



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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

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(Regd. Post)

Appeal No. : 6 of 2025
Registered on : 30.01.2025
Date of Order : 23.06.2025

In the matter of:

Appeal against the order passed by CGRF DHBVN Gurugram on 20.11.2024 in Case No DH/CGRF 4757/2024.

M/s GTL Infrastructure Ltd. 2014 3rd floor Palm Cour Building, **Appellant**
Sukhrail Chowk Sector 14, Gurugram

Versus

1. The Executive Engineer Operation, DHBVN, Sub Urban, Gurugram
2. The SDO (Operation), DHBVN, Sub Division, Sec-31, Gurugram **Respondent**

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Ms. Balvinder Kaur Saini, Advocate
Shri Vikas Sharma, GTL Infrastructure

Present on behalf of Respondents:

Shri Dharam Singh, SDO (Operation), DHBVN, S/D, Sec-31, Gurugram

ORDER

A. M/s GTL Infrastructure Ltd. has filed an appeal against the order dated 20.11.2024 passed by CGRF, DHBVNL, Gurugram in complaint No. DH/ CGRF 4757/2024. The appellant has requested the following relief: -

- 1) That the appellant is limited company and as per resolution passed by the board of director in favour of Sh. Shalender Kumar Circle operation Head who is authorized representative of company to do the needful on behalf of company.
- 2) That the order passed by the learned court is illegal erroneous and contrary to the facts.
- 3) That the appellant is challenging the order before the appellant authority in case no 4757/2024 in present appeal and the appellant is aggrieved person and appellant is claiming the relief mention below: -
 - I. That the appellant submits that on page no 48 dated 31.10.2013 the new meter vide no. 108776 was installed and at that time reading is 4005 x 6 total 24030 and that already paid by the appellant.
 - II. That on page no 47 dated 14.10.2014 the new meter was checked by the respondent and the reading was 4005 x 6 total 24030.
 - III. That on page no 35 again the meter was changed on 18.01.2016 and new no of the meter is 538728 but it was not changed in system of respondent and bill was claimed by respondent with old meter.
 - IV. That on page no 33 reading on meter is 10638 and Rs 8 Lacs was paid in 2016 and 2018 as per the bills and in the year 2018 August PDC letter given to electricity board and bill was paid that was about 3 Lacs.

- V. That in October 2014 to 10.12.2015 the unit was used as per electricity board 2 Lacs but bill on average basis (53000 x 6) from October 2014 to December 2015) was so much on higher usage because in the year 2013 the unit (4005 x 6) low in the one year the calculation of 53000 comes. Kindly clarify. That is totally miscalculation by the department. Because this consumption was not done by the appellant (company).
- VI. That on page no 30 letter was given to the executive engineer for permanent disconnection and refund of security deposit said by the company.
- VII. That on page no 31 that electricity bill of Rs. 2612935/- was issued by the department
- 4) That the final order was not passed after apply the mind. The documents by was ignored by the trail court while passing the judgment. That the appellant had informed the well in time to the department but the department had not corrected the error in the system, afterwards blamed the appellant company.
- 5) That the appellant is company has acquired goodwill and reputation in all over India well conversant with the rules of the respondent. That the appellant has acquired tremendous goodwill and reputation in the market.
- 6) That the appellant is law abiding citizen and will not temper and violate the rules of the department.
- 7) That the appellant is a aggrieved person and request the Electricity Ombudsman commission to consider the request of appellant in the interest of justice and equity.

It is therefore respectfully prayed that the respondent may consider the submission of appellant mention in Para no 3 (I to VII) may please be consider in favour of appellant.

Any other relief as this Hon'ble Court may deem fit be also granted.

- B.** The appeal was registered on 30.01.2025 as an appeal No. 6/2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 21.02.2025.
- C.** The respondent SDO vide email dated 25.02.2025 has submitted reply, which is reproduced as under:
1. That the appellant is limited company and as per resolution passed by the board of director in favor of Sh. Shalender Kumar Circle operation Head who is authorized representative of company to do the needful on behalf of company.
 2. That the order passed by the learned court is illegal erroneous and contrary to the facts.

3. That the appellant is challenging the order before the appellant authority in case no 4757/2024 in present appeal and the appellant is aggrieved person and appellant is claiming the relief mention below:-
- i. That the appellant submits that on page no 48 dated 31/10/2013 the new meter vide no. 108776 was installed and at that time reading is 4005 x 6 total 24030 and that already paid by the appellant.
 - ii. That on page no 47 dated 14/10/2014 the new meter was checked by the respondent and the reading was 4005 x 6 total 24030.
 - iii. That on page no 35 again the meter was changed on 18/01/2016 and new no of the meter is 538728 but it was not changed in system of respondent and bill was claimed by respondent with old meter.
 - iv. That on page no 33 reading on meter is 10638 and Rs 8 Lacs was paid in 2016 and 2018 as per the bills and in the year 2018 August PDC letter given to electricity board and bill was paid that was about 3 Lacs.
 - v. That in October 2014 to 10/12/2015 the unit was used as per electricity board 2 Lacs but bill on average basis (53000 x 6) from October 2014 to December 2015) was so much on higher usage because in the year 2013 the unit (4005 x 6) low in the one year the calculation of 53000 comes. Kindly clarify. That is totally miscalculation by the department. Because this consumption was not done by the appellant (company)
 - vi. That on page no 30 letter was given to the executive engineer for permanent disconnection and refund of security deposit said by the company.
 - vii. That on page no 31 that electricity bill of Rs. 268744/- was issued by the department.
4. That the final order was not passed after apply the mind. The documents by was ignored by the trail court while passing the judgment. That the appellant had informed the well in time to the department but the department had not corrected the error in the system, afterwards blamed the appellant company.
5. That the appellant is company has acquired goodwill and reputation in all over India well conversant with the rules of the respondent. That the appellant has acquired tremendous goodwill and reputation in the market.
6. That the appellant is law abiding citizen and will not temper and violate the rules of the department.
7. That the appellant is a aggrieved person and request the Electricity Ombudsman commission to consider the request of appellant in the interest of justice and equity.

Reply

1. That the appellant, Sh. Salinder Kumar Circle operation head is authorized person of company as per provided authorized letter /resolution of firm.
2. That it is incorrect that the order passed by the learned court is illegal erroneous and contrary to the facts.

3. (1) That as per provide documents by the appellant i.e. MT-1 showing the detail of meter replacements is correct & the billing of account was undisputed.
- (ii) That 4031.4 kWh was recorded as per M&P checking report MT-1-100/811 dt 14.10.2014 but it is pertinent to mention here that the Y phase CT found burnt & damage.
- (iii) That it is correct that the meter being Sr. No 108776 was replaced with new meter bearing sr. no. 538728 vide MT-1-100/964 dated 18.01.2016 with giving remarks "old meter burnt & also declared loss of revenue case. However, it is pertinent to mention here that M&P Lab has also declared loss of Revenue' case in last checking done on date 10.12.2015 vide MT-142/964. It is correct that the above MCO activity was not updated in system in time. Hence, the consumer billing was issued on provisional basis.
- (iv) That the documents provided of page no 33 is joint checking report prepared by SDO M&P lab DIIBVN Gurugram of the meter hearing serial no 536728 make IPI. kwh 10638.1 & kvah 10887.9 which was removed against effecting PDCO whereas from 2016 to 2018 payment made against bill issued on provisional basis because the meter was not updated in system after replacement. Therefore, the billing of above period was not done as per recorded consumption of the meters.
- (v) That as per available record the display defective meter Srina HRB43741 meter of plaintiff was replaced on 31.10.2013 by installing new meter bearing serial no 11R108776 but the meter sr. no IHR108776 was reported display defective by M&P checking report 37/964 dt 15.12.2015. Further, meter sr. no IIR108776 was replaced by installing Meter sr. No 536828 on dt 18.01.2017 vide MT-1-100/964. It is worth to mention that the billing of consumer was not issued as the recorded consumption because meters were becoming frequently defective as evident from above mention details & also MCO activities were not updated on system timely. M&P team declared 1.0R cases times and again. However, the overhauling of the account since 25.04.2015 to date of PDCO has been made considering the recorded consumption of meters. Hence, no miscalculation has been made by nigam.
- (vi) PDCO has been done.
- (vii) That is correct the bill of 2612935/- was issued of recorded consumption.

It is submitted that the order passed by Hon'ble Forum is on basis of record & considering of all objection of the plaintiff during hearing.

It is, therefore, most respectfully prayed that in view of facts and submissions made hereinabove, the Hon'ble Electricity Ombudsman may be pleased to pass any other order/direction as deem fit in facts and circumstances of the case.

- D.** Hearing was held on 04.03.2025, as re-scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, the counsel for the appellant intimated that reply of the respondent SDO received and requested short time to go through the same to file rejoinder. The appellant is directed to file

rejoinder if any within 10 days with an advance copy to the respondent. Acceding to the request of respondent, the matter is adjourned and shall now be heard on 18.03.2025.

E. On 18.03.2025 SDO respondent has filed additional reply which is reproduced as under: -

In Continuation of this memo no 2643 dt 25.02.2025 and in complaint of direction given in hearing on dt 04.03.2025, the point wise reply as under:-

- i. That it is correct that the display defective meter Sr No. HRB43741 was replaced with new meter Sr. No HR108776 vide MT-1 No-191867 date 13.10.13. as attached (Annexure'A') with the observation that old meter was display defective and not commutating with CMRI. It is pertinent to mention here that the aforesaid visit/Checking carried by M&P wing in compliance of concurrence issued against seal missing case from the office of SE'op' Circle Gurugram. vide memo Ch-82/CS 218 date 04.10.2013 In reference of consumer objective regarding reading recorded 4005.1 Kwh, it is submitted that the recorded Kwh MT-1 No- 100/811 attached as (Annexure 'B'). It is correct and also the billing of consumer was issued in commensurate of aforesaid reading during the above period. Copy of reading register of CCB is attached herewith as (Annexure 'C')
- ii. That on page No 47 placed in complaint, Copy of M&P checking report vide MT-1 No 100/811 date 14.10.2014 in which the Kwh was shown 4005.1 (Annexure 'B') accordingly the billing in CCB was also issued, Copy of reading register of CC&B is attached as (Annexure 'C'). However, it is pertinent to mention here that the LTCT of Y phase of Consumer found burnt as per observation of M&P wing in aforesaid checking. Hence, accuracy of recording of consumption by meter can be ruled out due to damage of 1LT CT. Further, loss of revenue had been declared by the checking team during numerous visits.
- iii. That, on page No 35 placed in complaint, MT-1 No 100/964 date 18.01.2016 Copy of enclosed (Annexure 'D') vide which the meter Sr No HR108776 was replaced with new meter Sr No 536728 being old meter display defective & data could not be downloaded due to commutation failure of old meter. Hence, M&P team has declared "Loss of Revenue" case. However, it is correct that replacement of meter ie MCO was not updated in CC&H.
- iv. That on page No.33, the plaintiff has produced the JCR report (Annexure 'E') issued from office of SDO M&T lab Gurugram in which the accuracy & reading of meter Sr No 536728 Make IIPi. has been checked which is correct and as per record. Accordingly the PDC had been effected by this office & bill was issued.

V. Details of Checking Carried by M&P wing and Consumption detail of meter as under:-

A Details of M&P Lab Checking

Sr. No	Date	MT-1 No	Purpose	Remarks
1	31.10.2013	19/687 Copy attached as (Annexure 'A')	MCO	<ul style="list-style-type: none"> • Display Defective & Not Communicated with CMRI • Hence data could not be downloaded • Hence LOR on account of Old meter defective New Meter installed Sr No. HR108776
2	14.10.2014	100/811 Copy attached as (Annexure 'B')	Periodical	<ul style="list-style-type: none"> • 'Y' Phase CT Found Damaged
3	12.12.2014	97/835 Copy attached as (Annexure 'F')	Restoration of Supply	<ul style="list-style-type: none"> • Replaced damaged LT CT'S
4	10.12.2015	37/964 Copy attached as (Annexure 'G')	Periodical	<ul style="list-style-type: none"> • Meter Display Found defective • Declared LOR
5	18.01.2016	100/964 Copy attached as (Annexure "D')	MCO	<ul style="list-style-type: none"> • New Meter Sr No.536218 Installed
6	26.04.2019	50/1280 Copy attached as (Annexure H)	Periodical	<ul style="list-style-type: none"> • Cubical found operable so advised for concurrence

B. Since 24.04.2015 i.e. after migration of billing data from old to new software the two no's of meter were installed. So the consumption recoded by both of meter is as under:-

Account no. 6767070000										
S r. N o.	Meter Sr No	Curr ent Bill date	Old reding date	New Reading Date	Bill Perio d	Old readi ng	New Readin g	Differe nce	M F	Unit consumption
1	108776		20.4.2015	18.1.2016	268	5816	53182	47366	6	284196
2	536728	10.0 9.24	18.1.2016	01.2.2021	1841	0	10638	10638	6	63828
								58004		348024

It is evident from above details that the complainant allegation for average billing is baseless and fabricated. That, the Billing of the consumer was issued as per consumption recorded by installed meters.

Submitted for kind consideration please”

F. Hearing was held 18.03.2025, as scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, the counsel for the appellant intimated that reply of the respondent SDO received and requested short time to go through the same to file rejoinder. The appellant is directed to file rejoinder if any within 10 days with an advance copy to the respondent.

Acceding to the request of respondent, the matter is adjourned and shall now be heard on 17.04.2025.

G. On 17.04.2025, appellant has filed rejoinder on reply filed by respondent which is reproduced as under: -

1. That in reply of the respondent it is admitted by the them that the old meter was replaced with new meter and due to display defect and commutation was

not done with the common meter-reading instrument (CMRI). It is pertinent to mention here that in their reply the report Annexure A it was mentioned that push button was not working, Due to that reading parameter could not be viewed and meter was sent to Lab for Testing. It is pertinent to mention here that the meter testing report which was sent by the respondent for Lab testing was not provided till date and MCO(Maximum Consumption order) not updated.

2. That the observation about the burnt meter as mentioned in para 2 in their reply is wrong hence denied. As the report regarding the burnt meter is not provided till date. It clearly shows that the meter was not burnt. But same was defected, Due to that it got replaced with new meter after the complaint given by the complainant.
3. The PDC application No.161 was done on 16-08-2018 and before filling the application all dues were deposited by the complainant as per the bill issued by the Electricity department. But M&P wing visited on 26-04-2019 after 8 months from the date of PDC application. Nothing was due against the complainant, as the total bill amount has already been paid.
4. That It is pertinent to mention here the meter reading shown by Respondent on 20-04-2015 is 5816 and on 18-01-2016 it was shown increased to 53182. But the same is not possible because as per the previous record and bills the complainant is not having such high consumption and the reading record regarding the same is not provided by the respondent to the complainant and the respondent should be asked to provide the record of above reading and recheck the same.
5. The respondent should be asked to provide the below mentioned documents.
 - a. Annexure C last meter reading, mention 28-Mar-2015 (5563.96). Monthly reading data required from 28-March-2015 to 30-Nov-2015 of meter no. HR 109776.
 - b. Meter Lab Test report as per M&P SDO MT-1-964-42 10-12-2015 & M&P check meter & found display off all three phase working after that meter sent to M&P lab for analysis & meter got replaced to the this office. Meter cubicle got resealed.M&P copy Attached (Annexure-1), Meter analysis & Lab test report required of meter no.HR108776.
 - c. Meter reading data required from 20-April 2015 to 18-Jan-2016 from start reading 5816 To 53182. As per the previous record (Annexure Share by the S.D.O). Alternatively, Meter Lab test Report of Meter No. HR108776.
 - d. Required payments details monthly from 28-March-2015 to 16-August -2018.

H. Hearing was held on 17.04.2025, as scheduled. Both the parties were present during the hearing through video conferencing. The counsel for the appellant has already submitted the rejoinder on the reply filed by SDO respondent. SDO

respondent has been directed to submit point wise reply on the rejoinder filed by appellant's counsel within 5 days with an advance copy to the appellant.

Now, the matter is adjourned and shall now be heard on 28.05.2025.

I. Vide email dated 22.04.2025, SDO respondent has submitted reply on the rejoinder/replication filed by the appellant which is reproduced as under:-

"This is in reference of replication/rejoinder on behalf of M/S GTL & the direction given during hearing held on dated 17.04.2025, the reply of point no 5 as directed by commission is as under:-

- a. It is evident from MT-1 No 37/964 placed as (Annexure 'A') that the meter bearing Sr No- HR108776 was reported display defective hence reading data could not available.
- b. It is evident from Mt-1 No 100/964 placed as (Annexure 'B') that the meter Sr No HR108776 was found display defective/ burnt & also M&P team had given observation that the meter was defective & failed to communicate for retrieval of data. No further analysis had been made due to failure of communication system of meter.
- c. Mentioned as above in (a) & (b).
- d. Detail of payment from 25.03.15 to 16.08.2018 as attached as (Annexure 'C')

J. Hearing was held on 28.05.2025, as scheduled. Both the parties were present during the hearing through video conferencing.

SDO Respondent vide email dated 27.05.2025 has submitted his reply as per last interim order and in response to the complainant rejoinder dated 17.04.2025 but during hearing it was observed that monthly reading data from 28.03.2015 to 18.01.2016 was not supplied by the SDO. Also, M & P Lab checking report was not made available by SDO and he was directed to supply above details alongwith detailed calculation of amount charged within 4 days.

Now, the matter is adjourned and shall now be heard on 19.06.2025.

K. Hearing was held on 19.06.2025, as scheduled. Both the parties were present during the hearing through video conferencing.

SDO Respondent had submitted the details regarding M&P Lab checking report in compliance of the interim order dated 28.05.2025. SDO Respondent reply dated 18.03.2025 was deliberated in details. SDO Respondent intimated that for meter serial no. 108776, authentic meter reading record from 20.04.2015 to 18.01.2016 for 284196 units is not traceable. However, for meter serial no. 536728 meter consumption record from 18.01.2016 to 01.02.2021 for 63828 units is authentic. Accordingly, SDO Respondent was directed to certify the consumption data of meter serial no. 536728 alongwith period through email. Also, appellant was directed to send a copy of letter showing last reading of meter serial no. 536728 which was verified by the Nigam Official.

Since the arguments in the complaint have been led by both the parties today. The final order is reserved and shall be passed after receiving desired data from both the parties through a separate order.

Decision

Appeal was registered on 30.01.2025 against CGRF DHBVN, Gurugram, Case No. 4757 of 2024 dated 20.11.2024, there was delay of 39 days in filing the appeal which has been condoned. In pursuant to interim order 19.06.2025, data supplied by SDO respondent and appellant firm and after going through the deliberations made in different hearings and record made available on file, it has been observed that appellant is aggrieved by mis-calculation done by respondent Nigam from October 2014 to December 2015. Respondent SDO charged bill at very high average. After perusal of data submitted by SDO respondent and appellant company it is clear that appellant had applied for permanent dis-connection in August 2018 but respondent department did not enter PDCO in record for account no. 6767070000. PDCO was affected in system on 17.01.2023 and bill dated 17.01.2023 amounting to Rs. 2612935/- was generated with due date on 24.01.2023. Meter serial no. HR108776 was replaced on 18.01.2016. SDO respondent admitted in his reply that for meter serial no. 108776, authentic meter reading record from 20.04.2015 to 18.01.2016 for 284196 units is not traceable. Consumption of meter serial no. 536728 is authentic as also admitted by the SDO and appellant as per letter dated 03.08.2018 which is also signed by representative of respondent Nigam and further reading was verified by the M&T Lab on 18.12.2022. SDO respondent contention of effecting PDCO in 2023 cannot be considered as the meter was not available on site during M&P checking on 26.04.2019 which clearly indicates that meter was removed in August 2018. PDCO was not entered in the system due to the fault of sub division staff and consumer billing continued till 2023. After careful deliberations, it is ordered that consumption from 18.01.2016 to 02.08.2018 of 63816 units as given by SDO respondent and $10687.9 \times 6 = 64127$ units further, verified in M&T Lab on 18.12.2022 should be considered as genuine and correct. This consumption from 01/2016 to 08/2016 for 31 months is 64127 units comes out to 2068.61 units per month. Hence, consumer account should be overhauled from 30.01.2015 to 18.01.2016 by taking per month consumption of 2069 units and his bill be issued accordingly. Bill dated 17.01.2023 amounting to Rs. 2612935/- for account no. 6767070000 should be withdrawn and new bill be issued to the appellant based on 2069 units per month. The amount already paid by appellant and ACD if any should also be adjusted.

SE Operation Circle, DHBVN, Gurugram-II is directed to take action against the delinquent Officer/officers who are responsible for not entering PDCO in record timely thereby causing harassment and issuing of inflated bill to the appellant. The CGRF order dated 20.11.2024 is set aside.

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 23rd June, 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:23.06.2025

CC-

Memo. No.698-704/HERC/EO/Appeal No. 6/2025

Dated: 23.06.2025

1. M/s GTL Infrastructure Ltd. 2014 3rd floor Palm Cour Building, Sukhrail Chowk Sector 14, Gurugram.
2. The Managing Director, DHBVN, Hisar.
3. Legal Remembrancer, Haryana Power Utilities, Panchkula.
4. The Chief Engineer Operation, DHBVN, Delhi Zone.
5. The SE Operation Circle, DHBVN, Gurugram-II HVPNL Complex, Near Police Line, Mehrauli Road, Gurugram-122001.
6. The XEN Operation, DHBVN, Sub Urban, Sub Division, Gurugram.
7. The SDO Operation, DHBVN, Sub Division, Sec-31, Gurugram

