



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109
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(Regd. Post)

Appeal No. : 35 of 2025
Registered on : 01.07.2025
Date of Order : 28.11.2025

In the matter of: -

Escalation of Case No. 61/2025 dated 26.03.2025 submitted on 23-03-2025 titled M/s Kapoor Industries vs. UHBVN under regulation 19(6) of HERC – Non-compliance of Higher Office Directions by SDO (Op), Beholi Subdivision, UHBVN Panipat, and Non-providing of Documented Proofs/Replies – Prayer for Intervention and Adjudication

M/s Kapoor Industries Pvt. Ltd., GT Road, Panipat, Samalkha

Appellant

Versus

1. XEN/OP, Samalkha, UHBVN

2. SDO/OP Beholi Sub Division, UHBVN, Panipat

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Rajneesh Dhayia, Advocate

Present on behalf of Respondents:

Shri Anil Kumar, SDO

ORDER

A. M/s Kapoor Industries Pvt. Ltd. has filed an appeal in Case No. 61/2025 dated 26.03.2025 submitted on 23-03-2025 titled M/s Kapoor Industries vs. UHBVN under regulation 19(6) of HERC – Non-compliance of Higher Office Directions by SDO (Op), Beholi Subdivision, UHBVN Panipat, and Non-providing of Documented Proofs/Replies – Prayer for Intervention and Adjudication. The appellant has submitted as under:

The complaint bearing Case No. 61/2025 dated 26.03.2025, relating to serious irregularities in billing and non-adherence to supply code provisions by UHBVN authorities, specifically SDO (Op) Beholi Subdivision, Panipat, was duly filed before the CGRF, Corporate Office, UHBVN Panchkula on dated 26.03.2025.

Non-Compliance and Lack of Response:

Despite the passage of over three months since the registration of the complaint, there has been:

No documented reply or clarification provided by the Respondent SDO (Op) Beholi to the Complainant on the issued raised citing ill-logical reasons whereas relief to other non-deserving case (even where no orders had been given by the competent authority had cleared/processed by him) had been granted by him which can be checked from the official records of the UHBVN which proves my claim;

No submission of requisite records or compliance reports as per the directives of higher offices of UHBVN;

Continuous evasion of responsibility in direct contravention of Regulation 9(3) and 10(4) of the said Regulations.

Failure of CGRF to Enforce Compliance:

The Corporate CGRF, UHBVN Panchkula has been unable to secure compliance from the said officer and has not ensured adherence to its procedural mandate

under Regulation 11 and 12 of the CGRF Regulations, thereby depriving the Complainant of an effective and time-bound redressal.

Grounds for Escalation:

- 1) Denial of Natural Justice due to non-response;
- 2) Administrative Lethargy by the Distribution Licensee;
- 3) Violation of Consumer Rights as guaranteed under the Electricity Act, 2003 and HERC Regulations.

Prayer:

In light of the foregoing, I humbly pray before the Hon'ble Ombudsman, HERC, to:

- 1) Take cognizance of the gross non-compliance and dereliction by the SDO (Op), Beholi Subdivision, Panipat by means of recovery of interest from the concerned for the period of delay till its realisation;
- 2) Direct the CGRF, UHBVN Panchkula, to escalate the matter to your Hon'ble Office under Regulations of HERC (CGRF & Ombudsman) Regulations, 2020, with immediate effect;
- 3) Pass appropriate directions for time-bound inquiry, enforcement of compliance, and redressal of the grievance in a just and fair manner.

The Complainant shall remain ever obliged for your timely intervention and justice in the matter.

B. The appeal was registered on 01.07.2025 as an appeal No. 35 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 04.08.2025.

C. On 02.07.2025 SDO/OP, Sub Division, UHBVN, Beholi has submitted reply.

D. Vide email dated 01.08.2025 appellant has submitted rejoinder which is as under:
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1. That the present Reply Representation is being filed on behalf of the Appellant, M/s Kapoor Industries Pvt. Ltd., in response to the reply submitted by the Respondent, SDO/OP, UHBVN Beholi Sub Division, Panipat, concerning Appeal No. 35 of 2025, registered on 01.07.2025.
2. That the Appellant wishes to bring to the Hon'ble Ombudsman's kind attention that the reply furnished by the Respondent deliberately conceals critical and fundamental facts pertinent to the matter. Specifically, the Respondent has failed to provide the crucial "DATE AND TIME" of the joint meter readings for both the consumer end and the sub-station end meters. Instead, the reply merely states the amount charged without adhering to the established Nigam standards and regulations.
3. That the billing practices of the Respondents are in direct contravention of the following established directives and regulations governing the billing of consumers connected to independent feeders:

Sales Circular No. U-03/2015 dated 23.02.2015.

Regulations 4.5.3 of HERC Regulation No. 12/2005 read with its 2nd amendment dated 24.09.2013, as circulated vide S.C No. U-57/2013 dated 18.11.2013.

The latest Sales Circular No. U-02/2015 dated 16.02.2015. These regulations explicitly mandate the basis of billing for independent feeder consumers, which the Respondent has evidently disregarded by omitting the essential time-stamped meter reading data.

4. That, furthermore, the Advance Consumption (ACD) interest due to the Appellant, M/s Kapoor Industries Pvt. Ltd., has not been disbursed. The details of the due ACD interest, meticulously calculated as per the applicable norms, are clearly shown and substantiated in the sheet enclosed with this representation (referencing "Kapoor ACD refund .xlsx ACD.csv"). This non-payment constitutes a clear violation of the Appellant's rights and relevant regulations concerning ACD interest.
5. That all Meter & Protection (M&P) reports, both those in the Appellant's possession and those shared by the Nigam itself, conclusively demonstrate that both the sub-station end meter and the consumer end meter are functioning accurately and are well within the permissible limits. This unequivocally establishes that there has been no actual line loss on the said feeder. The alleged "line losses" for which the Appellant has been illegally charged are solely and demonstrably attributable to the DIFFERENCE IN DATE & TIME OF READING OF THESE TWO METERS, i.e., the sub-station end and the consumer end meters, and not due to any technical or operational deficiency.
6. That in light of the concealed facts, the disregard for established billing regulations, the non-payment of legitimate ACD interest, and the demonstrable accuracy of the meters, the charges levied on account of 'line losses' are arbitrary, unjustified, and illegal.

PRAYER:

In view of the submissions made above, it is most respectfully prayed that the Hon'ble Electricity Ombudsman may graciously be pleased to:

- a) Direct the Respondent to provide the complete and accurate joint meter reading data, including the precise "DATE AND TIME" for both sub-station and consumer end meters as the connected load of.
- b) Direct the Respondent to rectify the billing as per the aforementioned Sales Circulars and HERC Regulations, refunding all illegally charged amounts to the Appellant.
- c) Direct the Respondent to immediately release the outstanding ACD interest along with any applicable penalty interest, as calculated and detailed in the enclosed sheet.

- d) Pass any other order or direction as deemed fit and proper in the interest of justice and equity.

E. Hearing was held today, as scheduled. Both the parties were present though video conferencing. SDO respondent admitted that he has received the appellant counsel rejoinder dated 01.08.2025. Appellant counsel also received the reply of the SDO respondent and raised the following points: -

- 1) Detailed calculations and refund of illegal line losses from 2015 to 2025 were prayed but details were only given for the period Jan 2017 to Oct 2018.
- 2) Only partial refund of wrong line loss was given about 30 lacs.
- 3) As per SOP of the HERC and UHBN the reading of both the metres have to be taken coherently which is not taken till dated
- 4) As per SOP of the HERC and UHBVN sales circular 2015 the reading of both the meters have to be taken coherently which is not taken till dated. The difference which is charged by Nigam is only due to laps of difference in taking reading of both the meters.
- 5) The detail calculation of ACD amount and the delay and the penalty @18% as per directions of HERC & UHBVN are calculated and submitted which is not being refunded by the Nigam till date.
- 6) In all the bills enclosed by me as well as by the concerned SDO, there is always some miscellaneous charges added in the arrears without any prior intimation or detailed calculations in this regard.
- 7) All the M&P reports that are either enclosed by me or by SDO operation clearly depicts that my meter accuracy of both meters i.e. substation and as well as consumer end are within permissible limits. Hence, charging of any line losses or any miscellaneous losses is against the laws of the HERC. Moreover, reading timing of operation wing are different for both the meters i.e. consumer end as well as substation end, due to which these line losses are incorporated into my bill.
- 8) Last but not the least all the charging that had been put into the arrear column of my bills should be intimated to my client from the years 2015 to till dated with due details.”

SDO operation is directed to file the reply of all the points mentioned above within 10 days with a copy to appellant’s counsel.

Accordingly, the matter to come up for hearing on 22.08.2025.

F. In compliance of the interim order issued by Hon'ble Electricity Ombudsman vide Memo No.1039/EO/HERC/Appeal No. 35/2025 dated 04.08.2025. As per the directions imparted vide interim order, SDO respondent has submitted point wise reply on the objections raised by the complainant during the last hearing is as under: -

- 1) Detailed calculations and refund of illegal line losses from 2015 to 2025 were prayed but details were only given for the period Jan 2017 to Oct 2018.

Reply: - The amount of Rs. 7107890/- charged on account of difference of line losses to M/s Kapoor Industries during 2015 to 2019 period and details of the same is attached as Annexure-I.

2) Only partial refund of wrong line loss was given about 30 lacs.

Reply: As stated in the above point difference of lines losses were charged during 2015-2019 period thereafter the billing was transferred to AMR section and consumer electricity bill issued on substation meter reading basis. The refundable amount derived from records of MT-1 reports available from 2015 2019. The calculation sheet of line losses to be charged is attached as Annexure-II.

3) As per SOP of the HERC and UHBVN the reading of both the metres have to be taken coherently which is not taken till dated.

Reply: The calculation of line losses to be charged is derived from MT-1 record available till the consumer meter got replaced in 2019. So therefore, factor of variation in meter reading of both consumer end and Substation end meter has not taken coherently is eliminated here. Thereafter no charging on account of line losses levied in the consumer bill as substation meter reading utilized for the billing purpose as billing of the above account was shifted to AMR section.

4) As per SOP of the HERC and UHBVN sales circular 2015 the reading of both the meters have to be taken coherently which is not taken till dated. The difference which is charged by Nigam is only due to laps of difference in taking reading of both the meters.

Reply: Same as point no. 3.

5) The detail calculation of ACD amount and the delay and the penalty @18% as per directions of HERC & UHBVN are calculated and submitted which is not being refunded by the Nigam till date.

Reply: The details of ACD interest given to the consumer is given as under:

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Sr. No.	Financial Year	Rate of Interest	Date on which ACD interest Given to Consumer	Amount of Interest given to consumer
1	2024-2025	6.75	03-04-2025	2680065
2.	2023-2024	6.75	09-06-2024	2680065
3.	2022-2023	4.25	04-04-2023	1422162
4.	2021-2022	4.25	30-04-2022	1157359
5.	2020-2021	4.65	01-08-2021	1266287
6.	2019-2020	6.25	31-03-2020	1706662
7.	2018-2019	6.25	31-03-2019	1701999
8.	2017-2018	6.75	28-03-2018	1899432

The amount of ACD interest System generated and given to all the UHBVN consumers on the same day for the above period. However, in this case consumer requested for compensation@18% on delay of ACD interest. The detailed sheet prepared by consumer is attached as Annexure-III. This office will refund the amount as per the directions imparted by the Hon'ble Electricity Ombudsman.

- 6) In all the bills enclosed by me as well as by the concerned SDO, there is always some miscellaneous charges added in the arrears without any prior intimation or detailed calculations in this regard.

Reply: The complete breakup of the bill issued to consumer is available in the ledger record of the account. This office has already given the complete ledger record to the consumer. Copy of ledger for the above period is attached as Annexure-IV.

- 7) All the M&P reports that are either enclosed by me or by SDO operation clearly depicts that my meter accuracy of both meters i.e. substation and as well as consumer end are within permissible limits. Hence, charging of any line losses or any miscellaneous losses is against the laws of the HERC. Moreover, reading timing of operation wing are different for both the meters i.e. consumer end as well as substation end, due to which these line losses are incorporated into my bill.

Reply: - The details of line losses charged to the consumer are attached as Annexure -I and now the refund against wrongly charged line losses has been given to the consumer based on MT-1 record.

- 8) Last but not the least all the charging that had been put into the arrear column of my bills should be intimated to my client from the years 2015 to till dated with due details.

Reply: - This office has gone through complete ledger record and the arrear levied in the bill issued to the consumer so far. The arrear amount mentioned in all the bills during the above-mentioned period has been refunded in the same bills.

- G.** Hearing was held on 22.08.2025, as scheduled. Both the parties were physically present. SDO respondent submitted his reply dated 20.08.2025 covering all points raised by appellant's counsel mentioned in interim order dated 04.08.2025. Counter reply to SDO/OP, Beholi memo no. 1475 dated 20.08.2025 was given by appellant's counsel during hearing. All the points were discussed at length during hearing. Regarding refund of illegal line losses from 2015 to 2019, it was mutually agreed by appellant's counsel and SDO operation, Beholi that reconciliation of line losses will be made in meeting scheduled on dated 27.08.2025 in office of SDO Operation,

Beholi. A report regarding reconciliation of the line losses will be submitted two days thereafter.

Matter regarding delayed payment of interest on ACD has been deliberated during hearing and final order will be issued in this regard after receipt of mutually agreed meeting of SDO respondent and appellant's counsel on 27.08.2025.

The case is adjourned and now will be heard on 09.09.2025.

H. The counsel of appellant has submitted counter to the reply filed by SDO/OP, Sub Division Beholi which is as under: -

I, on behalf of M/s Kapoor Industries, hereby submit this detailed and point-wise counter-reply to the submissions made by the SDO (Op), Beholi Subdivision, UHBVN, Panipat, vide Memo No. 1475 dated 20/08/2025. This counter-reply is based on a thorough analysis of the SDO's submission, relevant provisions of the Electricity Act, 2003, HERC Regulations and Sales Circulars, CERC Directions, Consumer Protection Act, and established principles from Hon'ble Court judgments.

Point-wise Counter-Reply:

- 1) Regarding SDO's Reply to Objection 1 & 2 (Detailed calculations and refund of illegal line losses from 2015-2025; Only partial refund of wrong line loss):

SDO's Submission:

The SDO states that the amount of Rs. 7107890/- was charged on account of difference of line losses to M/s Kapoor Industries during 2015-2019, and details are attached as Annexure-I. It further states that the billing was transferred to AMR section post-2019, and line loss calculations are derived from MT-1 reports available from 2015-2019, resulting in a refundable amount [page 1].

Counter-Reply:

Inadequacy of Refund Period: While acknowledging a refund, the SDO's submission admits to charging line losses from 2015-2019 and providing details only for this period. Our prayer explicitly sought detailed calculations and refund for the period from 2015 to 2025, not just 2015-2019 [page 1]. The SDO's reply fails to address the period beyond 2019 adequately, merely stating transfer to AMR. Any line loss imposition prior to AMR transition, or any error in billing post-transition, must be meticulously accounted for and refunded if erroneous, extending to 2025 if discrepancies exist.

Presumption of MT-1 Report Accuracy for Refund: Relying solely on MT-1 reports for refund calculations from 2015-2019 without addressing the fundamental flaw of incoherent meter readings during that period, as raised in subsequent objections, is a partial approach. The very basis of the MT-1 report's accuracy for line loss calculation is questioned due to disparate reading times, which directly impacts the legitimacy of the charged amount and, consequently, the accuracy of any derived refund.

Legal Precedent: Charging line losses without proper justification or based on flawed data, such as incoherent meter readings, is contrary to the spirit of Section 56 of the Electricity Act, 2003, which relates to the recovery of electricity dues, and numerous HERC Sales Circulars emphasizing accurate billing practices. Any overcharged amount constitutes an unfair trade practice under the Consumer Protection Act if not promptly and accurately refunded.

Regarding SDO's Reply to Objection 3 & 4 (Coherent meter readings as per HERC SOP and sale circular 2015).

SDO submissions: The SDO states that the calculation of line losses is derived from MT-1 records until the consumer meter was replaced in 2019, eliminating the factor of variation in meter reading coherence. Post-2019, billing shifted to AMR, utilizing substation meter reading for billing, thus eliminating line loss charging (page 1).

Counter-Reply:

Admission of Past Non-Compliance: The SDO's reply implicitly admits that prior to 2019, the coherence in meter readings (consumer end and substation end) was not consistently maintained, leading to the "elimination" of this factor after meter replacement and AMR shift [page 1]. This directly confirms our contention that the line losses charged before 2019 were likely erroneous precisely due to this lack of coherent readings. HERC Sales Circulars, particularly the 2015 circular referenced, and HERC SOPs, unequivocally mandate coherent reading of both meters for accurate line loss assessment, a directive clearly flouted by UHBVN before 2019 (page 1-2).

Continuing Impact of Past Errors: Simply stating that the issue is "eliminated" after 2019 does not absolve UHBVN of the responsibility for the illegally charged line losses during 2015-2019, which were directly attributable to this non-coherence. The refund amount provided must comprehensively cover these past errors, calculated with due diligence and not just on potentially flawed MT-1 data.

Violation of Regulatory Directives: The non-adherence to HERC Sales Circular 2015 and SOPS regarding coherent meter readings constitutes a clear violation of HERC directives, making the imposition of line losses during that period unjustifiable and subject to full refund with applicable interest, as per HERC (Terms and Conditions of Tariff) Regulations.

3) Regarding SDO's Reply to Objection 5 (ACD amount, delay, and penalty @18%):

SDO's Submission: The SDO provides a table detailing ACD interest given to the consumer for various financial years and states that the ACD interest is system-generated and given to all UHBVN consumers on the same day. It acknowledges the consumer's request for 18% compensation on delayed ACD interest and states that this office will refund as per Hon'ble Electricity Ombudsman's directions [page 2].

Counter-Reply:

Admission of Delay and Liability for Compensation: The SDO's reply admits to the delay in providing ACD interest by stating that it is system-generated and given on a specific date, effectively acknowledging that the consumer's claim for delay compensation holds merit [page 2]. The consumer's detailed sheet for 18% compensation for delay (Annexure-III) stands unrefuted on facts, only awaiting the Ombudsman's direction for refund [page 2].

Mandatory Nature of Compensation: The HERC Regulations clearly stipulate the timelines for ACD interest payment. Any delay mandates compensation. While the SDO states it awaits Ombudsman's direction, the liability for interest @18% for delayed payment is a settled matter based on principles of consumer protection and HERC directives, which aim to compensate consumers for financial losses due to utility's delays. This is akin to the principles established in judgments concerning delayed refunds/compensation under the Consumer Protection Act, where statutory Interest rates of reasonable compensation for delay are awarded.

4. Regarding SDO's Reply to Objection 6 (Miscellaneous charges in arrears without Intimation/details);

Submission: The SDO states that the complete breakup of the bill is available in the ledger record and a copy has been provided to the consumer (Annexure-IV) (page 2).

counter-Reply:

Lack of Prior Intimation and Detailed Explanation: While ledger records may exist, the core of the objection lies in the lack of prior intimation and detailed calculations for "miscellaneous charges added in arrears" at the time of billing (page 2). Simply providing a ledger after the fact does not remedy the issue of non-transparency and non-compliance with billing best practices which require clear, intelligible, and detailed billing, avoiding arbitrary additions under "miscellaneous." This non-transparency is a violation of consumer rights under the Electricity Act, 2003, and the Consumer Protection Act, which mandate clear and transparent billing.

Absence of Justification: The reply fails to justify why these miscellaneous charges were added without prior intimation or detailed explanation in the bills themselves, forcing the consumer to seek ledger records to understand the arrears. This places an undue burden on the consumer and is contrary to principles of fair billing.

- 5) Regarding SDO's Reply to Objection 7 (Meter accuracy within limits, but timing difference causing line losses):

SDO's Submission: The SDO reiterates that details of line losses charged are in Annexure-1 and that a refund against wrongly charged line losses has been given based on MT-1 records (p. 3).

Counter-Reply:

The SDO's reply fails to address the point that even if meters were accurate, the difference in reading times between consumer and substation meters results in erroneous line loss calculations (p. 2). This operational flaw leads to wrongful charges.

Offering a refund based on MT-1 records does not resolve the fundamental issue of how line losses were calculated with incoherent reading times. This billing process flaw led to incorrect charges, and the refund must account for all losses due to this lapse.

Regarding SDO's Reply to Objection 8 (Intimation of all arrears with details from 2015 till date):

SDO's Submission: The SDO states that the office has reviewed the ledger record and the arrears levied in the bill have been "refunded in the same bills" (p. 3).

Counter-Reply:

The statement "refunded in the same bills" is vague and lacks specifics (p. 3). It is unclear whether this implies adjustments in subsequent bills or actual cash refunds. The statement also does not provide the detailed intimation of all charges put into arrears, as requested, and the corresponding detailed refund calculations for each arrear item.

This vague assertion does not satisfy the requirements for clear communication with the consumer, which is a right under the Electricity Act, 2003 and the Consumer protection act. A clear, itemized statement of all the past arrears and their subsequent adjustments/refunds is needed for full transparency.

Conclusion:

The SDO's reply offers partial explanations and avoids responsibility for issues, especially regarding incoherent meter readings and lack of transparency. The claims of compliance and issue elimination post-2019 do not adequately address the financial implications and operational lapses from 2015-2019. The request is for full compensation for all wrongful charges, including appropriate interest for delays, according to the Electricity Act, HERC Regulations, and consumer justice principles.

The Hon'ble Electricity Ombudsman is urged to consider these counter-points and issue directions for a just resolution.

I. Vide email dated 29.08.2025 counsel of appellant has submitted as under:-

In compliance with your good office interim order in appeal no. 35 of 2025 dated 22-08-2025, I visited the office of SDO(Op) Beholi S/Divn UHBVN Panipat on the date and time given in the interim and submitted my objections duly received by his office for taking further necessary action into this matter. a copy of the same is enclosed herewith.: -

To,

Dated:- 27-08-2025

- 1) S.D.O.(Op), Beholi S/Divn., UHBVN Panipat.
- 2) S.E.(Op), UHBVN Panipat.
- 3) The ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33-36, Sector 4, Panchkula-134109.

Subject: One-to-one hearing in Case No. 61/2025 dated 26.03.2025 titled M/s Kapoor Industries vs. UHBVN at SDO(Op) Beholi S/Divn UHBVN Panipat office on dated 27-08-2025.

Refer to my previous communications dated: - 25-03-2025, 16-04-2025 (rejoinder), 10-06-2025 (objections submitted on reply by SDO office), 09-07-2025, 17-07-2025 (Escalation of Case No. 61/2025 dated 26.03.2025 submitted on 23-03-2025 to HERC), 01-08-2025, hearing on 04-08-2025 & 22-08-2025.

Respected Sir,

I, on behalf of M/s Kapoor Industries, hereby submit that today i.e. 27-08-2025, I visited the office of SDO(Op) Beholi S/Divn.UHBVN Panipat as the discussion held in your honourable court at Panchkula in subject cited matter and wish to submit that: -

- 1) **Inadequate Refund Period:** The SDO's submission only addresses line loss charges from 2015-2019, even though the appeal requested calculations and a refund for the period March 2014 to 2025. This fails to address potential billing errors after 2019 That Is Several Charging Done in Form of Arrears Even After 2019 Copy of Bills Enclosed but no any concrete proof/basis of charging is shown. For example, arrear in the bills of month of 09/2023 to 03/2025, 03/2019, 04/2019, 11/2019, 07/2020, 10/2020, 11/2020, 06/2022, 12/2022, (copy already submitted in mail rejoinder).
THE REFUND PERIOD SHOULD BE FROM YEAR MARCH 2014 TO TILL DATED.
- 2) **Flawed Basis for Refund Calculation:** The SDO's refund calculation for 2015-2019 is based solely on MT-1 reports, but it doesn't address the fundamental issue raised in the appeal about inconsistent meter reading times during that period i.e. both the meters should be read coherently or simultaneously as per HERC directions and Nigam circular U-03/2015. The accuracy of the MT-1 report is questioned because the different reading times directly impact the legitimacy of the charged amount and the accuracy of the refund. *Moreover, MT-1 is a report for general working condition of the meter and not for raising the bills, as the M&P checking is done periodically after 1 year whereas the billing of the meter is done on monthly basis.*

Concealment of Critical Facts: The SDO failed to provide crucial "DATE AND TIME" details of joint meter readings, which are mandatory for billing consumers on independent feeders as per Nigam standards and regulations. & as per line loss calculations which is done on monthly basis.

Vague Refund Statement: The SDO's statement that arrears were "refunded in the same bills" is vague and lacks specific details. This vague assertion doesn't meet the requirement for clear communication with the consumer, as mandated by the Electricity Act, 2003, and the Consumer Protection Act. A clear, itemized statement of all past arrears and their adjustments is needed for full transparency.

- 3) Past Non-Compliance with Regulations: *The SDO's office reply implicitly admits that the coherence in meter readings wasn't consistently maintained before 2019.* This confirms the appeal's argument that line losses charged before 2019 were likely erroneous due to this lack of coherent readings. HERC Sales Circulars, specifically the U-03/2015 circular, mandate coherent readings of both meters for accurate line loss assessment, a directive that was not followed by UHBVN before 2019. The SDO's reply fails to address the point that even with accurate meters, the difference in reading times/timing between the consumer and substation meters leads to erroneous line loss calculations and wrongful charges.

Meter Accuracy vs. Reading Time Difference: All Meter & Protection (M&P) reports confirm that both the substation and consumer meters are accurate and within permissible limits. This proves there were no actual line losses on the feeder. The alleged "line losses" are solely due to the difference in the date and time of reading of the two meters, not a technical or operational deficiency. Had the meters were read in coherent time then there would be no any error.

- 4) Delayed ACD Interest Compensation: The SDO's office reply acknowledges a delay in providing ACD interest, which validates the consumer's claim for delay compensation. The consumer's detailed sheet for 18% compensation for the delay (Annexure-III) stands unrefuted, awaiting the Ombudsman's direction for a refund. HERC Regulations stipulate timelines for ACD interest payment, and any delay mandates compensation. For instance, a delay in providing interest warrants compensation under consumer protection principles also.
- 5) Lack of Transparency in Billing: The SDO's reply about miscellaneous charges only states that a complete bill breakup is available in the ledger record. However, it doesn't address the core objection that these charges were added in arrears without prior intimation or detailed calculations at the time of billing. As per Electricity Act, 2003 it is mandatory to give due notice of 15 days before putting any charging/arear into the consumer bills that too with complete details, whereas in this case this very directives of EA 2003 had not been complied by the O/o SDO (Op) Beholi. Providing a ledger after the fact doesn't remedy the non-transparency issue, which violates consumer rights under the Electricity Act, 2003, and the Consumer Protection Act.

With the above said submission, I humbly request your honour to kindly impart strict directions into this matter for timely resolution of the above mentioned issued.

J. Vide email dated 07.09.2025, SDO respondent has submitted as under: -

In compliance to Hon'ble Electricity Ombudsman interim order issued vide Memo No.1290/EO/HERC/Appeal No. 35/2025 Dated: 22.08.2025 in appeal no. 35 of 2025 dated 22-08-2025, Sh. Rajneesh Dahiya on behalf of M/s Kapoor Industries has visited undersigned office on 27-08-2025 and submit his objections. (copy of the same is attached herewith).

This office has gone through with the objections and submit the data as requested in the objection letter here as under: -

1. Details of initial connection details and time to time Extension of load applied by consumer.
2. Copies of all electricity bills has already been attached by the complainant in his complaint however this office will again share the same in separate mail.
3. Copy of M&P data (attached in separate email)
4. Copy ACD Data and BA16/ RO-4
5. Copy of Sundries prepared
6. Reason of unnecessary arrear, adjustments & amount charged in bills. (Highlighted in excel sheet)

K. Vide email dated 08.09.2025, counsel of appellant submitted has submitted as under: -

Since the reply of the respondent SDO operation Beholi sub division UHBVN and Panipat had been received vide this mail on dated 7th September 2025 at about 3:30 p.m. in the evening and lot of documents had been attached with the said mail which require proper scrutiny. So, it is requested to kindly adjourn the matter listed for tomorrow i.e. 9th Sept 2025 to some other date. More over a per the preliminary reading of the documents attached it is gather that the respondent office had AGAIN NOT SUBMITTED THE TIME OF READING of the meters (consumer end as well as substation end) in the calculation sheet attached with the mail which is the clear cut violation of the HERC directions (S. C No. U- 39/2008 dated 11.12.2008 vide which , it was decided in compliance to the HERC Regulation No. HERC/12/2005 dated 26th July , 2005 that henceforth billing of the consumers connected on independent feeder shall be on the basis of consumption of the energy meter installed at the sub- station , from where the independent feeder is emanating TO BE TAKEN JOINTLY or both the meters should be READ COHERENTLY) where as in this alleged case the meter readings of the both the meters are taken at different time interval which is the main cause of charging of line loss on the consumer.

SECONDLY, we should be given refund of security interest deposited by us as per the calculation being the respondent at fault i.e. delay on disbursement of refund as per HERC directions.

In addition to it, the readings are varying with respect to the LINE LOSS data submitted to the Honorable HERC for this said feeder by the Sub division office during that period which can be checked from the feeder meter reading register.

- L.** Hearing was held on 19.09.2025, as scheduled. Wherein respondent SDO was physically present and Appellant counsel submitted e- mail for next date of hearing and adjournment. SDO respondent was directed to submit the self-explanatory ledger of the charging made in the connection before the next date of hearing for the line losses charged by the office of SDO Operation, Beholi. A report regarding reconciliation of the line losses will be submitted.

Matter regarding delayed payment of interest on ACD has been deliberated during hearing and final order will be issued in this regard after receipt of the data.

The case is adjourned and now will be heard on 16.10.2025.

- M.** Vide email dated 15.10.2025, respondent SDO has submitted as under: -

Kindly reference to the subject cited above, it is to inform you that in respect of A/c No. 9001011000, this office had earlier revised the line losses charging for the period from January 2017 to March 2025 vide Sundry No. 58/129, under which an amount of 32,32,249/-was refunded to the consumer.

Subsequently, a communication bearing memo no. 1505/EO/HERC/Appeal No. 35/2025 dated 19.09.2025 was received from your good office. In compliance with

the directions mentioned therein, this office has further revised the said Sundry No. 58/129 as Sundry No. 95/129. resulting in an additional refund of ₹3,69,967/- to the consumer, which has been given effect in the billing for the month of October 2025.

Further, it is submitted that the adjustment of delayed payment of interest on ACD for the said account shall be carried out in the billing for the month of November 2025.

- N.** Hearing could not be held today i.e. on 16.10.2025, as scheduled because the respondent SDO was absent during hearing and appellant counsel appeared late which has been viewed very seriously by the Forum. Appellant has been directed to be punctual cautious in future. SE/OP, Panipat is hereby directed to call explanation of SDO/Operation, Sub Division, Beholi (respondent) for being absent during hearing scheduled today i.e. on 16.10.2025.

The respondent SDO, vide letter bearing Memo No. 1881 dated 15th October 2025, submitted a communication stating that sundry entries No. 58/129 and No. 95/129, leading to an additional refund of Rs. 3,69,967/-, were prepared in purported compliance with the interim order bearing Memo No. 1505/EO/HERC/Appeal No. 35/2025 dated 19th September 2025. However, it is observed that no such order directing the preparation of the aforementioned sundry entries or refund was issued by this Forum. The respondent SDO has unequivocally failed to comply with the directives of the interim order dated 19th September 2025 and has treated the Forum's order with undue casualness, demonstrating a lack of diligence and disregard for the authority of this Forum.

Consequently, the respondent SDO is hereby directed to furnish the documents and information as explicitly mandated in the interim order dated 19th September 2025. The said documents must be duly verified and certified by the commercial back office of the Uttar Haryana Bijli Vitran Nigam (UHBVN) prior to submission in order to validate the correctness of the ledger and amount to be refunded as ACD interest with applicable rate be intimated. The respondent is cautioned to ensure strict compliance with the Forum's directives, as the misinterpretation of the order's language will not be accepted as a valid excuse for non-compliance.

The matter is adjourned to the next date of hearing 19.11.2025.

- O.** Vide email dated 03.11.2025 counsel of appellant has submitted as under: -

I, the undersigned legal counsel for the Appellant, M/s Kapoor Industries Pvt. Ltd., am in receipt of the Interim Order dated 16.10.2025, passed by this Hon'ble Forum.

At the outset, I wish to tender my unconditional apologies for my delayed appearance on 16.10.2025, which was unintentional. I have noted the Hon'ble Forum's serious view of the matter and the direction to be punctual in the future, which shall be scrupulously complied with.

1. Prayer for Appearance via Video Conferencing

This Hon'ble Forum has adjourned the matter to 19.11.2025 at 11:00 A.M. and has directed both parties to remain physically present.

In this regard, it is humbly submitted that I have a prior and unavoidable professional commitment, as my presence is required in another Hon'ble Court for a long-pending matter on the same date. This scheduling conflict was also mentioned in our initial appeal representation.

It is, therefore, most respectfully prayed that this Hon'ble Forum may be graciously pleased to allow the undersigned counsel for the Appellant to appear and make submissions through Video Conferencing (VC) / Remote Mode for the hearing scheduled on 19.11.2025. We assure our full cooperation and readiness to assist the Forum.

2. Submissions regarding the Interim Order dated 16.10.2025

We have taken solemn cognizance of the Hon'ble Forum's findings in the interim order. We submit that the conduct of the Respondent SDO, as recorded by this Forum, is not an isolated incident but rather symptomatic of the evasiveness that forms the very basis of our appeal.

We draw the Hon'ble Forum's kind attention to its own findings:

The Respondent SDO "unequivocally failed to comply with the directives of the interim orders in this case".

3. Reiteration of Core Contentions

The Respondent SDO's refusal to comply with the Hon'ble Forum's specific directions is a deliberate attempt to conceal the documentary evidence that proves the Appellant's case. The Forum's directive to furnish documents "duly verified and certified by the commercial back office" is precisely what the Appellant has been praying for, as these documents will establish two key facts:

1. **Illegally Charged Line Losses:** The M&P reports, copies of which are on record, already establish that the meters are accurate. The "line losses" charged to the Appellant are not technical losses but are fictitious charges created *solely* by the Respondent's failure to take coherent meter readings, i.e., failing to record the **"DATE AND TIME"** of the readings at the consumer and sub-station ends simultaneously. This is a direct violation of established Sales Circulars and HERC Regulations. The verified ledger would expose this malpractice.

2. **Unpaid ACD Interest:** The Appellant has submitted a detailed calculation sheet for the outstanding ACD interest. The Respondent SDO has failed to pay this statutory amount and is now defying this Hon'ble Forum's direct order to provide verified calculations for the "amount to be refunded as ACD interest with applicable rate".

The Respondent SDO's misinterpretation of the order is a clear tactic to avoid producing the very data that will substantiate the Appellant's claims.

2. **No clear-cut basis of charging of sundry amount into the various bills:** The respondent department has never submitted the details, as already directed by the Honorable Forum In matter of Charging of arrear amount Directly into the bills of the petitioner.

Prayer

In view of the foregoing, it is most respectfully prayed that this Hon'ble Forum may be graciously pleased to:

- a) Allow the undersigned counsel for the Appellant to appear through **Video Conferencing** for the hearing scheduled on 19.11.2025 at 11:00 A.M., due to a scheduling conflict with another Hon'ble Court.
- b) Direct the Respondent SDO to ensure **strict and absolute compliance** with the interim orders, by submitting the required documents, duly checked and verified by the Commercial Back Office, at least seven days prior to the next hearing, failing which the Appellant's contentions may be deemed admitted.

- c) Pass any other order or direction as this Hon'ble Forum may deem fit in the interest of justice and equity.

P. Vide email dated 10.11.2025, respondent SDO has submitted as under: -

This is with reference to Hon'ble Electricity Ombudsman interim order issued vide 1609/EO/HERC/Appeal No. 35/2025 dated 16.10.2025, with due respect, it is submitted that the undersigned joined the office of SDO (OP) Sub-Division, UHBVN, Beholi on 08.10.2025 and was not aware of the ongoing proceedings of the above-mentioned case.

Due to lack of prior knowledge about the case, the undersigned could not appear in person on the said date and submitted tentative reply. Now the undersigned has gone through the complete case and previous order issued by Hon'ble Ombudsman. The following directions were imparted in the interim order issued dated 19-09-2025 & 16-10-2025.

(A) This office was directed to compile the complete data which includes: -

1. Sub-Station reading data
2. MT-1 data
3. Ledger data

from 2015-2019 of said connection. The details are hereby attached as Annexure-I for reading reference.

(B) This office was directed to prepare the delayed ACD interest to be refunded to the consumer for period 2017-2025. The detailed calculation of delayed ACD interest is given as under: -

Sr. No	Financial Year	ROI	S/Circular No.	Date on which ACD interest refund was given by UHBVN	Amount	Delay	ACD Principal Amount	Amt to be given for penalty @18%
1	2024-2025	6.7	U-23/2024	3/4/25	2680065	3 Day	39704666.67	0
2.	2023-2024	6.7	U-08/2023	9/6/23	2680065	2 month 9 days	39704666.67	91245.98
3.	2022-2023	4.25	U-10/2022	4/4/23	1422162	04 days	33462635.29	0
4	2021-2022	4.25	U-16/2021	30/04/22	1157359	30 days	27231976.47	0
5	2020-2021	4.65	U-15/2020	1/8/2021	1266287	4 months	27231978.49	75561.43
6	2019-2020	6.25	U-22/2019	31/03/20	1706662	0 days	27306592	0
7	2018-2019	6.25	U-08/2018	31/03/19	1701999	0 days	27231984	0

8	2017-18	6.75	U-44/2017	28/03/18	1899432	O days	28139733	0
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Total 166807.41

The complete case was examined by the CBO and approved this after post auditing. This office will assure the presence of undersigned for explaining the case in next hearing.

This is for your kind information and taking necessary action, please.

Q. On 19.11.2025 respondent SDO has submitted as under: -

With due respect and humble submission that the undersigned present on 19.11.2025.

It is further submitted that as per the directions issued in the interim orders, the information is submitted as under:

S.No.	Particulars	Details / Amount	Date	Reference / Annexure
1	Initial Sundry revised as per interim orders	Sundry No. 58/129	-	Pre-audited by DAO vide Memo No. 1079 dated 30.06.2025 (Annexure-I)
2	Registration of case in Commercial Back Office for billing effect	Case ID: 667574311	24.06.2025	-
3	Audit by Commercial Back Office Audit Section	-	-	-
4	Refund given to consumer through July 2025 bill	₹32,32,249/-	July 2025 bill	-
5	Objection raised by appellant during hearing	Calculation as per tariff 2017-2019	19.09.2025	-
6	Revised Sundry prepared after re-examination	Sundry No. 95/129	-	Additional refund of ₹3,69,967/-
7	Registration of revised case in Commercial Back Office	Case ID: 7346766670	26.09.2025	Given effect in October 2025 bill (Annexure-II)
8	Manual meter reading data as directed by Hon'ble Electricity Ombudsman	Compiled and enclosed	-	Annexure-III
9	Total refund granted to the consumer	₹32,32,249 + ₹3,69,967 = ₹36,02,216	-	-

Summary of Refunds

Description	Amount (₹)	Bill Month
First refund (Sundry 58/129)	32,32,249	July 2025
Additional refund (Sundry 95/129)	3,69,967	October 2025
Total Refund	36,02,216	

This office assures that all directions issued by the Hon'ble Electricity Ombudsman are being complied with in letter and spirit. The required documents, duly verified and checked from the Commercial Back Office are enclosed herewith for your kind perusal and necessary action, please.

R. Hearing was held on 19.11.2025 as scheduled and was attended by respondent SDO Operation, Sub Division, Beholi physically and the respondent Sh. Rajneesh Dahiya through VC. During the hearing, respondent SDO submitted following documents:

- a) Memo no. 2037 dated 08.11.2025 vide which it has been intimated that interest on ACD @ 18% has been prepared amounting to Rs. 1,66,807.41/- on account of delayed payment as per the provisions of Nigam instructions.
- b) Memo no. 2100/Appeal no. 35 of 2025 dated 18.11.2025. respondent SDO vide letter has submitted that amount of Rs. 36,02,216/- (32,32,249 refunded vide sundry no. 58/129 in the bill of July, 2025+additional refund of Rs. 3,69,967/- vide sundry no. 95/129 in the bill of October 2025) have been refunded duly got checked from the commercial back office. Furthermore, SDO has shared the details status of activities undertaken on their billing software to get the consumer grouse attended.

Decision

After hearing both the parties and going through the record made available on file, it has been observed and decided here in under:

1. That the excess charging on account of line losses that were charged by the sub division level has been refunded to the consumer by taking the reading in both the consumer end and the substation end meter as reference reading to overhaul the consumer account subsequently leading to refund of Rs. 36,02,216/- to the consumer M/s Kapoor Industries in the bill of July, 2025 and October 2025. The contentions raised by the appellant party regarding the excess charging on account of line losses is thus settled.
2. Regarding the contentions for not paying the ACD interest for the delayed period payment. It has been observed that the interest on the delayed payment has been calculated to be tune of Rs. 1,66,807.41/- for delayed payment more than 30 days. Respondent SDO is directed to also pay the interest on the ACD amount for FY 2021-22 as the delay has been found to be 30 days and no interest on ACD amount @18% has been made by the SDO in his calculation sheet submitted vide memo no. 2037 dated 08.11.2025 which is to be paid over and above the sum of Rs. 1,66,807.41/- calculated and intimated by the respondent SDO. Thus, the second ground of the appeal of the appellant also stands addressed.

The respondent SDO is directed to pay the ACD interest to the consumer within 30 days from the date of the decision either providing relief being worked out in point no. 2 (i.e. Rs. 1,66,807.41/- + interest for the FY 2021-22) in the bill of the consumer by posting sundry or by paying through cheque. Noncompliance of the decision (within 30 days) will make the consumer liable for an additional 18% rate of interest on the entire ACD interest amount (to be worked out in point no. 2).

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 28.11.2025.

Sd/-

(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

Dated: 28.11.2025

CC-

Memo. No.2016-22/HERC/EO/Appeal No. 35/2025

Dated: 28.11.2025

To

1. M/s Kapoor Industries Pvt. Ltd., GT Road, Panipat, Samalkha through Rajneesh Sh. Dahiya, Advocate Chamber no:-106, 1st Floor, District Court, Panipat, Haryana (Email amicuslawyers03@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@hvpvn.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 SE (Operations), Panipat, 132 KV Sub Station, Power House colony near Sugar Mill, Gohana Road Panipat (Email seoppanipat@uhbvn.org.in)
6. XEN/OP Samalkha, New UHBVN Complex, Near 220 KV HVPN Power House Durga Colony, GT Road Samalkha (Email xenopsamalkha@uhbvn.org.in)
7. SDO/OP Beholi Sub Division, UHBVN, Panipat, New UHBVN Complex, near 220 KV HVPN power house Durga Colony GT Road, Samalkha (Email sdoopbeholi@uhbvn.org.in)

