon'ble court to pass the necessary directions to refund / adjust the amount of Rs 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose. No relevant answer given in the submitted reply.

Further SDO (OP), Farrukh Nagar installed new connection on 14.08.23, despite giving a number of reminders he could not complete the installation till date.

It is prayed to take necessary action and pass directions so that we could get justice in this regard.

- O.** Hearing was held on 21.01.2025, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO submitted and requested for short adjournment being rejoinder received yesterday. The respondent SDO is directed to submit the point wise reply within 10 days with an advance copy of the appellant. Acceding to the request of the respondent SDO, the matter is adjourned and shall now be heard on 27.02.2025.
- P.** The counsel for the respondent vide email dated 20.02.2025 has submitted submissions, which is reproduced as under:

1. That the present appeal was filed by the appellant on 16.08.2024 against the order dated 24.07.2024 in case no. DH/CGRF 4680/2024 of Ld. CGRF, Gurugram. The respondent department filed elaborated reply of the appeal on 20.09.2024. But the appellant was not satisfied with the reply. So, appellant filed a rejoinder on 08.10.2024.
2. That the respondent department filed reply of rejoinder on 19.10.2024. On the instructions of Ld. Electricity Ombudsman, the department again submitted 2nd reply of rejoinder on 07.11.2024.
3. That on the instructions and directions of Ld. Electricity Ombudsman the respondent department has submitted its final reply to the appeal on 14.01.2025.
4. That it is pertinent to mention here that the main amount in dispute is Rs. 2,85,961/- which has been reduced to Rs. 12,659/- by the respondent department.

Prayer

So, it is therefore, respectfully prayed that the respondent department has no other reply to file. So, the reply dated 14.01.2025 is requested to consider as the final reply. And it is prayed that keeping in view the above contentions the present appeal may kindly be dismissed.

- Q.** The appellant vide email dated 25.02.2025 has submitted 4th rejoinder, which is reproduced as under:

In response of interim order passed vide Memo No. 4951/EO/HERC/ Appeal No. 28/2024 dated 21.01.2025, it is submitted that respondent was directed to submit reply within 10 days but till date no reply is submitted in this regard.

1. To calculate reading of 249 days
During hearing on 22.10.2024, Sh. Sukhbir Singh CA % SDO (OP), Farrukh Nagar, Gurugram told that units calculation formula of sanctioned load 21 KW = $2020.635/15 \times 21 = 2828.899$ KWh was calculated as per sale circular 9 but we found there is no concern of sale circular 09/2019 with this calculation, later SDO, Farrukh Nagar confirmed the same in his reply, but not clarified under which sale circular the above calculation is calculated?

As earlier stated as per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21

KW due to negligence and wrong connection done by the DHBVN officials.

In our view the calculation should be as under: -

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

2. To adjust paid bill amount as per para (b) i & ii

(b) (i) The actual details are as under: -

| Bill issue date | Bill period | Bill Basis | FC | SOP | MMC | Others | Total Current Cycle Charges (Rs.) | Adjustment | Amount Paid | Remarks |
|-----------------|--------------------------------------|------------|---------|----------|---------|--------|-------------------------------------|------------|-------------|-------------------------------|
| 03.02.23 | 20.10.22 to 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | 10577.36 | | | Rs. 10889 paid on dt 06.03.23 |
| | Part Payment of 12.12.22 to 02.02.23 | | | | | | 5496.35 | | 5496.35 | |
| 13.03.23 | 03.02.23 to 01.03.23 | RNT | 2414.46 | 10080 | 0 | 252.09 | 127747.36 | 311.27 | 12436 | |
| 12.04.23 | 01.03.23 to 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | | 2000.00 | | |
| 13.04.23 | 03.02.23 to 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 12635.74 (outstanding dues 5499.78) | 27383.01 | | |
| 12.05.23 | 01.04.23 to 01.05.23 | OK | 2682.74 | 19.84 | 0 | 54.08 | 2756.66 | 838.9 | | |
| 13.06.23 | 01.05.23 to 01.06.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | | |
| 12.07.23 | 01.06.23 to 01.07.23 | OK | 2682.74 | 12.8 | 0 | 53.91 | 2749.45 | | | |
| 12.08.23 | 01.07.23 to 01.08.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | 1101 | |
| | | | | | | | Total | 30533.18 | 19033.35 | |
| | | | | | | | Grand Total | 49566.53 | | |

Note: Details of adjustment amount need to be clarified.

(ii) DHBVN generated all the bills by charging F.C. @ Rs. 89.41 Per day during disputed period but later revised calculation @ Rs. 112 Per day in same duration, we are unable to understand the reason for difference, need to be clarify.

No Clarification submitted in the reply.

(iii) The said PDCO connection was neither LT supply nor HT supply, it was Agriculture supply and load was enhanced to convert the supply from Agriculture to LT supply and as per Sale Circular No. D-13/2023 para no. 6, there is no provision of Fix Charges in

Agriculture Supply. So it is humble request to remove the fix charges.

3. To adjust the amount of Rs. 28711 as per para (c) i & ii.

(C) (i) It is requested to hon'ble court to pass the necessary directions to refund / adjust the amount of Rs 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose. No relevant answer given in the submitted reply.

4. SDO (OP), Farrukh Nagar installed new connection on 14.08.23, installation of instrument and other work worth Rs. 22000 is still pending, despite giving a number of reminders he could not complete the installation till date.

5. We filled complaint to remove penalty of Rs. 285961 (generated in wrong way with wrong calculation) with Zonal CGRF/ OP Circle-1/ Gurugram and 1st Appeal to Corporate Zonal Office also, and 2nd appeal with Electricity Ombudsman, Haryana. The details as under:-

| | |
|--|---|
| CASE NUMBER | DH/Zonal CGRF/73/2023-24 |
| DATE OF INSTITUTION | 31.01.2024 |
| DATE OF HEARING | 08.02.2024 (Physical) 22.02.2024 (Virtual) |
| DATE OF ORDER (in which penalty exempted) | 22.02.2024, Received by mail on 02.04.2024 |

| | |
|-----------------------------|---|
| CASE NUMBER DH/ CGRF | 4680/2024 |
| DATE OF INSTITUTION | 30.04.2024 |
| DATE OF PHYSICAL HEARING | 13.05.2024, 29.05.2024, 12.06.2024, 27.06.2024, 16.07.2024 |
| DATE OF ORDER | 24.07.2024 |

2nd Appeal to Electricity Ombudsman, details as below:-

| | |
|----------------------|------------|
| Appeal No. | 28/2024 |
| DATE OF REGISTRATION | 28.08.2024 |

| | |
|-------------------------|---|
| DATE OF VIRTUAL HEARING | 24.09.2024, 22.10.2024, 19.11.2024, 17.12.2024, 21.01.2025 |
|-------------------------|---|

Despite six physical hearing in lower court and five virtual hearing in this court and interim order passed by Hon'ble Court again and again in which respondent directed to submit the point wise reply but till date respondent could not submit any proper relevant reply. Hence, we pray to issue directions once again to the respondent to submit point wise final reply.

Further it is humble request to conduct virtual hearing on 27.02.2025 otherwise fix the new date of hearing so that we may get sufficient time to study the reply if submitted by the respondent.

Kindly pass the order as this Hon'ble Court may deem fit and proper in the interest of Justice.

R. Hearing was held on 27.02.2025, as scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, appellant briefed the appeal and submitted that detailed reply of the rejoinder not submitted by the respondent SDO till date and requested for detailed reply. The respondent SDO is directed to submit the point wise reply in response to rejoinder of the appellant dated 25.02.2025 within 3 days with an advance copy to the appellant. Final order is reserved and will be issued on receipt of point wise reply from respondent SDO.

S. In compliance of the interim order dated 28.02.2025, the respondent SDO vide email dated 04.03.2025 has submitted final reply, which is as under:

It is submitted that Sale Circular 09/2019 is for independent feeder. There is no link of this sale circular with this case. Further, the detail of the previous connection and EOL case detail is as under please: -

| | | | |
|---|--------------------------------|--|------|
| A | OLD AC NO. | 7759291000' | |
| 1 | NAME OF CONSUMER | M/S SARDAR PATEL | |
| 2 | CONNECTED LOAD | 15 KW | |
| 3 | FEEDER CATEGORY | AP | |
| 4 | EXTENSION OF LOAD | FROM 15 TO 21 KW | |
| 5 | DATE OF EXTENSION LOAD | 10.10.2022 | |
| 6 | FEEDER CATEGORY WHERE EOL DONE | AP | |
| 7 | CONSUMTION DETAILS | 11.11.2020 TO 20.10.2022 (708 days) | |
| | | UNITS CONSUMED for above period | |
| | | KWH | KVAH |
| | | 5745.44 | 0 |
| 8 | EOL PERIOD | OCT-2022 TO NOV-2023 (Defective as per M&P report) | |
| | | KWH | |

| | | | |
|----|--|------------------------------|----------|
| 9 | Consumption for the period from 12.12.2022 to 22.08.2023 for LT CT meter (249 days) on the basis of the above consumption mentioned against Sr. no. 7 for 21 KW load | 2828.90 | |
| 10 | PDCO DONE on consumer request | 09.11.2023 (In system) | |
| B | NEW ACCOUNT NUMBER | 9549772170' | |
| 1 | CONNECTED LOAD | 15 kw | |
| 2 | FEEDER CAT. | Urban | |
| 3 | SCO/SJO NO & date | G23-523-370-SCO & 11.07.2023 | |
| 4 | CONSUMTION DETAILS | AUG 23 TO OCT 2024 | |
| | | UNITS CONSUMED | |
| | | KWH | KVAH |
| | | 9516.43 | 10508.29 |

2. (b) (i) It is intimated the detail of bill basis for the said period & payment made is as under: -

| Bill issue date | Bill period | Bill Basis | FC | SOP | MMC | Other | Adjustment | Total | Payment | Remarks |
|-----------------|----------------------|------------|---------|----------|---------|--------|------------|----------|-----------------------------------|---|
| 03.02.23 | 20.10.22 TO 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | | 10577.36 | 10889.00 DT 6.3.23 With Surcharge | Through NEFT only Rs. 5496/- of disputed period |
| 13.03.23 | 03.02.23 TO 01.03.23 | RNT | 2414.46 | 10080.00 | 0 | 252.09 | | 12747.36 | 12436.00 dt 24.3.23 | Both bill are cancel due to RNT |
| 12.04.23 | 01.03.23 TO 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | 2000 | 12636.00 | | |
| 13.04.23 | 03.02.23 TO 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 27383 | -9247.00 | | |
| 12.08.23 | 01.07.23 TO 01.08.23 | OK | 2772.16 | 12.80 | 0 | 55.70 | 1739.62 | 1101.00 | 1101 dt. 17.08.2023 | |

- (ii) It is submitted that the payment of Rs. 12,436+1101 = Rs. 13,537/- has already adjusted. Payment of Rs. 10,889/- dated 06.03.2023. The bill revision case for adjustment of Rs. 5,496/- has been initiated for approval from CBO, DHBVN, Hisar. As such, net chargeable amount is Rs. 7,163/-.
- (iii) It is submitted that fixed charges are being charged as per sales circular No- D-13/2023 (i.e. 160/- KW of 80%) in case of ok billing.
3. It is submitted that the consumer had made the payment for extension of load (EOL) from 15 KW to 21 KW of Rs. 28711/- (as service connection charges, ACD, Processing fee, Meter Cost, LT/CT Cost). Later on, the same connection was PDCO on consumer request. ACD of earlier connection & EOL case has already been refunded / adjusted. Further the fix charges of Rs. 27888/- is being calculated for 21 KW connection as per Nigam circular.

It is therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellant may kindly be

dismissed and pass any other order in favour of respondent in the interest of justice.

- T.** The appellant vide email dated 04.03.2025 has submitted 5th rejoinder, which is reproduced as under:

“The reply submitted by the respondent through mail on dated 04.03.2025 in response of interim order passed vide Memo No. 5209/EO/HERC/Appeal No. 28/2024 dated 28.02.2025, is unsatisfactory in which respondent avoids giving direct answer in a prevarication.

1. To calculate reading of 249 days

During hearing on 22.10.2024, Sh. Sukhbir Singh CA % SDO (OP), Farrukh Nagar, Gurugram told that units calculation formula of sanctioned load 21 KW = $2020.635/15 \times 21 = 2828.899$ KWh was calculated as per sale circular 9 but we found there is no concern of sale circular 09/2019 with this calculation, later SDO, Farrukh Nagar confirmed the same in his reply, but not clarified under which sale circular the above calculation is calculated?

No relevant answer given in the submitted reply.

As earlier stated as per M&P report the supply was found by pass for the period 12-12-2022 to 22-08-2023 (249days) of sanctioned load 21 KW due to negligence and wrong connection done by the DHBVN officials. In our view the calculation should be as under :-

$$= 8.115 \times 249 = 2020.635 \text{ KWH. (Units)}$$

2. To adjust paid bill amount as per para (b) i & ii - Annexure-A5

(b) (i) The actual details are as under :-

| Bill Issue Date | Bill Period | Bill Basis | FC | SOP | MMC | OTHERS | Total Current Cycle Charges (Rs.) | Adjustment | Amount Paid | Remarks |
|-----------------|--------------------------------------|------------|---------|----------|---------|--------|-------------------------------------|-----------------|----------------|---------------------------------------|
| 03.02.23 | 20.10.22 to 02.02.23 | OK | 0 | 749.51 | 9610.49 | 217.36 | 10577.36 | | | Rs. 10889 paid on Dt. 06.03.23 |
| | Part Payment of 12.12.22 to 02.02.23 | | | | | | 5496.35 | | 5496.35 | |
| 13.03.23 | 03.02.23 to 1.03.23 | RNT | 2414.46 | 10080 | 0 | 252.09 | 127747.36 | 311.27 | 12436 | Annexure-D1 |
| 12.04.23 | 1.03.23 to 01.04.23 | RNT | 2772.16 | 11573.12 | 0 | 290.37 | | 2000.00 | | |
| 13.04.23 | 03.02.23 to 01.04.23 | OK | 5186.63 | 204.16 | 0 | 108.99 | 12635.74 (Outstanding Dues) 5499.78 | 27383.01 | | Annexure-D2 |
| 12.05.23 | 01.04.23 to 01.05.23 | OK | 2682.74 | 19.84 | 0 | 54.08 | 2756.66 | 838.9 | | Annexure-D3 |

| | | | | | | | | | | |
|----------|----------------------------|----|---------|------|---|-------|--------------------|-----------------|-----------------|--|
| 13.06.23 | 01.05.23 to 01.06.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | | |
| 12.07.23 | 01.06.23 to 01.07.23 | OK | 2682.74 | 12.8 | 0 | 53.91 | 2749.45 | | | |
| 12.08.23 | 01.07.23 to 01.08.23 | OK | 2772.16 | 12.8 | 0 | 55.7 | 2840.66 | | 1101 | |
| | | | | | | | Total | 30533.18 | 19033.35 | |
| | | | | | | | Grand Total | 49566.53 | | |

Note : Details of adjustment amount need to be clarified.

But No Clarification submitted in the reply.

(ii) DHBVN generated all the bills by charging F.C. @ Rs. 89.41 Per day during disputed period but later revised calculation @ Rs. 112 Per day in same duration, we are unable to understand the reason for difference, need to be clarify.

No Clarification submitted in the reply.

(iii) The said PDCO connection was neither LT supply nor HT supply, it was Agriculture supply and load was enhanced to convert the supply from Agriculture to LT supply and as per Sale Circular No. D-13/2023 para no. 6, there is no provision of Fix Charges in Agriculture Supply. So it is humble request to remove the fix charges.

No relevant answer given in the submitted reply.

3. To adjust the amount of Rs. 28711 as per para (c) i & ii.

(C) (i) It is requested to hon'ble court to pass the necessary directions to refund / adjust the amount of Rs 28711 paid by the consumer for enhancement of the load and installation of LTCT meter, which was installed by the misguidance of the department officials, due to which we cause a lot of inconvenience for a long period since 28.04.2022 to till date. So why (the consumer) we should be liable to bear the above financial loss whereas we are not at fault, also we are already bearing the financial loss of Rs 27888 as fix charges due to increase the load without any purpose.

No relevant answer given in the submitted reply.

4. SDO (OP), Farrukh Nagar installed new connection on 14.08.23, installation of instrument and other work worth Rs. 22000 is still pending, despite giving a number of reminders he could not complete the installation till date. (Annexure-D4)

No relevant answer given in the submitted reply.

5. We filled complaint to remove penalty of Rs. 285961 (generated in wrong way with wrong calculation) with Zonal CGRF/ OP Circle-1/ Gurugram and 1st Appeal to Corporate Zonal Office also, and 2nd appeal with Electricity Ombudsman, Haryana. The details as below:-

| | |
|--|---|
| CASE NUMBER | DH/Zonal CGRF/73/2023-24 |
| DATE OF INSTITUTION | 31.01.2024 |
| DATE OF HEARING | 08.02.2024 (Physical) 22.02.2024 (Virtual) |
| DATE OF ORDER (in which penalty exempted) | 22.02.2024, Received by mail on 02.04.2024 |

| | |
|--------------------------|---|
| CASE NUMBER DH/ CGRF | 4680/2024 |
| DATE OF INSTITUTION | 30.04.2024 |
| DATE OF PHYSICAL HEARING | 13.05.2024, 29.05.2024, 12.06.2024, 27.06.2024, 16.07.2024 |
| DATE OF ORDER | 24.07.2024 |

2nd Appeal to Electricity Ombudsman, details as below:-

| | |
|-------------------------|---|
| Appeal No. | 28/2024 |
| DATE OF REGISTRATION | 28.08.2024 |
| DATE OF VIRTUAL HEARING | 24.09.2024, 22.10.2024, 19.11.2024, 17.12.2024, 21.01.2025, 28.02.2025 |

Despite six physical hearing in lower court and Six virtual hearing in this court and interim order passed by Hon'ble Court again and again in which respondent directed to submit the point wise reply but respondent is not willing to submit any proper relevant reply. Further respondent calculated Net Chargeable amount Rs. 7163/- (Rs. 7163/- + ACD Rs. 21000/- = Rs. 28163/-), which is not satisfactory.

Hence it is humble request to appoint Technical Expert Committee to review and calculate actual amount as per sale circular / Nigam rules and regulations, so that matter may be resolved at the earliest.

Kindly pass the order as this Hon'ble Court may deem fit and proper in the interest of Justice".

- U.** In compliance of the interim order dated 28.02.2025, the respondent SDO vide email dated 04.03.2025 filed the detailed reply. In response to the reply,

appellant filed the rejoinder and further requested to constitute a technical expert committee to review and calculate actual amount as per Nigam Sales Circular & other instructions as applicable.

The Superintending Engineer Operation Circle, DHBVN, Gurugram-I is directed to constitute a Technical Expert Committee comprising of 3 members on the level of XEN / SDO who are well convenient with the latest Nigam Sales Circular & other instructions issued by the Nigam within 2 days from the date of this order and also directed the Committee to review the case & submit their report within 10 days.

The respondent SDO Operation, DHBVN, Farukh Nagar, Gurugram is directed to provide all relevant records and case file to the Technical Expert Committee, so that committee submit their report on time.

Final order is reserved and will be issued on receipt of the report.

- V.** In compliance of the interim order dated 04.03.2025, a joint committee was constituted by the office of SE (OP) Circle-I, DHBVN, Gurugram vide O/o No. 26 dated 07.03.2025 to calculate actual amount as per the latest Nigam Sale Circular & Other Instructions as applicable in the case of M/s Sardar Patel Educational & Cultural Society, 484/532, 485/583 Farrukhnagar in case No. DH/CGRF-4680/2024. The SE (OP) Circle-I, DHBVN, Gurugram vide email dated 28.03.2025 has submitted the enquiry report to this office (Electricity Ombudsman) in response to the interim order dated 04.03.2025 as per Nigam Sales Circular & other instructions as applicable, which is reproduced as under:-

“A joint committee has been constituted by the office of SE (OP) Circle-I, DHBVN, Gurugram vide O/o No. 26 dated 07.03.2025 to calculate actual amount as per the latest Nigam Sale Circular & Other Instructions as applicable in the case of M/s Sardar Patel Educational & Cultural Society, 484/532, 485/583 Farrukhnagar in case No. DH/CGRF-4680/2024.

Enquiry is conducted in the presence of SDO (OP) S/Division, DHBVN, Farrukhnagar & Sh. Sukhbir Singh, CA and during the course of enquiry it is found that the consumer was using previously supply with load 15 KW from AP feeder. Further that the consumer was requested with the office of SDO (OP) S/Division Farrukhnagar for Extension of load from 15 KW to 21 KW and paid an amount of Rs. 28711/- (Service connection charges, ACD, Processing fee, Meter Cost, LT/CT Cost). Later on, the same connection was disconnected on consumer request and M&P team declared that meter 100% slowness. After that the ACD of earlier connection & EOL case has already been refunded/ adjusted by SDO (OP) S/Division, DHBVN, Farrukhnagar. Further the Fix charges of Rs.

27888/- has been calculated for 21 KW connection as per Nigam circular and payment of Rs. 12436+1101 13537/- has already adjusted. The bill revision case for adjustment of Rs. 5496/- has been initiated for approval from CBO, DHBVN, Hisar. As such, net chargeable amount is Rs. 7163/- . The fixed charges already charged as per sales circular No-D-13/2023 (i.e. 160/- KW of 80%) in case of ok billing.

In view of above, after going through the calculations & adjustment done at CBO for level, the bill seems to be justified & it is therefore submitted the further necessary action please”.

- W.** In compliance of the interim order dated 04.03.2025, a joint committee was constituted by the office of SE (OP) Circle-I, DHBVN, Gurugram vide O/o No. 26 dated 07.03.2025 to calculate actual amount as per the latest Nigam Sale Circular & Other Instructions as applicable in the case of M/s Sardar Patel Educational & Cultural Society, 484/532, 485/583 Farrukhnagar in case No. DH/CGRF-4680/2024. The SE (OP) Circle-I, DHBVN, Gurugram vide email dated 28.03.2025 has submitted the enquiry report to this office (Electricity Ombudsman) in response to the interim order dated 04.03.2025 as per Nigam Sales Circular & other instructions as applicable.

Now, the appellant is also directed to submit rejoinder if any, in response to the enquiry report submitted by respondent within 3 days with a copy to the respondent.

The matter shall now be heard for final hearing on 03.04.2025.

- X.** The appellant vide email dated 28.03.2025 has submitted reply on report submitted by technical expert committee which is reproduced as under:

“Reply Submitted against Constituted Committee report Memo No. 1817 dated 27.03.2025 office of SE ‘OP’ Circle-I, DHBVN, Gurugram. The report submitted by the constituted committee does not cover all the points raised by the Appellant. It is half backed investigation and incharge of the enquiry committee is Executive Engineer Operation, DHBVN, Manesar, Gurugram, which is already respondent in this case and never joined the hearing despite again and again order passed in interim order Memo No. 4015/EO/HERC/Appeal No. 28/2024 dated 19.11.2024 and Memo No. 4257/EO/HERC/Appeal No. 28/2024 dated 17.12.2024 and another two committee members are junior officers under respondent XEN in the same division. There is no hope to get a fair deal from the enquiry committee. Hence submitted report is delinquent and bias. It would effect justice if decision taken by considering the said submitted report. Further it is humble request to pass the order as this Hon’ble Court may deem fit and proper in the interest of Justice.”

- Y.** Hearing was held on 03.04.2025, as scheduled. Both the parties were present through video conferencing. During the hearing, The Respondent's counsel submitted a final reply based on the Enquiry Report submitted by SE, Operation

Circle, DHBVNL, Gurugram-1, which states that the net charges to be recovered from the Appellant amount to Rs. 7,163/-. The Appellant raised three major issues during the hearing that were calculation was done using the wrong formula, No records of adjustments were provided. The fixed charges levied by the Respondent are incorrect. Additionally, the Appellant claimed that their connection was released with the old transformer and without GO switch. Respondent's SDO was directed to install a new GO switch within one week.

Decision

After hearing both the parties and going through the record made available on file, the dispute of the appellant in this appeal is calculation of reading of 249 days, adjustment of amount paid against bill and adjustment of amount Rs.28711/-. In this regard, respondent SDO submitted final chargeable amount of Rs. 7163/- to be payable by appellant after adjustment of all paid bill amount and Rs. 28711/- (ACD adjustment). Appellant filed rejoinder and requested to constitute technical expert committee to review and calculate actual amount. Accordingly, SE, Operation Circle, DHBVNL, Gurugram-1 was directed to constitute technical expert committee of three members of the level of XEN/SDO who are well conversant with the latest Nigam sales circular and other instructions. SE Operation Gurugram-1 constituted technical expert committee comprising of XEN operation Manesar, SDO operation DHBVNL, Bhorekalan and SDO operation DHBVNL, Manesar. SE, Operation Circle, DHBVNL, Gurugram-1 submitted the report of Committee on 27.03.2025 wherein final amount payable by the appellant comes out to Rs. 7163/-. In consideration of the deliberations made above and during hearings, the finding of the committee is hereby approved and appellant is directed to make payment of Rs. 7163/-. SDO respondent is directed to send final bill of Rs. 7163/- to the appellant. However, Nigam Officers/officials who were responsible for resolving complainant billing issue in this case should have been more responsive and prompt.

The instant appeal is disposed of accordingly.

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

Given under my hand on 7th April, 2025.

Dated:

(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

CC

Memo. No.100-106/HERC/EO/Appeal No. 28/2024

Dated: 09.04.2025

1. M/s Sardar Patel Educational & Cultural Society, 484/532, 485/583, Farukh Nagar, Gurugram.
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar -125005.
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
4. The Chief Engineer 'Operation', DHBVN, Delhi Zone, Delhi.
5. The Superintending Engineer Operation Circle, DHBVN, Gurugram-I, Gurugram.
6. The Executive Engineer Operation, Manesar, Gurugram, 2nd Floor, DHBVN, Opp. Govt. School, Kadipur, Gurugram.
7. The SDO Operation, DHBVN, Farukh Nagar, Gurugram.

