



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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

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(Regd. Post)

Appeal No. : 3/2025
Registered on : 10.01.2025
Date of Order : 28.03.2025

In the matter of:

Appeal against the order passed by CGRF DHBVN Gurugram on 13.11.2024 in Case No DH/CGRF 4768/2024.

Shri S C Goyal, Sector – 21 Bhiwani

Appellant

Versus

1. The Executive Engineer Operation, DHBVN, City Bhiwani

Respondent

2. The SDO (Operation), DHBVN, S/U, S/Division No. 1, Bhiwani

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Akshay Gupta, Advocate

Present on behalf of Respondents:

Shri Ankit Kumar, SDO

Shri Sanjay Bansal, Advocate

ORDER

A. Shri S C Goyal has filed an appeal against the order dated 13.11.2024 passed by CGRF, DHBVN, Gurugram in complaint No. DH/ CGRF 4768/2024. The appellant has requested the following relief: -

- i. The appellant petitioner filed an appeal before Corporate CGRF DHBVN Gurgaon on 10.10.2024 against the order passed by Circle Forum DHBVN Bhiwani. The order passed by Circle Forum DHBVN Bhiwani was not having any date and the hard copy was never sent to the complainant petitioner.
- ii. The impugned order passed by circle forum is just having the last date of hearing i.e. 30-05-2024.
- iii. That as per HERC regulation an appeal against the order passed by circle forum is to be filed within 2 months but in this instant case the appellant petitioner got to know about the order in Aug-2024.
- iv. That appellant petitioner immediately filed the appeal before Corporate CGRF DHBVN Gurgaon and also submitted the application of condonation of delay.

- v. the appellant petitioner accepted that there was delay of around 60 days but that was not attributed because of his negligence.
- vi. That the corporate CGRF passed an unreasoned order. The order of CGRF held as under:

During the course of hearing, it was found that the case as registered under circle forum DHBVN Bhiwani vide case number CGRF/70/2024 and final order done on dated 30.05.2024 and same was forwarded to the complainant mentioning that "if you are not satisfied with the order passed by circle forum you may file an appeal before the corporate Forum Gurgaon within 2 months of the receipt of order.

During the course of hearing the complainant said that he had received the physical order copy and requested the forum on 10.10.2024 to accept the case. The forum did not accept the request of the complainant as two months' time had been lapsed (on 30.07.2024) for filing the appeal before the forum. The case is rejected."

- vii. That appellant petitioner is having an LT connection bearing account number 4409870000 Lt Category, under the jurisdiction of SDO Op Sub Urban Sub Division No-2, Bhiwani.
- viii. That appellant petitioner always paid the electricity dues on time and till July-2022 there was no arrear outstanding against the account.
- ix. That on 5/08/2022 the DHBVN employee visited appellant petitioner factory for taking reading and appellant petitioner came to know that the electricity meter installed at the premises is not displaying the readings.
- x. That on very same day i.e. 05/08/2022 appellant petitioner registered a complaint regarding the non-showing of display.
- xi. That on 17/08/2024 M&P Wing of DHBVN changed my meter, meanwhile appellant petitioner received a bill amounting to Rs. 54564 with due date of payment 22/08/2022.
- xii. That appellant petitioner immediately rushed to the office of respondent and requested for correction of bill as the bill is received is of 10703.8 reading and meter status faulty.
- xiii. That respondent SDO told appellant petitioner that the bill will correct as per future consumption.

- xiv. That appellant petitioner bill was not corrected, and appellant petitioner got another bill in the month of Sep-2022 amounting to Rs.74809 for period 01-07-22 to 17-08-2022 and this bill too showing the consumed unit 10703.8 for the period 01-07-22 to 17-08-22 and meter status Faulty.
- xv. That on 27-09-2022 appellant petitioner submitted an application with the respondent SDO for correction of Bill.
- xvi. That in the month of Nov-2022 appellant petitioner approached to the SE op circle Bhiwani and explained about grievance and non-correction of bill.
- xvii. That as per the directions of SE Op circle Bhiwani, the respondent SDO made a sundry of refund entry of Rs. 59307 and assured appellant petitioner that the same amount would be refund in the next billing cycle.
- xviii. But later on appellant petitioner came to know that the Sundry was rejected by the CBO (Commercial Back Office) of DHBVN.
- xix. That the respondent orally assured appellant petitioner that he will correct the bill as per the consumption of Aug-2023. (future consumption)
- xx. That the respondent SDO didn't correct appellant petitioner bill even after a lapse of 1 year.
- xxi. That on 31-12-2023 appellant petitioner filed a complaint before SE Op Circle Bhiwani Cum Zonal Forum,
- xxii. That the complaint was disposed off on 30-05-2024 the order held as under
- “During the hearing, concerned officer/ official as submit the reply vide memo number 3298 Dated 03-04-2024, the case of the consumer sent to CBO, Hisar and same has been rejected at their end. It has been observed that the amount has been charged as per provisional consumption i.e. last corresponding by the system, as per nigram instruction the account of consumer was overhauled.
- Considering the above, the case is disposed off.”

- xxiii. That as per HERC regulation 48-2020 the order of the forum should be reasoned but here the Circle CGRF instead of deciding the matter on merits, disposed of the case as per advice of CBO.
- xxiv. That the rejection raised by CBO for not overhauling appellant petitioner account on the basis of ensuing consumption is quite wrong.
- xxv. That because of COVID-19 every business was closed from April-2021 to June-2021 and the factories started operation in the month of July-2021. During that period appellant petitioner also started mask production in factory.
- xxvi. That as per Electricity Supply Code-2020 it is clearly stated over there that
In case of seasonal industries, the account shall be overhauled on the basis of average consumption of ensuing corresponding period after installation of new meter”.
- xxvii. That the complainant filed an appeal before corporate CGRF DHBVN Gurgaon with condonation of delay.
- xxviii. That the CGRF admitted the case and respondent also submitted the reply.
- xxix. That the CGRF rejected the case on delay, without going into the merits of the case.
- xxx. That the order passed by the CGRF is against the law of Natural Justice.
- xxxi. In relevance to case 38/2024, decided by the Hon'ble Ombudsman on 03.12.2024, in a similar matter, where the Commission directed that the case be remanded back to the Corporate Forum of DHBVN, Gurgaon, for a decision on merit.

Grounds:

That the present appeal is filed on the following grounds:

- i. BECAUSE the Impugned Order is passed in a mechanical manner and against the principles of natural justice and settled principles of law.
- ii. BECAUSE the Hon'ble CGRF has wrongly held ““ During the course of hearing , it was found that the case as registered under circle forum DHBVN Bhiwani vide case number CGRF/70/2024 and final order done on dated 30.05.2024 and same was forwarded to the complainant mentioning that “ if you are not satisfied with the order passed by circle

forum you may file an appeal before the corporate Forum Gurgaon within 2 months of the receipt of order.

During the course of hearing the complainant said that he had received the physical order copy and requested the forum on 10.10.2024 to accept the case. The forum did not accept the request of the complainant as two months' time had been lapsed (on 30.07.2024) for filing the appeal before the forum. The case is rejected."

- iii. BECAUSE the order passed by the CGRF is not reasoned one.
- iv. That no similar appeal has been filed against the Impugned Order.

Prayer

In view of the facts and circumstances as stated above, it is most humbly submitted and prayed that this Hon'ble Forum be pleased to:

Direct that the case be remanded to the Corporate Forum of DHBVN, Gurgaon, for a decision on its merits.

- B.** The appeal was registered on 10.01.2025 as an appeal No. 3/2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 18.02.2025.
- C.** The respondent SDO vide email dated 17.02.2025 has submitted reply, which is reproduced as under:

In this connection, it is submitted that Sh. S.C. Goyal filed CGRF complaint no. 4768/2024 regarding correction of bill for the period 01.07.2022 to 17.08.2022 (47 days). The bill was prepared on a provisional basis, taking the base of the period 01.07.2021 to 17.08.2021 (47 days) for 10703 KVAH. During the checking of records, the following observations were made:

- 1. Sh. S.C. Goyal R/o Sector-21, Bhiwani is a consumer of DHBVN, bearing A/c No. 4409870000, having a connection under the LT category.
- 2. As per CCB data, the above connection falls under the General Industry category (not a seasonal industry).
- 3. The meter of the consumer remained defective for the period 01.07.2022 to 17.08.2022 (47 days) and was replaced on 17.08.2022 by M&P team.
- 4. The consumers account was overhauled for the period 01.07.2022 to 17.08.2022 by CBO, based on corresponding month / year (01.07.2021 to 17.08.2021) for 10703 KVAH units.

5. The consumer filed CGRF complaint no. 4768/2024 and the case was disposed of by CGRF with the clarification that the bill was prepared as per standing instructions of the Nigam.
- D.** Hearing was held on 18.02.2025, as scheduled. The counsel for the respondent present during the hearing and appellant / counsel not present during the hearing. The counsel for the respondent submitted that he engaged recently and requested for 10 days time to file reply. The respondent SDO is directed to file point wise reply within 10 days with an advance copy to the appellant. Acceding to the request of respondent, the matter is adjourned and shall now be heard on 06.03.2025.
- E.** The counsel for the respondent SDO vide email dated 03.03.2024 has submitted reply, which is as under:

That the contents of reference para are matter of record to the extent that the present appeal is filed under section 42 (6) of the Electricity Act, 2003 read with Regulation 3.16 of Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020, but the rest of the contents,; that the order dated 13.11.2024 has been passed by Ld. CGRF, DHBVN in case no. 4768/2024 without going through the case records and appreciating the merits of the case, are wrong and incorrect, hence it is denied.

Reply of issues raised by the appellant: -

1. That the appellant is having an electricity connection bearing A/c No. 4409870000 under the LT category. As per the Nigam's CCB data, the above said connection falls under the General Industry Category, not a seasonal industry category. So, the contention of the appellant at point no. xxvi of Brief Facts of the Appeal i.e. "In case of seasonal industries, the account shall be overhauled on the basis of average consumption of ensuing corresponding period after installation of new meter" is incorrect and wrong, hence it is denied.
2. That on 05.08.2022 when the employee of the respondent department visited the appellant premises for taking the reading of the meter and found that the electricity meter installed at the premises of the appellant was not displaying the readings. So, the respondent department replaced the defective meter of the appellant on 17.08.2022 by the M&P team on the registered complaint dated 05.08.2022 of the appellant. In this way the meter of the appellant remained defective for the period 01.07.2022

to 17.08.2022 (47 days). The meter of the appellant was replaced on dated 17.08.2022 with report of M&P team that meter found dead stop due to internal defect and reading not retrievable.

3. That the bill for the period 01.07.2022 to 17.08.2022 (47 days) was prepared on a provisional basis. The appellant's account was overhauled for the period 01.07.2022 to 17.08.2022 by CBO, based on corresponding month/year (01.07.2021 to 17.08.2021) for 10703 KVAH units, as per Sales Instruction No. 58/2006 vide Memo No. ch-58/SE/Comm1/R-17/59/2006 dated 24.10.2006.
4. That it is pertinent to mention here that in Sales Instruction No. 58/2006 dated 24-10-2006 is clearly mentioned that the consumer shall be billed on the basis of consumption of the same month of the preceding year. Hence, no any other adjustment can be made in above bill, the bill has been prepared as per standing instructions of the Nigam.

Point Wise Reply of Brief Facts: -

- i. That the contents of point i of brief facts are matter of record.
- ii. That the contents of point ii are matter of record.
- iii. That the contents of point iii are not admitted.
- iv. That the contents of point iv are matter of record.
- v. That the contents of point v are not admitted as the delay was due to the appellant's negligence.
- vi. That the contents of point vi are matter of record.
- vii. That the contents of point vii is correct, hence it is admitted.
- viii. That the contents of point viii are matter of record.
- ix. That the contents of point ix are matter of record.
- x. That the contents of point x are matter of record.
- xi. That the contents of point xi are matter of record.
- xii. That the contents of point xii are matter of record.
- xiii. That the contents of point xiii are not admitted, hence it is denied.
- xiv. That the contents of point xiv are replied in this way that the appellant's account was over hauled for the period 01.07.2022 to 17.08.2022 by CBO, based on corresponding month/year (01.07.2021 to 17.08.2021) for 10703 KVAH units as per standing instructions of Nigam.
- xv. That the contents of point xv are matter of record.
- xvi. That the contents of point xvi are matter of record.

- xvii. That the contents of point xvii are matter of record.
- xviii. That the contents of point xviii are matter of record.
- xix. That the contents of point xix are not admitted.
- xx. That the contents of point xx are not admitted as the respondent department had issued the appellant's bill as per standing instructions of Nigam.
- xxi. That the contents of point xxi are matter of record.
- xxii. That the contents of point xxii are matter of record.
- xxiii. That the contents of point xxiii are not admitted.
- xxiv. That the contents of point xxiv are not admitted.
- xxv. That the contents of point xxv are matter of record.
- xxvi. That the contents of point xxvi is replied that as per CCB data, the appellant's connection falls under the General Industry category not a seasonal industry.
- xxvii. That the contents of point xxvii are matter of record.
- xxviii. That the contents of point xxviii are matter of record.
- xxix. That the contents of point xxix are matter of record.
- xxx. That the contents of point xxx are wrong and incorrect hence denied.
- xxxi. That the contents of point xxxi are matter of record.

Reply of Grounds: -

- i. That the contents of point i are wrong and incorrect hence denied.
- ii. That the contents of point ii are incorrect and not admissible.
- iii. That the contents of point iii are wrong and incorrect.
- iv. That the contents of point iv are matter of record.

That the contents of prayer clause are denied and not admissible.

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.

F. The counsel for the appellant vide email dated 05.03.2025 has submitted rejoinder, which is reproduced as under:

- 1. The present case is nothing but an example of the harassment caused by the respondent SDO to the senior citizen complainant.
- 2. The appellant received fictitious bill for defaulting meter in the month of Aug-2022.

3. That appellant petitioner bill was not corrected, and appellant petitioner got another bill in the month of Sep-2022 amounting to Rs.74809 for period 01-07-22 to 17-08-2022 and this bill too showing the consumed unit 10703.8 for the period 01-07-22 to 17-08-22 and meter status Faulty.
4. The appellant filed the complaint before Circle CGRF (SE Op Circle Bhiwani) and the respondent admit that the bills issued to complainant were fictitious and same can be revised as per the consumption recorded during the same months in next year and made the sundry 17/214.
5. That as per the directions of SE Op circle Bhiwani, the respondent SDO made a sundry of refund entry of Rs. 59307 and assured appellant petitioner that the same amount would be refund in the next billing cycle.
6. But later on appellant petitioner came to know that the Sundry was rejected by the CBO (Commercial Back Office) of DHBVN.
7. It is well known fact that during the period May-2021 to Nov-2021 the second wave of Covid-19 is on peak and as such all the small industries starts production of Masks.
8. To save the lives of the general people the complainant also produces the masks in his factory during the second wave of pandemic, else the premises of the complainant remain less used which resulted into less consumption of electricity.
9. In the year 202-2023 there was no such consumption.
10. Since the electricity used by the complainant during the 2021 is for manufacturing of masks, which is a seasonal industry and production rises due to the Pandemic then the account of the complainant may be overhauled as per electricity supply code -2020. Which may be read as in case of seasonal industries, the account shall be overhauled on the basis of average consumption of ensuing corresponding period after installation of new meter"

Prayer:

It is humbly submitted that overhaul the account of complainant as per the consumption of ensuing financial year 1.7.2023 to 17.09.2023 as per the sundry number 17/214 and refund the amount Rs. 59307 with 18% LPSC.

G. Hearing was held on 06.03.2025 as scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, the counsel for the respondent intimated that rejoinder of the appellant received and requested for short time to go through the same to file the reply. The respondent SDO is directed to file reply if any within 5 days with an advance copy to the appellant. Acceding to the request of respondent, the matter is adjourned and shall now be heard on 19.03.2025.

H. Reply of rejoinder filed by respondent SDO/ Sh. Sanjay Bansal Advocate vide email dated 13.03.2025 which is reproduced as under: -

1. That the bill for the period 01-07-2022 to 17-08-2022 (47 days) was prepared on a provisional basis. The appellant's account was overhauled for the period 01-07-2022 to 17-08-2022 by CBO, based on corresponding month/year (01-07-21 to 17-08-2021) for 10703 KVAH units, as per Sales Instruction No. 58/2006 vide Memo No. ch-58/SE/Comml/R-17/59/2006 dated 24-10-2006 (Annexure R-1 has already attached with the reply dated 03-03-2025).
2. That it is pertinent to mention here that in Sales Instruction No. 58/2006 dated 24-10-2006, it is clearly mentioned that the consumer shall be billed on the basis of consumption of the same month of the preceding year. Hence, no any other adjustment can be made in above bill, The bill has been prepared as per standing instructions of the Nigam.
3. That the respondent department made a sundry of Rs. 59307/-but the sundry was rejected by the CBO (Commercial Bank Office) and the appellant's account was overhauled for the period 01-07-2022 to 17-08-2022 (47 days), based on corresponding month/year (01-07-2021 to 17-08-2021) for 10703 KVAH Units. Copy of bill dated 01-07-2021 to 17-08-2021 is annexed as (Annexure R-2).
4. That the appellant is having an electricity connection bearing A/c No. 4409870000 under the LT category. As per the Nigam's CCB data, the above said connection falls under the General Industry Category, not a seasonal industry category (Annexure R-3). So, the contention of the appellant at point no. 10 of Rejoinder of the Appeal i.e. "In case of seasonal industries, the account shall be overhauled on the basis of

average consumption of ensuing corresponding period after installation of new meter" is incorrect and wrong.

That the contents of prayer clause are denied and not admissible.

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.** Hearing was held 19.03.2025, as scheduled. Both the parties were present. During the hearing, the counsel for the appellant intimated that as per the direction of SE/Operation, Bhiwani, SDO made sundry entry of Rs. 59307/- vide sundry no. 17/214 and assured that the same amount will be refunded in the next billing cycle but later on sundry was rejected by the CBO (Commercial back office). However, the appellant counsel intimated that during 2021 due to COVID pandemic the specific work of manufacturing of masks was being done by his industry due to which consumption increased in 2021 and requested to overhaul the account as per Supply Code 6.9.1(2)(c) as is being done in case of seasonal industry where the account is overhauled on the basis of average consumption of ensuing corresponding period after installation of new meter. Appellant counsel pointed out that the licensee failed to replace defective meter within seven days as per regulation. Appellant counsel also intimated that he will submit GST-2A and GST-2B form justifying his claim of manufacturing masks during 2021.

Further, Counsel for the respondent intimated that appellant's industry is non-seasonal and the account has been overhauled as per Supply Code 6.9.1(1)(a) and no further adjustment can be allowed. SDO respondent was directed to give consumption data of 2 years before and after replacement of defective meter also appellant's counsel was directed to submit GST-2A and GST-2B forms. Final decision will be taken after receipt of documents from both the parties.

Decision

After hearing both the parties and going through the record made available on file, it is decided that account of consumer has been overhauled for the period 01.07.2022 to 17.08.2022 by Commercial Back Office, based on corresponding

month/year (01.07.2021 to 17.08.2021) for 10703 KVAH units as per sales instructions no. 58/2006 issued vide memo no. Ch.-58/SE/COMML/R-17/59/2006 dated 24.10.2006 is correct and as per Nigam instructions in line with the clause 6.9.1(1)(a) of Supply Code, 2014. The prayer of the appellant counsel for overhauling the account of complainant as per the consumption of ensuing financial year from 01.07.2023 to 17.08.2023 and as per sundry no. 17/214 for refunding the amount of Rs. 59307/- with 18% LPSC cannot be allowed as the industry of the complainant is not seasonal industry and GST returns submitted by appellant do not sufficiently substantiate his claim of manufacturing masks. Amount charged by respondent SDO on basis of consumption of corresponding period of previous year is correct. As far as issue of late replacement of defective meter after 47 days is concerned, SE/Operation Circle, Bhiwani should take action against the delinquent officer/official of the Nigam.

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 28.03.2025.

Dated: 28.03.2025

Sd/-
(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

CC-

Memo. No.5631-37/HERC/EO/Appeal No. 3/2025

Dated: 31.03.2025

1. Shri S C Goyal, Sector – 21 Bhiwani
2. The Managing Director, DHBVN, Hisar
3. Legal Remembrancer, Haryana Power Utilities, Panchkula
4. The Chief Engineer Operation, DHBVN, Hisar
5. The SE Operation Circle, DHBVN, Bhiwani
6. The XEN Operation, DHBVN, City Bhiwani
7. The SDO Operation, DHBVN, Sub Urban, Sub Division No. 1, Bhiwani