



## BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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(Regd. Post)

**Appeal No.** : 13 of 2025  
**Registered on** : 01.04.2025  
**Date of Order** : 08.07.2025

**In the matter of:**

**Appeal against the order dated 28.02.2025 passed by CGRF, DHBVN Gurugram in case No 4797 of 2024-Dinesh Kumar.**

Dinesh Kumar, V.P.O. Dhani Mehnda, Tehsil Hansi, District Hisar.

**Appellant**

Versus

1. XEN, "Op." Division Hansi, Dakshin Haryana Bijli Vitran Nigam, Hisar.

2. SDO, Op. Sub Division, Dakshin Haryana Bijli Vitran Nigam city Hansi

**Respondent**

**Before:**

Shri Rakesh Kumar Khanna, Electricity Ombudsman

**Present on behalf of Appellant:**

Shri Ajmer Mor, Advocate

**Present on behalf of Respondents:**

Shri Parmod Kumar, SDO

Shri Rohit Aggarwal, Advocate

### **ORDER**

**A.** Shri Dinesh Kumar has filed an appeal against the order dated 28.02.2025 passed by CGRF, DHBVN, Gurugram in case No 4797 of 2024. The grounds of appeal are as under:

1. That the appellant filed a complaint before the forum of corporate forum for redressal of consumer grievances, DHBVN, Gurugram against charging of excess amount in account number 1187400000, illegally, in the name of Indrawati wife of Phul Singh. The above said electric connection was released with a sanctioned load of 8 kW. The above said connected load was got extended by the appellant from 8 kW to 45 kW after completing all the required formalities. The SJO number 56/1197 on dated 09-07-2014 by installing LT CT meter.
2. That the appellant never became defaulter and paid their electricity bills regularly. The appellant became astonished when he received letter dated 4-06-2020 from the office of the respondents, whereby, the consumer was asked to pay an amount of rupees 32,46,319/- which were assessed against the appellant, wrongly, illegally, against the norms of Electricity Act and also against the stipulated instructions of the Nigam.
3. That by aggrieving the above said letter, the appellant filed a complaint before the corporate forum for redressal of consumer grievances, DHBVN, Gurugram against the above said excess amount which is to be charged from the consumer illegally and wrongly and the said complaint was disposed of by the above said forum vide order dated 28-02-2025 (soft copy of which was received by the appellant through e-mail and hard copy thereof is yet to be received) and the respondents were directed to charge the above said alleged amount in the account of the consumer for the period i.e. 07-01-2015 to 28-06-2017 on account of average basis as per the instructions of the Nigam, as alleged.

4. That besides this, the forum has also directed the S.E. operation circle, DHBVN, Hisar to take the necessary disciplinary action against the delinquent officials for not updating the extended load in the system which led to wrong billing of the consumer. In this para, it has also been admitted in the said order that this error has been occurred due to not updating system in respect to extension of load of the consumer by the respondents.
5. That the order dated 28-02-2025 passed by the corporate forum for redressal of consumer grievances, DHBVN, Gurugram is liable to be set aside due to non-complying the mandatory provisions of the electricity act and instructions issued by HERC from time to time and the consumer has been penalised with huge amount due to illegal wrong act and conduct of the respondents for which the consumer/appellant is not liable to pay the same as the said alleged chargeable amount is result of wrong billing. It shows deficiency in service on the part of the respondents for which the consumer is entitled for the compensation on account of harassment, physical pain, mental agony, spoilation of time and loss in business also. The consumer appellant may kindly be released from the huge illegal chargeable amount mentioned above on the following grounds:
  - A. That firstly, alleged chargeable amount against extension of load from 8 kW to 45 kW became due on 07-01-2015, when, extended load was released by installing LT CT meter, but the forum vide its order dated 28-02-2025, has directed the respondents to charge the amount on average basis for the period w.e.f. 07-01-2015 to 28-06-2017. The direction of the forum is against the mandatory provisions of Section 56 of the Electricity Act, 2003 as the respondents asked the consumer vide memo number 873 dated 04-06-2020 to pay an amount of rupees 32,46,319/-. As per section 56 of the electricity act, 2003 dues cannot be raised by the respondents after lapse of two years when it became due first time, hence, the alleged recovery / dues, if any, has become time barred and respondents are not legally entitled to recover the said amount.
  - B. That the recovery against the appellant/consumer is time barred in view of section 56 of the Electricity Act, 2003. As per the provisions of the above said section “.... No some due from any consumer under this section shall be recoverable after the period of two years from the date when such some became first due...”
  - C. That the respondents released the extended load from 8 kW to 45 kW on 07-01-2015 by installing the LT CT meter. As per the instructions of the Nigam, LT CT meters are required to be installed in the presence of M&P wing of the Nigam, whereas ,the LT CT meter of the consumer/appellant was installed by the officials of the operation wing in the absence of M&P. The installation of LT CT meter in the absence of M&P wing is against the provisions and instructions of the Nigam, due to which, consumer has been harassed unnecessarily financially and mentally.
  - D. That as per the sales manual instructions No. 4.15 of the Nigam, the account of the consumer on account of the faculty meter, cannot be overhauled for more than 6 months preceding the date of test but the corporate forum for

redressal of consumer grievances, DHBVN, Gurugram wide its order mentioned above has directed the respondents to charge the amount on average basis from 07-01-2015 to 28-06-2017 in the account of the consumer. The direction given by the forum is against the sales manual instructions of the Nigam and are not justified one.

- E. That no notice was issued to the appellant before charging the alleged wrong amount, which is against the mandatory provisions of the Electricity Act and against the principle of natural justice.
  - F. That the forum in its order dated 28-02-2025 has itself admitted that wrong billing against the consumer/appellant was made due to the fault of concerned officials of the Nigam. This shows the mala fide intention of the respondents as they have not performed their duties honestly. The forum has also directed the concerned authority to take disciplinary action against the delinquent officials for their wrong act and not performing their duties honestly.
  - G. That an order dated 28-02-2025 passed by corporate forum for redressal of consumer grievances, DHBVN, Gurugram is wrong, illegal, without applying its judicious mind and not considering the mandatory provisions of the Electricity Act and other provisions and instructions passed by the Nigam time to time and the said impugned order is liable to be set aside.
- 6. That the relevant documents are attached herewith.
  - 7. That the appeal is within the period of limitation.

In the view of above submissions, the appeal of the appellant may kindly be allowed by setting aside the impugned order dated 28-02-2025 passed by the corporate forum for redressal of consumer grievances, DHBVN, Gurugram in the interest of justice

- B.** The appeal was registered on 01.04.2025 as an appeal No. 13 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 24.04.2025.
- C.** Hearing was held on 24.04.2025, as scheduled. Both parties were present. During the hearing, the Respondent SDO, appeared without submitting a reply to the appeal, which has been viewed very seriously by the undersigned.  
Accordingly, the Respondent SDO is directed to submit a point-wise reply to the appeal filed by the Appellant before the next date of hearing.  
The matter is therefore adjourned and will now be heard on 30.04.2025.
- D.** Hearing was held on 30.04.2025, as scheduled. Both the parties were present physically. As per direction in order dated 24.04.2025, the respondent SDO did not submit the point wise reply of appellant appeal. Further, the Respondent Counsel informed that he has been engaged by DHBVN to defend the matter and received the engagement letter via email today. In view of this, the Respondent Counsel requested 2-3 days time to file a point wise reply to the Appellant appeal. Accordingly, the Respondent Counsel is directed to file the reply by Tuesday i.e.



06.05.2025, with an advance copy to be served upon the Appellant. Further, the Appellant is directed to file a rejoinder, if any, to the Respondent reply within 2-3 days.

The matter is therefore adjourned and will now be heard on 12.05.2025.

- E.** The respondent counsel vide email dated 08.05.2025 has submitted point wise reply, which is reproduced as under:

**Preliminary Submissions:**

1. That the appellant has approached this Hon'ble Court by way of filing present appeal against order dated 28.02.2025 passed by Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram whereby complaint bearing Case No. 4797 of 2024 filed by the Appellant was dismissed vide impugned order.
2. That the appellant has not approached this Hon'ble Court with clean hands. The major facts of present case has been concealed by the appellant from this Hon'ble Court.
3. That before delving into the merit of the present case, the answering respondents wants to put forth the factual matrix of the present case before this Hon'ble Court which are as follows:
  - (a) That it is pertinent to mention herein that electricity connection bearing Account No. 1187400000 having load of 8 KW exists in the name of Smt. Indrawati wife of Sh. Manphool Singh resident of Uttam Nagar, Hansi.
  - (b) That on 06.06.2014, Smt. Indrawati moved an application bearing no. 41246 for extension of load from 8 KW to 45 KW. The answering respondents issued Service Connection Order bearing No. 56/1197 on 09.07.2014 which was effected from 07.01.2015 by installing LT CT meter having CT Ratio 75/5 A with MF-15. The copy of Service Connection Order dated 09.07.2014 is herewith annexed as Annexure R-1.
  - (c) That it is worthwhile to mention herein that Extension of Load was not inadvertently updated/recorded in the Bill. During the Audit of this Account, the audit team checked the same and found that bill was generated on average basis of 8 KW instead of 45 KW.
  - (d) That on basis of Auditing, the meter was checked and it was found that the display of meter was defective. The audit party suggested to charge Rs. 32,46,319/- vide S/C No. 17.2014 and 26/2016 dated 25.05.2017. The copy of the same is herewith annexed as Annexure R-2.
  - (e) That the answering respondents sent the meter to M&T Lab for verification of accuracy and data analysis. The M&T Lab supplied Joint Checking report vide memo no. 977/MT-19 dated 11.07.2017. As per the report, it was found that the Data of the Meter was not recovered/retrieved and M&T Lab recommended the answering respondents to send the Meter to the Firm. The copy of report dated 11.07.2017 is herewith annexed as Annexure R-3.
  - (f) That it is pertinent to mention herein that answering respondents sent the Meter to the Firm for checking. The answering respondents made various correspondence to the firm to submit analysis report of the above-meter through memo no. 2053 dated 10.08.2017, memo no. 3102 dated

08.12.2017 and memo no. 869 dated 23.05.2018. The copies of the same are herewith annexed as Annexure R-4, R-5 and R-6.

- (g) That after more than 2 and half years, the Firm submitted an analysis report dated 21.12.2019 of the meter bearing serial no. 538949 make HPL. The firm by way analysis report submitted that meter was found faulty and data could not be recovered. The copy of report dated 21.12.2019 Is herewith annexed as Annexure R-7.
- (h) That after getting checking report, analysis report and report of Audit Team, the answering respondent made correspondence to the consumer on 04.06.2020 vide memo no 873 regarding recovery of Half Margin Charged amount as Rs. 32,46,319/-. The copy of Memo dated 04.06.2020 is herewith annexed as Annexure R-8.
- (i) That feeling aggrieved of the above-mentioned memo dated 04.06.2020, the appellant approached Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram by way of filing complaint bearing case no 4797 of 2024. The complaint filed by the appellant was dismissed by the Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram vide order dated 28.02.2025.
- (j) That the Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram had directed answering respondent no.2 to charge the amount of extension of load from 07.01.2015 to 28.06.2017 on average basis as per Nigam instructions. The Forum also directs the SE (OP) Circle, DHBVN, Hisar that necessary disciplinary action to be taken against the delinquent official for uploading the extended load on system which led to the wrong billing of the consumer.

The above-mentioned decision was rightly taken by Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram vide order dated 28.02.2025.

- 4. That the answering respondents hereby submit that the present appeal filed by the appellant before this Hon'ble Court is bad and is liable to be dismissed on the basis of the following grounds:
  - i. That the appeal filed by the appellant liable to be dismissed on the ground of non-joinder of the necessary party. The order challenged by the appellant has been passed by Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram, but the appellant has failed implead the Forum as a party in his appeal.
  - ii. That the appellant in his appeal had alleged that as per section 56 of the Electricity Act, 2003, dues cannot be raised after lapse of two years when it becomes due first time. It is submitted before this Hon'ble Court that Section 56 of the Electricity Act, 2003 deals with provision of Disconnection of Supply in default of payment. This section has been wrongly interpreted by the appellant in his appeal. The answering respondents wants to reproduce Section 56 of the Electricity Act, 2003 for the ready reference of this Hon'ble Court as under:

**Section 56. (Disconnection of supply in default of payment):**

(1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer. Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

- (a) an amount equal to the sum claimed from him, or
- b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

- iii. That in the present matter, the amount first became due on 21.12.2019 when the analysis report from Firm was received by the answering respondents. Answering respondents raised the demand 04.06.2020 within a period of 7 months after it became first due.
- iv. That even otherwise, the Hon'ble Punjab and Haryana High Court in CWP No. 22908 of 2021 titled as Bhupesh Mukhija versus UHBVN and another had held that Section 56(2) does not preclude the licensee from raising a supplementary demand after the expiry of the limitation period of two years, but it restricts the right to disconnect electricity supply due to non-payment of dues after the limitation period expires. That the Hon'ble Punjab and Haryana High Court in CWP No. 7311 of 2018 titled as Navneet Kumar versus State of Haryana and ors held that Limitation Period begins from the date the mistake is discovered as per Section 17(1) (c) of Limitation Act, 1963.
- v. In the present matter, the mistake was discovered on 21.12.2019 when, the answering respondents received analysis report.



- vi. That this Hon'ble Punjab and Haryana High Court in CWP-13285-2016 titled as PSPCL versus Vinay Gupta and another held that Consumer cannot refuse legitimate dues for actual consumption of electricity even when billing errors occurred due to administrative or supervisory lapses of Distribution Licensee.
  - vii. That the Hon'ble Court of Punjab and Haryana in catena of Judgments had held that Section 56 of The Electricity Act, 2003 deals with disconnection, but not with payment. The present appeal filed by appellant related to payment, not the disconnection, therefore, section 56 does not apply in the present case.
5. The present appeal filed by the appellant against the answering respondents is bad as being devoid of merits and is liable to be dismissed.

**Parawise Reply:**

1. That the contents of para no. 1 are admitted to the extent that electricity connection bearing Account No. 1187400000 having load of 8 KW exists in the name of Smt. Indrawati wife of Sh. Manphool Singh resident of Uttam. Nagar, Hansi and on 06.06.2014, Smt. Indrawati moved an application bearing no. 41246 for extension of load from 8 KW to 45 KW. The answering respondents issued Service Connection Order bearing No. 56/1197 on 09.07.2014 which was effected from 07.01.2015 by installing LT CT meter having CT Ratio 75/5 A with MF-15.
2. That the contents of para no. 2 are wrong and hence denied.
3. That the contents of para no. 3 admitted being matter of record.
4. That the contents of para no.4 are admitted being matter of record.
5. That in reply to para no. 5, it is submitted that the grounds taken by the appellant in this para are false. It is submitted before this Hon'ble Court that Section 56 of the Electricity Act, 2003 deals with provision of Disconnection of Supply in default of payment. This section has been wrongly interpreted by the appellant in his appeal. That the Hon'ble Court of Punjab and Haryana in catena of Judgments had held that Section 56 of The Electricity Act, 2003 deals with disconnection, but not with payment. The present appeal filed by appellant related to payment, not the disconnection, therefore, section 56 does not apply in the present case. The grounds taken by answering respondents in preliminary submission may be read as part and parcel to the reply of this para.
6. That the contents of para no.6 is matter of record.
7. That the contents of para no. 7 is matter of record.

It is therefore, most respectfully prayed that the instant appeal may kindly be dismissed qua the answering respondents, in the interest of justice and fair play.

- F.** Hearing was held on 12.05.2025, as scheduled. Both parties were present. During the hearing, respondent counsel vide email dated 08.05.2025 has intimated that he filed the point wise reply against the appeal filed by the appellant. As per contra, appellant counsel vide email dated 12.05.2025 has intimated that he is unable to

attend the hearing scheduled for today due to unavoidable circumstances and requested to adjourn the matter.

The matter is therefore adjourned and will now be heard on 06.06.2025.

**G.** On 26.05.2025, counsel of the appellant has submitted rejoinder which is reproduced as under:-

- 1) That the para no.1 of the written statement requires no reply being matter of record.
- 2) That the contents of para no.2 of the written statement as alleged are wrong hence denied.
- 3) That para no.3 of the written statement with its sub paras from (a) to (j) as alleged are not admitted to be correct hence denied. It is further submitted that the appellant got his electricity load extended from 8KW to 45KW after completing all the required formalities and depositing the charges as per the instructions of the nigram. After extension of the load, the LT CT meter was required to be installed by the nigram in the presence of M&P wing of the nigram. But the J.E concerned installed the LT CT meter 07.01.2015 at his own without informing on or inviting the M&P staff. The concerned J.E did not invite the M&P wing intentionally and installed a defective LT CT meter.

The respondents charged Rs. 32,46,319 vide S/C no. 17.2014 and 26/2016 dated 25.05.2017 on the advice of the audit party for the period 07.01.2015 to 28.06.2017 against the instructions of the nigram. The above said amount has been charged in the account of the appellant being meter was found defective as meter display was not working as alleged by the respondent. There is no provision/instructions whereby account of any consumer could be overhauled for more than six months, if meter is found faulty.

The decision dated 28.02.2025 of the Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram. Whereby Nigram has been directed to charge in the account of the consumer for the period 07.01.2015 to 28.06.2017 is against the instructions of the nigram and bad in the eyes of the law. The appellant has been penalised with such a heavy amount only to save the delinquent and mischievous officials of the Nigram. In case, loss if any caused to the Nigram was/is intentional and charged amount should be recovered from the responsible officials of the nigram. The appellant can not be burdened with such a huge amount of Rs.32,46,319 for the misdeeds of the officials of the respondents.

- 4) That para no.4 of the written statement with its sub paras 1 to 7 as alleged are wrong therefore denied. It is further submitted that the facts of the CWP-22908-2021 TITLED BHUPESH MAKHIJA VERSUS UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND ANOTHER are different one and decision passed by Hon'ble High Court can not be made applicable to the case of the appellant. That Rs.32,46,319 on the recommendation of the audit party of the Nigram on 25.05.17 vide HM no. 59/83 dated. 25.05.17 whereas



respondent/Nigam received the report of 18.12.2019. HPL Electric and Power Ltd. On

The decision passed by the Hon'ble Punjab & Haryana High Court in CWP NO.7311 OF 2018 NAVNEET KUMAR VERSUS STATE OF HARYANA AND OTHERS AND DECISION OF CWP NO. 13285 OF 2016 PSPCL VERSUS VINAY GUPTA AND OTHERS are also not applicable on the case of appellant as it is not a case of supervisory/Administrative lapse on the part of the licensee. After extension of load from 8KW to 45KW, the LT CT meter was installed by the concerned officials in the absence of M&P staff of the Nigam with ulterior motives and intentionally and has violated the standing instructions of the Nigam. The act and conduct of the concerned operations staff could be considered as mistake or supervisory lapse. not be

- 5) That the contents of para no.5 of the written statement as alleged are wrong hence denied.

**Para wise reply**

- 1) That reply to no.1 para of the written statement it is submitted that as per the instructions of the Nigam LT CT meter was/is required to be installed by the operations staff in the presence of the M&P staff. But concerned J.E neither informed nor called the M&P staff while installing the LT CT meter after the extension of the load from 8KW to 45KW. The LT CT meter installed by the Nigam on 07.01.2015 was defective one that is why concerned J.E did not call the M&P staff.
- 2) The contents of para no.2 of the written statement are wrong hence denied. It is submitted that prior to the illegal demand of Rs.32,46,319 appellant never remained defaulter of the Nigam at any stage.
- 3) That in reply to para no.3 of the written statement it is submitted that the direction of the Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram vide its order dated 28.02.2025 whereby respondents/Nigam has been directed to charge in the account of the consumer for the period i.e. 07.01.2015 to 28.06.2017 are against the instructions of the licensee and bad in the eyes of law As per the instruction no 10.5 (Page No.247-248) of the Sales Manual 2013 issued by the DHBVN and provisions of the supply code the over hauling of the account can not travel beyond a period of 6 months as prescribed there under on the advise of the audit party if meter is found faulty/defective.
- 4) That para 4 of the written statement requires no reply being matter of record.
- 5) That the contents of para no.5 of written statement are wrong hence denied. It is further submitted that judgements passed by the Hon'ble high court of Punjab & Haryana mentioned by the respondents in its written statement are not applicable to the case of appellant. If the licensee has suffered the financial loss if any, that should be recovered from the delinquent officials of the Nigam who has violated the standing instructions of the Nigam with

malafide intentionally and appellant/innocent consumer cannot be fastened with such huge charges.

- 6) That contents of para no 6 requires no reply being matter of record.
- 7) That contents of para no 7 requires no reply being matter of record.

In view of above submissions, the appeal of the appellant may kindly be allowed by setting aside order impugned order dated 28.02.2025 passed by Corporate Redressal of Consumer Forum Grievances, Gurugram in the interest of justice.

**H.** Hearing was held on 06.06.2025, as scheduled. Both parties were present through Video Conferencing. During the hearing, Respondent Counsel requested for some time to submit his comments against the reply of Appellant counsel as the same has not been received by him as yet. Further, Appellant counsel pointed out that in CGRF order dated 28.02.2025 there was direction to take action against delinquent officials, accordingly, respondent counsel was directed to submit the names of the responsible officials who were held responsible by SE operation in this regard. Also, the copy of letter written to M & P for checking of meter while effecting extension of load from 8 KW to 45 KW be also supplied.

Accordingly, the matter is therefore adjourned and will now be heard on 25.06.2025.

**I.** Vide email dated 24.06.2025, Sh. Rohit Aggarwal counsel for respondent has submitted certain documents in compliance of order dated 06.06.2025 passed by the Hon'ble Electricity Ombudsman which is reproduced as under:-

1. That the appellant has approached this Hon'ble Court by way of filing present appeal against order dated 28.02.2025 passed by Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram whereby complaint bearing Case No. 4797 of 2024 filed by the Appellant was dismissed vide impugned order.
2. That the present matter was listed before this Hon'ble Court on 06.06.2025 and on the above-mentioned date, this Hon'ble Court directed the answering respondents to place on record, the copy of letter written to M & P for checking of meter while effecting extension of load from 8KW to 45 KW.
3. That the answering respondents submits that they attempted to trace the letter but were unable to locate the same. In compliance of order dated 06.06.2025, the answering respondents had written a letter bearing memo no. 6600 dated 23.06.2025 to the XEN, M & P, DHBVN, Hisar to provide copy of A/c No. HF-41-0030MS/ and New A/C No. 1187400000. The copy of letter dated 23.06.2025 is herewith annexed as Annexure R-9.
4. That vide order dated 06.06.2025, this Hon'ble Court also directed the answering respondents to supply the name of responsible officials who were held responsible by SE Operation. It is submitted that the answering respondents have initiated the procedure to find out the responsible person in compliance of order dated 28.02.2025 (impugned order). It is submitted that a letter bearing memo no. 6593 dated 21.06.2025 has been issued by

the respondent no.2 to CA, Under City S/Division, DHBVN, Hansi to fix the responsibility of the responsible official. The copy of letter dated 21.06.2025 is herewith annexed as Annexure R-10.

5. That it is respectfully submitted that the process of initiating disciplinary action against the delinquent officials is presently underway. The matter pertains to inter-departmental proceedings which necessitate coordination among various departments, and as such, the proceedings are taking time. The action shall be concluded strictly in accordance with the applicable rules, regulations, and principles of natural justice, upon completion of the requisite procedural formalities.
6. That the instant application has been filed by the answering respondents for placing on record letter dated 23.06.2025 and letter dated 21.06.2025 as Annexure R-9 and Annexure R-10 for the just and proper adjudication of the present matter.

It is therefore, respectfully prayed that the present application may kindly be allowed and the letter dated 23.06.2025 and Letter dated 21.06.2025 may be taken on record as Annexure R-9 and Annexure R-10, in the interest of Justice.

It is further prayed that the appellant be exempted from filing certified/typed copy of Annexure R-9 and Annexure R-10, in the interest of justice.

- J.** Hearing was held on 25.06.2025, as scheduled. Both parties were present through Video Conferencing. During the hearing, Appellant counsel submitted that, as per the instructions of the Nigam, the LT CT meter was required to be installed by the operation staff in the presence of M&P staff. However, the concerned Junior Engineer neither informed nor involved the M&P staff during the installation of the LT CT meter following the load extension from 8 kW to 45 kW.

It was further submitted by the Appellant that the LT CT meter installed by the Nigam on 07.01.2015 was defective. The JE allegedly avoided involving M&P staff because of this, and later, the consumer account was overhauled for the period from 07.01.2015 to 28.06.2017 on the advice of the audit party, based on the defective status of the meter (non-working display). This action, the appellant contends, was in violation of Nigam instructions, as there is no provision to overhaul a consumer account for more than six months in the case of a defective meter. The appellant further stated that while the CGRF, Gurugram had previously held certain officials responsible in its decision, but no action was taken by the Nigam against those officials. It was also argued that the load was not updated in the Nigam system, which was an administrative lapse on the part of the Nigam and not the consumer. The appellant counsel pointed out several inconsistencies in the timeline and justification of the claim:

- The audit report was prepared on 25.05.2017, raising the disputed claim.
- The consumer connection was disconnected on 29.05.2018, with the PDCO also effected on the same day, as per the SDO statement during the CGRF hearing.
- The meter checking report from the firm was only received on 21.12.2019, while the respondent claimed that the amount became due on that same date.



- The respondent written reply mentions that the demand was raised on 04.06.2020, which contradicts their earlier statements.

Further, in compliance with the interim order dated 06.06.2025, the Respondent counsel submitted certain documents, but these were found to be inadequate and unclear as no copy of the letter written by the SDO to the M&P wing was provided and no information regarding the name of officials held responsible by the SE/OP was submitted. This lack of incomplete response has been viewed seriously by the undersigned. Accordingly, Respondent counsel is hereby directed to submit the following information within 2 days:

- A copy of the letter written by the SDO to the M&P wing.
- The name of officials held responsible by the SE/OP.

Respondent SDO is also directed to be present at the next hearing. Respondent counsel is further directed to provide six months of "OK" consumption data of the consumer irrespective of its load (8KW or 45 KW) prior to the meter becoming defective before the next date of hearing.

Accordingly, the matter is therefore adjourned and will now be heard on 07.07.2025.

**K.** On 07.07.2025 counsel of respondent has submitted copy of excel sheet of meter reading as Annexure R-11 in compliance of order dated 25.06.2025 which is reproduced as under:-

1. That the appellant has approached this Hon'ble Court by way of filing present appeal against order dated 28.02.2025 passed by Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram whereby complaint bearing Case No. 4797 of 2024 filed by the Appellant was dismissed vide impugned order.
2. That vide order dated 25.06.2025, this Hon'ble Court directed the answering respondents to supply the name of responsible officials who were held responsible by SE Operation. It is submitted that the answering respondents have initiated the procedure to find out the responsible person in compliance of order dated 28.02.2025 (impugned order). It is submitted that a letter bearing memo no. 6593 dated 21.06.2025 has been issued by the respondent no.2 to CA, Under City S/Division, DHBVN, Hansi to fix the responsibility of the responsible official which was annexed by the Nigam as Annexure R-10.
3. That the following persons are held responsible by the Nigam:
  - (1) Sh. Rohtash AFM
  - (ii) Sh. Kashi Ram-CC
4. That this Hon'ble Court on the last date of hearing i.e., 25.06.2025 directed the Nigam to place on record Six months "OK" Consumption data of the appellant's meter. The appellant has filed by the present application to place on record the reading data of appellant's meter from 2014 to 2018. The copy of excel sheet of meter reading is herewith annexed as Annexure R-11.

It is therefore, respectfully prayed that the present application may kindly be allowed and the copy of excel sheet of meter reading may be taken on record as Annexure R-11, in the interest of Justice.

It is further prayed that the respondent be exempted from filing certified/typed copy of Annexure R-11, in the interest of justice.

- L.** Hearing was held on 07.07.2025, as scheduled. Both the parties were present through Video Conferencing. Respondent counsel submitted the reply in compliance of interim order dated 25.06.2025 wherein intimation of name of responsible person was apprised and also supplied the six months OK consumption data for the period of 10/17 to 4/18 by which the sanctioned load of consumer was 8 KW. Respondents could not provide the detail/information regarding M&P team for checking of meter and also not provided the details of the meter installed at the consumer premises. Appellant counsel contended that the instruction no. 10.5 (page 247 to 248) of Sales manual 2013 issued by DHBVNL and provision of supply code should be applied in this case by which the account of the consumer should not be overhauled more than six months.

### **Decision**

Both parties argued the matter at length.

It is the case of appellant Sh. Dinesh Kumar that his account has been overhauled for the period 01/2015 to 5/2017 which was against the instructions of the Nigam as his CT meter at the time of extension of load was installed by operation staff without the involvement of M&P staff and M&P wing checked the meter in 7/2017, whereby the display of the meter was found defective and also the reading data could not be retrieved from M&P lab and firm. As per sales circular no. 17/2014 and 26/2016 and an amount of Rs. 32,46,319/- was charged by the audit team.

As per referred instruction of sales manual by appellant counsel that charging for a maximum period of six months from the last date of checking whichever is less. But in this case, it is well established that extension of load was affected on site as per SCO dated 09.07.2014. Hence, meter was installed on the premises of appellant on 09.07.2014 and charging needs to be done from this date till the permanent disconnection of the appellant meter. Regarding appellant counsel contentions under section 56 of Electricity Act, 2003 that no sum due from any consumer under this section shall be recoverable after period of two years from the date when such sum become first due has been rebutted by the respondent counsel as per Hon'ble Punjab and Haryana High Court CWP No. 7311 of 2018 titled as Navneet Kumar vs. State of Haryana and Ors. where it is mentioned that limitation period begins from the date the mistake is discovered as per section 17 (1)(c) of limitation Act, 1963. In the present case, the mistake was discovered on 21.12.2019 and the demand was raised on 04.06.2020.

Also, whether the appellant acted diligently in the matter, the record of the instant case clearly shows that not even a single letter written by the appellant to the respondent. There is not even whisper by appellant regarding defective working of the meter. In that view, the appellant cannot be said to have acted diligently and has contributed to the default thereby leading to the instant dispute. Appellant kept on paying the bills being charged from him on the average basis.

Further, the Nigam officers/officials who were responsible for issuing the proper billing to the appellant and did not act as per the Regulations and kept on issuing the bill to the appellant on average basis instead of proper meter reading basis. In case of this connection (LT industrial category) the then JE and CA are responsible.

SE operation Circle, DHBVN, Hisar is directed to initiate strict disciplinary proceeding against the then JE/CA within 15 days. However, respondent counsel in his reply dated 07.07.2025 submitted the names of the responsible persons but no charge-sheet against the delinquent officials was placed on record. The reading data submitted by respondent counsel on 07.07.2025 clearly shows that the appellant was being charged on average basis and OK consumption data as claimed by respondent counsel cannot be considered as the LT/CT meter as at no stage was sealed by M&P wing. Since no accurate consumption data of the meter of the appellant is available from the date of extension of load to date of permanent disconnection. Hence, SDO operation, Hansi has rightly charged the amount of Rs.32,46,319/- as per memo no. 873 dated 04.06.2020. Therefore, no relief under these circumstances can be granted to the appellant and order dated 28.02.2025 of the CGRF is upheld.

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 08<sup>th</sup> July, 2025.

Sd/-

**(Rakesh Kumar Khanna)**  
**Electricity Ombudsman, Haryana**

**Dated:08.07.2025**

**CC-**

**Memo. No.847-54/HERC/EO/Appeal No. 13/2025**

**Dated: 08.07.2025**

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