



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. : 8/2025
Registered on : 24.02.2025
Date of Order : 24.04.2025

In the matter of:

Appeal against the order dated 31.12.2024 passed by CGRF DHBVN Gurugram in complaint no. 4812/2024.

Shri Pardeep Kumar, Flat No. 201, # 390/12, Krishna Colony, Gurugram **Appellant**
Versus

1. The Executive Engineer Operation, DHBVN, City Division, Gurugram
2. The SDO Operation, DHBVN, New Colony, Sub Division, Gurugram **Respondent**

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Pardeep Kumar

Present on behalf of Respondents:

Shri Sanjay Bansal Advocate

ORDER

- A.** Shri Pardeep Kumar has filed an appeal against the order dated 31.12.2024 passed by CGRF, DHBVN, Gurugram in complaint No. DH/ CGRF 4812/2024. The appellant has requested the following relief: -

In January, 2021, I applied for an electricity connection (account no. 7064479930). Since February, 2021, I have consistently paid my monthly electricity bills on time, as reflected in the DHBVN app.

However, in September, 2024, I received a significant arrear bill amounting to INR 1,50,309.00. I was unaware of the reason for this substantial amount and immediately requested the department to re-verify the bill. I have consistently maintained my willingness to pay the arrear bill in reasonable installments, provided its accuracy is confirmed.

Chronology of Events:

- 12th September, 2024: My Electricity Supply was abruptly disconnected without any prior notice. After making a partial payment of INR 25,000.00, the supply was restored. This unexpected disconnection caused significant mental distress.
- 17th September, 2024: I submitted an application to the department requesting a review and verification of my account. The scheduled hearing dated were 19th September 2024 and 18th October 2024. However, I did not received any prior notification (telephonic or written) regarding these

hearings, hindering my ability to present my concerns. Subsequently, the department issued an order on 23rd October, 2024 without a proper evaluation of the facts.

- 23rd October, 2024: My electricity supply was disconnected again. After paying INR 5,670.00, the supply was restored.
- 2nd December, 2024: I received a call from Mr. Surrender (8743008179) informing me that the department has decided to concert the arrear amount into 5 EMIs. He stated that I had to accept this decision or face disconnection of my electricity supply. On the same day, I submitted a written complaint to the CGRF regarding this matter.
- 27th December, 2024: I attended a hearing before the CGRF. However, the department did not provide me with any documents prior to the hearing, leaving me unprepared to present my case effectively. The department presented a reply (memo no. 8863 dated 27th December, 2024) to the CGRF.
- 9th January, 2025: A rehearing was scheduled for this date. However, due to unforeseen health issues, I was unable to attend and informed the CGRF accordingly.
- 3rd January, 2025: The CGRF passed the order (memo no. 276/CGRF/GGN) on this dated, despite the scheduled hearing on 9th January, 2025.
- 15th January, 2025: Memo 9636 granted me the right to file an appeal before the Electricity Ombudsman. However, on 31st January, 2025 at 5:40 PM, DHBVNL personnel disconnected my electricity supply without any prior notice or warning, removing the electricity meter. I contacted Mr. Sahil (SDO New Colony) at around 7 PM to inquire about this action. He stated that he would not wait for the 30 day appeal period and that I had to pay the full amount. The meter was reconnected the following day.

Key Facts:

1. I have consistently paid all electricity bills raised by the department without any delay.
2. From the outset of this issue, I have consistently stated my willingness to pay regular bills while the arrear bill is being sorted out.
3. I am willing to pay the arrear bill, provided its accuracy is confirmed, but I request to pay it in installments.

4. The department with its more experienced personnel, should be responsible for any errors in billing. The prolonged delay in rectifying the billing error constitutes negligence on the part of the department.
5. Memo no. 8863 dated 27.12.2024 acknowledges that a technical error prevented the automatic transfer of meter readings to the MDM portal, hindering the departments ability to rectify the issue until 23rd August, 2024.

Relief Requested:

I request the department to:

- Waive of 50% amount of arrear bill as it was a clear mistake of department.
- Convert the outstanding balance into 36 monthly installments.
- Waive any interest imposed on the arrear bill amount during this period.
- Revoked any interest charges impose to date.

I believe the actions of the DHBVNL and the CGRF have been unfair and have caused me significant inconvenience and distress. I respectfully request that the Electricity Ombudsman thoroughly investigate this matter and provide me with a fair and just resolution.

Appellant also submitted application for condonation of delay, which is reproduced as under:

With due respect, I Pardeep Kumar stated that on 23rd December, 2024 I had submitted an application for reconsideration and correction in arrear bill received for the period of January, 2021 to August, 2024. First hearing of case was on 27th December, 2024 and I was requested to submit explanation with facts and figures for further reconsideration and next hearing date of 9th January, 2025 was announced. On 3rd January, 2025 CGRF passed the final order and I received the copy of order on 17th January, 2025.

According to order copy I was free to appeal in front of Electricity Ombudsman, HERC within 30 days of order, in case I am not satisfied with final order.

However, I had communication to concern department within time but slightly delay in submission of required documents as per requirement.

So please consider this letter as condonation of delay.

- B.** The appeal was registered on 24.02.2025 as an appeal No. 8/2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 13.03.2025.

- C.** The respondent SDO vide email dated 12.03.2025 has submitted reply, which is reproduced as under:

"In this regard, it is submitted that smart meter number ISO145010 was installed by the L&T Company on 25.01.2021 at the consumer's premises, but due to technical fault in the R-APDRP system, the consumer's proper reading was not retrieved on the automatic MDM portal, due to which the consumer's bill kept getting generated on R1 basis and the consumer kept paying his bill on time. But the consumer did not lodge any complaint in this office and due to no information about the bill has been generated on previous consumption basis (R1 basis) of the consumer till 23.08.2024. This office came to know through E-Mail by the higher office on 23.08.2024 regarding list of FOK cases in which account number of the above consumer was also mentioned. In the above context, after getting the Site Verification Report (SVR) of the consumer's meter, the case was sent to CBO Hisar through Row ID 110990. The consumer's bill was corrected by CBO Hisar through Bill-Revision as per the actual reading. The amount paid by the consumer in respect of the bill made on 'R1' basis between 25.01.2021 to August 2024 was Rs 29606.05/- which has also been less from the current bill amount generated on 6.9.2024. Hence the consumer's bill was corrected as per the actual meter reading and the amount payable was Rs 150309/-, out of which the consumer paid part payment of Rs 25000/- dated 12.09.2024 and that amount was reduced from the consumer's account and the amount payable of the consumer's of Rs. 128214/- was outstanding as on 10.03.2025.

The case of the above consumer was heard in the Hon'ble CGRF Delhi, in which the Hon'ble CGRF Delhi, taking cognizance of the case & issued an order passed on dated 23.10.2024. In this order this office was directed to take action as per clause no. 6.10.4 and 6.10.5 of Electricity Supply Code Regulation No. 29/2024 amendment thereof issued vide Sales Circular No. D-7/2020 of DHBVN, in which the amount of outstanding bill of the consumer should be paid in 5 installments. After receiving the order, this office informed to the consumer through registered post vide this office Memo No. 8725 Dated 2.12.2024, but the consumer did not to pay the balance amount in 5 installments. Thereafter, the consumer appealed in the Corporate Forum for Redressal of Consumer Grievances against the above order. In which, Hon'ble Secretary Corporate CGRF DHBVN Gurugram taking cognizance of the above case, issued an order to this office vide order no. 4812/2024 Dated: 31.12.2024, which was also informed to the consumer through registered post vide this office Memo No. 9636 Dated 15.1.25."

- D.** Hearing was held on 13.03.2025 as scheduled. Both the parties were present during the hearing. During the hearing, Respondent's counsel intimated that he has been appointed/engaged yesterday and requested one week time to file the reply.

Accordingly, the matter is adjourned and shall now be heard on 08.04.2025. Further, the hearing was postponed to 23.04.2025.

E. Sh. Sanjay Bansal counsel for respondent has submitted reply vide email dated 19.03.2025, which is reproduced as under:

1. That the appellant has an electric connection bearing no. 7064479930. On 28-12-2020 the appellant had applied to install the new meter in his premises. Then the respondent department installed a smart meter having number ISO145010, by the Discom on 25-01-2021 at the appellant's premises (Annexure R-1). But due to technical fault in the R-APDRP system, the consumer's proper reading was not retrieved on the automatic MDM portal, due to which the consumer's bill kept getting generated on average basis (R1 basis) and the consumer kept paying his bill on time.

2. That the appellant did not lodge any complaint to the respondent department, about that the bill has been generated on average basis (R1 basis) till 23-08-2024. The respondent department came to know through E-mail by the higher office on 23-08-2024 regarding list of FOK cases in which account number of the appellant was also mentioned. Copy of E-mail is annexed as Annexure R-2.

3. That in the above context, after getting the Site Verification Report (SVR) of the appellant's meter, the case was sent to CBO Hisar through Row ID 110990 (Annexure R-3). The appellant's bill was corrected by CBO Hisar through Bill-Revision as per actual reading. The amount paid by the appellant in respect of the bills generated on 'R1' basis between 25-01-2021 to August 2024 was Rs. 29,606.05/- which is also lesser from the current bill amount generated on 06-09-2024. Hence the appellant's bill was corrected as per the actual meter reading and the amount payable was Rs. 1,50,309/-. Copy of bill is annexed as Annexure R-4.

4. That the appellant had paid part payment of Rs. 25,000/- on dated 12-09-2024, so the amount was reduced from the appellant's account and now the amount payable from the consumer is of Rs. 1,28,214/- as outstanding amount.

5. That the case of the above consumer was heard in the Hon'ble CGRF Delhi, in which the Hon'ble CGRF Delhi, taking cognizance of the case and issued an order on dated 23-10-2024. In this order the respondent department was directed to take action as per clause no. 6.10.4 and 6.10.5 of Electricity Supply Code Regulation No. 29/2024 amendment thereof issued vide Sales Circular No. D-7/2020 of DHBVN (Annexure R-5), in which the amount of outstanding bill of the consumer should be paid in 5 installments.

6. That after receiving the order, the respondent department informed to the appellant through registered post vide Memo No. 8725 dated 02-12-2024 (Annexure R-6), but the appellant did not pay the balance amount in 5 installments.

7. That when the consumer filed appeal in the Corporate Forum for Redressal of Consumer Grievances against the above order. On 31-12-2024 the Hon'ble CGRF Gurugram passed an order and directs the respondent department to recover the

due amount in installments as per Nigam regulations. And the respondent department informed to the appellant through registered post vide Memo No. 9636 dated 15-01-2025 (Annexure R-7), but the appellant did not pay the due amount till date.

In this way Zonal CGRF Delhi and Corporate Forum CGRF Gurugram both of the Forums directs the respondent department to recover the due amount as per clause no. 6.10.4 and 6.10.5 of Electricity Supply Code Regulation No. 29/2024 amendment thereof issued vide Sales Circular No. D-7/2020 of DHBVN.

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.** Hearing was held on 23.04.2025 as re-scheduled. Both the parties were present. During the hearing, the appellant requested to increase the installments of due amount of Rs.1,25,300/-. Respondent counsel has submitted that as per regulation, department can fix maximum 5 installments to pay the due amount the same has been allowed by the Corporate CGRF, DHBVN, Gurugram. Further, appellant has intimated that he is not able to pay the whole amount in 5 installments and requested to Convert the outstanding balance into 36 monthly installments.

Decision

After hearing both the parties and going through the record made available on file, it is observed in SDO in email dated 12.03.2025 admitted that smart meter of L&T company was installed on consumer premises on 25.01.2021 but due to fault in R-APDRP System consumer reading was not retrieved on the automatic MDM Portal due to which consumer bill kept generated on previous consumption basis (R1) till 23.08.2024.

From above, it is evident that the consumer was not getting correct bill due to technical fault of R-APDRP System of Nigam (DHBVNL) for which appellant cannot be held responsible. Contention of SDO that appellant did not lodge any complaint in his office does not hold good as appellant was paying the bills received by him. However, appellant is liable to pay the total arrear bill of Rs. 1,50,309/-. Corporate CGRF, DHBVN, Gurugram allowed the complainant to pay the bill in 5 installments. Keeping in view, the technical fault attributed to R-APDRP System of Nigam (DHBVNL) and issue of accumulated bill of approximately 43 months from January, 2021 to August 2024 and request of appellant for allowing 36 EMIs without interest. It is ordered that appellant be allowed to pay accumulated bill of approximately 43 months in 10 installments

without surcharge. Amount already paid by the appellant should also be adjusted. SDO operation is directed to allow the appellant to pay accumulated bill in 10 installments after taking undertaking from the appellant. However, current energy bill will also be paid by the appellant regularly. Further, Xen, Operation, DHBVN, City Division, Gurugram is directed to take action against the responsible officers/officials for delayed issue of accumulated bill.

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 24th April, 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:24.04.2025

CC-

Memo. No.240-46/HERC/EO/Appeal No. 8/2025 Dated: 24.04.2025

1. Shri Pardeep Kumar, Flat No. 201, # 390/12, Krishna Colony, Gurugram-122006.
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar.
3. Legal Remembrancer, Haryana Power Utilities, Sec- 6, Panchkula.
4. The Chief Engineer Operation, DHBVN, Delhi Zone.
5. The SE Operation, DHBVN, Gurugram-I.
6. The Executive Engineer Operation, DHBVN, City Division, Gurugram.
7. The SDO Operation, DHBVN, New Colony, Sub Division, Gurugram.