



(Regd. Post)

Appeal No. : 26 of 2025
Registered on : 03.06.2025
Date of Order : 24.06.2025

In the matter of: -

Appeal against the order dated 07.03.2025 passed by CGRF, UHBVN Panchkula in case No 290/2024 - M/s Roop Kamal Stone Crusher, Village Doiwala, Tehsil Bilaspur, Yamuna Nagar.

M/s Roop Kamal Stone Crusher, Village Doiwala, Tehsil Bilaspur,
Yamuna Nagar.

Appellant

Versus

1. The Executive Engineer (Operation), UHBVN, Jagadhri, Yamuna Nagar.
2. The SDO (Operation), S/Div., Khizrabad, UHBVN, Yamuna Nagar.

Respondents

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Anshul Mangla Advocate

Present on behalf of Respondents:

Shri Sukhwinder Singh, SDO UHBVN

Shri Viney Bhanot, CA

ORDER

A. The M/s Roop Kamal Stone Crusher, Village Doiwala, Tehsil Bilaspur, Yamuna Nagar has filed an appeal against the order dated 07.03.2025 passed by CGRF, UHBVNL, Panchkula in case No. 290 of 2024. The appellant has submitted as under:

1. That the appellant is the complainant before the Hon'ble Consumer Grievance Redressal Forum, UHBVNL, Panchkula (hereinafter referred to as CGRF) in Complaint No. 290 of 2024; and is aggrieved by the issuance of the Impugned Order dated 07.03.2025 passed by the CGRF whereby the complaint filed by the appellant was dismissed. A copy of the Impugned Order dated 07.03.2025 is attached herewith as Annexure A-1.
2. That for the purpose of the adjudication of the present appeal, it shall be imperative to state the relevant facts and the same are as follows:-
 - a) That the complainant is a stone crusher operating his business in the name and style as M/s Roop Kamal Stone Crusher Village Dahiwala, Tehsil Partapnagar, Yamuna Nagar on the basis of the license granted by Mines & Geology Department, Government of Haryana.
 - b) That an electricity connection i.e. LS-26 was installed in the premises of the complainant; and the complainant had been regularly paying the electricity charges as per the bills issued by the respondent from time to time.
 - c) That it shall be imperative to state that the respondents had issued the Impugned Demand Notice dated 27.12.2019 to the complainant. As per the Impugned Demand Notice, the complainant was directed to pay a sum of Rs. 3,80,029/- to the respondents on the basis of half margin report number 8 dated 29.11.2019. A copy of the Impugned Demand Notice dated 27.12.2019 is Annexure A-2 and copy of Half Margin Report No. 8 dated 29.11.2019 is Annexure A-3.

- d) That it is pertinent to mention here that the complainant had approached the Permanent Lok Adalat, Yamuna Nagar against the Impugned Demand Notice dated 27.12.2019 and the complaint was filed vide Complaint No. 19/YNR/2020 dated 22.01.2020. A copy of the Complaint is Annexure A-4.
- e) That in response to the complaint, the respondents had submitted a reply dated 24.01.2024 which is attached herewith as Annexure A-5.
- f) That the Hon'ble Permanent Lok Adalat, Yamuna Nagar had relegated both the parties to explore the possibility of settlement as per the procedure prescribed under Section 22-C of Legal Services Authorities Act, 1987.
- g) That the Hon'ble Permanent Lok Adalat, Yamuna Nagar had referred the matter for conciliation/settlement vide Order dated 31.01.2020; and the matter was repeatedly adjourned on several dates for the said purpose. A copy of the Zimni Orders dated 31.01.2020, 19.02.2020, 09.07.2020, 24.07.2020, 28.07.2020, 07.08.2020 are attached herewith as Annexure A-6.
- h) That it is pertinent to mention here that no settlement took place between the complainant and respondents. Therefore, the Hon'ble Permanent Lok Adalat, Yamuna Nagar was pleased to allow the application of the complainant vide Order dated 02.12.2020 whereby the notice dated 27.12.2019 was set aside. A copy of Order dated 02.12.2020 passed by the Permanent Lok Adalat, Yamuna Nagar is annexed herewith as Annexure A-7.
- i) That the respondents had filed writ petition vide CWP No. 6284 of 2021 before the Hon'ble Punjab & Haryana High Court, Chandigarh for the quashing of Order dated 02.12.2020 passed by the Hon'ble Permanent Lok Adalat, Yamuna Nagar.
- j) That the Hon'ble Punjab & Haryana High Court vide Order dated 02.09.2024 had allowed the writ petition. The operative part of the Order is as follows:
- The present writ petition is, accordingly, allowed and the award dated 02.12.2020 passed by Permanent Lok Adalat (Public Utility Services), Yamuna Nagar, in application No.20/YNR/2020 titled 'M/s Roop Kamal Stone Crusher Vs. S.D.O. Op, U.B.V.N., is set aside. Respondent No.1-applicant shall however be entitled to raise a challenge to the said demand before the competent forum under Section 42(5) of the Electricity Act, 2003. In the event of respondent No.1-applicant taking recourse to such a proceeding, the period spent in pursuing the remedy with the Legal Services Authority and before this Court shall be taken into consideration for computing limitation. Needless to mention that an expeditious decision shall be taken on the case, if so instituted.
- A copy of the Order dated 02.09.2024 is Annexure A-8.
- k) That the Hon'ble Punjab & Haryana High Court vide order dated 02.09.2024 was also pleased to hold that the complainant is entitled to raise a challenge to the said demand before the competent forum under Section 42(5) of the Electricity Act, 2003.
- l) That in pursuance of the Order dated 02.09.2024 passed by the Hon'ble High Court, the complainant had filed the complaint dated 04.10.2024 before the CGRF, Panchkula which was registered vide Complaint No. 290 of 2024. A copy of the Complaint dated 04.10.2024 is attached herewith as Annexure A-9.

- m) That in response thereto, the respondents had submitted their reply/written statement which is attached herewith as Annexure A-10.
- n) That the appellant, in response to the written statement filed by the respondents, had filed the replication dated 12.12.2024 before the CGRF and the same is attached herewith as Annexure A-11.
- o) That the CGRF proceeded to pass the Impugned Order whereby the complaint filed by the appellant was dismissed. However, the appellant was never informed prior to the date of hearing dated 07.03.2025; was never provided with the copy of the Impugned Order. The appellant gathered knowledge regarding the Impugned Order on 15.05.2025 through the whatsapp from the lineman posted at UHBVNL Office at Khizrabad. In this regard, a copy of the Whatsapp Chat message dated 15.05.2025 is Annexure A-12.

GROUNDS:-

3 The appellant seeks the kind indulgence of this Hon'ble Court, inter-alia, on the following grounds: -

A. IMPUGNED ORDER SUFFERS FROM VIOLATION OF PRINCIPLES OF NATURAL JUSTICE:-

- (a) That the Impugned Order has been passed without affording any opportunity of hearing to the appellant. In the present case, the correspondence with the office of CGRF was through the email id of the Counsel of the appellant; and the Counsel of the appellant had received emails dated 10.10.2024, 18.10.2024, 06.12.2024, 09.12.2024, 08.01.2025, 16.01.2025 and 07.02.2025. In this regard, a copy of the emails received from the Office of CGRF are attached herewith as Annexure A-13.
- (b) That the fact that the appellant or his Counsel has not received any intimation regarding the date of hearing is further apparent from the perusal of the Letter dated 14.02.2025 received through 14.02.2025. The relevant reads as follows:

The Forum directed that the next date of hearing, if need be, in the case will be intimated in due course of time.

- (c) That on account of the fact that no opportunity of hearing was granted to the appellant, the Impugned Order suffers from the vice of violation of principles of natural justice.

B. VIOLATION OF THE MANDATORY PROVISIONS OF THE ELECTRICITY SUPPLY CODE, 2014:

- (a) For ready reference, Regulation 6.10.4 of The Electricity Supply Code, 2014 is reproduced herein below:

If the licensee establishes during review or otherwise or as a result of audit observation that a consumer has been under-charged, a 15 days notice shall be served upon the consumer to enable him to contest the demand. However, in case of additional demand being made out by internal audit in respect of any consumer, the officer concerned shall satisfy himself in the matter before giving notice to the consumer. After receipt of reply from the consumer, the licensee shall review the amount charged after taking into account the facts submitted by the consumer. For the amount which is chargeable, after considering reply of the consumer, the licensee shall recover the amount without levy of surcharge from the consumer by issuing a separate bill and in such cases at least 30 days shall be given to the consumer to pay the bill. In case the consumer fails to pay the bill by the due date, he shall be liable to pay, in addition, surcharge for the period of delay.

(b) That in the present case, there is apparent violation of the mandate of Regulation No. 6.10.4 of the Electricity Supply Code, 2014 on the following counts:

- a. There is no provision for issuance of the Impugned Demand Notice and the only provision is for issuance of a bill for the purpose of raising the additional demand.
- b. The procedure prescribed was never followed since no show cause notice was ever issued to the complainant prior to the issuance of Impugned Demand Notice.
- c. No opportunity was granted to the complainant to show cause or to make representation against the additional demand being raised by way of Impugned Demand Notice.
- d. The Impugned Demand Notice is completely silent with regards to the subjective satisfaction drawn by the competent officer before raising the additional demand.
- (e) That the bare perusal of the half margin report shall reveal that the auditor had specifically made the remarks "the above amount loss may please be made good after due verification". Hence, even as per the contents of the half margin report, the competent officer was required to verify the additional demand before the issuance of the impugned demand notice.

C. Violation of the mandatory provisions of Section-56 (2) of the Electricity Act, 2003:

- (a) For ready reference, Section 56 of the Electricity Act, 2003 is reproduced herein below:

Section 56. (Disconnection of supply in default of payment):

- (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge, or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,

- a) an amount equal to the sum claimed from him, or
- b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

2. Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges

for electricity supplied and the licensee shall not cut off the supply of the electricity.

(b) That in the present case, as per the half margin report, the meter of the complainant was replaced on 19.06.2017 and the reading for the purpose of half margin report was taken as on 03.10.2017. Thereafter, the half margin report was issued on 29.11.2019 which is after a lapse of more than two years from the date on which the alleged mistake had come to the knowledge of the respondents. Hence, in view thereof, the Impugned Demand Notice dated 27.12.2019 is barred as per the limitation prescribed under Section 56 (2) of the Electricity Act, 2003.

(c) That reliance is placed upon the judgement of the Hon'ble Supreme Court in M/s Prem Cottex vs. UHBVNL 2021 (4) RCR (Civil) 422 wherein it was held as under:

14. But a careful reading of Section 56(2) would show that the bar contained therein is not merely with respect to disconnection of supply but also with respect to recovery. If Sub-section (2) of Section 56 is dissected into two parts it will read as follows:

(i) No sum due from any consumer under this Section shall be recoverable after the period of two years from the date when such sum became first due; and

(ii) The license shall not cut off the supply of electricity.

In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected, is not covered by Sub-section (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, "no sum due from any consumer under this Section", appearing in Sub-section (2).

(d) That reliance is further placed upon the judgement of the Hon'ble Punjab and Haryana High Court, Chandigarh in UHBVNL and others v. PLA, Yamunanagar and another 2022(1) PLR 202 wherein it was held as follows:

18. If the petitioners were negligent in making such overhauling of the account of respondent No. 2 after the change of the defective meter and its replacement by a new meter on 09.10.2012, it cannot contend that its inaction or negligence was a "mistake" and seek to claim the benefit under Section 17(1)(C) of the Limitation Act.

(e) That in view of the mandatory provisions of Section 56(2) of the Electricity Act, 2003 as well as the law laid down by the Hon'ble Supreme Court, the issuance of the Impugned Demand Notice dated 27.12.2019 is barred as per the limitation prescribed under Section 56(2).

4. That the appellant has not filed any such or similar appeal either before this Hon'ble Court or before any other Court against the Impugned Order dated 07.03.2025.

5. That there is a delay in filing the present appeal. The appellant is filing the accompanying application for condonation of delay and the contents of the application may kindly be read as part and parcel of the present appeal.

PRAYER

It is, therefore, respectfully prayed that the present Appeal may kindly be allowed in the interest of Justice; and the Impugned Order dated 07.03.2025 passed by the CGRF in Complaint No. 290 of 2024 may kindly be set-aside; and the relief

claimed in the Complaint No. 290 of 2024 may kindly be granted in favour of the appellant.

- B.** The appeal was registered on 03.06.2025 as an appeal No. 26 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 23.06.2025.
- C.** The respondent SDO has submitted reply on 23.06.2025 and the same was handed over to appellant counsel during hearing, which is reproduced as under:-
1. That the complaint of the complainant is not maintainable as the complainant has no cause of action.
 2. That the true facts of the complaint are that the electricity connection bearing account No.LS-26 in the name of applicant was overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18, and found that the energy meter has been replaced vide MCO No.48/01 dated 18-5-17 change on 19-6-2017 for providing actual in CT/PT. Previous meter MF was into.15. New meter MF was into 3, but billing was being made on MF into .15, instead of MF into 3. Hence less billing is charge by the respondent from the applicant from 4/17 to 3/2018. Thereafter the account of the applicant over-hauld from 4/2017 to 3/2018 and found that during the aforesaid period amounting of Rs. 3,80,029/- loss has been made out by the Nigam. In this way as per report of the audit party a sum of Rs. 3,80,029/- was outstanding against the applicant. On the basis of half margin report No.8 dated 29-11-2019 the officials of respondents issued notice to the applicant vide memo No. No.1402 dated 27-12-2019 for depositing the aforesaid amount. Instead of responding, the complainant was challenged the above amount before the permanent Lok Adalat Yamuna Nagar, which was allowed by by the Permanent Lok Adalat Yamuna Nagar vide order dated 2-12-2020 by relying on Section 56(2) of Electricity Act 2003, to contend that the a demand which was raised after a period more than 2 years, can not be recovered by the respondents. Aggrieved by the order dated 2-12-2020 of Permanent Lok Adalat Yamuna Nagar, the respondents filed Civil Writ Petition in the Hon'ble court of P&H Chandigarh and contends that the amount becomes due and payable to the distribution licensee after the mistake is detected and that the Hon'ble Supreme Court has already held that the distribution licensee is entitled to claim such an amount. The Hon'ble Supreme Court it was held in case titled as M/s Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others reported as 2021 (4) RCR (Civil) p/422, "that if the licensee has not raised any bill, merely because there is no negligence on the part of consumer to pay bill, the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected." Accordingly the writ petition of the respondents was allowed by the Hon'ble Court of Punjab and Haryana High Court on 2-9-2024 and the award dated 2-12-2024 passed by the Permanent Lok Adalat Yamuna Nagar is set aside. Hence the complainant is not entitled any relief from this Forum and the complaint of the complainant is liable to be dismissed.

REPLY ON MERITS:

1. That in reply of Para No.1 of the complaint it is submitted that vide demand notice dated 27-12-2019 the respondent No. 2 directed the complainant to deposit a sum of Rs.3,88,029/- by making reference to Half Margin Report No.8 dated 29-11-2019. It is wrong to allege that the Half Margin Report 8 dated 29-11-2017. Infact that the Half Margin Report 8 is dated 29-11-2019, which is correct.
2. That Para No.2 of the complaint wrong and against the facts. Detailed reply have been given in the preceding paragraph of the preliminarily objection which may kindly be read part and parcel reply of this para.
 - (a).That Sub Para (a) of Para No.2 of the complaint is formal, hence needs no reply.
 - (b).That Sub Para (b) of Para No.2 of the complaint is matter of record.
 - (c).That in reply of Sub Para (c) of Para No.2 of the complaint it is submitted that that the electricity connection bearing account No.LS-26 in the name of applicant was overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18, and found that the energy meter has been replaced vide MCO No.48/01 dated 18-5-17 change on 19-6-2017 for providing actual in CT/PT. Previous meter MF was into.15. New meter MF was into 3, but billing was being made on MF into .15, instead of MF into 3. Hence less billing is charge by the respondent from the applicant from 4/17 to 3/2018. Thereafter the account of the applicant over-hauld from 4/2017 to 3/2018 and found that during the aforesaid period amounting of Rs. 3,80,029/- loss has been made out by the Nigam. In this way as per report of the audit party a sum of Rs. 3,80,029/- was outstanding against the applicant. On the basis of half margin report No.8 dated 29-11-2019 the officials of respondents issued notice to the applicant vide memo No. No.1402 dated 27-12-2019 for depositing the aforesaid amount.
 - (d).That Sub Para (d) of Para No.2 of the complaint is admitted.
 - (e).That Sub Para (e) of Para No.2 of the complaint is wrong and hence denied. Detailed reply have been given in the preceding paragraph of the preliminarily objection which may kindly be read part and parcel reply of this para.
 - (f).That Sub Para (f) of Para No.2 of the complaint is matter of record.
 - (g).That in reply of Sub Para (f) of Para No.2 of the complaint it is submitted that the Hon'ble Permanent Lok Adalat Yamuna Nagar was wrongly and illegally allowed the application of the complainant.
 - (h).That in reply of Sub Para (f) of Para No.2 of the complaint is admitted.
 - (i).That Sub Para (i) of Para No.2 of the complaint is admitted.
 - (j).That Sub Para (j) of Para No.2 of the complaint is admitted.
 - k).That in reply of Sub Para (k) of Para No.2 of the complaint it is submitted that the complainant has filed this complaint on falsehood ground and has suppressed the true and material facts from this Hon'ble Forum.

3. That Para No.3 of the complaint is wrong and hence denied. Sub para wise reply as under:-

(A).Sub Para A of Para No.3 is totally denied.

- i). It is wrong to allege that there is violation of mandatory provisions of the Electricity Supply Code 2014. it is submitted that the electricity account of complainant was overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18, and found that during the aforesaid period amounting of Rs. 3,80,029/- loss has been made out by the Nigam. In this way as per report of the audit party a sum of Rs. 3,80,029/- was outstanding against the complainant. On the basis of half margin report No.8 dated 29-11-2019 the officials of respondents issued notice to the complainant vide memo No. No.1402 dated 27-12-2019 as per Sales Circular U-15/2014 for depositing the aforesaid amount. Instead of responding, the complainant was challenged the above said notice before the permanent Lok Adalat Yamuna Nagar. Hence there is no violation of mandatory provisions of the Electricity Supply Code 2014.
- ii). That sub para ii of Sub Para A of para No.3 is wrong and hence denied.
 - a. Para a of Sub Para (ii) of Sub Para A is totally denied. No demand notice has been issued by the respondent to the complainant. Infact on the basis of half margin report No.8 dated 29-11-2019 the officials of respondents issued prior notice to the complainant vide memo No. No.1402 dated 27-12-2019 as per Sales Circular U-15/2014. If no response is received after this notice nor the relevant amount is deposited, it will be mentioned/added in the bill of complainant.
 - b. Para b of Sub Para (ii) of Sub Para A is totally denied. A prior notice vide memo No.1402 dated 27-12-2019 was issued to the complainant as Sales Circular U-15/2014.
 - c. Para c of Sub Para (ii) of Sub Para A is totally denied. It is wrong to allege that no opportunity was granted to the complainant to make representation against the amount in question. . A prior notice was issued to the complainant vide memo No. No.1402 dated 27-12-2019 as per Sales Circular U-15/2014.
 - d. Para c of Sub Para (ii) of Sub Para A is totally denied.
- iii). That sub para iii of Sub Para A of para No.3 is wrong and hence denied. The reply have been given in the preceding paragraph of the preliminarily objection which may kindly be read part and parcel reply of this para.

(B). Sub Para B of Para No.3 is totally denied.

- i) It is wrong to allege that there is violation of mandatory provisions of Section 56(2) of the Electricity Act 2003. The Hon'ble Supreme Court it was held in case titled as M/s Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others reported as 2021 (4) RCR (Civil) P/422, "that if the licensee has not raised any bill, merely because there is no negligence on the part of consumer to pay bill, the period of limitation prescribed under Section 56(2) of the

Electricity Act will not start running and has to be computed from the date when the error/mistake is detected.” Hence there is no violation of Section 56(2) of the Electricity Act 2003. The account of the complainant was Overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18.

- ii). That sub para No.(ii) of “B” of of Para No.3 of the complaint is totally denied. As per Judgment of Hon’ble Supreme Court the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected.” So the question barred of notice dated 27-12-2019 as per limitation under Section 56(2) is does not arise at all. It is wrong to allege that the notice dated 27-12-2019 is barred as per the limitation prescribed under section 56(2) of the Electricity Act 2003.
- iii). That sub para No.(iii) of “B” of of Para No.3 of the complaint is submitted that The Hon’ble Supreme Court held “that if the licensee has not raised any bill, merely because there is no negligence on the part of consumer to pay bill, the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected.”.
- iv). That in reply of sub para No.(iv) of “B” of of Para No.3 of the complaint it is submitted that the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected.”.
- v). That sub para No.(v) of “B” of of Para No.3 of the complaint is wrong and hence denied. It is denied that notice dated 27-12-2019 is barred as per Law laid down by Hon’ble Supreme Court. Detailed reply have been given in the proceeding paragraph of the preliminary objection.
- 4. That Para No.4 of the complaint which is wrongly mention as para No.3 is need no reply being a jurisdiction.

Prayer Para of the complaint along with sub is wrong and hence denied. The complainant is not entitled to any relief from the Hon’ble Forum.

It is, therefore, most respectfully prayed that keeping in view the facts and circumstances stated above the complaint of the complainant may kindly be dismissed with costs.

Reply to application for seeking stay

The answering respondents most respectfully submit as under:-

- 1. That Para No.1 of the application is admitted to the extent that the Applicant has filed a false and frivolous appeal which is liable to be dismissed.
- 2. That Para No.2 of the application is wrong and hence denied. The averments made in this para are wrong and against the facts. The electricity connection bearing account No.LS-26 in the name of applicant was overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18, and found that the energy meter has been

replaced vide MCO No.48/01 dated 18-5-17 change on 19-6-2017 for providing actual in CT/PT. Previous meter MF was into.15. New meter MF was into 3, but billing was being made on MF into .15, instead of MF into 3. Hence less billing is charge by the respondent from the applicant from 4/17 to 3/2018. Thereafter the account of the applicant over-hauld from 4/2017 to 3/2018 and found that during the aforesaid period amounting of Rs. 3,80,029/- loss has been made out by the Nigam. In this way as per report of the audit party a sum of Rs. 3,80,029/- was outstanding against the applicant. On the basis of half margin report No.8 dated 29-11-2019 the officials of respondents issued notice to the applicant vide memo No. No.1402 dated 27-12-2019 for depositing the aforesaid amount. The appellant filed this appeal on the ground of under section 56 (2) of Electricity Act 2003. As per Judgment of Hon'ble Supreme Court the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected." So the question barred of notice dated 27-12-2019 as per limitation under Section 56(2) is does not arise at all. The respondents are bound to take legal action against the applicant, if he has not deposit the bill in question amount.

3. That Para No.3 of the application is wrong and hence denied. The respondents are bound to take legal action against the applicant, if he has not deposit the bill in question amount.
4. That Para No.4 of the application is wrong and hence denied. The balance of convenience lies in favour of the answering defendants. The applicant would not suffer any irreparable loss or injury as alleged, on the other hand the respondents would suffer irreparably and heavily if any interim injunction is granted.
5. That Para No.5 of the application is wrong and hence denied. No prejudice cause to the applicant.

Prayer clause of the application is wrong and hence denied.

It is, therefore most respectfully prayed that the application of the plaintiff may kindly be dismissed with special costs.

Reply to application for condonation of delay filed by the appellant.

The respondents most respectfully submit as under:-

1. That in reply to Para No.1 of the application it is submitted that the appellant-applicant has filed the appeal against the order dated 07.03.2025 passed by the CGRF Panchkula on falsehood grounds and the same is liable to be dismissed.
2. That Para No.2 of the application is wrong and hence denied. The contents of the appeal are wrong and totally denied.
3. That Para No.3 of the application is wrong and hence denied. The appellant was very well in the knowledge regarding passing of the order dated 07.03.2025 from the very beginning. The averments made in this Para of the application are wrong and against the facts. The appellant intentionally and

deliberately did not file the appeal in time. The appellant was duty bound to pursue his case. The appellant intentionally and deliberately did not file the appeal within stipulated period. The delay for filing appeal cannot be condoned as per law as the appellant was very well aware about the passing of the order on 07.03.2025.

4. That Para No.4 of the application is wrong and hence denied. The applicant intentionally and deliberately did not file the appeal within stipulated period.
5. That Para No.5 of the application is wrong and hence denied.

Prayer Para of the application is wrong and hence denied.

It is, therefore, most respectfully prayed that keeping in view the facts and circumstances stated above and in the interest of justice the application for condonation of delay may kindly be dismissed with costs.

- D.** Hearing was held on 23.06.2025 as scheduled. Both the parties were present. During the hearing, appellant counsel request for condonation of delay was considered and delay was condoned. At the outset, appellant counsel referred to section 56 (2) of Electricity Act on the ground as under: -

“That in the present case, as per the half margin report, the meter of the complainant was replaced on 19.06.2017 and the reading for the purpose of half margin report was taken as on 03.10.2017. Thereafter, the half margin report was issued on 29.11.2019 which is after a lapse of more than two years from the date on which the alleged mistake had come to the knowledge of the respondents. Hence, in view thereof, the Impugned Demand Notice dated 27.12.2019 is barred as per the limitation prescribed under Section 56 (2) of the Electricity Act, 2003.”

Further, he has also submitted CWP No. 20125 of 2021 dated 26.10.2021 filed by UHBVNL where in demand of petitioner for recovering a sum of Rs. 59195/- on account of deficient energy unit charged in bill of 2016 was dismissed as there was no pleading by the UHBVNL of mentioning any bonafied mistake by any of employee of the Nigam. SDO operation further submitted his reply wherein he referred Hon'ble Supreme Court case titled M/s Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others wherein it is mentioned that “that if the licensee has not raised any bill, merely because there is no negligence on the part of consumer to pay bill, the period of limitation prescribed under Section 56(2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected.” Hence there is no violation of Section 56(2) of the Electricity Act 2003. The account of the complainant was Overhauled by the internal audit party IAP No.67 vide Half margin report No.8 dated 29-11-2019 from the period 4/17 to 3/18.

Further, appellant counsel referred violation of Regulation 6.10.4 of the Electricity Supply Code 2014, which is reproduced as under:

“If the licensee establishes during review or otherwise or as a result of audit observation that a consumer has been under-charged, a 15 days' notice shall

be served upon the consumer to enable him to contest the demand. However, in case of additional demand being made out by internal audit in respect of any consumer, the officer concerned shall satisfy himself in the matter before giving notice to the consumer. After receipt of reply from the consumer, the licensee shall review the amount charged after taking in to account the facts submitted by the consumer. For the amount which is chargeable, after considering reply of the consumer, the licensee shall recover amount without levy of surcharge from the consumer by issuing a separate bill and in such cases at 30 days shall be given to the consumer to pay the bill. In case the consumer fails to pay the bill by due date, he shall be liable to pay, in addition, surcharge for Period of delay.”

SDO respondent produced bill dated 12.03.2020 in which he has raised the demand of Rs. 3,80,029/- from the appellant and submitted this may be considered as a separate bill.

Arguments in the complaint have been led by both the parties today.

Decision

After hearing both the parties and going through the record made available on file, it is observed that the demand raised by SDO respondent through notice dated 27.12.2019 amounting to Rs. 3,80,029/- was not allowed to be recovered being time barred by the Pamanant Lok Adalat vide order dated 02.04.2021. Department i.e. UHBVNL. Further filed writ petition in Hon'ble Punjab and Haryana High Court and directions were issued by Hon'ble Court to raise challenge of the said demand before the Competent Forum under section 42(5) of Electricity Act, 2003. Accordingly, an appeal was filed in CGRF, Panchkula on dated 08.10.2024. CGRF, Panchkula issued order on 07.03.2025. Further, appellant filed an appeal in Ombudsman on 03.06.2025 against the CGRF order.

After due deliberations during hearing and going through the arguments and record submitted by both the parties, it is ordered that a sum of Rs. 3,80,029/- was charged by SDO respondent due to wrong application of multiplication factor is actually bill of under charging made by Nigam Officers from 4/17 to 3/18 and payable by the appellant. Actual multiplying factor on the billing of the appellant was required to be applied as 3 instead of 0.15 from 19.06.2017. Wrong application of multiplying factor was due to mistake of Nigam Officers/Officials and under charging was done in the bill of appellant and appellant is liable to pay the amount charged vide notice 27.12.2019. However, since it was the responsibility of the Nigam Officers/Officials for charging the right bill from the appellant which was charged at later stage after detecting the mistake by the audit party. Hence, it is decided that amount of 3,80,029/- is chargeable from the appellant and appellant counsel contentions of not recovering the amount being time barred as per limitation prescribed under section 56(2) of Electricity Act, 2003 is not justified as Hon'ble Supreme Court has clearly held in case titled as M/s. Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others reported as 2021 (4) RCR (Civil) P/422, "that if the licensee has not raised any bill, merely because there is no negligence

on the part of consumer to pay bill, the period of limitation prescribed under Section 56 (2) of the Electricity Act will not start running and has to be computed from the date when the error/mistake is detected." Hence the complainant is not entitled for any relief and therefore, the amount charged through Half Margin to the complainant becomes payable by him.

In view of the request made by the appellant counsel during hearing, SDO respondent is directed to recover the amount charged in five (5) equal monthly installments alongwith current electricity bill. After deposit of 1st installment the connection of appellant may be reconnected if already disconnected. Since, amount charged at a later stage was due to the mistake of then SDO/CA who were responsible in this case being HT connection for applying correct multiplying factor. Appellant counsel contentions of violations of Regulation 6.10.4 of the HERC (Haryana Electricity Regulatory Commission) Electricity Supply Code, 2014 by Nigam Officers seems correct. This regulation, specifically states that if a licensee (electricity distribution company) discovers that a consumer has been undercharged, either through review or audit, they must provide the consumer with a 15 day notice before taking further action. This notice allows the consumer to contest the demand for the undercharged amount but in this case SDO respondent only posted the under charged amount in ensuing electricity bill of appellant without giving any notice and chance to appellant for contesting the demand. Therefore, the surcharge levied on Rs. 3,80,029/- till date should be waived. Xen operation Jagadhri is directed to take action against then SDO/CA who were responsible for not applying correct multiplying factor in this case.

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 24th June 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:24.06.2025

CC-

Memo. No.734-40/HERC/EO/Appeal No. 26/2025

Dated: 25.06.2025

To

1. M/s Roop Kamal Stone Crusher, Village Doiwala, Tehsil Bilaspur, Yamuna Nagar (Email :- anshul.mangla16@gmail.com).
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer (Operation), Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email ceoppanchkula@uhbvn.org.in).
5. The Superintending Engineer (Operations), UHBVN, Yamuna Nagar, Hydrel Colony, Near Kanhiya Sahib Chowk, Yamuna Nagar Email: - seopyamunanagar@uhbvn.org.in)
6. The Executive Engineer (Operations) Jagadhri, UHBVN, Hydrel Colony, Near Kanahiya Sahib Chowk, Yamuna Nagar (Email: xenopjagadhri@uhbvn.org.in).
7. The SDO (Operations), S/Div. Khizrabad, UHBVN, Yamuna Nagar, Near Anaj Mandi, Khizri Road, Near Goga Mari Partap Nagar (Email: sdoopkhizrabad@uhbvn.org.in)