



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. : 17 of 2025
Registered on : 15.04.2025
Date of Order : 26.06.2025

In the matter of:

Appeal against the order dated 10.03.2025 in case no. UHBVNL/CGRF 11 of 2025 – M/s G.S. Casting, Ladwa Road, Village Sirsama District Kurukshetra

M/s. G.S. Casting, Ladwa Road, Village Sirsama District Kurukshetra
through Proprietor Smt. Kiran Gupta through its GPA Holder Gaurav Gupta

Appellant

Versus

1. XEN/OP Division, UHBVN, Kurukshetra.
2. SDO/OP Division, UHBVN, Pipli.

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Gaurav Gupta

Shri V.K. Gupta

Present on behalf of Respondents:

Sh. Abhishek, SDO/Op Division, UHBVN, Pipli, Kurukshetra

ORDER

A. M/s. G.S. Casting has filed an appeal against the order dated 10.03.2025 passed by CGRF, UHBVNL, Panchkula in case No. 11 of 2025. The appellant has requested the following relief: -

1. That the impugned order dated 10-03-2025 passed by Consumer Grievances Redressal Forum UHBVN, Panchkula attached as Annexure C - 1 is wrong, illegal, void and is against the law and against the facts on the file and is liable to be set-aside.
2. That the Ld. Forum Panchkula has not applied its judicious mind at the time of passing the impugned order.
3. That the learned Forum Panchkula has not passed the speaking order and the order passed by the learned Forum Panchkula is based on surmises and conjectures.
4. That brief facts of the complaint are that the complainant is running a manufacturing unit in the name and style of G.S. Casting, Ladwa Road, Village Sirsama District Kurukshetra under SDO (OP) Sub-Division, UHBVN, Pipli had made a complaint regarding metering problem. The complaint was received in the office of Corporate CGRF, UHBVN, Panchkula on 17.01.2025 attached as Annexure C - 2. The Forum considered the facts and found the petition feasible for acceptance and the same was admitted. Accordingly, intimation through references Dated 20.01.25 & 04-03-25 was given to both the parties attached as Annexure C - 3. The SDO Respondent was asked to submit his para-wise version/reply within 5 days (but the reply was given after 10 days) along with relevant Sales Circulars and Sales Instructions.

The complainant in his complaint has pleaded that:-

"We are running a manufacturing unit in the name and style of G.S. castings Ladwa Road, Village Sirsama, Distt. Kurukshetra with energy Account No. 2894190000.

It is submitted that we were informed by the meter reader in the month of September 2021 that the display screen of our energy meter is not visible and meter needs replacement. Then immediately we wrote a letter to the Sub Divisional Engineer Pipli for replacing the meter (attached as Annexure C - 4). But no action was taken by the SDO. We went to his office numbers of times and requested for the same but all in vein. Ultimately we approached the Executive Engineer in the month of July 2022 and requested for the replacement of energy meter. Then he at the same time directed the SDO to get it replaced and then it was replaced on 20.07.2022 and the old meter was sealed. After this we again went number of times to the office of SDO to send the old meter to check its reading. Then after expiry of 24 months from the sealing it was sent to the laboratory, and I was also asked to be present there. I visited the laboratory on the prescribed date i.e. on 25.07.2024 and there, I was told that meter is ok but display is not working and the same is to be sent to the company for the readings. And then after about 4 months on my visit I was told that meter was faulty. And some papers were given to me attached as Annexure C - 5, but the figures given in those papers is appear as fake and are as per the desire of some person, best known to the SDO, Because when the meter was dismantled it was working properly and even in the Lab report it was declared that only display was defective and the meter was ok and its need to be sent to the manufacturing firm, attached as Annexure C - 6.

Further it is submitted that we have been charged for the period of 12 months with assumed reading which are not now acceptable. So, you are requested to direct to consider the final reading as given by the company and charged the amount for the differential unit and return the amount charged in excess from us for the period."

Reply of the SDO/Respondent:

SDO (OP) Sub-Divn., UHBVN, Pipli vide his Memo. No. 512 Dated 05.03.2025 attached as Annexure C - 7 has submitted his reply as under:

"With reference to the subject cited above, the relevant records have been examined, and the following facts have been found:-

1. The site was inspected by the M&P team on 15.03.2022. As per M&P Report No. 5428, the meter was declared as "NV" and recommended for replacement. Accordingly, SJO No. 50/90 for meter replacement was issued in the name of Sh. Gaurav, JE, by the undersigned on 22.03.2022.
2. The meter was replaced on-site on 20.07.2022, and the old meter (Serial No. HR104550) was packed as per Nigam's instructions for testing at the M&T Lab. It was forwarded for testing via LL-1 No. 39/7143 dated 20.07.2022. The delay in meter replacement was due to the acute shortage of HT meters in Nigam stores.
3. The meter was tested at the M&T Lab, Karnal, on 25.07.2024, where it was found to be non-communicating with a defective display. It was subsequently referred to the manufacturer for retrieval of reading and load survey data. The meter was handed over to the SDO, M&T Lab, Karnal, for further processing.
4. The retrieved reading data was received from the SDO, M&T Lab, Karnal, via email on 27.12.2024. Upon analysis, it was found that the meter had been in a "dead stop" condition since 13.08.2021. As per prevailing Nigam instructions, the average

charging for the period during which the meter was in dead-stop status was correctly applied.

In view of the above, no further adjustment is required in the consumer's account. This reply is submitted for your kind information, please."

5. That after considering the reply of respondent the forum Panchkula passed an order on 10-03-2025 which is against law, against fact and without applying the judicial mind which is liable to be set aside and the claim of appellant should be accepted on the following grounds:-

- (i) That while giving the decision, Forum Panchkula has not paid any attention to the fact that on 06.09.2021, the meter reader told the applicant about the reading not being displayed in the meter, then the applicant immediately wrote a letter to SDO UHBVN Pipli on 08.09.2021 to change the meter because at that time there was very little work in the applicant's factory and the applicant's factory was running very little because a huge amount of the applicant was stuck with the debtors due to which the applicant's business had reduced considerably and ultimately it was temporarily shut down and no license of Bureau of Indian Standard renewed and also the CTO from pollution department was not renewed, copy attached as Annexure C - 8. Also the approval from Powergrid was not renewed which was a very important and grace full document for running of the unit of the complainant, copy attached as C - 8A and because of temporarily shut down of the unit, the complainant has also filed cases against the debtors in MSME Panchkula, some of which have also been decided in favour of the applicant and due to this reason the applicant wanted to get his electricity meter changed immediately, but despite repeated requests by the applicant, the meter was not changed due to the negligence of the electricity department. So in July 2022, the applicant met the Executive Engineer of Electricity Department and after that the applicant's electricity meter was replaced on 20.07.2022 and after changing the applicant's electricity meter, the applicant met the SDO UHBVN and requested to him to send this meter to the M&T Lab and get it checked immediately for correct reading so that the applicant can pay its correct bill because very little work was done in the applicant's factory at that time, but that meter was not sent to the lab by the SDO even for two years and that meter remained as it was for two years and any tampering could have been done inside that meter for two years and after two years on 25.07.2024, when that meter was checked by the M&T Lab, it was written by the checking team that meter should be sent to the manufacturing firm for retrieve meter reading display and for survey data. It is also worth mentioning here that in its reply given to the applicant in Forum Panchkula, the department has written that this meter was sent for testing to M&T Lab Karnal on 20.07.2022, but that meter was checked on 25.07.2024, which in itself creates a suspicious situation.
- (ii) That after this, no notice was ever given to the applicant by the Electricity Department regarding checking of the meter in the manufacturing firm, nor was the applicant called during the meter checking in the manufacturing firm

and later it was told to the applicant that your electricity meter was checked in the manufacturing firm on 30.08.2024 and no reading has been displayed in it after 13.08.2021, whereas on 30.08.2024, when this meter was started, it showed 29307.51 as a reading, which clearly showed that the meter was in working condition, but actual survey data was not taken from the meter and the manufacturing firm, in collusion with the Electricity Department, issued this false and incorrect report without the knowledge of the applicant and without giving any notice/intimation to the applicant. It is also worth mentioning here that in this report the testing date is shown as 30.08.2024 but this report is shown to be generated on 03.12.2024 which creates doubt of manipulation. It is pertinent to mention here that the average bills was already issued on monthly basis by the SDO operation UHBVN Pipli for the period in which meter was not working properly then why the consolidate bill was issued in the month of November 2022 and again in February 2023 attached as Annexure C – 9, even when the meter was not checked in the lab and to cover the action taken by the SDO earlier without lab report, the report is manipulated and this report is absolutely wrong and false because if the correct report had come, the reading in the meter would have been very low because very little work was done in the applicant's factory during that time and the electricity department, considering this false and incorrect report to be correct, got the applicant to pay the average bill on the basis of this, which is absolutely wrong and against the law and the average bill has been forcibly deposited from applicant by threatening to cut off the electricity connection and the complaint given by the applicant in Forum Panchkula is acceptable keeping all these facts in mind and the decision taken by Forum Panchkula is against the facts and law, which is liable to be dismissed and claim of the applicant may kindly be accepted.

6. That the learned Forum Panchkula has not passed the speaking order and the order passed by the learned Forum Panchkula is based on surmises and conjectures. The Ld. Forum Panchkula has neither given any finding upon the documents produced by the appellant and also not considered the documents (attached as Annexure C – 10) which were submitted in reply of SDO Operation Pipli memo no. 512 dated 05-03-25 even in his order no. 1025 dated 04-03-25 forum said that the time of 5 days will be given to the appellant after the submission of reply by the SDO operation to submit rejoinder which is not considered by the forum and also without giving next date forum issued the order which is against the law as without considering the reply.
7. That the appeal is within the limitation other than one day delay due to miscalculation of days and considering more delay as gazette holidays. And if still there is any delay in filling the appeal the Hon'ble Ombudsman is prayed that please Condon the same in the interest of the justice.

It is, therefore, prayed that the appeal of the Appellant/petitioner may kindly be accepted with costs by setting aside the impugned order dated 10-03-2025 passed by the learned Forum Panchkula and requested to direct to consider the final reading as given by the company and charged the amount for the differential unit

and return the amount charged in excess from us for the period and any other relief which Hon'ble Electricity Ombudsman, HERC, Panchkula deemed fit may also be granted.

B. The appeal was registered on 15.04.2025 as an appeal No. 17 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 22.05.2025.

C. The respondent SDO has submitted reply through Executive Engineer on 22.05.2025, which is reproduced as under:-

"Kindly refer to Memo No. 143/EO/HERC/Appeal No. 17/2025 dated 15.04.2025 on the subject cited appeal.

On the subject cited matter, it is to be informed that the relevant records were examined thoroughly by SDO/Op Sub Division Pipli and the following facts were found, when complaint was filed in CGRF: -

1. The site was inspected by the M&P team on 15.03.2022. As per M&P Report No. 5428, the meter was declared as "NV" and recommended for replacement. Accordingly, SJO No. 50/90 for meter replacement was issued in the name of Sh. Gorav, JE, by the undersigned on 22.03.2022.
2. The meter was replaced on-site on 20.07.2022, and the old meter (Serial No. HR104550) was packed as per Nigam's instructions for testing at the M&T Lab. It was forwarded for testing via LL-1 No. 39/7143 dated 20.07.2022. The delay in meter replacement was due to the acute shortage of LT meters in Nigam stores.
3. The meter was tested at the M&T Lab, Karnal, on 25.07.2024, where it was found to be non-communicating with a defective display. It was subsequently referred to the manufacturer for retrieval of reading and load survey data. The meter was handed over to the SDO, M&T Lab, Karnal, for further processing.
4. The retrieved reading data was received from the SDO, M&T Lab, Karnal, via email on 27.12.2024. Upon analysis, it was found that the meter had been in a "dead stop" condition since 13.08.2021. As per prevailing Nigam instructions, the average charging for the period during which the meter was in dead-stop status was correctly applied.

In view of the above, no further adjustment was found to be done in the consumer's account. Subsequently, reply of further points raised by the consumer in the appeal are as follows:

Regarding Point No. 4 of the consumer's appeal, which alleges that the reading data provided (Annexure C-4) is fabricated, it is submitted that this claim is baseless. For reference, the original PDF file received through the official email of the SDO, M&T Lab, Karnal is attached herewith. Therefore, the data retrieved, shared with the consumer, and presented before the CGRF is accurate and authentic.

Furthermore, the consumer has claimed that the lab report stated "only display was defective and the meter was Ok and its need to be sent to the manufacturing firm." This is incorrect. The lab report clearly states: "meter display defective, CMRI also not communicate with meter. Hence meter referred to manufacturing firm to know the reason of display defective and retrieve the meter reading and load survey data."

At no point was it declared that the meter was functioning properly. In fact, due to the inability to retrieve data via CMRI, the meter had to be referred to the manufacturer.

As noted earlier, once the data was retrieved from the manufacturer, it was found that the meter had been in a "dead stop" condition since 13.08.2021. Accordingly, average billing for the non-functional period was correctly applied in line with prevailing Nigam guidelines. Hence, no further adjustment is required in this case. So Kindly please closed the case on the above narrated facts.

D. Hearing was held on 22.05.2025, as scheduled. Both the parties were present. During the hearing, the appellant/complainant has submitted that he has received the Respondent SDO reply yesterday and requested for additional time to submit the rejoinder against the SDO reply. Further, Appellant also filed the additional submission to provide the record of LT/CT meter available with the Respondent SDO for the period 08.09.2021 to 20.07.2022. Accordingly, Respondent SDO was directed to supply his reply on the additional submission filed by Appellant within 4 days. Also, Appellant was directed to provide the rejoinder against the Respondent SDO reply within four days with a copy to Respondent SDO.

Now, the matter is adjourned and shall now be heard on 17.06.2025.

E. Vide email dated 03.06.2025 appellant has submitted rejoinder which is reproduced as under:-

1. That the respondent tries to hide his negligence about the letter submitted to him on 08-09-2021 regarding the NV of meter (already attached as Annexure C-4) as stated in Point no. I and started his statement of defense from the date 15-03-2022, when the team of M&P visited and reported vide report no. 5428.

Here it is pertinent to mention the key points here that as per HERC regulations on electricity supply code:-

That as per clause 5.6.2 the licensee has to follow the procedure in case of request by the consumers as detailed in the regulations 5.6.3 to 5.6.8 and it is not followed as all in the present case, which is explained as under:-

Clause No.	Action
5.6.3	Licensee did not inspect the meter within 7 days.
5.6.4	No check meter was installed.
5.6.5	No issues when above two were not followed.
5.6.6	When the meter was tested in the company's lab, procedure was not followed and this clause of supply code is totally ignored.
5.6.7	No explain action required as the clause 5.6.6 was not followed while testing in the company
5.6.8	The provisions of the clause has even not been touched regarding the testing of meter in the company the test was conducted (as per report) on 30-08-2024 and surprisingly

	the report was generated on 03-12-2024 i.e. after laps of 95 days and the same was sent to the petitioner on his personal request on 17-12-2024 by email whereas the report should be dispatched within 7 days after conducting the test under acknowledgement as per the said clause 5.6.8 of supply code.
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Thus the not issuing the notice to the petitioner regarding test of meter in company and the meter testing without the presence of petitioner is not admit able and the test conducted on 30-08-24 and generation of report on 03-12-2024 (after 95 days) identifies its unfaithfulness and is vehemently denied. Furthermore it is pertinent to mention here that the respondent has shown very promptness regarding adjustment of bill in Nov. 22 and again on Jan. 23 that is much before the receipt of test report and he was confident about the report that he will get the same as per his assumptions, which proves that the respondent get the fabricated report after 95 days of test which justify his action taken against the petitioner regarding adjustment of billing. This action of the respondent is against the provisions of the supply code. Again it is pointed out that as per clause 5.4.6 "the licensee shall prepare a provisional bill in the manner as prescribed under regulation 6.9. Such provisional billing shall not continue for more than two billing cycles at a stretch" whereas the respondent issued 11 continuous bills on provisional basis attached as Annexure C-11) and violated the provisions of the law.

2. That during last hearing dated 22-05-2025 on request of the petitioner, the respondent was directed by the H'onble Ombudsman to supply the record (stock statement of the of the LT CT meter) of his office but here the respondent tried to misguide/mislead the H'onble Ombudsman by supplying the record of other office which does not pertained to the office of the respondent attached as Annexure C-12.
3. That the statement of the respondent is contradicted itself that (in para 2 of his reply memo no. 67 dated 05-03-2025) there was acute shortage of meter and hence it could not be replaced, where as he himself is admitting in his office memo no. CH-69/DSGM dated 26-05-2025 (attached as Annexure C-12) that 20 nos. meter were available with him on 05-03-2022 and it was replaced on 20-07-2022.
4. That here it is evidently proved that there was no intension of the Respondent to get the meter replaced as intentionally placing the bill illegally on provisional basis and then adjusting before the receipt of test report only to giving the loss to the petitioner.
5. Further, it is important to mention here that during this period the manufacturing in the petitioner unit was temporally shut down and the petitioner was doing only trading of the stock already manufactured and additive material (as per order) by procuring outsourcing from the open market. In the evidence of above already submitted as Annexure C-8 & 8A.

Also, now submits the trading purchase bills and the bills of the work which was got done on the labour basis from the open market (attached as Annexure C-13 colly) and the copy of the profit & loss account for the year 2022-23 clarifying no payment to labour for manufacturing of material in the unit (Attached as Annexure C-14).

PRAYER:

From the above facts and submissions the petitioner prays to the Hon'ble Ombudsman to direct the respondent to refund the amount received by him by placing the illegal provisional bills and readjust the bill as per actual reading received in the report.

Any other relief which the Honble Ombudsman seems fit.

- F.** Hearing was held on 17.06.2025, as scheduled. Both the parties were present. During the hearing, appellant pointed out that his defective meter was replaced in 20.07.2022. However, he had made complaint of defective meter to SDO/OP, Pipli on 08.09.2021. In compliance of interim order dated 22.05.2025, SDO/OP, Pipli has submitted the report of material issued from store to his sub division which clearly shows that 20 numbers LTCT meters were drawn by SDO/OP, Pipli on 05.03.2022. Appellant further emphasized for producing record for communication of Nigam with the firm for checking of his meter. Also, appellant intimated that his firm was shut down during the period 08/21 to 07/22 for which average billing has been charged from him. Accordingly, SDO/OP, Pipli is directed to give details of LTCT meters issued (consumer wise) from 08.09.2021 to 20.07.2022 alongwith record showing communication of M&T Lab with the firm for retrieving the reading data within 4 days. Further, appellant was directed to send authentic data showing his factory was shut down during the period within 4 days.

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

G. Decision:

In compliance with the interim order dated 17.06.2025, the appellant submitted balance sheets for the financial years 2020-21 and 2021-22, along with a copy of the wages register. The wage expenditure for FY 2020-21 (when the unit was operational) was shown as Rs. 7,99,000, while for FY 2021-22 (the disputed period), the wage expenditure was reported as Rs. 5,64,000.

The respondent SDO has submitted documentation indicating that 20 LTCT meters were drawn from the store on 05.03.2022, but there is no evidence of any earlier attempt to replace the appellant defective meter. Further, the respondent has provided documentary proof of communication between the M&T Lab and the meter firm regarding data retrieved from the defective meter shown at serial no. 30 of firm report dated 25.09.2024 which nullify the claim of appellant that meter was not sent to the firm.

After hearing both the parties and going through the record made available on file, it is observed that although there is a reduction in wage expenditure, the difference is not substantial enough to conclusively prove that the industrial unit remained

completely non-functional during the entire disputed period. Further, Appellant was specifically directed to submit authentic evidence confirming shutdown of the factory. However, no definitive proof such as tax filings indicating closure, official notifications, or regulatory declarations confirming non-operation was submitted. Therefore, it is found that the appellant has not provided sufficient and conclusive evidence to justify revision of the average billing applied during the said period.

Accordingly, it is ordered that the appellant claim of his industrial unit remained shut down from 08.09.2021 to 20.07.2022 is not accepted due to insufficient supporting evidence. Therefore, the average charging has been done for the period during which the meter remained dead stop status is correct and applicable as per standing instructions of the Nigam and requires no revision. However, there was a delay in replacing the defective meter, which is a lapse on the part of the respondent SDO. Accordingly, Xen operation is directed to take action as deem fit against SDO operation for not replacing the defective meter in time, in compliance with applicable regulatory timelines. Hence, the order dated 10.03.2025 of 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 26th June, 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:

CC-

Memo. No.759-64/HERC/EO/Appeal No. 17/2025

Dated: 26.06.2025

1. M/s. G.S. Casting, Ladwa Road, Village Sirsama District Kurukshetra (Email gauravgupta_gsc@yahoo.com) .
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula (Email lr@hvpnl.org.in).
4. The Chief Engineer (Operation), Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email ceoppanchkula@uhbvn.org.in).
5. The Superintending Engineer (Operations), UHBVN, Kurukshetra, Near Gymkhana Club, 3rd Floor, UHBVN Bldg, Sec 8, Kurukshetra (Email seopkurukshetra@uhbvn.org.in)
6. XEN/OP Division, UHBVN, Kurukshetra, Divisional Office, Near Gymkhana Club, IInd Floor, UHBVN Bldg, Sec 8, Kurukshetra (Email xenopkurukshetra@uhbvn.org.in)
7. SDO/OP Division, UHBVN, Pipli, S/D Pipli, Near Gymkhana Club, GND Floor, UHBVN Bldg, Sec 8, KKR (Email sdooppipli@uhbvn.org.in)