



## BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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

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(Regd. Post)

**Appeal No.** : 25 of 2025  
**Registered on** : 02.06.2025  
**Date of Order** : 17.07.2025

**In the matter of:**

**Appeal against the order dated 27.05.2025 passed by CGRF, DHBVN Gurugram in case No 4888 of 2025-Sh. Manish Kumar & Narender Yadav.**

Manish Kumar and Narender Yadav, sons of Late Sh. Om Parkash Yadav, **Appellant**  
R/o Ward No.15, Near Bus Stand, Mohindergarh

Versus

1. The XEN/OP Division, DHBVN, Mohindergarh

2. SDO, Op. Sub Division, City Mohindergarh, DHBVN

**Respondent**

**Before:**

Shri Rakesh Kumar Khanna, Electricity Ombudsman

**Present on behalf of Appellant:**

Advocate J.P. Sharma

**Present on behalf of Respondents:**

Shri Raghubir Singh, XEN, Mohindergarh, DHBVN,

Shri Sunil Kumar, SDO, Mohindergarh, DHBVN

Shri Pramod Trediya, Advocate

Shri Bhagwandass, SSA

### ORDER

**A.** The present appeal has been filed by Advocate J.P. Sharma on behalf of Shri Manish Kumar & Shri Narender Yadav against the order dated 27.05.2025 passed by CGRF, DHBVN, Gurugram in case No. 4888 of 2025 in which he has submitted as under:

1. That the present appeal is being filed against the impugned order dated 27.05.2025 passed by Corporate Forum for Redressal of Consumer Grievances Dakshin Haryana Bijli Vitran Nigam HETRI House, Sector Gurugram 16, IDC Area, against the dismissal of the complaint except adjusting solar unit from 2018 to till date.
2. That the appellants filed the CWP No.11503 of 2025 before the Hon'ble Punjab and Haryana High Court Chandigarh and vide order dated 28.04.2025 the Hon'ble Court directed to file the complaint before the Consumer Grievances Redressal Forum within 7 days against the wrong and illegal demand notices and the bills dated 25.02.2025 and 13.03.2025 and in that compliance the appellants filed the complaint no. DH/CGRF/4888/2025 before the Corporate Forum for Redressal of Consumer Grievances Dakshin Haryana Bijli Vitran Nigam HETRI House, Sector 16, IDC Area, Gurugram. And copy of the same is annexed alongwith all annexures and the reply filed by the Electricity Department as well as the rejoinder is annexed herewith.
3. That the electricity Connection bearing account no. 3285451356 from the respondents HTS and NDS Category by the father of the Appellants namely Sh. Om Parkash son of sh. Parhlad Singh AND Sh. Om Parkash has since

- been died on dated 21.08.2023 and the present appellants are the Irs. and successors / users of the electricity connection and paying the bills regularly and there was no due of any type against the appellants regarding above electricity connection and the no dues certificate dated 11.09.2024 (C-3) is also annexed with the Complaint as Annexure C-2 and electricity bill as C-1.
4. That the respondents regularly conducted the checking the electricity meter of the Appellants and never found anything wrong with the electricity connection of the appellants and the reports along with the Complaint are appended as C-4 & C-5 along with the complaint.
  5. That the respondents prepared a fraudulent vigilance checking report on dated 05.02.2025 LL-1 and the meter was in the permissible limit and they wrongly mentioned that MF of the electricity connection to be 10 and on basis of the checking report respondents directed to pay the sum of Rs.3,02,82,588 by recording that the billing was on MF-1 and the actual MF- 10 and then checking report dated 05.02.2025 and notice dated 25.02.2025 are annexed with the Complaint as Ex.,C-6 & C-7.
  6. That after the said demand notice another bill dated 16.03.2025 of Rs.4,34,665/- and again issued revised bill of the same month of Rs.2,69,29,527/- and the fresh notice was again issued of Rs.2,64,94,863/- and the copy of the bill dated 16.03.2025 and the copy of notice dated 13.03.2025 and revised bill dated 16.03.2025 are attached with the complaint as Annexure C -10 to Annexure C-12 and the online complaint of the wrong bill is annexed as C-1.
  7. That from the above said facts it is very clear that time and again, the respondents are issuing wrong bills and notices as every time they are issuing a new amount and they have no proper calculation as on dated 15.04.2025 (C-13) a bill of Rs.2,69,71,172/- was issued in which summary charges / allowance of Rs.2,64,94/863 has wrongly been added and the appellants are not liable to pay the same as no such summary charges or allowances are due against the appellants and on dated 04.03.2025 the online objections were raised on the grievance redressal portal but no action was taken on the complaint Annexure C-14 and also made representation on dated 19.04.2025 as C-15.
  8. That the Ld. Forum Gurugram ordered to deposit 208 on dated 13.05.2025 and ordered supply of the electricity as the connection was disconnected on dated 09.05.2025 and the appellants have deposited the 20% and the electricity connection was restored as the school is running in the premises.
  9. That the Id. Froum has rightly observed that the solar unit from 2018 till date has to be reduced but of the wrongly upheld the demand respondents and wrongly dismissed the complaint vide impugned order dated 27.05.2025.
  10. That the impugned order is not sustainable as the wrong bills and demand notices have been issued without any basis and calculation and when nothing was due against the appellants then the wrong bills and demand notices are liable to be set aside as the proper and correct consumption bills

were regularly paid by the Appellants and nothing was due and wrongly applied the MF-10 from 2021 to 2025 and no recovery from more than 2 years can be effected as per the Section 56(2) of the Electricity Act.

11. That the Ld. Forum has not properly appreciated the documents and law and the wrong order has been passed and the same is liable to be set aside.
12. That the appellants are neither defaulter nor any theft has been committed and thus they are not liable to pay the alleged illegal bills and demand notices and the appellants are paying current bills regularly and will continue to pay the current bills and hence the illegal bills and demand notices dated 25.02.2025, 13.03.2025 are liable to be set aside.
13. That the checking report dated 05.02.2025 is also totally wrong and without any basis and the fabricated and false report has been prepared and there is no basis that they how calculated the illegal demand and hence the complaint was liable to be allowed, but the Ld. Forum has wrongly dismissed the complaint and hence the present appeal is being filed for setting aside the impugned order dated 27.05.2025 passed by the Ld. Forum.
14. That the respondents also violated the sale circular C-17 and did not adhere any rule, regulation or law and prepared a fabricated checking report and thereafter wrong demand notices and bills were issued and the same are liable to be set aside.
15. That no such or similar appeal has earlier been filed by the Appellants either before this Hon'ble Court or any competent authority.

It is therefore, respectfully prayed that the present appeal may kindly be allowed and the impugned order dated 27.05.2025 may kindly be set aside except solar unit deductions and the complaint filed by the Appellants may kindly be allowed as prayed for and the wrong checking report LL-1 dated 05.02.2025 and the demand notice dated 25.02.2025 and notice dated 13.02.2025 and electricity bills and revised bills dated 16.03.2025 and 15.04.2025 may kindly be set aside being wrong and illegal and without any basis and calculation and there was nothing due against the appellants, in the interest of justice.

- B.** The appeal was registered on 02.06.2025 as an appeal No. 25 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 05.06.2025.
- C.** Hearing was held on 05.06.2025 as scheduled. Both the parties were present through VC. During the hearing, Counsel for the Appellant requested that he has already deposited Rs. 1.11 Cr. against the demand amounting to Rs. 2.64 Cr. raised by Respondent SDO. Also the calculation details have not been supplied by the SDO Respondent. The Appellant counsel further requested that till the complete calculation details of charged amount are submitted no coercive action like disconnection of his electric supply be taken by Respondent SDO. Accordingly, SDO/Operation was directed not to disconnect the electric supply of Appellant till pendency of appeal. SDO Operation was further directed to supply complete

calculation details of charged amount and reply to the complaint filed by appellant within 4-5 days. Accordingly, the case is adjourned and now will be heard on 15.07.2025. at 12:00 noon.

- D.** Vide email dated 09.06.2025, Shri Pramod Trediya, Advocate on behalf of the respondents numbers 1 to 4 has submitted reply to the interim application which is reproduced as under:-

(seeking restraint on electricity disconnection and stay on recovery of demand notices dated 25.02.2025, 13.03.2025, and 15.04.2025 filed by applicant/petitioner)

**UTMOST RESPECTFULLY SHOWETH:**

**PRELIMINARY OBJECTIONS**

**1. Non-Maintainability Due to Misdescription of Parties:**

The present interim application is not maintainable in its present form, as the applicants have failed to properly array the answering respondents by specific names either in the title or in the body of the application. The vague reference to "State of Haryana and Others" without explicitly naming Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN) or its relevant officers renders the application incurably defective and liable to be dismissed on this ground alone.

**2. No Relief Against Unnamed Parties:**

It is a well-settled principle of law that no relief can be granted against a party not properly impleaded. (Ref: Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, AIR 1963 SC 786). The application suffers from non-joinder of necessary parties, and is thus liable to be dismissed in limine.

**3. Violation of Procedural Law (Order I & VII CPC):**

The application fails to comply with the basic mandates of Order I Rule 10 and Order VII Rule 1 CPC, as it neither discloses the correct identity and status of the answering respondents nor lays out a legally cognizable cause of action against them.

**4. Improper Verification and Lack of Bona Fides:**

The verification in the application is casual, vague, and contrary to the law laid down in New India Assurance Co. Ltd. v. Vijay Singh, 1990 Civil Court Cases 133 (P&H). The application appears to be filed in a non-serious, negligent manner, lacking the required diligence. Therefore there is no application in the eyes of law.

**5. Jurisdictional Deficiency:**

This Hon'ble Authority does not have jurisdiction to pass any order against parties who are unnamed or improperly described. Absence of valid and proper cause title renders the application non est in law.

**6. No Prima Facie Case or Irreparable Harm:**

The application fails to establish the three essential elements for the grant of interim relief:

- A prima facie case,
- Balance of convenience in favour of the applicants, and
- Irreparable injury, incapable of being compensated in monetary terms.

The subject matter pertains to unpaid electricity dues, which are purely pecuniary and thus compensable. The plea of irreparable harm is, therefore, unsustainable.

**Legal Maxim Applied:** "Ubi jus ibi remedium" Where there is a right, there is a remedy.

**7. Attempt to Circumvent Due Process:**

Before seeking interim relief, the petitioners were duty-bound to first amend the defective pleadings under Order VI Rule 17 CPC. Their failure to do so reflects a clear attempt to bypass due procedure.

**8. Defective Pleadings Prejudice the Respondents:**

The defective and vague pleading severely prejudices the answering respondents. Allowing such an application would violate the principles of natural justice audi alteram partem (no one should be condemned unheard).

**9. That, as per the provisions of Order XXVII Rule 5-A of the Code of Civil Procedure, 1908, it is mandatory that in any proceeding initiated against a public officer in respect of any act purporting to be done by him in the discharge of his official duty, the State is to be impleaded as a necessary party. However, in the present case, the applicant has failed to implead the State as a party respondent in the main appeal. In such a situation, when the State has not been arrayed as a party in the main proceedings, any application seeking interim relief against the State is not maintainable in the eyes of law and is liable to be dismissed at the very threshold.**

**10. Application of Principle "Actus curiae neminem gravabit":**

The answering respondents respectfully invoke the principle that an act of the court shall prejudice no one, and they should not be made to suffer due to applicants' omissions and procedural failures.

**PARA-WISE REPLY TO THE APPLICATION**

1. That the contents of Para 1 are denied being misleading and incomplete. While it is correct that 20% of the disputed amount was deposited pursuant to directions of the Ld. Forum, such partial compliance does not bar disconnection of electricity supply under Section 56(1) of the Electricity Act, 2003. The operation of a school does not confer any immunity from compliance with law.

**Case Law:** Isha Marbles v. Bihar SEB, (1995) 2 SCC 648 - Statutory dues are recoverable regardless of property usage.

**Legal Maxim:** "Commodum ex injuria sua nemo habere debet" - No person can derive benefit from their own wrong.

2. That the contents of Para 2 are denied. The plea that prejudice would be caused is untenable in law. The Hon'ble Supreme Court in Assistant Collector of Central Excise v. Dunlop India Ltd., AIR 1985 SC 330 has held that individual inconvenience cannot outweigh statutory obligations. The petitioners are in default of payment and hence not entitled to interim protection. Also see Shiv Kumar Chadha v. MCD, (1993) 3 SCC 161 -no interim injunction if the main relief itself is not prima facie maintainable.
3. That the contents of Para 3 are matters of record. However, non-filing of a similar application earlier does not create a vested right to relief in a defective application, which is liable to be rejected on legal and procedural grounds.

#### **PRAYER**

In view of the above facts and settled legal position, it is most respectfully prayed that this Hon'ble Authority may graciously be pleased to:

- a) Dismiss the interim application for stay on electricity disconnection and recovery, for being non-maintainable, vague, and procedurally defective;
- b) Reject the prayer for any interim protection, as no prima facie case or irreparable loss is established and the dispute is purely monetary in nature;
- c) Award exemplary costs in favour of the respondents for being compelled to respond to a frivolous and misconceived application;
- d) Pass such other or further order(s) as may be deemed just and proper in the facts and circumstances of the case.

Also, on 09.06.2025, Shri Pramod Trediya, Advocate on behalf of the respondents numbers 1 to 4 has submitted reply to the memo of appeal filed by the appellants which is reproduced as under: -

#### **Preliminary objection**

1. That the present appeal is not maintainable in its present form as the appellants have sought reliefs against the acts purportedly done by the officers of the Nigam in discharge of their official duties. However, the State of Haryana has not been impleaded as a necessary party in the array of respondents. In view of the mandate of Order XXVII Rule 5-A CPC, which clearly provides that the State must be impleaded as a party where a public officer is sued for any act done in discharge of official duty, the present appeal suffers from non-joinder of necessary party and is therefore liable to be dismissed in limine.

#### **PARAWISE REPLY TO THE MEMO OF APPEAL:**

1. That the contents of para 1 of the appeal are wrong and denied. The impugned order dated 27.05.2025 passed by the CGRF, Gurugram is well-

reasoned, based on facts, records, and applicable provisions of law. The learned Forum appropriately dismissed the complaint, except to the extent of allowing adjustment of solar units from 2018 onwards, which was fully justified, as the revised notice dated 13.03.2025 of ₹ 2,64, 94,863/- was duly calculated after deducting the solar energy generated, which were already deducted in all bills and after adjustment of solar the bills were circulated to the consumer/appellant. The said revised notice was duly delivered to the appellant and is also annexed by the appellant with the instant appeal at page number 89.

2. That para 2 of the appeal is not disputed to the extent of procedural history, however, it is denied that the bills and demand notices were illegal or arbitrary. The Hon'ble High Court, after proper heard the parties and moreover, request for seeking relief made by the appellant, the hon'ble high court had not only reprimanded the appellant but also relegated the matter to the Consumer Grievances Redressal Forum, which they did. The Ld. CGRF after thorough analysis rejected their grievances as baseless, barring the issue of solar adjustment.
3. That in reply to the contents of paragraph no. 3 of the instant appeal, it is respectfully submitted that the allegation that the appellants have been regularly paying the electricity bills and that no dues are outstanding against them in respect of the aforementioned electricity connection is vehemently denied as being incorrect and misleading. The appellants' averment in this regard is devoid of merit and is specifically denied. It is respectfully submitted that the appellants, earlier had defaulted in making payments in the year 2017. Moreover, their father, Late Sh. Om Prakash, had also failed to discharge his lawful obligation to pay outstanding dues and, in an apparent attempt to evade such liability, instituted a civil suit bearing no. CS-800-2017, which is presently pending adjudication before the Hon'ble Court of Ms. Ritu Tanwar, Learned Civil Judge (Junior Division), Mahendergarh. However, in many cases the hon'ble Supreme court has consistently held that civil courts have no jurisdiction in respect of any matter which the authorities under the Electricity Act are empowered to determine, despite of that due to the pendency of the said suit, a significant and recoverable sum of public revenue has remained unjustifiably withheld, thereby causing financial prejudice to the respondent utility. Despite earlier default, the appellants have also failed to pay the electricity bill for the month of April 2025. Instead of clearing their lawful dues, the appellants have now approached this Hon'ble Ombudsman for seeking relief under the guise of equity, without fulfilling their statutory and contractual obligations, after dismissed their complaint by the CGRF on the basis of justifiable ground except of adjustment of solar units as the solar units have already been deducted by the department and served duly calculated and revised notice on 13.03.2025 with calculation sheet which was annexed by the appellants in the instant appeal on page number 88-89. It is settled law that "he who seeks equity

must do equity and must come with clean hands" (J.P. Builders & Anr. v. A. Ramadas Rao & Anr., (2011) 1 SCC 429). Hence, the appellants are not entitled to any relief from this Court of hon'ble ombudsman, having approached it with tainted hands and suppressed material facts. The appellants' claim that there was "no due" against them is contrary to the actual metering data, load details, and vigilance checking report dated 05.02.2025. As far as the issue of the No Dues Certificate allegedly issued by the respondents is concerned, it is respectfully submitted that the dues in question crystallized subsequent to the issuance of the said certificate, which was came into existence on 05.02.2025, when vigilance checking was conducted by the vigilance, Rewari. It is further submitted that the certificate cannot be construed as a waiver of future liabilities, nor does it operate as an estoppel against the respondent department in relation to subsequently accrued dues.

4. That the contents of paragraph no. 4 of the instant appeal are false, incorrect, misleading, and frivolous, and appear to have been drafted with the intent to distort material facts. On the contrary, the actual facts of the case is that in the year of 2019, the MF of the complainants meter was MF-10 and the father of the complainants had been paying current bill as per the MF-10 except of the amount upon which the case has been being pending before the court of civil Judge (JD), Mahendergarh in a civil suit number CS-800-2017, however after that, load of the complainants connection consistently kept on increasing and bill of the connection of complainants kept on decreasing and the about that facts, the accountant of the RPS School as well as complainants had known completely, despite knowingly the actual facts, the complainants kept on depositing their bill as per MF-1 intending to get unjustified benefit, due to the facts the appellants were fully aware of their electricity consumption and the resultant billing, they are estopped from deriving any benefit from their own wrongdoing.
5. That the contents of paragraph no. 5 of the instant appeal are false, incorrect, misleading, and frivolous, and appear to have been drafted with the intent to distort material facts. It is wrong to allege that the vigilance checking report had been prepared fraudulently, on the contrary, the said report was prepared in accordance with the prescribed procedures and based on factual findings duly verified at the time of inspection on 5th day of February, 2025 by the vigilance, Rewari in the presence of their representative named Balwan Electrical Supervisor having mobile number 98130-13090 at their premises. After checking, the checking report LL1 number 06/22907 has been prepared on the spot in the presence of the above said representative of the complainants and the representative of the complainants had put his signature upon the LL1 checking report after receiving one without raising any single objection upon it. The copy of LL1 number 06/22907 dt. 05th day of February, 2025 which contains the signature of Balwan Electrical Supervisor having mobile number 98130-13090 representative of the

complainants was annexed by the appellant with the instant appeal on page number 90 of it. Thereafter, Notice No. 5950 dated 25th day of February, 2025 was issued to the appellants after affording them an appropriate opportunity of being heard. In that notice it was clearly mentioned that the billing was on MF 1 and the actual MF was 10 so the checking was made.

6. That thereafter, on 13.03.2025, the appellant have been issued a revised notice with details after calculated and deducted all adjustment of amounting of ₹ 2,64,94863/- and asked to deposit the same. Except this above MF amount 434665.39/- was outstanding as current cycle charges there against the appellant, due to which the next bill on 16.03.2025 was issued of ₹ 2,69,29527/- as the 2,64,94863/- was of MF calculated as per LL1 checking report and 434665.39/- as current cycle charges in a accurate and in correct manner, that was payable on or before due date on 24.03.2025 and it was also shown in that bill number 328542866844 that if the appellant would not pay the amount on or before due date, he would have to pay amounting of ₹ 403942/- as surcharge that would be a 2,73,33469/-. Thereby it issued bills were correct and calculated in an impeccable manner.
7. That the contents given in the paragraph number 7 of the instant appeal are wrong, incorrect, untrue, moonshine, frivolous and appear to have been drafted with intent to distort the material fact. The given bill and the notices are purely legal, correct and has been sent to the appellants in accordance with the provision of law and has been prepared on the basis of vigilance checking report dt. 5th day of February, 2025 as well as their current cycle charges net bill the bill issued on 15.04.2025 is correct and calculated as impeccable manner as appellant have been earlier issued notice number 6140 dt. 13.03.2025 with calculation sheet of MF 10 however the amount of notice had not been deposited by the appellant due to which, the same amount had been again issued with a current cycle charges bill of ₹ 434665.00/, mentioning upon it with pen, however at that time on 20th day of March, 2025 the appellant instead of paying 2,69,29527/-paid only current cycle charges of ₹ 434665.00/-. That is why, the 26971172.00/- is correct and an impeccable as in the bill 2,64, 94863.00/- is sundry charges and 476308.41/- is current cycle charges are there.
8. That in reply to paragraph no. 8, it is submitted that the contents thereof do not warrant a specific reply, being a matter of record. It is pertinent to mention here that, in compliance with the order dated 13.05.2025 passed by the Learned CGRF, Gurugram, the appellants paid only Rs.57,82,426/-, which also included the amount of the current bill. Furthermore, a part payment of ₹50,00,000/-was made on 30.05.2025 towards the amount in question, which also included the charges pertaining to the current bill. Thereby, the appellants have paid a total sum Rs.1,07,82,426/- so far, which includes both the part payment of assessed amount and the charges of the current billing.

9. That the Learned CGRF has rightly dismissed the complaint of the appellant, except for the direction regarding adjustment of solar units, which had already been duly adjusted in all the bills.
10. That the contents of paragraph no. 10 of the instant appeal are wrong, false, and fabricated, and appear to have been made solely with the intent to derive unjustified benefits by misleading the Hon'ble Court of the Ombudsman. The notice was issued with impeccable calculations, and it is vehemently denied that there is nothing due against the appellant as a large or significant amount of the government of Haryana has been got staked in the instant matter as well as in another case number CS-800-2017. Moreover, neither the appellants have been paying bills regularly nor can section 56(2) be applied here as the date of issuance of bill is 16th day of March, 2025 not more than two years. The revised demand as lawful, and the finding regarding MF-10 is based on cogent reasoning. The reliance on Section 56(2) of the Electricity Act, 2003 by the appellants is misconceived as the amount raised is not time-barred, being discovered after a vigilance report and falls within the exception of continuous wrong billing due to suppressed MF.
11. That the contents of paragraph no. 11 of the instant appeal are wrong, false, and fabricated, and appear to have been made solely with the intent to derive unjustified benefits by misleading the Hon'ble Court of the Ombudsman. After duly hearing both parties, discussing all aspects of the matter, and considering the applicable rules, laws, and precedents, the complaint of the appellant was appropriately dismissed by the Learned Forum, except for the direction regarding adjustment of solar units, which had already been accounted for in all the bills.
12. That the contents of paragraph no. 12 of the instant appeal are wrong, false, and fabricated, and appear to have been made solely with the intent to derive unjustified benefits. Accordingly, the contents of paragraph no. 12 are vehemently denied. A detailed reply to the said contents has already been submitted in the preceding paragraph number 3 of the instant reply of appeal.
13. That the contents of paragraph no. 12 of the instant appeal are wrong, false, and fabricated, and appear to have been made solely with the intent to derive unjustified benefits. The checking report is neither fabricated nor false but is prepared by a competent technical team with following procedure of law.
14. That the allegations in para 14 regarding violation of sale circulars are baseless. In fact, all assessments and recovery notices were issued strictly as per the directions of HERC, and in compliance with internal circulars. No violation has occurred.
15. That para 15 is formal in nature and requires no reply.

#### **PRAYER**

In view of the above submissions, it is most respectfully prayed that this Hon'ble court may be pleased to:

- a) Dismiss the present appeal with exemplary costs for lack of merit and non-joinder of necessary party (State of Haryana);
  - b) Uphold the reasoned order dated 27.05.2025 passed by the CGRF, Gurugram;
  - c) Pass any other order(s) as deemed just and proper in the facts and circumstances of the case.
- E.** On 15.07.2025, Sh. Pramod Trediya, Advocate has submitted supplementary reply on behalf of respondent nos. 1 to 4 which is as under:
1. That the respondents have earlier filed a reply dated 09.06.2025, in response to the present appeal, wherein some relevant facts inadvertently remained unaddressed due to oversight, especially with regard to the observation made in Para No. 6 of the impugned order dated 27.05.2025, passed by the Ld. Corporate Forum for Redressal of Consumer Grievances, DHBVN, Gurugram.
  2. That in the said Para 6, of the page No.20 of the aforesaid order passed by the Ld. CGRF, Gurugram. Wherein, it is stated that forum strongly feels that SE/OP, Narnaul, DHBVN should taken disciplinary action against this guilty officer of DHBVN who could not detect loss of revenue charged only 1/10th amount from complainant for 4 years as different agency are involved for the same. In this regard, the respondents humbly submit that the said observation is not correct in law or fact, and requires proper rebuttal to avoid miscarriage of justice. It is most respectfully submitted that the said error was purely technical in nature and occurred without any deliberate or malicious intent on the part of the answering respondent.
  3. That the error appears to have arisen due to technically and should be you as an in inadvertent and bonafide mistake, rather than an act done with any intention to mislead, manipulate or cause wrongful gain or loss to any party. It is therefore prayed that this Hon'ble Forum may consider this clarification while deciding the matter in the interest of justice.
  4. That the respondents could not earlier reply the issue concerning "sphere" before this Hon'ble Forum of OMBUDSMAN due to which now this additional reply has been before this Hon'ble Forum. clarified the fact.
  5. That this Hon'ble Forum may kindly be pleased to take this additional reply on record in the interest of justice and fair opportunity of hearing, as no prejudice will be caused to either party.
  6. That the respondent craves leave to add or amend this reply as and when required by this Hon'ble Forum.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Forum may graciously be pleased to:

- a) Take the present additional reply on record;
- b) Consider the submissions made herein while deciding the appeal;
- c) Pass any other order(s) as deemed fit and proper in the interest of justice.

**F.** Hearing was held on 15.07.2025 as scheduled. Both the parties were physically present. As per interim order dated 05.06.2025 SDO respondent was directed to supply the calculation sheet of the amount charged. During hearing, XEN operation, Mohindergarh minutely explained the details of amount charged as per sheet already provided to appellant counsel. Appellant counsel was also explained about the benefit of solar units given in their bills which seems correct. However, he rebutted that huge amount of Rs.2,64,94,862/- has been charged from February 2021 to February 2025 abruptly in appellant bill. Appellant counsel submitted that he is in litigation since the date of charging and Nigam has charged the amount for 4 years therefore he is not liable to pay the surcharge. However, a principal amount charged due to wrong application of multiple factor is chargeable from him. Both the parties submitted their replies and argument in the main matter have been led by the both the parties.

### **Decision**

It is the case of the appellant that charging of account number 3285451356 having NDS connection in the name of Sh. Om Parkash having connected load of 480 KW for Rs. 26494862/- due to application of multiplying factor as 1 (one) instead of actual multiplying factor 10 by the respondent SDO as per checking report dated 05.02.2025. It is the duty of the licensee to apply the actual multiplying factor in the bill of appellant and now on application of correct multiplying factor has resulted into charging of this amount for 4 years. Audit wing and M&P wing are mainly responsible for not applying the correct multiply factor in this case. Chief Engineer/Admn., DHBVN is directed to take disciplinary action against M&P and audit wing responsible officers/officials who had failed to point out correct multiplying factor in this case from February 2021 to February 2025 during their checkings. Also, appellant counsel contention of making no recovery older than 2 years as per section 56(2) of Electricity act has been rebutted by respondent counsel and submitted that amount became due on 05.02.2025 when it was detected. Further, respondent has relied on the judgment of Hon'ble Supreme Court in M/s Prem Cottex vs. UHBVN (2021) dated October 5, 2021 wherein the Hon'ble Court held that the limitation of 56 (2) begins from date of discrepancy and not from the date of occurrence. Appellant counsel request for not charging surcharge as appellant was in litigation since April, 2025 has been considered as due to fault of Nigam Officers this huge amount has been charged for 4 years and after going through the record available on file and deliberations made in hearings, it is ordered that amount of Rs. 26494862/ is rightly chargeable from the appellant but the surcharge levied on this amount should be waived. SDO respondent is further directed to accept the charged amount in three installments without surcharge alongwith current electricity bill. Amount already deposited by the appellant against the demand raised vide notice dated 13.03.2025 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 17<sup>th</sup> July, 2025.

**Dated:17.07.2025**

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

CC-

**Memo. No.931-39/HERC/EO/Appeal No. 25/2025**

**Dated: 18.07.2025**

To

1. Manish Kumar, son of Late Sh. Om Parkash Yadav, R/o House No. 214/2, Ward No. 13, Near Bus Stand, Mohindergarh Tehsil & District Mohindergarh
2. Narender Yadav, son of Late Sh. Om Parkash Yadav, R/o Ward No.15, Near Bus Stand, Mohindergarh Tehsil & District Mohindergarh
3. The Managing Director, DHBVN, Hisar (Email [md@dhbvn.org.in](mailto:md@dhbvn.org.in)).
4. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email [lr@hvpn.org.in](mailto:lr@hvpn.org.in)).
5. The Chief Engineer/Administration, DHBVN, Hisar (Email [cehr@dhbvn.org.in](mailto:cehr@dhbvn.org.in))
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