



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109

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(Regd. Post)

Appeal No. : 22 of 2025
Registered on : 14.05.2025
Date of Order : 12.09.2025

Appeal against the order dated 24.03.2025 in case no. UHBVNL/CGRF 46 of 2025 – Executive Engineer of Public Health of Ambala City

Executive Engineer of Public Health of Ambala City

Appellant

Versus

1. XEN/OP Division, UHBVN, Ambala City
2. SDO/OP Model Town Sub-Division, UHBVN, Ambala City

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Harmilap Singh, SDE

Present on behalf of Respondents:

Shri Deepak Kumar, CA
Shri Aditya Gautam, Advocate
Shri Mukesh Kumar dealing hand

ORDER

- A.** The Executive Engineer of Public Health of Ambala City has filed an appeal against the order dated 24.03.2025 passed by CGRF, UHBVNL, Panchkula in case No. 46 of 2025. The appellant has submitted as under:

“On the above noted subject it is submitted that electric A/c No. 1450820000 category-PWW SL-18 KW installed at tube well Jiwan Nagar Ambala City on dated 30.07.2009. From 2009 this allice is making payment to UHBVN on monthly basis. On 06.11.2024 SDO, UHBVN Model Town Ambala City issue the notice to Sub Divisional Engineer, Public Health Engineering Suh Division No.3. Ambala City for arrear of Rs 8824699/- from period 30.07.2009 to 04.09.2024. As per the SDO, UHBVN concerned that the CT of the site was not as per the norms of the department, so they charge the electric bill with MF-10 instead of M.F-1 from 2009 to 2025 i.e. for 15 years and unpaid reading they calculating is 130206(KWH) which comes to arrear of Rs 8824699/-

The case was presented before the CGRF UHBVN Panchkula by this office and the order has been passed by Corporate CGRF UHBVN Panchkula on dated 24.03.2025 (Copy attached it is further submitted that this office is not agreed with this order and further appeal to please look into the matter and necessary directions may be issued to UHBVN.”

- B.** The appeal was registered on 14.05.2025 as an appeal No. 22 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 16.06.2025.

- C.** Hearing was held on 16.06.2025, as scheduled. Both the parties were present. During the hearing, the counsel of Respondent has submitted the he has engaged recently in the matter and requested for one week time to file the reply against the appeal filed by appellant. Accordingly, one week time has been granted to respondent counsel for filing the reply with a copy to the appellant. Further another one week time granted to appellant to file the rejoinder on the reply filed by respondent counsel, if any.

The matter is therefore adjourned and will now be heard on 28.07.2025.

- D.** The respondent SDO vide email dated 23.06.2025 has submitted reply, which is reproduced as under: -

1. That the present reply is being filed by Uttar Haryana Bijli Vitran Nigam Ltd. (hereinafter referred to as "Respondent" or "UHBVN") through Ravinder Kumar Yadav, aged about 40 Years, SDO/OP/MT presently working as SDO, UHBVN, Ambala City who is competent to file the present short reply and is well conversant with the facts of the case.
2. That save and except the statements, averments, and submissions made by the Appellant, which are a matter of record and/or specifically admitted, all the factual allegations, contentions, and averments made by the Appellant are specifically denied in entirety as being false and the same may be treated as if denied in seriatim. No part of the Objection Appeal under reply be deemed to have been admitted in the present reply on account of express non-traversal or non-denial thereof. The Respondent offers evidence for all the factual averments for which it bears the burden of proof under the law.
3. That at the very outset, it is submitted that the present appeal is time-barred. It is the case of the Respondent that a perusal of communication of order dated 24.03.2025 specifically stated that the time period to prefer an appeal was within 30 days of the issue of the order i.e. before 24.04.2025, whereas the Appeal was preferred on 30.04.2025 (Appeal registered on 14.05.2025) by the Appellant. As such the present appeal is liable to be dismissed being time-barred. A copy of the communication is attached herewith as Annexure R-1.
4. That the present appeal is not maintainable in light of the doctrine of laches, i.e. equity aids the vigilant and not the ones who sleep over their rights, and the well-established legal maxims on which the law of limitation is based, the Latin Maxims of "interest reipublicae ut sit finis litium" (it is for the general welfare that a period be put to litigation) and "vigilantibus non dormientibus jura subveniunt" (the Law helps those who are vigilant and not those who sleep over their rights), on which the very principles enshrined in the Limitation Act, 1963, will stand grossly violated, in case appeal is not dismissed. It is humbly submitted that in such a situation, there would be no end to litigation and the entire purpose of the law would be defeated, as people would, belatedly, keep filing claims. Reliance in this regard is placed

on judgment rendered by the Hon'ble Supreme Court in a matter titled as M/s Arif Azim Co. Ltd. Vs. M/s Aptech Ltd. wherein it was held that;

“44. The basic premise behind the statutes providing for a limitation period is encapsulated by the maxim "Vigilantibus non dormientibus jura subveniunt" which translates to "the law assists those who are vigilant and not those who sleep over their rights". The object behind having a prescribed limitation period is to ensure that there is certainty and finality to litigation and assurance to the opposite party that it will not be subject to an indefinite period of liability. Another object achieved by a fixed limitation period is to only allow those claims which are initiated before the deterioration of evidence takes place. The law of limitation does not act to extinguish the right but only bars the remedy."

5. That a perusal of the order dated 24.03.2025 shows that the CGRF has passed an order in accordance with the law after hearing both the parties and following due procedure. As such, the order dated 24.03.2025 is a valid order.
6. That it is pertinent to point that the Appellant has merely preferred the appeal by stating that the Appellant office is not agreed with the order but the appeal does not disclose any grounds of appeal. Being bereft of any ground of appeal, the appeal is liable to be dismissed.
7. That without prejudice to the above, it is submitted that a notice issued to SDE PHSD no. 3 Ambala City by the Respondent on 06.11.2024 vide office memo no. 2175 regarding charging of arrear for Rs. 88,24,699/- in A/c No. 1450820000 Category-PWW, S.L. 18 KW, installed in Jiwan Nagar, Ambala City. The connection was checked by M & P Wing on dated 04.09.2024 vide MTI no A31-924-161966-337 after replacing the CT of this site and found that CT installed was 50/5A and the bill was raised on MFx1 instead of MFx10. The audit party visited the office and raised difference of MFx9 (10-1-9) billing of 1145997 units amounting to Rs. 88.24,699/- from 30.07.2009 to 04.09.2024 and submitted report as per H.M. No. 66479 dated 21.10.2024.
8. That it is further submitted that as per the checking report by M&P Wing and observation by the audit party the record checked of this account and found this connection released by this office in subject cited premises on dated 30.07.2009 installed LT CT meter Sr. No. HRB48426 and CT installed ratio 50/5A (MFx10). The billing of this connection was raised on MFx10 instead of MFx10 from the date of connection 30.07.2009 to 13.09.2024, reading of 130206 KWH. A copy of the reply by the Respondent to the CGRF is annexed as ANNEXURE R-2.
9. That it is submitted that the Appellant has consumed the electricity units liable to be charged at MFx10 and as such, the arrears of Rs. 88,24,699/- is pending to be paid.
10. That it is submitted that no valid grounds of appeal has been raised by the Appellant and as such, the present appeal is liable to be dismissed.

As such, it is prayed, that the present Appeal may kindly be dismissed being time barred, bereft of any merits & grounds of appeal and being abuse of the process of law.

PRAYER:-

It is therefore, most respectfully and humbly prayed that the present Appeal may kindly be dismissed being non-maintainable and bereft of any merits.

- E.** Hearing was held on 12.08.2025, as re-scheduled. Both the parties were physically present. During the hearing, the Appellant (Executive Engineer, Public Health) submitted that he will file the detail log book showing running hours of the motor for the disputed period in response to the reply filed by respondent counsel. Further, respondent counsel was directed to submit the total bills of the disputed period along with calculation sheet since the year 2009. Also, copy of the disciplinary action taken against the delinquent officials/officers taken as per the order of CGRF, Panchkula be submitted.

The matter is therefore adjourned and will now be heard on 02.09.2025.

- F.** Hearing was held on 11.09.2025, as re-scheduled. Both the parties were physically present. Counsel reply in response to the interim order dated 12.08.2025 was received through email on dated 01.09.2025. During hearing, it was submitted through respondent counsel that an amount of Rs. 84,57,210/- has been adjusted against the said account no. 4450820000 of S.D.E. PHSD NO. 3, Ambala City. Balance amount payable by the Public Health comes out to Rs. 9,23,008/- shown in the bill issued on 13.08.2025. Further SDO/Public Health, S.D.E. PHSD NO. 3 Ambala City has given in writing during hearing today that an amount Rs. 9,23,008/- will be deposited and department is satisfied with the corrected bill.

Argument in the main matter have been led by both the parties.

Decision

After hearing both the parties and going through the record made available on file and deliberations made during hearings, it has been observed that an amount of Rs. 84,57,210/- lacs out of the bill of appellant has been charged in another account of Public Health bearing no. 4450820000. Now bill of Rs. 9,23,008/- is chargeable from the appellant for which appellant is also agreed to deposit the bill as per statement dated 11.09.2025. In view of the above, respondent SDO, Model Town, Ambala city is directed to issue a fresh bill/revised bill to the appellant and appellant is directed to deposit the bill within one month thereafter from the issuance of the bill. If bill is not deposited by the appellant within one month the surcharge may be levied as per Nigam rules. SE/Operation Circle, Ambala should investigate the matter with regard to lapse on part of the officers/officials as crossed adjustment are being made by the officers/officials on their whims and fancies.

The instant appeal is disposed off accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 12th September, 2025.

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

Dated:

CC-

Memo. No.1456-62/HERC/EO/Appeal No. 22/2025

Dated:12.09.2025

To

1. Executive Engineer, Public Health Engineering Division, Ambala city, Model Town-134003
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula
4. The Chief Engineer (Operation), Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula
5. The Superintending Engineer (Operations), Ambala, Near Ajit Petrol Pump, Chandigarh Road, Baldev Nagar, Ambala City
6. XEN/OP, Ambala City, # 37, Jasmeet Nagar, Behind Royal Palace, Ambala City
7. SDO/OP, Model Town, House No. 106, Model Town Ambala city.

