



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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

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(Regd. Post)

Appeal No : 5/2025
Registered on : 29.01.2025
Date of Order : 04.04.2025

In the matter of:

Appeal against the order dated 31.12.2024 passed by CGRF UHBVN Panchkula in complaint no UH CGRF 313 of 2024 – M/s Shree Shyam Cotspin.

M/s Shree Shyam Cotspin, Jaurasi Road, Samalkha, Panipat

Appellant

Versus

1. The Executive Engineer (Operation), UHBVN, Samalkha

Respondent

2. The SDO (Operation), Sub Division, UHBVN, Samalkha

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Vijay Gupta

Present on behalf of Respondents:

Shri Shiv Kumar, SDO (Operation), Sub Division, UHBVN, Samalkha

ORDER

A. M/s Shree Shyam Cotspin has filed an appeal against the order dated 31.12.2024 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 313/2024. The appellant has requested the following relief: -

I want to inform you that on date 31/12/24 order has been passed by CGRF court against me and giving no relief to me.

Prayer:

- 1) I am not standing in any court as of now so please give me a chance to listen my points.
- 2) Reconsider this case and recalculate my bill whatsoever valid and giving me one chance to speak to you.

I assure you that I will abide all rules and regulations of UHBVNL and whatever you decide I will obey.

B. The appeal was registered on 29.01.2025 as an appeal No. 5/2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 14.02.2025.

C. The respondent SDO vide email dated 14.02.2025 has submitted reply, which is reproduced as under:

1. In the subject cited matter, it is intimated that M/s Shyam Cotspin Jorasi Road Samalkha had applied a new electric connection on dated 02.05.2017 on HT supply vide A&A No. P21-517-17 with demanded load of 499 KW (CD: 499 KVA). The electric connection to M/s. Shyam Cotspin was released by the Nigam on 04.09.2017 on 11 KV Charak Independent feeder (fed from 220 KV HVPNL Samalkha) with Account no. LS-1077 (Account no. 3543011000).
2. On 04.04.2018, the consumer M/s Shyam Cotspin Samalkha applied for extension of load of his industrial connection from 499 KW to 1250 KW (A&A no. P21-418-38). Accordingly, CTs of ratio 100/5 Amp as supplied by the consumer (document serial no. 154 & serial no. 156 both dated 28.05.2018) were installed after testing through M&T Lab Karnal. Accordingly CTs with ratio 25/5 Amp were replace by

100/5 Amp and JE recorded the correct MF i.e. 5 instead of 20 in the SJO and handed over the SJO to the CA for regularization of extension of load on dated 07.06.2018 but CA did not the entered the SJO with MF 20 in the consumer ledger But Commercial Assistant (CA) did not entered the SJO (with MF x 20) in consumer ledger during 6/2018 and billing for the period 06.06.2018 to 08/2018 remained continued with MF x 5 itself instead of enhanced MF x 20

3. During periodical checking on dated 28.07.2018, AEE M&P Karnal checked the accuracy of ibid meter (MT-1 no. 2722). A copy of this MT-1 was received by the CA. Acting upon the ibid MT-1 report, MF x 20 was recorded by the then CA.
4. Consumer again applied for reduction of load on dated 28.11.2018 from 1250 to 700 KW vide A&A no. P21-1118-113. SJO no. 81/2964 was issued on dated 03.12.2018. In view of email message of SDO OP Samalkha (memo no. Spl-1 dated 03.12.2018), AEE M&P UHBVN Karnal checked the consumer's meter on dated 05.12.2018 vide MT-1 no. 925 and effected reduction of load from 1250 Kw to 700 KW. While effecting the ROL the CTs of the consumer was not changed as the reduced load due to which the multiplying factor of the reading was same i.e. MF in to 20. But CA while regularizing the load in the ledger changed MF from 20 to 5 for the period 01.11.2018 onwards and bill remained issued with MF 5 till 01.04.2019 whereas the billing was to be issued as MF 20.
5. During 04/2019, the audit party, IAP-15, H.Q. Samalkha raised another half margin no. 69 dated 25.04.2019 for the period 12/2018 to 04/2019 amounting to Rs. 4453307/- on account of wrong application of MF x 5 instead of MF x 20.
6. It was found that Rs. 5,44,751/- were charged vide SC&AR item no. 420/374 during the month of 01/2020- by the then SDO Sh. Vikash Bansal, CA Sh. Raja Ram, (UDC) and LDC Sh. Sukhdev (now posted in the O/o SE (OP) Circle UHBVN, Panipat) instead of Rs 3431553/-. No detail about non acceptance of half margin or returning of same to the audit party and basis of partial charging of Rs. 544751/- were found in record. Hence, Rs. 2886802/- were found left un-charged.
7. It was found that during 5/2019 Rs. 3224099/- were charged by CA vide sundry charge and allowance register (SC&AR) item no. 404/374 instead of Rs 4453307/- during 04/2019.
8. Further it was found that balance Rs. 1229208/- were also charged vide SC&AR item no. 421/374 during 01/2020. Hence, total amount of Rs. 4453307/- stands charged. (Rs. 3224099 + 1229208 =4453307/-).
9. During 04/2019, the audit party, IAP-15, H.Q. Samalkha raised half margin no. 68 dated 24.04.2019 amounting to Rs.3431553/- as wrong bill issued due to change of MF for the period 30.04.2018 to 01.08.2018
10. Upon scrutiny of this half margin, it was observed that Rs. 544751/- were charged vide SC&AR item No. 420/374 by the then SDO instead of Rs 3431553/-. Hence Rs 2886802/- were found left uncharged.
11. Rs 2669703/- were charged by the S/Division vide SC&AR No. 300/409A without considering the M&P report. How ever Rs 2456070/- were chargeable as per M&P Report vide MT-1 No. 990 dated 06.06.2018 instead of Rs 2886802/-. The consumer has paid Rs 3224099/-. (against half margin no. 69) in six equal

installment as per the decision given by the Hon'ble Court CJ (JD) Samalkha filed by the complainant.

12. In view of Half margin no. 68 & 69 and charging made in the ledger, the entire account of the consumer was again checked, and the following left out amounts were charged during the month of 01/2020 by SDO OP Samalkha as under –

- Rs. 544751/- in respect of half margin 68 dated 25.04.2019 vide SC&AR no. 425/374 dated 01/2020 on account of differential amount less charged and
- Rs. 1229208/- in respect of half margin 69 dated 25.04.2019 vide SC&AR 421/374 dated 01/2020 on account of differential amount less charged.

Total Rs. 1773959/- (544751 + 1229208=1773959) were charged in consumer's account.

13. Upon charging of Rs. 1773959/- in the energy bill issued during the month 01/2020, the consumer stopped the payment of electricity bill and filed CIS No. 94/2020 in the Hon'ble Court of Sh. Avinash Yadav CJ (JD) Samalkha. The Hon'ble court has decided the case in favour of the Nigam. In the meantime, consumer has stopped paying his regular electricity bills due to which the connection of the consumer is disconnected on dated 16.08.2021 on defaulting amount of Rs. 7713049/- as per bill.

14. Since No source of recovery of balance amount after adjusting the securities was available from the ibid defaulter. So matter was enquired by SDO OP Samalkha and another electricity connection in the name of in the name of defaulter (i.e. M/s Maa Anjali, Account no. 1196836491) was found under SDO OP Sub Division Israna.

15. Matter was referred to SDO OP Israna vide his office memo. no. 15 on dated 07.10.2021 with copy to SE (OP) Panipat, XEN (OP) Samalkha & XEN Sub Urban Division Panipat (being concerned offices) for recovery of defaulting amount of Rs. 30,38,863/- (revised with Rs. 44,21,108/- vide memo. no. 431 on dated 07.12.2021).

16. SDO (OP) Israna charged Rs. 44,21,108/- (outstanding against defaulting amount of Account no. 3543011000 of Shri Shyam Cot Spin of SDO OP Samalkha) in the account of M/s Maa Anjali, Account no. 1196836491 and confirmed to XEN (OP) Sub Urban Division Panipat vide his office memo. no. 4250 on dated 14.12.2021.

17. The firm, M/s Maa Anjali Cotex Pvt. Ltd. challenged SDO OP Israna memo. no. 3749 dated 12.10.2021, 4026 dated 10.11.2021 & 4209 dated 09.12.2021 whereby recovery of Rs. 44,21,108/- was demanded against the electricity account of petitioner in the Hon'ble High court of Punjab and Haryana at Chandigarh in CWP no. – 26130 of 2021 (O&M). The Hon'ble court passed order dated 15.10.2024

“That the institution of the present petition is a mischievous and dishonest act on the part of the petitioner to avoid payment of contractual liability. The petitioner tried to create a façade of corporate entity to avoid payment of an admitted liability. I am of the opinion that such dishonest attempt and tendencies need to be curbed and stern order needs to be passed”.

“The present writ petition is accordingly dismissed with a cost of Rs. 5 Lakh. A sum of Rs. 100000/- out of the said amount be disbursed to respondent No. 4 for harassment and forced litigation, while the balance Rs. 400000/- to

be deposited with "Poor Patient Welfare (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh".

In view of the decision of Hon'ble Court order dated 31.10.2022 and in view of complaints of the consumer at various platforms (regarding billing issues), the entire account was reviewed by SDO OP Samalkha and Rs. 8624813/- were found recoverable in place of Rs. 77,13,049.

Presently, total defaulting amount lying outstanding against M/s Shyam Cotspin is Rs. 8624813/-. Rs. 44,21,108/- already stands transferred to SDO Israna against electricity Account i.e. 1196836491 in the name of M/s Maa Anjali Cotex village Buana Lakhu and in balance Rs. 4203705/- also stands charged vide SC&AR No. 122/422 dated 10.01.2025

The consumer has further represented to SDO (OP) S/Division UHBVN, Samalkha through various emails as mentioned by the consumer in his complaint vide which consumer has requested to the then SDO (OP) Samalkha to shift his connection to the nearby newly rented factory which is about 500 meters away and adjust his current bill with his ACD lying with the Nigam. But the consumer request for shifting of his connection to another premises could not be considered as "No connection can be shifted at any other premises as per standing instructions of the Nigam" and as per the another request the consumer's ACD lying with the Nigam amounting to Rs. 1250000/- was already adjusted in the consumer's account.

Further intimated that consumer has filed a complaint in CGRF Panchkula vide complaint No. UH/CGRF-313/2024 dated 11.11.2024 which was admitted by CGRF. The undersigned has submitted reply to CGRF forms. The Secretary CGRF examine the reply of the undersigned and hearing both the parties observed that since in this case Hon'ble Punjab & Haryana High Court Chandigarh in CWP No. 26130 of 2021 (O&M) has already passed order in the case dismissing the writ petition of the petitioner/complaint ordering therein that "the present writ petition is dismissed with cost of Rs. 5 Lacs. A sum of Rs. 1,00,000/- out of said amount disbursement to respondent No. 04 for harassment and forced litigation while the balance amount to be deposited with poor patients Welfare fund (PPWF) of Medical Education & Research, Chandigarh and case made by the complainant are not maintainable in this Forum and the case is dismissed without cost to either of the parties on dated 31.12.2024.

- D.** Hearing was held on 18.02.2025, as re-scheduled. Both the parties were present during the hearing. During the hearing, appellant briefed the appeal and intimate the reply received today. Further intimated that outstanding amount as mentioned in the reply and outstanding amount in earlier reply dated 13.12.2024 submitted before CGRF are different and requested to direct SDO for issue of fresh, accurate bill. Per contra, respondent SDO submitted that in reply outstanding amount as mentioned after detailed calculation and are final amount and further intimated the interest on security amount not adjusted in the bill. Both the parties ready to sit together for reconciliation of account. Therefore, both the parties are directed to sit together in the office of respondent SDO on 28.02.2025 at 11:30 am and respondent SDO is directed to submit the detailed report before the next date of hearing. The matter is adjourned and shall now be heard on 11.03.2025.

E. The appellant vide email dated 05.03.2025 has submitted the following, which is as under:

We want to inform you that the said statement by Mr. SDO samalkha is completely vague. After went two times to their office and various times on call i showed the 10 lakh Rs. statement to him but he not want to clear this matter and just creating obstacles by demanding wrong items of all payment that we made from start of connection. SDO samalkha does not want to check at their end and not want to solve this matter which is being pending from their end from last five years.

I am highlight ten all mistakes by department and impose a wrong bill on me.

- 1) On date 12.10.21 they give me final notice of all pending dues of Shree Shyam Cotspin which is around 30 lakh. Please find attached last notice by UHBVNL.
- 2) Now SDO and its team including CA wrongly put half margin two times by just saying that we had mistaken by my team.
- 3) On date 31/12/24 they give me notice of 1 crore 2 lakh notice which is completely wrong.
- 4) Then in Ombudsman court they bring new bill of 86 lakh something. That time Mr. Khanna comes to conclusion after listening both of us and decide that we both sit together to make correct bill in 28.02.2025.
- 5) But after that on calls and in person I visited to their office but he does not want to clear this dispute. He just pressurize me by taking name of Hon'ble High court.
- 6) He (SDO Samalkha) not want to clear this bill and creating obstacles in govt recovery and he is only reason of this delay and govt revenue loss.
- 7) Moreover, he said more that two times that our billing team made wrong bill by mistake we will reconcile that. But after that he and not any of his team help me out to get out of this.
- 8) I already showed the 10 lakh bank statement to him on date 12.09.18. I said that check at your end where this 10 lakh goes. But he not want to check this entry and pressurize only me by demanding all bill receipts that I paid online.
- 9) He did not want to check from their end. He only just delaying and constantly saying that show me all receipt of bill that you have paid online. He not want to solve this case and disobey the respected High Court and Ombudsman.
- 10) Furthermore, they give connection on same line and same premises without any sharing cost inspite of all dues remain uncleared and the matter is still going. And the same land is FIR because of non clu land which is not seen yet by Mr. SDO Samalkha. He not only sees this thing but also delaying in making the correct bill.
- 11) They just doing registry of disputed land in part wise so that they fool the officers of UHBVNL and take a illegal connection which is still running. This thing when I informed to SDO Samalkha in Ombudsman court that time he said show me FIR. I do not know about this I will check from my end. But all goes in vain he not taking any step and the connection is still running.
- 12) I want to highlight the order of Hon'ble High Court he only just said that feasible bill of Shree Shyam Cotspin can be impose on maanjali Cotex P Ltd but not said that death penalty under section 302.

Please take a necessary action against him urgently. Otherwise Mr. SDO samalkha will not solve this case.

Now I am highly requesting you that please consider my final notice of date 12/10/21 and consider this 10 lakh and 12.5 lakh security and sharing cost of line which they sold to another party and make my correct bill.

F. The SDO Samalkha vide email dated 10.03.2025 has submitted reply which is reproduced as under:

“In this connection it is intimated that the undersigned as well as complainant have attended the hearing on dated 18.02.2025 against the order dated 31.12.2024 passed by CGRF UHBVN, Panchkula in Complaint no. UH CGRF 313 of 2024. As per your office direction the undersigned checked the record as well as reconciliation of account and found that a sum of Rs. 1,000,000 (Ten Lacs) has been deposited/paid by the complainant on dated 12.09.2018 through Demand draft no. 838388 and found entry in CCR book. In addition to that on dated 25.09.2018 a sum of Rs. 17,39,335 /-(Seventeen Lacs Thirty Nine Thousand Three Hundred Thirty Five Only) has shown paid on account of energy bill for the month of September 2018, but no any entry/posting found in cash book as well in CCR book. The undersigned requested to A.O Collection UHBVN, Panchkula vide this office Memo No. 14595 dated 04.03.2025 to provide whether the said payment has been deposited by the consumer or not, but A.O Collection UHBVN, Panchkula has desired to provide the transaction ID. After that this office through telephonically as well as this office letter Memo no. 14595 dated 04.03.2025 requested to the complainant of M/s Shree Shaym Cotspin to provide bank statement or transaction history of financial year 2018-19 through which account you have paid energy bill as well intimate the mode of amount paid with the Nigan. But till date no any response has been received from consumer end.

So it is requested to adjourn the case for any other suitable date to submit proper reply.”

G. Hearing was held on 11.03.2025, During the hearing, the appellant was not present, despite several attempts to contact him. The respondent, SDO, attended the hearing and informed that there is a dispute regarding an amount of Rs. 17,00,000/- received on 25th September 2018. The SDO has been directed to personally meet with the AO collection for the reconciliation of this amount, and the reconciliation process must be completed within 10 days. Further, respondent SDO has also intimated that appellant requested for Waiver of Surcharge on Half Margin Amount of Rs. 32,00,000 as per earlier Hon'ble Court Order.

H. Vide email dated 03.04.2025 appellant has submitted as follows:-

“I am writing to request that the case related to the feasible bill making of Shree Shyam Cotspin, which is currently scheduled for hearing on 4/4/25, be transferred to Maanjali Cotex Pvt. Ltd who is standing in CGRF Court .

As per the order of the Hon'ble High Court, Maanjali Cotex Pvt. Ltd. was granted liberty to rectify its bill, which is the same bill that was earlier under Shree Shyam Cotspin and was transferred to Maanjali Cotex Pvt. Ltd. The case has been admitted for further hearing in the CGRF court as per Memo No. Ch-04/UH/CGRF-48/2025 on 12/3/25.

In light of this, I respectfully request that the case related to Shree Shyam Cotspin be merged with the case of Maanjali Cotex Pvt. Ltd., which is already pending in the CGRF court. Your kindness in this matter would be greatly appreciated.”

- I. Hearing was held on 04.04.2025, both the parties were present. During the hearing, SDO Operation Samalakha had submitted vide email dated 04.04.2025 that two cases one filed with this office and second case with Corporate CGRF, Panchkula are having same nature contents of complaint and moreover the complaint is also same. Hence, the case under trial with your good office may kindly be considered for referring back to corporate CGRF, Panchkula. Also, email dated 04.04.2025 received from Member Finance & Account corporate CGRF Panchkula also requested to refer back the appeal case of M/s Shree Shyam Cotspin back to forum as the similar case has been filed in corporate CGRF Panchkula. The same was agreed by the consumer Sh Vijay Gupta of M/s Shree Shyam Cotspin.

Decision:

After hearing both the parties and going through record made available on file, it is decided to remand back the case to Corporate CGRF for making decision in the matter as per the request of Corporate CGRF, SDO Operation Samalakha and Sh Vijay Gupta of M/s Shree Shyam Cotspin. Corporate CGRF is directed to decide the case on merit by applying relevant instructions of the Nigam / HERC Regulations.

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 4th April, 2025.

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

Dated: 04.04.2025

CC-

Memo. No.70-76/HERC/EO/Appeal No. 5/2025

Dated:04.04.2025

1. M/s Shree Shyam Cotspin, Jaurasi Road, Samalkha, Panipat.
2. The Managing Director, UHBVN, IP No.: 3&4, Sector-14, Panchkula.
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
4. The Chief Engineer (Operation), UHBVN, Rohtak, Old Power House Colony, Circular Road, Rohtak.
5. The Superintending Engineer (Operations), UHBVN, Panipat, 132 KV Sub Station, Gohana, Road Panipat.
6. The Executive Engineer (Operations) UHBVN, Samalkha, Near Jangra Dharamshala, Officers Colony, Samalkha.
7. The SDO (Operations), Sub Division, UHBVN, Samalkha, Near 220 KV HVPN power house Durga Colony GT Road Samalkha