



## 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](mailto:eo.herc@nic.in)

(Regd. Post)

**Appeal No.** : 20 of 2025  
**Registered on** : 01.05.2025  
**Date of Order** : 23.07.2025

**In the matter of:**

**Appeal against the order dated 27.03.2025 passed by CGRF DHBVNL, Gurugram in case No 4823/2025 – Shri Chandan Nagpal, through Navneet Bhanot Authorised Partner Weldone Metfab Co., 64/11, Industrial Area, NIT Near Pyali Chowk, Faridabad**

Shri Chandan Nagpal through Navneet Bhanot Authorised Partner Weldone Metfab Co., 64/11, Industrial Area, NIT Near Pyali Chowk, Faridabad **Appellant**

Versus

1. The XEN/OP, NIT Divn., DHBVN, Faridabad
2. SDO, Op. Sub Division No.-3, DHBVN, Faridabad

**Respondent**

**Before:**

Shri Rakesh Kumar Khanna, Electricity Ombudsman

**Present on behalf of Appellant:**

Shri Navneet Bhanot

**Present on behalf of Respondents:**

Shri Harsh Gupta, SDO

### ORDER

**A.** Shri Chandan Nagpal through Navneet Bhanot Authorised Partner, Weldone Metfab Co., 64/11, Industrial Area, NIT Near Pyali Chowk, Faridabad has filed an appeal against the order dated 27.03.2025 passed by CGRF, DHBVNL, Gurugram in case No. 4823 of 2025. The grounds of appeal are as under:

1. Weldone Metfab Co., situated at 64/11, Industrial Area, NIT, Faridabad, is the occupier of premise and actual electricity consumer for the account under reference. Complainant is the authorized partner of Weldone Metfab Co., “WMC” herein. The account under reference is in the name of Sh. Chandan Nagpal, who owns the premises. For the period of tenancy, WMC, thru the complainant pays electricity bills raised by Dakshin Haryana Bijli Vitaran Nigam, “DHBVN” herein. Complainant represents Sh. Chandan Nagpal, as before the previous forums.
2. Since Sep 2021, complainant has made continuous efforts to bring WMC to a self-sustaining level. WMC has directly generated employment and contributed to the economy. The viability of WMC is threatened by DHBVN, whose claims far exceed the approved rate for electric power (Rs. 6.4 per unit). The complainant is harassed by the arbitrary claims of DHBVN. In the event of closure of WMC due to arbitrary actions of DHBVN, complainant will lose substantial sums of money and a source of livelihood.

#### **Cause of action**

3. Electric power supply is a necessary service for the life of the community. DHBVN, a Govt. of Haryana undertaking, is a licensee with monopoly in trade and distribution of electric energy in geographical area where WMC is situated.

4. Amongst other services, WMC provides specialized induction hardening services to around 50 customers, including in the neighboring districts of Palwal and Gurugram. These said services enhance the competitiveness of WMC clients and contribute to the economy.
5. WMC is dependent on electric power supply for its survival. It is for the induction hardening services that WMC needs electric power supply provided by DHBVN. The cost of electric energy has a major impact on the viability of induction hardening services provided by WMC.
6. This complaint is guided by The Constitution of India; common Law derived principles of equity, fairness and contra proferentem; HERC “Electric Supply Code” 2014; Regulation No. HERC/ 02/2004; The Electricity Act 2003; The Legal Metrology Act 2009; Bharatiya Sakshya Adhiniyam 2023; The Consumer Protection Act 2019; and The Competition Act 2002, as amended from time to time.
7. Section 2. (1)(u) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 warrants “standards” for “standards on Installation and Operation of Meters.” DHBVN standards on Installation and Operation of Meters appear as approved and published in Sales manual, Section – IV, Metering & Meter Service Charges, a “public document” herein
8. Approved and published instructions 4.5 and 4.6 in the “public document” read with s. 45 of the Electricity Act 2003 govern the installation in the current case.
9. Of direct import in this matter are instructions 4.3.2(b); 4.3.5.(5); 4.3.5.(6); 4.3.5.(7); 4.3.5.(8); 4.10 (2); 4.10(2)(i); 4.10(2)(iii); 4.10(3); 4.12; 4.14 (c)(i); 4.14(c)(ii); 4.15 in the approved and published “public document.” Violations of these instructions in the approved and published “public document” have been brought to the attention at both levels of the grievance forum(s) in force under the regulations established by the State Commission (HERC/ 02/2004). It is expected that the grievance redressal mechanism so established, is self-sustaining, has enforceable adjudication powers and does not harass a consumer by operating in vacuum.
10. It is expected that DHBVN refrain from exploiting and abusing its dominant position to the prejudice of a consumer. It is further expected that DHBVN abides by the “public document” that is one of the conditions for its license. It is expected of the State and its assigns to protect and promote revenue and employment generating enterprise instead of threatening their viability.
11. Arbitrariness remains the antithesis of the rule of Law since times immemorial. There is nothing on record to indicate that the instructions in para. 9 above have been altered, modified or expunged to the extent of having no impact in this case. There is nothing on record to attribute a defect in the energy meter to the complainant. Complainant is harassed, prejudiced and left in a state of deep distress by the arbitrary actions of DHBVN.
12. DHBVN threatens the very existence of complainant’s business, causing severe distress. Complainant lives under a constant fear of business closure and the ensuing losses due to the unchanneled conduct of DHBVN.

### 13. Timelines

- 23 Sep 2021: WMC made the first payment to DHBVN as the final consumer of the connection under reference. Complainant has been diligent in making timely payments and maintaining power factor till date.
- 12 Sep 2024: DHBVN issues Electricity bill no. 988549525917 (p.33). The said Bill mentions Sundry Charges/ Allowances of ₹ 1,01,591/-. The reason of the said sundry charges could not be ascertained before the due date of 24 Sep 2024. Complainant paid a lumpsum amount of ₹ 50,000/- under protest.
- 1 Oct 2024: Complainant received without prejudice a notice regarding charging on account of slowness of meter against a/c No. 9885450000 amounting to Rs. 1,01,591/-. This notice was issued by the Ld. SDO (OP) S/Divn. No.3 DHBVN, NIT Faridabad vide Memo No: 2419 dated 9 Sep 2024.
- 21 Oct 2024: Aggrieved with the Notice received on 1 Oct 2025, complainant approached the first grievance forum setup by DHBVN. The forum for zonal redressal of consumer grievances/ OP Zone Delhi (Zonal CGRF herein) registered case no. DH/ Zonal CGRF/30/2024- 25 on 21 Oct 2024.
- 5 Dec 2024: The Zonal CGRF issued its order on 5.12.2024. Complainant received the Zonal CGRF order by email on 26 Dec 2024.
- 2 Jan 2025: Aggrieved with the order of Zonal CGRF, complainant approached the Corporate Consumer Grievances Redressal Forum, Gurugram (CCGRF herein).
- 20 Jan 2025: CCGRF registered case no. 4823/ GGN/ 2025.
- 24 Mar 2025: Vide memo no. 809 dated 24 Mar 2025, the Ld. SDO(OP) Sub-division No. 3 Sector 23, Faridabad issued a notice regarding charging Rs. 29,181/- on account of meter slowness. Complainant received the said notice by e-mail on 25 Mar 2025. A copy of the said memo is attached at pp. 34-37.
- 30 Mar 2025: Complainant filed a protest petition with CCGRF against the memo No. 809 dated 24 Mar. 2025, issued by the Ld. SDO(OP) Sub-division No. 3 Sector 23, Faridabad. A copy of the said protest petition is attached at pp. 38-40.
- 1 Apr 2025: CCGRF issued order in case no. 4823/ GGN/ 2025.  
The said order was received vide memo. no. 322 CGRF/GGN dated 1 Apr 2025. A copy of the said memo is attached at pp. 41-46.
- 3 Apr 2025: The sole respondent before the “grievance forum(s)” of DHBVN, vide memo. No. 895 dated 3 Apr 2025 placed on record “compliance” to the orders of CCGRF. The alleged “compliance” is faulty and contested. Copy of the said memo is attached at pp.47- 48.
- 3 Apr 2025: Complainant made an urgent plea to the CCGRF for enforcement of its directions. Copy of the plea is attached at pp. 49-50.

7 Apr 2025: Complainant replied to notice vide Memo No. 809 dt. 24 Mar 2025 via email to the Ld. SDO(OP) Subdivision No. 3 Sector 23, Faridabad, requesting for further instructions. Copy of the said reply is attached at pp. 51-57.

12 Apr 2025: DHBVN issues electricity bill no. 988549376407. The said bill includes sundry charges of 29,181/- as demanded in memo no. 809 dated 24 Mar 2025, by the Ld. SDO(OP) Sub-division No. 3 Sector 23, Faridabad. Copy of the said electricity bill is attached at p. 58.

26 Apr 2025: The deadline for compliance of CCGRF directions expires. Complainant has no option but to assume that all options before the CCGRF and the Ld. SDO(OP) Sub-division No. 3 Sector 23, Faridabad are exhausted. Complainant disagrees with the opinion of DHBVN.

28 Apr 2025: This complaint made and submitted with all due respect.

**Facts for kind consideration**

14. *Recurring defect, deficient service, arbitrary conduct, unaccountability*

14. a. In a sample period of 18 months (Oct 2023 to Mar 2025), DHBVN charged and accepted a sum of Rs. 1,15,093/- as fixed charges, averaging Rs. 6,394/- per month. The payment towards fixed charges (and monthly cycle charges) is up-to-date, as on the date of filing this complaint. The said charges are as per the Electricity Act 2003, s. 45. (3), and form a major part of the current cycle charges. It is expected that a consumer will get proper service in lieu of monthly charges.

14.b. A consumer is not in the position to monitor, diagnose and repair a sealed energy meter owned and installed by DHBVN. The safest, surest way of accessing the readings of the energy meter is via the instrument used by the meter reading delegates of DHBVN. It is expected that DHBVN monitors, diagnoses and repairs its energy meters in a proper, timely manner.

14.c. In the matter at hand, DHBVN's energy meter gives a recurring problem of alleged "carbonization." Far removed from the instruction 4.12 (1.) of the "public document," it is DHBVN's unilateral and ongoing contention that a fall in voltage as per "tamper data" leads to "slowness" of the energy meter. Such claim stemming from "tamper data" was manifestly not entertained by CCGRF but unfortunately remains in place on date. Based on "tamper data," DHBVN claims a self-serving right to raise claims from any periods in the past.

14.d. In the past, the meter was allegedly "slow due to carbonization" from 10 Jun 2023 to 20 Aug 2024. It is regrettable that the energy meter was "repaired for carbonization" on 20 Aug 2024 but the alleged issue of "carbonization" has cropped up again from 30 Dec 2024 till 17 Feb 2025, as per DHBVN records. pp. 34-37.

14.e. Jun 2023 to Aug 2024 and Dec 2024 to Feb 2025 are "periods of dispute" with DHBVN. For such periods, based on "tamper data," complainant has received without prejudice, two "notice(s) regarding charging on account of slowness of meter." Considering a month or part thereof, including this

month of April 2025, the energy meter allegedly suffers from “carbonization” in 18 out of 23 months i.e. 78%. In terms of days, this ratio is above 70%.

Days of alleged "slowness" between 10 Jun 23 & 30 Apr 25							
Total days: 690					Approved unit rate ₹ 6.40		
Memo No.	Memo dt.	Alleged "slowness" period		Days	alleged "slowness"	Effective unit rate	
		from	to			₹	+ in %
2419	9-Sep-24	10-Jun-23	24-Jun-24	380	31.00%	9.28	45%
2419	9-Sep-24	24-Jun-24	20-Aug-24	57	60.77%	16.31	155%
809	24-Mar-25	30-Dec-24	17-Feb-25	49	25.87%	8.63	35%
Days of 'Slowness'				486	70.43%		

14.f. For the periods of dispute, DHBVN has raised “amounts in dispute” of which more than 50% are paid by the complainant.

No.	S.	Memo No.	Memo dt.	Disputed Amount ₹
1.		2419	9 Sep 24	1,01,591
2		809	24 Mar 25	29,181
Total disputed amount				₹ 130,772
Unpaid disputed amount after deposits under protest				₹ 61,435
Percentage of disputed amount deposited under protest				~ 53%

14.g. It is left to chance if the energy meter owned by DHBVN may be declared as suffering from “carbonization” for this month of April 2025 in the next coming quarter or half year or maybe in some month of 2026. It is unclear if the “M&P” “repaired carbonization” on 17 Feb 2025 professionally. It is unclear if the materials used by DHBVN have the correct ratings and workmanship necessary to restrain the issue of “carbonization.” It is unclear if DHBVN is competent to solve the issue of “carbonization,” leaving the fate of complainant’s enterprise at the mercy of DHBVN.

14.h. In the instant case, it is on record that DHBVN re-installed the energy meter on 5 Jul 2023 and did not rectify the alleged “carbonization” despite being privy to unusual “tamper data”.

14.i. In this age, sufficient technology exists for electrical equipment including motors and transformers to reliably perform in highly demanding environments like automotive, railway, shipping, aerospace, chemical plants, mining, wind power etc. This places severe questions on the apparent disinterest and inability of DHBVN to provide an energy meter that functions without problems. Such prejudicial disinterest and inability is furthered by DHBVN’s ineptness to maintain its infrastructure in a timely fashion.

14.j. From the claims of DHBVN, it is worthy of note that the energy meter issues are limited to “carbonization.”

14.k. DHBVN is patently unable to tackle the issue that it describes as “carbonization” in normal industrial conditions with no signs of chemical fumes, salt spray, unusual temperature or humidity, dirt, dust, sludge, slime, grime, smoke, soot etc. The standards/ codes followed by DHBVN to design and maintain its energy meter are unclear.

14.1. Instructions 4.3.5.(5); 4.3.5.(6); 4.3.2.(7); 4.10(2); 4.10(2)(i); 4.10(2)(iii); 4.14(c)(ii) in the “public document” lay significant stress upon timely resolution of defects in an energy meter. DHBVN has monthly information on the energy meter condition. A normally expected service would mean that the maximum period for assessing and repairing an energy meter cannot exceed 40 days. In the matter at hand, DHBVN ignored its duty to rectify the alleged “carbonization” for a period up-to 437 days.

14.m. In its public tenders, DHBVN has a consistent track record of demanding availability levels in specified % terms (99.9%) and penalizing vendors for poor uptime/ availability. For the sake of brevity, only one link of such a tender document is provided as under:

[https://www.dhbvn.org.in/staticContent/tender/rapdrp/cdm/cdm\\_ter-53\\_2023.pdf](https://www.dhbvn.org.in/staticContent/tender/rapdrp/cdm/cdm_ter-53_2023.pdf) In this public tender, at page 20, DHBVN rules a 100% penalty for actual uptime less than 80%. It is regrettable that a Government undertaking has starkly different yardsticks for its vendors and consumers.

15. Prejudicial representations of DHBVN

15.a. For the sake of arguments, if the contention of DHBVN, alleging “carbonization” and the resulting “slowness” is to be believed, all bills raised by DHBVN in the periods of dispute, falsely describe the energy meter to be in good health.

15.b. The expertise of fault detection and corrective action is with DHBVN, not with a consumer. There is no provision in the “public document” that allows DHBVN to lie in wait, fail to act in time despite being privy to indicative information like “tamper data,” and ambush a clueless consumer with hefty charges on account of “slowness” for any amount of time.

15.c. Instruction 4.3 of the "public document" clearly differentiates between "tamper", "load survey" and "consumption" data. Instruction Nos. 4.3. 5.(5); 4.3. 5.(6) and 4.3. 5.(7) of the "public document" are clear on how "tamper data" will be processed. There is no provision in the “public document that allows DHBVN to replace “consumption data” with “tamper data.”

15.d. Common Law thrives on consistent expression. “Carbonization” is DHBVN’s expression of a self-serving convenience, patently invented to shield deficiency in its services, standards and workmanship. The Indian Bureau of Standards has published and placed on public domain, SP 30 (2011): National Electrical Code 2011, describing the alleged “carbonization” issue correctly as “corrosion”, 49 times. The said Code also mentions “corrosive” 42 times, “rating” 57 times, “proper” 49 times. The said code of 2011 clearly focuses on preventing corrosion.

15.d.i. The word “carbonization” is not found in the online Black’s Law Dictionary. The Merriam-Webster online dictionary describes “carbonization” is described as “to convert into carbon or a carbonic residue.” (<https://thelawdictionary.org/?s=carbonization>); (<https://www.merriam-webster.com/dictionary/carbonizing>).

- 15.d. ii. Section IV of the “public document” does not have mention of either “carbonization” or “corrosion” or “corrosive” or “rating.” The “public document” mentions “proper” 2 times and that is not followed in practice.
- 15.e. The word of convenient invent, i.e. “carbonization,” has been institutionalized and weaponized by DHBVN for charging consumers for any periods of time. Instruction 4.12 of the “public document” clearly places emphasis on “testing of accuracy of energy meter backed by sound principals of electrical engineering and technology.” DHBVN’s reliance on “tamper data” is far removed from such principles.
- 15.f. It is on record that “tamper data” technology calculates and records power even when the current is zero in all three phases (“tamper data”: 27 Aug 2023; 31 Jan 2024, conduct in a gap of 157 days). This begs questions in primary grade physics as  $\text{Power} = \text{Voltage} \times \text{Current}$ , and no power can be calculated if current is zero in all three phases. “Tamper data” is manifestly indicative, unstable and non-determinative for the purposes of charging consumers. The authors of the “public document” have therefore laid stress on “testing of accuracy of energy meter backed by sound principals of electrical engineering and technology.”
- 15.g. DHBVN represents “tamper data” as a measure and its values as numeration. There is no indication that the “tamper data” obtained from an energy meter owned by DHBVN qualifies as a reference “standard,” secondary “standard” or a working “standard.” The “tamper data” is anyway unstable to qualify for being a standard of any sort. Neither is there any indication that DHBVN possesses a license to manufacture, offer, possess or expose a measure like “tamper data” and its numerations for charging consumers. Reliance on “tamper data” for purpose of charging consumers conflicts directly with the Legislative intent enshrined in ss. 8. (3), 9. (2), 9. (3), 10., 11., 12., 23., 24 of The Legal Metrology Act, 2009.
- 15.h. While representing “tamper data” as a measure and numeration for charging consumers may be a convenient, arbitrary method for DHBVN, it serves as a hangman’s noose for any energy dependent industry.
- 15.i. Arbitrary representations of DHBVN are a gross abuse of dominant position. It is unbecoming on the part of DHBVN to earn from arbitrary measures. It is further appalling that DHBVN directly threatens the viability of a revenue and employment generating enterprise.
16. Grievance forum(s) operating in vacuum
- 16.a. Furthering the arbitrariness brought to the kind attention this Hon’ble forum in preceding paras, it is unfortunate that the DHBVN grievance forums are a drain on public funds and a source of harassment for a consumer. As on date, the complainant finds no reason to have faith in the said “grievance forum(s)” as these have no regard for the rule of Law or tangible information, and operate in vacuum.
- 16.b. The arbitrary procedure adopted by DHBVN fails the requirements of natural justice. That the Zonal CGRF marked the complainant absent without any notice of hearings and reached a precalculated and one-sided conclusion.

- 16.c. The meter reading agent never brought up any issues in the energy meter to the attention of the complainant. The billing agent never indicated fault with the energy meter in the bills. The “M&P” issued memo(s) without tests prescribed in the "public document". The “accounts” blindly perpetuated the acts of omission and misfeasance of the actual actors. The sole respondent selected by the grievance forum(s) made the actual actors un-accountable. The “grievance forum(s)” adjudicate in vacuum considering the non-joinder of accountable and necessary parties.
- 16.d. The CCGRF directions clearly rule-out charges based on “tamper data” but promote comparison of future consumption with “disputed period.” Instructions 4.14 a; 4.14 (c) (i) of the “public document” lay emphasis on previous consumption pattern. Section 6.9.1(1)(a) of the Electric Supply Code clearly considers the consumption pattern from the past. The CCGRF direction to consider a future consumption pattern for decision making operates in vacuum.
- 16.e. Labor productivity issues, competition with other players in the same market, faults in equipment used (stabilizer current leakage repaired on 6 Jan 2025 by complainant) and revenues based on market uncertainty are a routine matter for any consumer. DHBVN is not privy to such challenges faced by a consumer and expected to act on tangible information to demonstrate fairness.
- 16.f. DHBVN assuming consumption patterns without tangible inputs from the consumer is decision making in vacuum. There is nothing in the “public document” that grants rights to DHBVN to “compare periods” when the energy meter is not removed and checked in a laboratory as per approved procedure. The energy meter in this matter is not dead stop/ inoperative or burnt. Simply put, the energy meter is not maintained by its owner, i.e. DHBVN.
- 16.g. Instruction No. 4.13 of “public document” states the acceptable accuracy bands of an energy meter subject to a Lab test vide science-based tests to be +/- 3% i.e. a total band of 6%, "allowable band". The energy consumption pattern of the complainant is well within this allowable band.

Complainant's energy Cost as % of Revenue							
Periods		Months	Meter status		Energy cost (₹)	Induction hardening Revenue (₹)	%
From	To		per DHBVN	per Bills			
Mar 22	May 23	15	Normal	A	456,848	24,59,858	18.57%
Jun 23	Aug 24	15	"Carbonized"	A	310,542	20,63,364	15.05%
Difference in ratio of energy cost to revenue for periods selected							3.52%
Permissible inaccuracy in Instruction 4.13 of “public document”							6.00%

- 16.g.i. There is nothing on record to corroborate the “slowness” of energy meter as claimed by DHBVN. DHBVN has no evidence of “slowness” due to alleged “carbonization” during the periods of dispute. The total energy cost and revenue ratio for periods of dispute and nondispute remain well within the

allowable band at 3.52%. DHBVN unfairly claims slowness without considering such record.

- 16.h. The CCGRF order complained of before this forum is manifestly not complied with, a pattern of 437 days compared with 103 days, without sending a notice to the Complainant as directed by CCGRF. (Memo no. 895 dated 3 Apr 2025, pp. 47-48).
- 16.i. Section 5.6.9 of the Electric Supply Code recognizes the CCGRF's powers to "adjudicate." CCGRF has ignored an urgent plea dated 3 Apr 2025 for enforcement of its orders. CCGRF is patently unable to enforce its own orders. The complainant still faces the dues based on "tamper data" and the ensuing DHBVN's assumption of "slowness." The gravamen of undue charges, removal of defects/deficiencies in the service, discontinuation of the unfair trade practice and the restrictive trade practice remains unresolved. There is no lawful result after engaging with both levels of grievance forum(s) established by DHBVN. Complainant has lost faith in such forums.
17. Unaccountability of persons weaponizing "carbonization"
  - 17.a. Actors conducting meter reading, analysis of consumption/tamper/ load data, billing, issuing claims not based on scientific tests, accounting claims not based on scientific tests are unaccountable. It is these actors that have weaponized "tamper data."
  - 17.b. Applicant expects and requests a correct joinder of parties in the interest of Justice.
18. Grave prejudice to the Complainant
  - 18.a. In effect, the energy costs calculated by DHBVN based on "tamper data" exceed approved energy rates up-to 154.9% and challenge the viability of complainant's business. The complainant cannot claim money from his clients back in time. The induction hardening service prices are market driven. An increase in sales prices by the complainant according to DHBVN rates will make WMC uncompetitive, leading to an imminent shut down.
  - 18.b. The inability of DHBVN to maintain its infrastructure generates fear of unimaginable proportion for the complainant. It is the fear of uncertain energy costs that make it impossible for the complainant to conduct the business of induction hardening services in a normal manner. If the contentions of DHBVN around "carbonization" are to be taken in face value, charging higher rates to clients will make complainant's induction hardening business uncompetitive and drive customers away. It has taken a life time of savings to build a client base that can be unfairly eroded at the whims of DHBVN.
  - 18.c. In the current situation, there is nothing to stop DHBVN from profiling, targeting and strongarming the complainant into submission with repeated problems of "carbonization." The gravamen of issues raised before CCGRF remains unresolved. The "grievance forum(s)" are a harassment, manifestly operating in vacuum. DHBVN continues to demand charges for its own shortcomings.

19. Proposed questions on the point of Law

Complainant proposes the following questions on the point of Law as under:

- 19.a. If it is a fair-trade practice to make a consumer liable for the inability of DHBVN to keep its own infrastructure in order?
- 19.b. If DHBVN claims and transactions based on “tamper data” as a measure and numeration are a fair-trade practice and in conformity with Legislative intent?
- 19.c. If the use of “tamper data” as a measure and numeration to charge consumers amounts to misrepresentation by DHBVN?
- 19.d. If it is a fair-trade practice by DHBVN to replace the sciencebased tests as described in Instruction 4.12-1. of the “public document” with “tamper data” as a source of measure and numeration?
- 19.e. If it is a fair-trade practice on the part of DHBVN to assume a consumption pattern without tangible inputs from a consumer?
- 19.f. If it is a fair-trade practice for DHBVN to claim amounts for any length of time in the past?
- 19.g. If the declaration of the Billed units; Bill basis; Read Remark and Meter Status in the electricity bills during the “period of dispute” amount to misrepresentation by DHBVN?
- 19.h. If DHBVN can charge arrears upto 150% extra of approved charges because it failed to maintain its own infrastructure?
- 19.i. If a consumer has the right to know the correct status of the energy meter in a timely manner?
- 19.j. If a consumer has the right to timely correction of faults by DHBVN?
- 19.k. If DHBVN is obliged to follow its own “public document?”
- 19.l. If DHBVN is eligible in in Law to claim fixed charges when it fails to conduct itself as per approved and published “public document?”
- 19.m. If DHBVN is authorized in Law to create uncertainty in energy costs to a consumer and challenge the society on grounds of economy and employment?
- 19.n. If the failure of “grievance forum(s)” CCGRF to follow the rule of Law amount to harassment for a consumer?
- 9.o. If the failure of CCGRF to enforce its directions amounts to harassment for a consumer?
- 19.p. If the arbitrary and persistent stance of DHBVN to claim monies based on “tamper data” amounts to a gross abuse of dominant power and monopoly?

**Relief Sought**

- 20. Complainant seeks enforceable relief from the persistent harassment handed down by DHBVN. To relieve consumer from the arbitrary measures of DHBVN, it is requested to frame a rule of Law for the future by way of a speaking order or amendment in the existing rules and regulations. Accordingly, the following relief is sought:

- 20.a. Complainant be please provided opportunity to correct any inadvertent mistakes or shortcomings in this complaint.
- 20.b. The Hon'ble forum may please edit/ correct the respondent's title in a manner that satiates the requirement of joinders in Law as well as for accountability.
- 20.c. The certified records be please called/ summoned from CCGRF. Complainant be please provided a copy of the same for verification.
- 20.d. DHBVN please refund all fixed charges paid during the periods of dispute, having failed to maintain its own infrastructure and act in time.
- 20.e. All monies paid by the applicant under protest be please adjusted against future bills along with interest.
- 20.f. "Slowness" of an energy meter be please quantified only with scientific means as in approved and published "public document."
- 20.g. At its own cost, DHBVN please rectify the recurring problem of "carbonization" to a point of non-recurrence, guided by appropriate "public document(s)," workmanship standards and technology for jointing and ratings. That till such time, the "carbonization" issue is resolved to a point of non-recurrence, all charges on account of "slowness" based on "tamper data" be withdrawn.
- 20.h. For the future, DHBVN please not pass on liability for "carbonization" to a consumer.
- 20.i. DHBVN electricity bills please include the true status of the meter OR the complainant be granted access to "tamper data" along with the electricity bill OR the complainant be given one meter reading apparatus and analysis software free of cost OR the meter readers inform the true health of an energy meter to a consumer at the time of taking meter readings.
- 20.j. To avoid harassment to a consumer, an "adjudicating" forum like CCGRF be please provided powers to enforce its directions.
- 20.k. To avoid further arbitrariness on the part of DHBVN and harassment to a consumer, this Hon'ble Forum may please establish a rule of Law for a similar situation, in a manner that it deems fit.
- 20.l. Considering that a consumer must wait for compliance of CCGRF directions, s. 15-2) of the Electric Supply Code be please amended to read as 30 days from the date of compliance deadline as directed by the CCGRF.
- 20.m. Complainant avoids travel for personal reasons. Any hearing be please held online.

**B.** The appeal was registered on 01.05.2025 as an appeal No. 20 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 04.06.2025.

**C.** The respondent SDO vide email dated 26.05.2025 has submitted reply, which is reproduced as under:

In this connection, it is submitted that an appeal case has been received from your esteemed office, vide Memo No. 259/EO/HERC/Appeal No. 20/2025, dated

02.05.2025. This appeal pertains to the Order dated 27.03.2025, passed by the CGRF, DHBVNL, Gurugram, in Case No. 4823/2025, namely Shri Chandan Nagpal, represented by Navneet Bhanot, Authorized Partner, Weldone Metfab Co., 64/11, Industrial Area, NIT, Near Payali Chowk, Faridabad.

The consumer, Chandan Nagpal, holds an electricity connection with Account No. 9885450000, categorized as LT, with a sanctioned load of 50 KW. An inspection of the consumer's premises/meter was conducted by the M&P Division, DHBVN, Faridabad, vide MT-1 No. 25/1652, dated 20.08.2024. The inspection revealed that the meter was found to be slow by 31% from 10.06.2023 to 24.06.2024, and by 60.77% slow from 24.06.2024 to 20.08.2024. Consequently, the consumer's account was revised by the Commercial Back Office (CBO), and an amount of Rs. 101591/- was charged to the consumer, attributed to the meter's slowness during the determined period. The following documents are attached herewith.

- Annexure-1: Copy of MT-1 No. 25/1652, dated 20.08.2024.
- Annexure-2: Analysis and cut-off date of LOR case of the subject-cited account, supplied by Xen/M&P Division, DHBVN, Faridabad, vide memo No. 1261, dated 28.08.2024.
- Annexure-3: Copy of the notice served to the consumer, along with charging details and a copy of the M&P letter containing the period of slowness & MT-I.

After charging of slowness amount of meter, the consumer filed an appeal to the Zonal Consumer Grievance Redressal Forum (CGRF), bearing case no. CGRF 30/2024 and the copy of reply submitted by Sub-Division to the Zonal CGRF office which is attached herewith.

- Annexure-4: Reply memo no.2883 dated 24.10.2024 which was submitted to the Zonal CGRF
- Annexure-5: Reply memo no. 3154 dated 04.12.2024 which was again submitted to the Zonal CGRF.

Pursuant to the hearing, the Forum rendered its decision on dated 05.12.2024, via order no Memo No.392CGRF/GGN Dated:- 01.04.2025 with conclusion that the amount of slowness is rightly charged.

Thereafter, the consumer filed a further appeal before the Corporate Consumer Grievance Redressal Forum (CGRF), DHBVNL, vide case no. 4823/GGN/2025 on dated 20.01.2025 and copies of the replies submitted by the SDO(OP) Sub Divn., No.3, DHBVN, NIT FBD to the Corporate CGRF which is attached herewith for ready reference please.

- Annexure-6: Reply of complaint memo no. 281 dated 31.01.2025 which was submitted to Corporate CGRF.
- Annexure-7: Reply of rejoinder memo no.753 dated 19.03.2025 which was submitted to the Corporate CGRF.

Again, pursuant the hearing, case was decided by the Hon'ble CGRF, DHBVNL, Gurugram vide order dated 01.04.2025 with a direction to "SDO(OP) to give a notice as per Sales Circular D-25/2022 of DHBVN to the complainant, if the

consumption of the complainant/consumer has increased after 20.08.2024 then compare to the disputed period "

So, in compliance of order passed by Hon'ble CGRF Forum, after comparing the consumption detail of the disputed period i.e. 10.06.2023 to 20.08.2023 and the consumption for the period 20.08.2024 to 01.12.2024 for the proportional days of slowness, it has been found that the consumption becomes high after 20.08.2024 i.e. after set right the meter and the same was intimated to the consumer by the Sub Division office.

- Annexure-8: Reply memo no. 895 dated 03.04.2025 which was submitted to the complainant/consumer.

Even, the consumption data of the consumer shows variation before slowness of meter, during slowness period and after 20.08.2024.

- Annexure-9: Copy of the consumption before slowness is also attached

The concerned Sub Division office make compliance of orders passed by the Hon'ble CGRF i.e. Zonal Forum & Corporate Forum.

This is for your kind information please.

- D.** Hearing was held on 04.06.2025, as scheduled. Both the parties were present through Video Conferencing. During the hearing, Appellant presented a brief of the appeal, primarily contesting the alleged wrongful charge of Rs.101,591 by the Respondent. Respondent, represented by the SDO through his XEN, submitted a reply in response to the appeal. Both parties were advised to exchange their reply for filing their additional submissions or rejoinder, if any within 10 days.

Accordingly, the matter is adjourned and shall now be heard on 10.07.2025.

- E.** Vide email dated 14.06.2025, appellant has submitted rejoinder which is as under:-

21. This rejoinder is filed in compliance of directions of the Hon'ble Forum vide interim order dt. 4 Jun 2025. For the sake of brevity, submissions in the original complaint dated 28 Apr 2025 remain pressed and not repeated. This rejoinder is submitted in time.

22. Reasons for belief have been submitted with the original complaint. As verbally submitted during the hearing of 4 Jun 2025, additional reasons to believe, obtained after filing of the complaint are submitted before this Hon'ble Forum for taking on record and for kind consideration.

23. An ecosystem of fear & uncertainty

23.a. It is common knowledge that uncertain or sudden increase in diesel prices derails the entire economy. Arbitrariness on the part of DHBVN has the same impact on small, energy dependent entities like WMC. For WMC, the matters are worse as DHBVN acts arbitrarily, in breach of the principles of equity and contra proferentem, in abuse of its dominant position, with retrospective effect, without a backing of the rule of Law and without cogent evidence.

23.b. The arbitrary stand and practice of DHBVN represents a clear and present danger to the existence of WMC. WMC has consistently contributed to the society by way of generating taxes and employment. The stand of DHBVN is

- regretfully insensitive to principles of transparency, accountability, well-being of the economy and society at large. With its arbitrary actions, DHBVN instils an atmosphere of fear and uncertainty for a small enterprise like WMC.
- 23.c. Acting arbitrarily, DHBVN fails to meet bare objects of The Electricity Act, 2003. Articles 14 and 19 of the Constitution of India are directly violated by DHBVN. The claims raised by DHBVN violate the Legislative mandate enshrined in The Legal Metrology Act 2009. DHBVN's conduct is far removed from the essence of The Consumer Protection Act 2019, and The Competition Act 2002.
- 23.d. Manifest at various levels of DHBVN, is a contempt towards its own Public Document. Instructions 4.3.2(b); 4.3.5.(5); 4.3.5.(6); 4.3.5.(7); 4.3.5.(8); 4.10 (2); 4.10(2)(i); 4.10(2)(iii); 4.10(3); 4.12; 4.14 (c)(i); 4.14(c)(i); 4.15 in the approved and published Public Document stand demeaned and violated.
- 23.e. In the current global conditions, there is a severe disruption of supply chains. The revenue track record of WMC as placed on record are evidence of the turmoil. The arbitrary actions of DHBVN exacerbate the vulnerability of a small enterprise like WMC. The atmosphere of fear and uncertainty created by DHBVN leads towards un-competitiveness and the forced closure of WMC.
24. Complainant seeks a permanent and enforceable relief from the environment of fear and uncertainty perpetuated by DHBVN. The stand of DHBVN is wrong and denied in toto, on grounds that follow.
25. Objections to the stand of DHBVN
- 25.a. CCGRF order dt. 27 Mar 2025 is arbitrary, maliciously diverts from the core issue of "carbonization," is non-speaking, has no backing of the rule of Law and sets a dangerous precedent. Applicant cannot identify a rule of Law that permits a comparison of consumption pattern in the future.
- 25.b. Equity cannot be based on conjectures and surmises. It is grossly arbitrary on the part of CCGRF or DHBVN to consider consumption patterns for different periods of time.
- 25.c. The CCGRF order is against the principles of equity, by considering usage patterns without knowledge of revenue pattern of WMC. The order of CCGRF sets a dangerous precedent as variations in electric power consumption due to market conditions do not get accounted while making consumption pattern comparisons.
- 25.d. The CCGRF order is bad in Law as DHBVN is not privy to faults in equipment at user end. These faults increase power consumption and are a liability of the complainant. Examples of servo stabilizer current leakage repair and capacitor panel repair are brought to the kind attention of this Hon'ble forum (pp. 75 to 77). It is grossly unfair on the part of DHBVN to consider equipment failure (or under performance) as an actual consumption pattern.
- 25.e. Truth must prevail, is a settled position of Law. In the instant matter, the dispute arises from the arbitrary acts of the reading agency, the billing agency, the accounts department and the M&P, "specific actors" herein. These specific actors have reduced the DHBVN Public Document to a paper

tiger. To uncover the truth in the matter at hand, it is necessary to uncover how these specific actors handled the data collected monthly as per the provisions of the Public Document. None of these specific actors were made a party in proceedings before the CCGRF, i.e. a non-joinder of necessary parties. The permanent and enforceable resolution sought by the complainant is not possible without a correct joinder of parties. It is the need of the hour to place on record the conduct of the specific actors, compared with the provisions of the Public Document, specifically for handling of meter data.

- 25.f. It is on record that complainant was marked absent during hearings without any notice by Zonal CGRF. The CCGRF order diverts the core topic of "slowness due to carbonization" to "consumption patterns of the future."
- 26.g. No notice was sent to the complainant as per CCGRF order. CCGRF failed to have its order enforced. Complainant replied to a notice for the claim of Rs. 29,181/- but has no intimation on how the said claim based on alleged "slowness due to carbonization" continues to sustain. Applicant cannot identify the rule of Law on which the two DHBVN claims (Rs. 1,01,591/- and Rs. 29,181/-), totaling Rs. 1,30,772/-are based and sustained.
- 26.h. DHBVN conveniently replaced a full-stop with comma to "comply" with the CCGRF order. Such falsity is on record. As on date, the basis of outstanding claims of DHBVN remain the same, i.e. alleged "slowness" due to carbonization. There is practically no difference before and after the CCGRF order, even after CCGRF tried to divert the core issue of "slowness" due to carbonization.
- 26.i. Despite proper service by this Hon'ble Forum, DHBVN has eschewed the fact that two claims based on "slowness due to carbonization" are in dispute. (Memo No. 2419 dt. 9 Sep 24 for Rs. 1,01,591/- and Memo No. 809 dt. 24 Mar 25 for Rs. 29,181/-).
- 26.j. DHBVN's alibi of manpower shortage holds no water. DHBVN has no regard for equality as established with evidence later in this submission. DHBVN relies on internal documents. The internal documents of DHBVN suffer from principles of contra proferentem and are subservient to the Public Document. The internal documents of DHBVN clearly do not change the provisions of the Public Document that are violated.
- 27.a. Complainant finds the routine operations, grievance mechanisms established by DHBVN to be unilateral and a proprietary method to arm twist a consumer into submission before the eco-system of fear and uncertainty. Hence the complainant is before this Hon'ble Forum.
- 27.b. The complainant seeks to place on record the reply received for an I application filed on 16 April 2025 (pp.78-118). Complainant received the RTI reply after filing the primary complaint on 4 Jun 2025. Findings from the RTI reply are summarized in the following paragraphs. For each classification, the sample size is reduced to five for the sake of establishing facts and maintaining brevity. Names of consumers have been redacted to honor

privacy of individuals. One MTI report no. is mentioned in cases where there are multiple references. Best efforts are made to maintain correctness.

28. The roots of fear and uncertainty

28.a. The RTI reply confirms standards for energy meters at weblink:

<https://www.dhbn.org.in/staticContent/specification/PDC/CSC-48-R-1.pdf>

The said weblink contains specifications for "Whole Current A.C. Three Phase Four Wires L.T. Static Energy Meter of Accuracy Class 1.0(10-60a) With Communication Facility." To the best understanding of the complainant, this is the relevant class of energy meter for the matter at hand.

28.b. The specification as above is specific at three instances, that the parts of the energy meter must have protection from corrosion. It is unclear which standard is followed by DHBVN for preventing corrosion within the energy meter. It is also unclear which standard is followed for ratings and procedure for jointing, cabling and components within the energy meter. The RTI reply is incomplete in this context.

28.c. It is pertinent to mention that the entire dispute is based on the charges raised by DHBVN for "slowness due to carbonization." At the expense of repetition, it is submitted that carbonization is a word of convenient invent by DHBVN. Corrosion, is the consistent expression that serves the objects of common Law and entrenched in the technical specifications of DHBVN.

28.d. That in the period of dispute (Jun 2023 to Aug 2024 and 30 Dec 2024 to 17 Feb 2025), DHBVN claims the repeat incidence of "carbonization." Corrosion could not have occurred in 18 out 23 months if DHBVN followed its own technical requirements of protection from corrosion. The energy meter employed by DHBVN is simply put, substandard.

28.e. The "repair" of the energy meter for corrosion by DHBVN on 20 Aug 2024 is also substandard as the issue recurred within 133 days.

28.f. The proverbial "sword of Damocles" hangs above WMC. It is unclear when DHBVN will declare the energy meter to be suffering from oxidation and raise claims with retrospective effect. In the face of this uncertainty of energy costs, WMC is unable to conduct routine affairs. Adding cost margin to accommodate DHBVN's arbitrariness will simply make WMC un-competitive and force an unwarranted closure. Corrosion remains the root cause of the ecosystem of fear and uncertainty in the matter at hand.

29. Weaponizing Corrosion

29.a. DHBVN knows that the corrosion has a clear potential to recur. DHBVN weaponizes oxidation, takes no manifest action to curb corrosion as per its own standards. Samples of recurring corrosion resulting from substandard energy meters and poor workmanship, apart from the complainant are as below:

Date and MT1 report references (20-Aug-24, 22/1652 & 30-Jan-25, 63/1705); (24-May-23, 73/1498 & 18-Nov-24, 76/1669); (23-May-23,

63/1498 & 18-Feb-25, 87/1690); (1-Jan-24, 48/1572 & 18-Feb-25, 85/1690); (5-Sep-23, 45/1531 & 12-Jun-24, 95/1625).

- 29.b. DHBVN knows that corrosion has the clear potential to deteriorate over time. DHBVN weaponizes oxidation, takes no manifest action as per the public document to arrest the issue in time. Samples from RTI reply, of corrosion deterioration over time, apart from the complainant are as below:

Date and MT1 report references, increase in alleged slowness and time-period (6-Apr-23, 098/1481, alleged slowness increased from 33% to 66% between 26 Mar 22 to 6 Apr 23); (24-Nov-23, 85/1552, alleged slowness increased from 33% to dead stop between 15 Apr 23 to 24 Dec 23); (20-May-23, 56/1498, alleged slowness increased from 20% to 31% between 15 Oct 22 to 20 May 23); (18-Mar-25, 01/1726, alleged slowness increased from 15% to 33% between 4 Jul 24 to 18 Mar 25); (16-Nov-23, 48/1552, alleged slowness increased from 8% to 25% between 3 Aug 23 to 16 Nov 23).

- 29.c. There is no specific rule of Law that permits DHBVN to raise claims based on corrosion. The Public Document warrants tests based on science and not surmises.

30. Equal protection under Law

- 30.a. DHBVN can sort out corrosion issues with dramatic effect for some select consumers. The pretext of manpower shortage is nothing but an unsustainable alibi. For a select few, DHBVN grants relief from weaponization of corrosion. The victims of the weaponization of corrosion, including the complainant, are denied the speed of resolution which is granted to the select few samples from RTI reply, as below:

Date and MT1 report references, alleged extent of slowness, alleged period of slowness, days to resolve (21-Apr-23, 065/1487, alleged extent of slowness 33%, alleged period of slowness 14 Apr 23 to 21 Apr 23, resolved in 7 days); (12-Jun-24, 95/1625, alleged extent of slowness 33% alleged period of slowness 31 May 24 to 12 Jun 24, resolved in 12 days); (11-Jun-2024, 90/1625 alleged extent of slowness 14% alleged period of slowness 27 May 24 to alleged 11 Jun 24, resolved in 15 days); (21-Feb- 82/1584 slowness 13%, alleged period of slowness 27 Jan 24 to 21 Feb 24, resolved in 25 days); (16-Nov-24, 66/169 alleged slowness 28%, alleged period of slowness 13 Oct 24 to 16 Nov 24, resolved in 34 days).

- 30.b. Within the RTI reply samples, one consumer is charged for 9.25% "slowness" while others got charged 33.33% for a similar misfortune. (Dt. 20 May 23, MT1: 53/1498, visit based on list provided by reading agency, Y phase voltage zero noted, Y phase PT wire burnt, M&P memo 658 dt. 31 May 23 declared the Y phase voltage to be "low," slowness 9.25%, period 29 Jan 23 to 4 Feb 23 te. 6 days, LOR issued for Rs. 499/-). It is worthy of note that the Y phase wire was found burnt on 20 May 23 while the same is not reflected in the M&P report.

- 30.c. For situations like a dead stop meter, no display meter, burnt meter etc., a consumer gets a notice by the next billing cycle. The class of consumers with corrosion problem cannot seek an early resolution due lack of information.

30.d. The corrosion ecosystem originates from substandard meters, is marred with different yardsticks of treatment and non-transparency. The false indicators of meter health in monthly bills of DHBVN support the corrosion ecosystem. A consumer is in the dark.

31. An unstable and nonstandard measure for numeration

31.a. DHBVN knows that the data saved within the energy meter is unstable and prone to error. From the RTI reply, are samples of the software error wherein the dates of error could not be recorded.

Date and MT1 report reference: 5-May-23, 082/1487; 26-Nov-24, 09/1686; 20-Dec-23, 42/1565; 5-May-23, 90/1487; 31-Jan-25, 96/1697

31.b. The arbitrary actions of DHBVN are in direct conflict with The Legal Metrology Act, 2009. Claims raised by DHBVN are void ab initio. Tamper data is unstable and cannot form a measure for numeration. Claims raised based on tamper data are void ab initio.

31.c. It is on record that the energy meter in the instant case was able to calculate power when current was zero in all three phases. The software in the energy meter is corrupted. DHBVN knows that this happened two times. ("tamper data": 27 Aug 2023; 31 Jan 2024, conduct in a gap of 157 days). Accordingly, complainant denies liability towards the claims raised by DHBVN. (Memo No. 2419 dt. 9 Sep 24 for Rs 1,01,591/- and Memo No. 809 dt. 24 Mar 25 for Rs. 29,181/-).

32. In continuation of questions proposed and relief sought in the primary complaint, complainant craves for a permanent, enforceable relief. In the interest of Justice, following additional relief is sought:

32.a. That the interim order be please corrected to incorporate the total amount of dispute.

32.b. That the word carbonization be replaced by corrosion for purposes of consistent expression in common Law.

32.c. That DHBVN place on record the standards followed for ratings and procedure for jointing, cabling and components within the energy meter and follow the same.

32.d. That equal treatment under Law be granted to the Complainant.

**F.** The respondent counsel vide email dated 20.06.2025 has submitted reply, which is reproduced as under:

In connection with the above-mentioned appeal case, it is submitted that a report has been received from the office of Sub-Division No. 3, DHBVN, NIT, Faridabad, vide Memo No. 1506 dated 17.06.2025. As per the report, an appeal case against the order dated 27.03.2025 passed by the Consumer Grievance Redressal Forum (CGRF), DHBVN, Gurugram, in Case No. 4823/2025, has been received from the Hon'ble Electricity Ombudsman, Haryana Electricity Regulatory Commission (HERC), Panchkula. The appellant, Shri Chandan Nagpal, through Navneet Bhanot, Authorized Partner, Weldone Metfab Co., 64/11, Industrial Area, NIT, Near Payali

Chowk, Faridabad, has submitted a rejoinder in the above case. The details of the case are as follows: -

**Background of case:**

It is stated that the consumer, Shri Chandan Nagpal, holds an electricity connection with Account No. 9885450000, categorized as LT, with a sanctioned load of 50 KW. An inspection of the consumer's premises/meter was conducted by the M&P Division, DHBVN, Faridabad, vide MT-1 No. 25/1652 dated 20.08.2024. The inspection revealed that the meter was found to be slow by 31% from 10.06.2023 to 24.06.2024, and by 60.77% slow from 24.06.2024 to 20.08.2024. This was intimated by Xen M&P Divn., vide office memo No. 1261 dated 28.08.2024. Consequently, the consumer's account was revised by the Commercial Back Office (CBO), resulting in an additional charge of Rs. 101591/- for the determined period of meter slowness.

**Supporting documents:-**

- Copy of MT-1 No. 25/1652 dated 20.08.2024 (Annexure-1)
- Analysis and cut-off date of LOR case for the subject account, supplied by Xen/M&P Division, DHBVN, Faridabad, vide memo No. 1261 dated 28.08.2024 (Annexure-2)"

Subsequent Meter Inspection and Findings, the consumer's premises were subjected to another inspection by the M&P Division, DHBVN, Faridabad, vide MT-1 No. 01/1717 dated 17.02.2025 (copy attached as Annexure-3). Upon analysis of the data, the Executive Engineer, M&P Division, DHBVN, Faridabad, intimated vide memo No. 395 dated 10.03.2025 (copy attached as Annexure-4) that the consumer's meter was found to be slow by (-) 25.87% for the period from 30.12.2024 to 17.02.2025. Consequently, an additional amount of Rs. 29,181/- was charged to the consumer's account. Further, the point wise reply of the petition is as under: -

1. Pertaining to the Appellant.
  2. No harassment cause to the consumer, claim raise due to slowness of the meter as elaborated above.
- 3to 8 Matter of record and no comments.
- 9 The para of the petitioner/applicant is concerned about checking of meter and slowness of meter. The sales manual instruction 4.15 was concerned over the accuracy of the meter but in the instant case the accuracy of the meter itself was not disputed rather carbonized P.T made the meter slow. As such, the period of charging cannot be restricted to one month or 6 months. The periodical checking of CT PT meter was carried out by M&P wing of Nigam once's in 3 years as per decision taken by WTD meeting held on 18.01.2018 (Copy attached as Annexure-5) and the consumer is taking reference of instruction when.
10. No threaten cause to the consumer, both charging made on account of slowness of meter.
  11. Reply as per Para 9 & 10.
  12. Reply as per Para 10.
  13. Relates to Consumer

The sundry charges in question pertain to the assessment of meter slowness. Although the complainant alleged that these charges could not be ascertained prior to the due date of 24th September 2024, it was subsequently clarified that the charges were indeed related to meter slowness. In response to the consumer's verbal request to the higher authority, the concerned Sub Division office sought temper data of the meter from the Executive Engineer, M&P Division, DHBVN, Faridabad, vide memo no. 2514 dated 19.09.2024 (copy of email attached as Annexure-6). Notices were served to the consumer vide memo no. 2419 dated 09.09.2024 for an amount of Rs. 101591/- and vide memo no. 809 dated 24.03.2025 for an amount of Rs. 29181/-. It is acknowledged that the consumer approached the Hon'ble CGRF and subsequently the CCGRF after being charged Rs. 101591/- for meter slowness. Details of the case were submitted to the Hon'ble Ombudsman. A notice vide memo no. 809 dated 24.03.2025 was served to the consumer for an amount of Rs. 29181/- due to meter slowness by (-) 25.87% for the period 30.12.2024 to 17.02.2025. No protest complaint was received from the consumer through the CCGRF, as the case was closed by the CCGRF vide order dated 27.03.2025, received on 01.04.2025.

14. 1. The fixed charges levied on consumer account are in accordance with the applicable Tariff Circular. The Executive Engineer, M&P Division (Xen/M&P), is duly authorized to inspect the meter and determine any slowness. The assessment of slowness charges is carried out by the Executive Engineer, Commercial Back Office (Xen/CBO), DHBVN, Faridabad, based on the data provided by Xen/M&P Division, DHBVN, Faridabad, as well as suggestions received from consumer/appellant. The meter and materials utilized by the Nigam conform to the technical specifications laid down by the Nigam. Approximately half of the disputed amount for the said period has been deposited/adjusted against consumer account.

15. Bill are raised on the basis of consumption record by the meter, which was less recorded by the meter as elaborated above and slowness charged as per data provided by the M&P not on the basis of consumption data. The meter working was ok, but CT was carbonized. Some are Suggestion of the consumer.

Consumption data was not replaced with temper data. The consumption data is taken for only comparisons shown to the consumer.

- (e) The instruction 4.12 lies when a meter is challenged, meter working was never challenged by consumer.
- (f) It is further submitted that the process of taking temper data, load survey data. consumption data was upto the date when (OP) staff take the reading, but from last many years the work of taking meter reading was allotted to the M/s BCITS i.e. a private agency vide work order No. 02/2017-18 dated 22.05.2017.

Temper data report shows the B-ph. Potential Link Miss for 156 days 19 Hrs. 41 Min also mention temper occurrence data, time i.e. 27.08.2023, 23.08 alongwith Vr Vy Vb i.e. 123.6, 247.5 and 63.7 volts in RYB phase respectively. Meaning i.e. of that temper is that B phase voltage in the meter goes down beyond threshold value due to which this temper occurs. Ir, Iy, Ib current are also mentioned in that row. These Vr. Vy, Vb, Ir, Iy, Ib i.e. 123.6, 247.5, 63.7, 0.00, 0.00, 0.00 values are instantaneous value for the particular time

i.e. 23.08 not for the complete 156:19:41 duration. B phase voltage increases crosses and the threshold value on date 31.01.2024, 18:49 and the temper restored. Vr, Vy, Vb, Ir, Iy, Ib i.c. 201.1, 257.6, 189.0,0.00,0.00,0.00 are the instantaneous values of 18.49 Hrs time not for the complete duration (Copy of temper data attached as Annexure-7).

- (g) It is as per DHBVN Technical specification which are based on IS-14697/1999 and IS-15707.
  - (h) It is assumption of the consumer.
  - (i) As already elaborated that no threaten cause to the consumer.
16. Matter of record and reply as per para No. 15. Apart from these as already mentioned that the consumption data is taken for only comparisons shown to the consumer not used for charging slowness. Instruction No. 4.14 not applicable to the consumer.
- (g) As the meter working was OK only CT was carbonized and meter was not challenged, so Instruction 4.13 is not applicable in this case. As per meter and technical specification of meter inaccuracy of the meter is 0.5% as well as inaccuracy of CT is also 0.5%
17. Reply as per Para no. 15.
18. Matter relates to appellant and no comments including suggestion and assumption of the consumer.
19. No comments as the questions are assumption of the consumer. Other facts elaborated above.
20. Relief sought by consumer from Hon'ble Forum.
- 21 & 22 Matter pertains to appellant.
- 23 & 24. All facts already elaborated above.
- 25 to 27 Matter of record and no comments.
28. The reply of RTI was given to the appellant as per record available. As already elaborated that the slowness is charged as per data analysis report provided by Xen/M&P Divn. DHBVN, Faridabad, which is authorized for checking of LT CT connections.
29. All are based on the data provided by Xen/M&P Divn. DHBVN, Faridabad and not pertain to the consumer.
30. a. All are based on the data provided by Xen/M&P Divn. DHBVN, Faridabad and not pertain to the consumer and no comments on suggestion of consumer.
- b. As a special consumer mentioned by the appellant where slowness charged for 9.25%, while other are charged 33% for similar misfortune. In this case the meter is V-ref, it means if the voltage in any phase become less than 50% of rated voltage, then meter automatically take reference voltage of calculation of KWH/Unit. After analysis of temper data, meter shows voltage in Y-Phase more than 50% of rated voltage. Accordingly slowness was calculated as 9.25.
- c. slowness can only be identified on analysis of temper data.

31. The data of every consumer vary according to the analysis of their temper data and problem arise in meter/CT. and other facts elaborated above.
- 32 These are suggestion and relief sought by the consumer from Hon'ble Forum, so no comment on the same.

This is submitted for information and necessary action please.

- G.** Hearing was held on 10.07.2025, as scheduled. Both the parties were present through Video Conferencing. During the hearing, SDO Sh. Harsh Gupta submitted that appellant has been charged from 10.06.2023 to 24.06.2024 for 31% slowness and from 24.06.2024 to 20.08.2024 for 60.77% slowness. Further, on 17.02.2025 again appellant has been charged for 25.87 % slowness from 30.12.2024 to 17.02.2025 as per the tamper data report of CMRI. SDO respondent also submitted that monthly reading is taken by authorized meter reading agency through CMRI and is submitted to M&P wing for further decision regarding checking of meters where slowness is suspected. Appellant submitted that his meter was declared slow for 14 months earlier and 2 months now. This has led to harassment unnecessarily and charging of slowness for longer periods. But in the case of general consumers whenever the meter gets defective, burnt or dead stop, immediate action is taken by licensee and consumers do not suffer for longer duration charges as in the case of appellant. SDO respondent replied to this during hearing that in case of the general consumers, fault is informed either by the meter readers or by the consumers immediately on its occurrence, but in this case, fault was detected after analysis of the data by meter reading agency and study of M&P wing which led to charging for longer duration. Accordingly, SDO operation was directed to send contract agreement with the meter billing agency showing clearly the mandate regarding the fault occurrence and its reporting within seven days.

Since the argument in the main matter have been led by both the parties today. Final decision in the matter will be passed through separate order after receipt of desired data as mentioned above from respondent SDO.

### **Decision**

In pursuance of the interim order dated 10.07.2025, the respondent, SDO Operation No. 3, DHBVNL, Faridabad, submitted a copy of Work Order No. 04 dated 21.12.2022 issued in favour of M/s Vision Infotech, Thane, Maharashtra, via email dated 17.07.2025. This was followed by a subsequent email dated 21.07.2025, confirming that the work order for meter reading assigned to M/s Vision Infotech, Thane, Maharashtra, had been extended up to 21.12.2025.

As per Clause 7-Meter Data Analysis, Sub-Clause (iv) of the said work order, if the agency fails to detect cases of revenue loss that have been ongoing for several months and such cases are instead detected by the M&P teams or any other team during routine or special inspections, no payment shall be made to the agency for such analysis. Furthermore, any payments already made shall be recovered, and a penalty of 10% of the revenue loss amount (subject to a minimum of ₹25,000 per default) shall be imposed on the agency by the Nigam.

In the present case, the following has been observed:

- From 10.06.2023 to 24.06.2023, meter slowness was recorded at 31% and from 24.06.2024 to 20.08.2024, slowness was noted at 60.77% and an amount of Rs. 1,01,591/- was charged.
- From 30.12.2024 to 17.02.2025, slowness was recorded at 25.87%, and an amount of Rs. 29,181/- was charged.

The above amounts have been charged based on the temper data report from CMRI downloaded by the M&P wing, which appears to be correct.

However, the appellant has raised the issue of delayed charging caused due to late reporting by firm and in light of Sub-Clause (iv) of the Meter Data Analysis section of the work order, it is held that the meter reading agency is at fault for the delay and is, therefore, liable for penalization for charging almost for 14 months from 10.06.2023 to 20.08.2024 (almost 14 months). But in another case consumer has been charged for two months and firm does not seem at fault.

Accordingly, after a thorough review of the records and the arguments presented during the hearing, it is hereby ordered:

- The amounts of Rs. 1,01,591/- and Rs. 29,181/- have been rightly charged to the appellant due to meter slowness. It is also evident from consumer data submitted by respondent SDO vide memo no. 895 dated 03.04.2025.
- Due to the delayed charging of slowness from 10.06.2023 to 20.08.2024, a penalty of Rs. 25000/- be imposed on M/s Vision Infotech, Thane, Maharashtra, under Clause 7(iv) of the work order.
- This penalty amount shall be deducted from the firm's bill and paid to the appellant as compensation for the late charging.

However, the total amount payable by the appellant due to meter slowness remains Rs. 1,30,772/- (i.e. Rs. 101591+ Rs. 29,181). Amount already paid by the appellant may also be adjusted.

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 23<sup>rd</sup> July, 2025.

**Dated:23.07.2025**

Sd/-  
**(Rakesh Kumar Khanna)**  
**Electricity Ombudsman, Haryana**

**CC-**

**Memo. No.962-68/HERC/EO/Appeal No. 20/2025**

**Dated: 24.07.2025**

1. Shri Chandan Nagpal through Navneet Bhanot Authorised Partner Weldone Metfab Co., 64/11, Industrial Area, NIT Near Pyali Chowk, Faridabad
2. The Managing Director, DHBVN, Hisar
3. Legal Remembrancer, Haryana Power Utilities, Panchkula
4. The Chief Engineer Operation, DHBVN, Delhi
5. The SE/OP, Faridabad
6. The XEN/OP, NIT Divn., DHBVN, Faridabad
7. SDO, Op. Sub Division No.-3, DHBVN, Faridabad