



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109
Telephone No. 0172-2572299
Website: <https://herc.gov.in/Ombudsman/Ombudsman.aspx#>
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 16 of 2025
Registered on : 09.04.2025
Date of Order : 10.07.2025

In the matter of:

Appeal against the order dated 04.04.2025 passed by CGRF, DHBVN Gurugram in case No 4832 of 2025-Sheetal Bansal.

Sheetal Bansal

Appellant

Versus

1. The XEN/OP, Manesar, Division, DHBVN, Gurugram

2. SDO, Op. Sub Division, DHBVN, Kherki Daula

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Sheetal Bansal

Present on behalf of Respondents:

Smt. Suman Kashyap, SDO/Op, S/D, DHBVN, Kherki Daula

Shri Raghav Kakkar on behalf of DHBVN

Sh. Shubhkaran Singh on behalf of DHBVN

Sh. Ishwinder Singh representatives of Park View Facilities Pvt. Ltd

Sh. Mintu Kumar representatives of Park View Facilities Pvt. Ltd

ORDER

A. Shri Sheetal Bansal, R/o E-1001 at Bestech Park View Ananda, Sector-81, Gurugram has filed an appeal against the order dated 04.04.2025 passed by CGRF, DHBVN, Gurugram in case No. 4832 of 2023. The appellant has submitted as under:

"I'm writing this to file an appeal against the CGRF order dated 7th April, 2025 for complaint no. 4832/2025. The CGRF forum was approached with the grievance regarding ongoing illegal & unauthorized financial recovery of Common Area Maintenance (CAM), Common Area Electricity (CAE), Maintenance Arrears & other expenses from prepaid electricity meter installed in my apartment (E1001) at Bestech Park View Ananda, Sector 81, Gurugram by the builder M/s Bestech India Pvt. Ltd & maintenance agency M/s Park View Facilities Pvt. Ltd. which is managed by the builder. As per email communication with the builder, they are intentionally not addressing the concern raised & are shamelessly flouting the ruling of the Haryana Electricity Regulatory Commission notification dated 22.04.2020, which under para (iii) states as follows - "The Commission in its various orders has made it clear that common area maintenance charges, backup charges should not be clubbed with the licensee's supply charges and the connection ought not be disconnected in case the consumer has paid the charges for grid supply."

Unfortunately, the CGRF panel, despite presenting the genuine facts to them had denied providing any relief on false ground stating that the complaint withholds material facts, including the pendency of civil suit. I would like to highlight that the CGRF panel was well informed in person by me with facts that I have not filed any civil suit in this matter which was well acknowledged verbally by the panel. Further,

written statements from current & ex RWA office bearers clearly supporting the delinking of prepaid meters were also shared with the CGRF panel. Also, CGRF is the right forum holding the jurisdiction to address such grievances. However, the panel had neglected all these facts & denied to provide any relief. I would also like to highlight that SDO Kherki Daula is well aware of this ongoing malpractice of the builder owned maintenance agency, but still has failed to take any substantial action against the builder to stop this illegal practice.

Hence, I humbly request you to kindly consider the appeal & assist with an immediate resolution to stop this ongoing illegal financial recovery by the builder owned maintenance agency & get the delinking of prepaid meters implemented on priority as per HERC ruling.”

B. The appeal was registered on 09.04.2025 as an appeal No. 16 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 20.05.2025.

C. Hearing was held on 20.05.2025, as scheduled. Both the parties were present. During the hearing, non submission of reply by Respondent SDO has been viewed seriously by undersigned. Respondent SDO explained that the reply could not be filed due to non-engagement of the counsel. Accordingly, Respondent SDO was directed to submit detailed reply within one week with a copy to appellant. Now, the matter is adjourned and shall now be heard on 30.05.2025.

D. Vide email dated 20.05.2025, appellant has submitted additional supporting documents which is as under:-

In regards to the appeal no. 16/2025 with the Electricity Ombudsman HERC, I would request your support in placing the attached additional documents on record.

1. Copy of Letter by Ex- RWA to SDO Manesar on 01st July, 2022 for delinking of prepaid meter.
2. Copy of General Body meeting minutes held on 21st April, 2024, where as per page 2, point 3 of resolution passed, it has been clearly stated that resolution has been passed by RWA to delink the prepaid meter.
3. Copy of quarterly Maintenance bill. As per point 3 of this document, it is clearly evident that the builder owned maintenance agency is extorting the resident to disrupt the apartment electricity if the maintenance bill is not paid via prepaid meters.

E. Vide email dated 28.05.2025, counsel of respondent has submitted reply, which is reproduced as under:-

1. That, the present Reply is being filed by Executive Engineer Operation, Dakshin Haryana Bijli Vitran Nigam, Manesar, Division, Gurugram (the "Respondent No. 1"), and the SDO Operation, DHBVN, S/Division Kherki Daula, Gurugram (the "Respondent No. 2"), having office at Manesar Division, DHBVN, Kadipur, Gurugram-122001 (collectively the "Respondents") to the Appeal filed before the Electricity Ombudsman Haryana bearing Appeal No. 16/2025 (the "Appeal").

2. That, it is most respectfully submitted that no averments, statements, submissions, grounds, contentions, or allegations made by the Appellant in the Appeal shall be admitted or deemed to be admitted for reason of non-traverse or otherwise save and except these are expressly admitted herein.
3. That, it is respectfully submitted that the present Appeal cannot be allowed in favor of the Appellant hereto (reasons for which are explained in detail hereunder) as the Appeal in itself, is devoid of any substance and merit and is made with the mala-fide intention to mislead, misguide and misrepresent this Hon'ble Ombudsman.
4. That, the Appellant is resident of Flat No. E 1001, Bestech Park View Ananda, Sector 81, Gurugram, which is developed and completely managed by M/s Bestech India Pvt. Ltd. (the "Builder/Developer"). The present matter pertains to the wrongful billing by the Builder to the Appellant/Complainant. The Appellant in the Complaint form dated January 21, 2025, filed before the CGRF bearing no. 4832/2025 has expressly mentioned that the grievance in the present matter lies against the Builder who is a private third party in the present Appeal. The Appellant in the present matter has raised specific grievance of "Disconnection of electricity and Threat by Builder managed maintenance agency due to linking of Common Area maintenance, arrear charges, Common Area maintenances charges and illegal recovery from smart meter.
From the bare perusal of the aforementioned Complaint raised by the Appellant it is evident that there is no grievance against the Respondents in the present matter. Therefore, the Appeal is liable to be dismissed on the ground of absence of cause of action against the Respondents.
5. That, the aforementioned complaint was dismissed on April 4th, 2025 on the ground that the Appellant had deliberately concealed the fact that a Civil Suit No. CS/3515/2024 is already filed before the Civil Court against the Builder. The relevant extract of the Order dated April 4th 2025 is reproduced hereunder for ready reference:

"A copy of reply was given to the representative of complaint. After considering the reply of all parties complaint, SDO and representative of Parkview Facilities and submissions made by them in the hearing, the Forum observed that The Complaint deliberately withholds material facts, including the pendency of Civil Suit No. CS/3515/2024, and is a clearly seeking multiple remedies on the same issues before different forums.

As per regulation of HERC 48/20220/1" Amendment/2022 dated 6th April 2022 point no 2.24(a) the Forum has no jurisdiction to hear the complainant in view of pending court case. The case is dismissed and closed. No cost on either side."

A copy of the Order dated April 4th 2025 passed by the Consumer Grievance Redressal Forum is annexed hereto and marked as Annexure R-1.

THE RESPONDENTS HAVE TAKEN SUO MOTU COGNIZANCE OF THE NON-COMPLIANCE BY THE BUILDER OF ORDER FOR COMMON AREA MAINTENANCE SHOULD NOT BE CLUBBED WITH THE LICENSEE'S CHARGES

6. That, the Respondents have already sent a letter dated April 18, 2022 to M/s Bestech India Pvt Ltd for Implementation of Suo Moto Order for removal of practical difficulty of implementation of single point regulations, 2020. The extract of the Letter dated April 18, 2022 is reproduced hereunder:

"In reference of above Single Point Regulations, 2020, it was observed that in absence of standard billing formats, the societies/RWAs/Colonizers are charging non uniformly from the individual residents under the single point supply connection which it in contravention of provision of the Regulations, causing unnecessary hardship to the residents/consumers. It was also observed that electricity charges for common /parking areas etc. are not being metered and charged arbitrarily using different methods by RWA/Developer whereas the Commission has directed in various order as under:-

1. Electricity Bills to individual consumers residing in the colony/complex be rendered on the format approved by the Commission as per tariff approved by the commission for respective category of consumers.
2. Common area maintenance charges (CAM/backup supply charges) should not be clubbed with the licensee's charges and connection may not be disconnected in case the consumer has paid the charges for grid supply.

Taking cognizance of the above the commission finds it appropriate to remove practical difficulties to such extent of implementation of single point regulations, 2020. Therefore, the commission in public interest acting Suo Moto proposed standard billing formats as annexure-A &-B (copy enclosed) for collecting the electricity supply charges and common area electricity (CAE) Charges including generator backup supply charges respectively by the developers/RWAS.

The charges to be recovered under CAE charges are proposed to be calculated. in (Rs/Sq. ft) considering the total bill of common recreational facilities/services (in Rs)/ Total covered area (Sq. ft) and then the same be charged to individual/users according to their flat/plot area on proportional basis. Further, RWA/Developers shall issue two bills (Annexure-A & b) i.e one for grid supply only and other for common area electricity charges including backup supply. etc. separately and to comply with other obligation as per the relevant regulations.

In view of the above facts, to bring uniformity, transparency and clarity in billing by RWAs/developers to its residents/consumers and consequently to remove the practical difficulty, the commission in

exercise of power conferred under the Regulation 11 of Single point Supply Regulations, 2020, hereby approves standard billing formats annexed as Annex-A& B. to the Single Point Regulation, 2020 for collecting the Electricity Supply Charges and Common Area Electricity including DS/backup supply charges.

Keeping in view above you are hereby intimated to further all billing to the residents to be issued as per HERC's instructions and Suo-Motu order otherwise you shall be held personally responsible further any consequences, if arises in future. This is for your meticulous compliance.

A copy of Letter dated April 18, 2022 sent by the Respondents is annexed hereto and marked as Annexed as R-2.

7. Thereafter, the DIBVN issued a Sales Circular No. D- 23/2022 wherein, guidelines were issued vide letter dated August 30, 2022, which were to be complied by Employer / GHS / Developer/ Users Association for initiating Unified Billing Software fleility for managing billing activities inside the premise of their Single Point Supply. The DHBVN through the said Sales Circular through guideline no. IX to XII made it expressly clear that the Employer/GHS/Developer/ Users Association shall be responsible for all liabilities & obligations including individual metering, billing, and collection of charges from individual users and payment of energy bill for Single Point Supply to the DHBVN.

A copy of the Sales Circular No. D- 23/2022 is annexed hereto and marked as Annexure R-3.

THE RESPONDENTS HAVE SENT A NOTICE TO THE BUILDER FOR IMPLEMENTATION OF SUO MOTO ORDER

8. That, the Respondents have already sent a Notice vide letter dated March 10, 2025 to M/s Bestech India Pvt Ltd for Implementation of Suo Moto Order whereby the standard billing formats introduced by HERC were to be implemented so that no unnecessary hardship is caused to the Residents/Consumers. The Respondents also specifically highlighted that the Builder/Developer has not complied with the earlier notices of the Respondents. The relevant extract of the letter dated March 10, 2025 is reproduced hereunder:

"In view of the above facts, to bring uniformity, transparency and clarity in billing by RIWAs/developers to its residents/consumers and consequently to remove the practical difficulty, the commission in exercise of power conferred under the Regulation 11 of Single point Supply Regulations, 2020, hereby approves standard billing formats annexed as Annex-A& B, to the Single Point Regulation, 2020 for collecting the Electricity Supply Charges and Common Area Electricity including DS/backup supply charges.

The above details had been brought to your notice earlier as well vide aforesaid office memos, but it is regretted to point out that the

Infrastructure has been not implemented till dated. As a result of this residents are complaining on various platforms regarding harassment due to disconnection of electricity in lien of outstanding CAM charges. You are once again directed to implement the instruction immediately. Also, you are directed to appear in front of Hon'ble CGRF in the case titled as Sh. Sheetal Bansal, Flat No. E 1001, Bestech Park View Ananda. See-81 Gurugram V/s XEN OP' Divn. DHBYN Manesar, SDO OP' S/Divn. DHBVN, K/Daula for which hearing is scheduled on dated 11-03-2025 in above matter."

A copy of letter dated March 10, 2025 bearing memo no. 4088 is annexed hereto and marked as Annexure R-4.

THE PRESENT APPEAL IS LIABLE TO BE DISMISSED AS THE APPELLANT HAS FAILED TO MAKE THE BUILDER A PARTY AND IN THE ABSENCE OF THE NECESSARY PARTY NO EFFECTIVE ORDER CAN BE PASSED

9. That, the Appellant is abusing the process of law by unnecessary impleading the Respondents as a party to the complaint. The Appellant in the Complaint form filed before the CGRF bearing no. 4832/2025 has expressly mentioned that the grievance in the present matter lies against the Builder who is a private third party in the present matter and not against the Respondents. The Appellant has raised specific grievance of "Disconnection of electricity and Threat by Builder managed maintenance agency due to linking of Common Area maintenance, arrear charges, Common Area maintenances charges and illegal recovery from smart meter." against the Builder.
10. That, Appellant despite being fully aware that his grievance lies against the Builder has failed to make the Builder/Developer necessary party to the Appeal. In the absence of the Builder/Developer no effective order can be passed by this Hon'ble Commission, since the impugned bills that have been challenged by the Appellant in the present Appeal have been raised by the Builder/Developer.

A copy of the Bill raised by the Builder dated January 06, 2025 is annexed hereto and marked as Annexure R-5.

11. From bare perusal of the aforementioned bill it is evident that there is no cause of action against the Respondents and the actual grievance lies against the Builder who has not been impleaded as a party to the Appeal. Therefore, the Appellant is guilty of Forum shopping and unnecessary impleading the Respondents in the present Appeal which has also been rightly pointed out by the Ld. CGRF vide Order dated April 04, 2025. The relevant extract of the Order is reproduced hereunder for ready reference:

"...the Forum observed that The Complaint deliberately withholds material facts, including the pendency of Civil Suit No. CS/3515/2024, and is a clearly seeking multiple remedies on the same issues before different forums..."

12. That, this Hon'ble Commission in the matter of Sandeep Fogaat vs Jagdeep Kumar & Ors. bearing Case no. HERC/P.No. 39 of 2024 has held that the DHBVN fulfilled its role by issuing directives to the builder and had directed the Builder to comply with the directives of the DHBVN and to took affidavit from the Builder to delink Common area maintenance and Common area Electricity charges from the smart meter. The relevant extract of the Order dated December 12, 2024 is reproduced hereunder:

"3.2 It is utmost relevant to mention that the present petition is not maintainable qua DHBVN, as DHBVN is not in violation of the order dated 12.04.2024 passed by the Consumer Grievance Redressal Forum "CGRF Order") and has in fact duly complied with the directions issued by CGRF...

DHBVN: Claimed compliance by issuing multiple directives to the RWA to delink charges and adopt unified billing. Cited procedural challenges in enforcement, as the RWA manages internal distribution....

DHBVN in their reply submitted that the directions imparted to DHBVN by the CGRF have been complied and the RWA has been instructed to stop charging of CAM & CAE through prepaid electricity meters and issue electricity bills through unified billing system. The Commission observes DHBVN fulfilled its role by issuing directives but should have followed up more rigorously to ensure full enforcement."

A copy of the Order dated December 12, 2024 passed by this Hon'ble Commission is annexed hereto and marked as Annexure R-6.

13. However in the present case, the Respondents have already fulfilled its roles by issuing directions to the Builder/Developer for Implementation of Suo Moto Order whereby the Respondents introduced standard billing formats so that no unnecessary hardship is caused to the residents/consumers. Further, the DHBVN has also issued a Sales Circular No. D-23/2022, wherein guidelines were issued vide letter dated August 30, 2022, which were to be complied with Employer/GHS/Developer/ Users Association for initiating Unified Billing Software facility for managing billing activities inside the premise of their Single Point Supply.
14. That, the Respondents have already sent a Notice vide letter dated March 10, 2025 to M/s Bestech India Pvt. Ltd. for Implementation of Suo Moto Order whereby the Respondents introduced standard billing formats so that no unnecessary hardship is caused to the residents/consumers.
15. Therefore, it is humbly prayed before this Hon'ble Commission that the present Appeal may kindly be dismissed as the Respondents have already fulfilled its role effectively. Moreover, in the absence of necessary party i.e. M/s Bestech India Pvt. Ltd., no effective order can be passed as the grievance in the present matter lies against the M/s Bestech India Pvt. Ltd. It is also pertinent to mention here the Appellant has concealed the fact that already a Civil litigation is going on against the M/s Bestech India Pvt. Ltd. Bearing civil suit no. CS/3515/2024. The Appellant is trying to seek multiple remedies which is clearly abuse of process of law.

F. Vide email dated 02.06.2025, appellant has submitted rejoinder, which is reproduced as under:-

This rejoinder is filed in response to the written reply submitted by DHBVN dated 22.05.2025. The reply received by DHBVN is evasive, misleading, and demonstrably ignores the binding regulatory framework. It deliberately conceals DHBVN's regulatory failure and willful negligence in acting against blatant violations committed by the builder-owned maintenance agency at Bestech Park View Ananda, Sector 81, Gurugram.

1. FALSE ALLEGATION IN POINT 3 OF REPLY FILED BY DHBVN.

The grievance raised by the appellant is legitimate while holding substance & merit. The appellant has submitted as evidence, copy of apartment electricity bill & maintenance bill in which the builder owned maintenance agency is deducting the non-electricity charges from the prepaid electricity meter and threatening to disconnect the apartment power supply in event of low balance. This is clearly an illegal financial recovery being carried out by builder owned maintenance agency (M/s Park View Facilities Pvt. Ltd.). DHBVN being the licensee in this case has been intentionally ignoring this malpractice & extortion while shamelessly flouting the rules of Electricity Act 2003, HERC Guidelines dated 22.04.2020 & DHBVN Sales Circular D-23/2022. The DHBVN officials have failed to take any strong action against the builder owned maintenance agency to delink the prepaid electricity meter & stop this corrupt practice, despite multiple formal requests submitted with them over last 4 years.

2. FALSE MISINTERPRETATION OF COMPLAINT IN POINT 4 OF REPLY FILED BY DHBVN.

The grievance raised by the appellant is highlighting the failure of DHBVN in enforcing delinking of prepaid electricity meter as per HERC 22.04.2020 notification. The CGRF grievance submission form had limited space to explain the matter in detail. Hence, appellant had submitted details of the matter with CGRF on email alongwith grievance submission form clearly citing regulatory lapse and inaction by DHBVN. The evidence of the same has also been submitted with the Hon'ble Ombudsman at the time of filing of the appeal by the appellant.

3. FALSE ALLEGATION THAT APPELLANT CONCEALED FACTS IN POINT 5 OF REPLY FILED BY DHBVN.

The appellant had clearly informed to the CGRF forum in various hearings that he has not filed any civil suit in this matter. The appellant is not party to the Civil Suit No. CS/3515/2024 as highlighted by DHBVN. DHBVN has failed to provide any substantial evidence proving that appellant is part to the case. Hence, the allegation raised by DHBVN that appellant concealed facts is baseless, devoid of any substance & merit and is made with a mala-fide

intent to mislead, misguide & misrepresent this Hon'ble Ombudsman. The Hon'ble Ombudsman holds the rightful jurisdiction to address the appeal.

4. DHBVN'S NEGLIGENCE ENABLED ILLEGAL FINANCIAL RECOVERY

Despite being fully empowered under the HERC Single Point Supply Regulations, 2020, DHBVN has failed to act on the unlawful practice of clubbing Common Area Maintenance (CAM), DG backup charges, arrears, and non-electricity dues with prepaid electricity meters.

This violates:

HERC Suo Moto Order dated 22.04.2020 (Point 5.3)

The individual consumers in the GHS/Employer's Colonies/Residential cum Commercial/Commercial Complexes/ Shopping Malls/Industrial Estates/IT Park where Single Point Supply has been provided shall be treated at par with the consumers of the distribution licensees and shall have the same rights and obligations as that of other consumers of distribution licensee. These consumers shall also be covered under all other relevant Regulations of the Commission including CGRF and Ombudsman Regulations, and tariff order issued by the Commission, provided that in case of the provision of section 126, 135 and 138 of the Act the distribution licensee shall be authorized to take necessary action as per these provisions of the Act in coordination with such Employer's Colony/GHS/ RWAs/Users Associations.

HERC Suo Motu Order dated 22.04.2020 (Para iii):

"Common area maintenance charges, backup charges should not be clubbed with the licensee's supply charges and the connection ought not be disconnected in case the consumer has paid the charges for grid supply."

By allowing prepaid meters to deduct CAM, DG charges, and unrelated dues, DHBVN has violated binding Commission orders and enabled financial coercion by the builder/maintenance agency.

5. VIOLATIONS OF THE ELECTRICITY ACT, 2003 & HERC SUPPLY CODE, 2014 Section 43 (Electricity Act, 2003):

Every distribution licensee shall, on request, supply electricity to the owner or occupier of any premises within one month of receiving application.

DHBVN has denied independent electricity supply by refusing to delink, despite repeated complaints and collective RWA resolution. The evidence of the same have been earlier filed by the appellant in the appeal raised with the Hon'ble Ombudsman.

Section 56 (1):

Electricity cannot be disconnected unless the consumer fails to pay electricity charges.

Maintenance charges are not electricity charges.

DHBVN's inaction enables disconnection threats in complete violation of this statutory protection. Despite this clause, DHBVN has allowed builder/agency

to threaten disconnection for Common Area Maintenance (CAM) charges, Common Area Electricity (CAE), Maintenance arrears etc., in violation of its obligations under the Code.

6. DHBVN'S REFUSAL TO DELINK METER IS UNLAWFUL AND UNSUSTAINABLE

The meter currently installed is being misused to aggregate non-electricity charges through a prepaid deduction system. Repeated written demands by residents (Ex-RWA letter dated 01.07.2022 and RWA GBM resolution dated 21.04.2024) have demanded delinking due to this abuse. Further, formal complaint was filed by the appellant with Chief Minister, Haryana (Diary No. 51160) dated 21.11.2024, Chief Minister Secretariat (Diary No. 51160) dated 21.11.2024, Energy Minister (Diary No. 8170) dated 26.11.2024, MD DHBVN (Diary No. 3282) dated 3.12.2024, CE OP Delhi dated 04.12.2024, Director OP DHBVN (Diary No. 3910) dated 03.12.2024 and ACS(E) cum Chairman HPU (Diary No. 8170) dated 28.11.2024. The evidence of the aforementioned letters have been already shared with the Hon'ble Ombudsman at the time of filing the appeal.

The prepaid setup now serves not as a billing tool for electricity but as a coercive mechanism of financial extortion. DHBVN has intentionally failed to ignore aforementioned format requests filed to delink the prepaid electricity meter & enforce the HERC guidelines of 22.04.2010.

7. DHBVN'S CONDUCT MERITS PENAL ACTION UNDER SECTION 142

Under Section 142 of the Electricity Act, 2003, any person who fails to comply with regulations or directions of the Commission is liable to penalty.

DHBVN has failed to:

- Prevent disconnection for non-electricity dues (against HERC directions).
- Enforce separate billing for non-electricity charges like CAM, CAE, Maintenance Arrears etc.
- Provide delinked supply upon formal RWA and appellant request.

These constitute blatant regulatory violations and invites penal proceedings.

8. PRAYERS TO THE HON'BLE OMBUDSMAN

In light of the above, the Appellant respectfully seeks the following reliefs:

1. Immediate direction to DHBVN to delink the prepaid meter in time bound manner with provision of heavy penalty for delay beyond set deadline and provide direct electricity connection/billing limited to grid supply only.
2. Direction to DHBVN to take disciplinary and penal action against the builder/maintenance agency for unauthorized financial recovery and threats of disconnection.
3. Invocation of Section 142 of the Electricity Act, 2003 against responsible DHBVN officers for enabling these violations.
4. Directive to audit and refund excess/unlawful charges collected through the prepaid meter, if applicable.
5. Mandate DHBVN to ensure compliance with Sales Circular D-23/2022, HERC Supply Code 2014, HERC/49/2020 notification dated 22.04.2020, and Single-Point Regulations in letter and spirit.

G. Hearing was held on 30.05.2025, as scheduled. Sh. Sheetal Bansal & Sh. Shubhkaran Singh were present physically & others were present through video conferencing. Reply of the Respondent counsel dated 28.05.2025 has been received by Appellant as admitted by him. Sh. Sheetal Bansal, appellant was directed to give his comments on reply of the Respondent Counsel within four days. Sh. Shiv Pratap Singh counsel of the Respondent during hearing referred to civil suit no. CS/3515/2024 against M/s Bestech India Pvt. Ltd. through which appellant is trying to seek multiple remedies. However, Sh. Sheetal Bansal, during the hearing intimated that he is not party in above mentioned civil suit. Respondent SDO is directed to place on record, copy of the civil suit in next date of hearing. SDO Respondent was also directed during hearing to give compliance report regarding DHBVN Sales Circular D-23/2022 for unified billing software facility for managing billing activities by the builder/developer/colonizer with regard to this case. SDO Respondent is further directed to summon Sh. Ishwinder Singh, Facility Head, Park View Facility Pvt. Ltd. C/o Bestech Park View Ananda in the next date of hearing. Now, the matter is adjourned and shall now be heard on 09.07.2025.

H. Vide email dated 08.07.2025, counsel of respondent has submitted compliance report of order dated 30.05.2025 which is reproduced as under: -

1. That, this Hon'ble Commission vide Order dated May 30, 2025 had directed the Respondents to file compliance report regarding DHBVN Sales Circular D-23/2022 for unified billing software facility for managing billing activities by the builder/developer/colonizer with regard to this case.
2. That, in compliance of the aforementioned Order, a meeting was held in the office of SDO 'Op' Kherki -Daula, 3rd floor, HSIIDC complex, IMT Manesar, Haryana on June 05, 2025 at 11:00 AM to discuss the reasons of delay in implementing the billing through unified billing portal developed by DHBVN in accordance with sale circular no D-23/2022.
3. That, during the meeting SDO 'Op' directed the facility management on the behalf of builder who is looking after the billing of residents, to carry out billing of the residents through the portal developed by DHBVN in accordance with SC no D-23/2022. The credentials of the portal for the builder were shared again with them and they were directed to upload their master data within 7 days. The builders team raised the issue of recovery of gap of the amount as billed through unified billing and as billed by DHBVN and that how the said amount was to be recovered. They were further directed to carry out the billing from Jan-2025 till latest month and any gap in the billed amount that might arise will be discussed accordingly.
4. That, the SDO 'Op' strictly instructed facility management to de-link the disconnection of pre-paid meters with the maintenance charges, as it was against the Single Point Supply code of DHBVN as regulated by HERC. The facility management assured that they will discuss it with their management and come up with a solution for recovery of the maintenance and proceed accordingly with the matter. A copy of minutes of meeting dated June 05, 2025 is annexed hereto as Annexure R-1.

5. That, the meeting was concluded with the decision that the builder will carry out unified billing for the last 6 months and will put up any issues faced by them within 2 weeks. The matter of de-linking of the CAM charges with the pre-paid meter and alternative source of recovery of the maintenance charges will be discussed by the facility with their builder management and shared with DHBVN in two weeks as well.

I. Hearing was held today i.e. 09.07.2025, as scheduled. Both the parties along with Sh. Ishwinder Singh and Sh. Mintu Kumar, representatives of Park View Facilities Pvt. Ltd were present through video conferencing. During the hearing, representatives of Park View Facilities Pvt. Ltd. referred to Clause 2.15 of the HERC (Forum and Ombudsman) Regulations, 2020, as amended on 06.04.2022, which states:

"The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority or any other Forum established by law, or where a decree, award or a final order has already been passed by any competent Court, Authority or Forum."

Appellant, Sh Sheetal Bansal, categorically submitted that no case is pending in his name in any court with respect to the same matter. He stated that he had provided an undertaking to that effect earlier and continues to stand by it. Respondent's counsel, Sh. Raghav Kakkar, submitted that a civil suit (CS/3515/2024) is pending before the Civil Court titled "Rahul Bansal vs Park View Facilities Pvt. Ltd." and argued that the issues raised in that suit are substantially similar to the grievance raised in the present appeal. Further, it was reiterated that the CGRF, while dismissing the complaint, recorded the following finding:

"The complaint deliberately withholds material facts, including the pendency of Civil Suit No. CS/3515/2024, and is clearly seeking multiple remedies on the same issues before different forums."

Decision

This appeal has been filed by the Appellant, Shri Sheetal Bansal, against the order dated 04.04.2025 passed by the Consumer Grievance Redressal Forum (CGRF), DHBVNL, Gurugram in Case No. 4832 of 2023.

The grievance raised by the Appellant pertains to alleged unauthorized financial recovery of Common Area Maintenance (CAM), Common Area Electricity (CAE), maintenance arrears and other non-electricity charges by the builder and its maintenance agency, M/s Park View Facilities Pvt. Ltd., through deductions from the prepaid electricity meter installed in the Appellant's flat. The Appellant relied upon the provisions of HERC Order dated 22.04.2020, which prohibit clubbing of such charges with electricity bills.

The Respondents referred to Regulation 2.15 of the HERC (Forum & Ombudsman) Regulations, 2020, as amended on 06.04.2022, which bars a Forum or Ombudsman from entertaining any complaint if proceedings on the same issue are pending before a court or any other competent authority. The Respondents submitted that Civil Suit No. CS/3515/2024, titled "Rahul Bansal vs Park View Facilities Pvt. Ltd.", is pending before Hon'ble Civil Court on the same subject matter. The Appellant,

however, maintained that no civil case has been filed by him, and he had also submitted an undertaking affirming the same. The Respondent's Advocate clarified that although the civil case is not in the name of Sheetal Bansal but the issues raised in civil suit no. CS/3515/2024 are same as in the complaint of Shri Sheetal Bansal in this case. Also, the CGRF, in its order, had already taken note of this fact and observed that the complaint "deliberately withholds material facts, including the pendency of Civil Suit No. CS/3515/2024, and is clearly seeking multiple remedies on the same issues before different forums."

After hearing both the parties and going through the record made available on file, it is ordered that:

1. The existence of Civil Suit No. CS/3515/2024, pending before a Civil Court. The subject matter of the said suit appears to substantially overlap with the grievances raised in the present appeal.
2. Regulation 2.15 of the HERC (Forum and Ombudsman) Regulations, 2020 explicitly prohibits the Ombudsman from entertaining a matter if proceedings on the same issue are pending before any Court or Authority.
3. The Appellant's contention that he is not the direct party to the civil suit does not sufficiently rebut the fact as the same issue is being agitated in a parallel legal proceeding, which is likely to affect or influence the outcome of this dispute.

In view of the above and in strict compliance with Regulation 2.15 of HERC (Forum & Ombudsman) Regulations, 2020, the appeal is not maintainable as the same matter is pending before a competent Hon'ble Civil Court in Civil Suit No. CS/3515/2024. Consequently, the order of the CGRF dated 04.04.2025 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 10th July, 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:10.07.2025

CC-

Memo. No. 878/1/HERC/EO/Appeal No. 16/2025

Dated: 10.07.2025

To

1. Shri Sheetal Bansal, R/o E-1001 at Bestech Park View Ananda, Sector-81, Gurugram (Email er.bansal.s@gmail.com)
2. The Managing Director, DHBVN, Hisar (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, DHBVN, Delhi (Email ceopdelhi@dhbvn.org.in).
5. The SE/OP, Circle, Gurugram-I, DHBVN, Gurugram (Email seop1gurugram@dhbvn.org.in)
6. The XEN/OP, Manesar, Division, DHBVN, Gurugram (Email xenworksgurugram@dhbvn.org.in)
7. SDO, Op. Sub Division, DHBVN, Kherki Daula (Email sdoopmanesar@dhbvn.org.in)