



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109
Telephone No. 0172-2572299
Website: <https://herc.gov.in/Ombudsman/Ombudsman.aspx#>
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No : 36 of 2025
Registered on : 07.08.2025
Date of Order : 28.11.2025

Appeal against the order dated 08.07.2025 passed by CGRF, DHBVN Gurugram in case No 4896/2025

Brisk Lumbini Apartment, Resident Welfare Association
Through its President Sh. N.K. Sharma
Brisk Lumbini Terrace Homes, Sector 109, Gurugram-122006

Appellant

Versus

1. The XEN/OP, City Division, DHBVN, Gurugram
2. SDO, Op. Sub Division, New Palam Vihar, DHBVN, Gurugram

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri B.P. Aggarwal, Advocate

Present on behalf of Respondents:

Shri Vikram Singh, SDO
Shri Tarsem Rana, Advocate

ORDER

A. Brisk Lumbini Apartment, Resident Welfare Association through its President Sh. N.K. Sharma Brisk Lumbini Terrace Homes, Sector 109, Gurugram has filed an appeal against the order dated 08.07.2025 passed by CGRF, DHBVNL, Gurugram in case No. 4896 of 2025. The appellant has submitted as under:

1. That the present Appeal is being filed by the Appellant against the order dated 08/07/2025 passed by the Hon'ble CGRF in Complaint No. DH/CGRF/4896/2025. Copy of Order dated 08/07/2025 is enclosed herewith as ANNEXURE A-1.
2. That the brief facts of the case are as given below: -
 - i) That Appellant i.e. Brisk Lumbini Apartment Resident Welfare Association is a housing society and Mr. N.K.Sharma is the President of the society, who is authorized by the Governing Body of the Association/society to take the legal action for the recovery of the excess amount paid to the DHBVN. Copy of the resolution is annexed herewith as ANNEXURE A-2
 - ii) That Appellant is using the electricity through Account No. 0906942389 installed at Brisk Lumbini Terrace Homes, Sector 109, Gurugram-122006, with Sub Division: New Palam Vihar, which was sanctioned in the name of Brisk Infrastructure and Dev. with the sanctioned/contract demand of 1000 KW and paid the Security deposit of Rs. 7,50,000/- which is as per the bill. Copy of the Bill is annexed herewith as ANNEXURE A-3.

- iii) That occupancy certificate was obtained on 19/05/2016 for 322 flats/dwelling units by the competent Authority and there after meters were installed by the builder for all the 322 dwelling units and bills are also being raised for all 322 dwelling units/ flats by the society and hence as per tariff provision the respondents are under obligation to raise the bills after allowing slab benefit for 322 dwelling units from the date of the occupancy/connection but the respondent has allowed for 100 dwelling units only illegally. Copy of the occupancy certificate is annexed herewith as ANNEXURE A-4.
- iv) That the security deposit of Rs. 7,50,000/-, was deposited with the respondent on behalf of Appellant with the respondents and as per Section 154(4) of Electricity Act, 2003, the respondents are required to pay the interest on the security deposit from the date of deposit of the security amount at bank rate in the month of April each year but the same was not given in the month of April every year and as per clause 5.8.1 & 5.8.2 of Regulation No. 34/2016 the respondents are liable to pay penal interest and if interest is not paid in time then liable to pay the penal interest.
- v) That the respondent has withheld the 4% rebate for the period April 2020 to Oct.2020 and hence the respondents are liable to pay the rebate of 4% for the aforesaid period.
- vi) That the respondents have conducted the inspection and found that the number of dwelling units were 322 in the society and there were 5 shops having the load around 10 KW in total but the respondents have alleged that the NDS load was found to be 52.91 KW and the Common Area load was found to be 33.675 KW but while calculating the NDS load the respondents have taken common recreational facilities/services load under the NDS load illegally and arbitrarily, whereas as per the definition mentioned in clause 2(4) "Common Facilities" of Single Point Regulation, 2020 the load of common recreational facilities/services comes under the Common Facilities and not under NDS load. The Common recreational facilities and Club House are two different things.
- vii) That the respondents have issued a demand notice vide Memo No.4244 dated 12.12.2024, thereby demanding Rs.1665301/- from Complainant and this demand was raised on the allegation that a Sales Circular was issued vide its No. D-17/2020 Dated 16.08.2022 along with the other circular but in those circular there was no such instruction whereby the respondents have raised the aforesaid demand. Copy of the Memo No.4244 dated 12.12.2024 is annexed herewith as ANNEXURE A-5.
- viii) That the Appellant objected to the demand raised by the respondents and hence after reconsideration the respondent has issued a revised Memo No. 4400 dated 10/01/2025 and revised the demand to Rs.7,40,172/- and this amount was paid by Appellant under protest, though the demand was totally illegal and hence the same is required to be refunded along with the interest. Copy of the Memo No. 4400 dated 10/01/2025 is annexed herewith as ANNEXURE A-6.

- ix) That the Appellant has issued the legal notice to the respondent and raised the issued regarding the number of dwelling units for which rebate is required to be given, interest on ACD, 4% rebate and assessment bill. Copy of the legal notice is annexed herewith as ANNEXURE A-7.
- x) That thereafter the Appellant has filed a complaint before the CGRF vide complaint No. DH/CGRF/4896/2025 challenging the aforesaid demand of Rs.7,40,172/- and also raised several other issued i.e., slab benefit was given to 100 dwelling units instead of 322, interest on ACD was not paid as per the Electricity Act, 2003 and 4% rebate was withhold for the period April 2020 to Oct.2020.
- xi) That the respondents have submitted the detail reply to the complaint filed by the Appellant vide Memo No.5535 dated 06.06.2025 and denied all the submission of the Appellant but it was admitted that they have not paid 4% rebate for the period April 2020 to Oct.2020 and they have calculated the refund and sundry is prepared. Copy of the complaint and reply filed through Memo No. 5535 dated 06.06.2025 is annexed herewith as ANNEXURE A-8(colly).
- xii) That the Appellant filed the rejoinder dated 07.06.2025 to the reply submitted by the respondent and denied all the allegation made by the respondent. Copy of the rejoinder dated 07.06.2025 is annexed herewith as ANNEXURE A-9.
- xiii) That thereafter the respondent has submitted the reply vide memo no. 5660 dated 23.06.2025 stating that the rejoinder filed by the complainant is repetition of the complaint. Thereafter the Appellant filed the additional rejoinder on 24.06.2025 and next date of hearing was given as 08.07.2025. Copy of the Memo. No. 5660 dated 23.06.2025 of the respondent and rejoinder dated 24.06.2025 are annexed herewith as ANNEXURE A-10(colly).
3. That without considering the reply filed by the Appellant, the respondent has dismissed the complaint of the Appellant on 08.07.2025 and while dismissing the complaint the Hon'ble CGRF has not decided the various prayer of the Appellant, i.e. slab benefit to all 322 dwelling units, interest on ACD and 4% rebate for the period April 2020 to Oct. 2020(this point was admitted by the respondents in its reply) and only one point regarding the assessment amount of Rs.7,40,172/-was decided.
4. Aggrieved from the order dated 08.07.2025 passed by the Hon'ble CGRF the Appellant has challenged the order on the following ground besides the other grounds: -

GROUND S

- (a) Because while passing the Hon'ble Forum has overlook the other issues which were under the challenged and decided only one issue related to the assessment raised on the ground of NDS load, the issues regarding slab benefit, interest on ACD and 4% rebate for the period April 2020 to Oct. 2020, which was admitted by the respondent was also not addressed inadvertently.

- (b) Because the Hon'ble Forum was required to address all the issues raised by the Appellant but the Hon'ble Forum passed the order in haste and not considered the other issues, the action of the Hon'ble is against law.
 - (c) Because the Hon'ble Forum has not considered the facts that the Appellant has obtained the Occupancy certificate on 19/05/2016 and prior to getting the connection sanctioned copy of the occupancy certificate was provided to the respondent and site was also verified by the respondents and hence the Appellant is entitled for all 322 dwelling units but this point was not addressed while passing the order.
 - (d) Because the Hon'ble Forum has not considered the facts that the Respondent has not paid the 4% rebate for the period April 2020 to Oct. 2020 and this fact was admitted by the respondent no.2 and also calculated the amount but while passing the order this point was not addressed by the Hon'ble Forum.
 - (e) Because the Hon'ble Forum fails to consider the facts that the connection of the Appellant was energized in July 2019 and the Appellant has deposited the security deposit much prior to that hence entitled for the interest from the date of deposit of the security deposit but admittedly the interest was not paid in 2020 and hence the respondents are required to pay the interest with penal interest and this issue was also not addressed by the Hon'ble CGRF.
 - (f) Because the Hon'ble Forum wrongly observed that the common facilities load of the Appellant comes under the NDS load and allowed the respondent to charge the common facilities under NDS load instead of common area load.
 - (g) Because the Hon'ble Forum fails to consider the facts that the domestic load was more than 85% of the total load and hence no NDS load formula can be applied in the present case and no NDS bill can be charged.
5. That Appellant has not filed any other similar Appeal either before this Hon'ble Court or any other Courts in India.

Prayer:

In view of the above facts and circumstance it is most respectfully prayed that this Hon'ble Commission may kindly be pleased to: -

- a. To set aside the order dated 08/07/2025 passed by the Hon'ble CGRF in Appeal No. DH/CGRF/4896/2025 and accept the appeal of the Appellant, thereby directing the respondents to give the slab benefit to 322 dwelling units from the date of the connection instead of 100 dwelling units and direct the respondents to revise the bill and pay the interest on the refund amount as per the regulation.
- b. Direct the respondents to pay the interest on the ACD/Security deposit for which no interest was paid along with the penal interest and
- c. Direct the respondents to pay 4% rebate for the period April 2020 to Oct. 2020 along with the interest and;
- d. Declared the assessment demand of Rs.7,40,172/- as illegal and not payable by the Appellant and the same may be refunded along with the interest and;

- e. Or in alternative remand back the appeal before the Hon'ble CGRF to decide the issues afresh and also decide the issue which were not decided by the Forum and;
 - f. Award the compensation and costs of present proceedings in favour of Appellant and against the Respondent and;
 - g. Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Appellant in the interest of justice.
- B.** The appeal was registered on 07.08.2025 as an appeal No. 36 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 20.08.2025.
- C.** Hearing was held on 20.08.2025 as scheduled. Both the parties were physically present. During the hearing, SDO respondent referred his request dated 19.08.2025 vide which he has requested for allowing some more time for submitting the reply as advocate who will defend the case is to be engaged by LR, HPU, Panchkula. SDO respondent is directed to submit his reply within 15 days against the appeal filed by the appellant.
- Accordingly, the case is adjourned and will now be heard on 17.09.2025.
- D.** On 15.09.2025, the counsel of respondent has submitted reply which is reproduced as under: -
1. That the present reply is being filed on behalf of the Respondent in response to the appeal preferred by the Appellant challenging the order dated passed by the Hon'ble CGRF in complaint No. DH/CGRF/4896/2025.
 2. That at the outset, it is pertinent to mention that all the contents of the present appeal filed by the respondent as against the Answering Complainant are false and misleading and unless specifically admitted hereinafter, each and every allegation set forth in the reply are disputed, traversed, controverted and emphatically denied individually and specifically.
 3. It is submitted that broadly the Appellant has raised the following issues in the present appeal:
 - A. Slab benefit has only been given to 100 dwelling units instead of 322 dwelling units.
 - B. Interest on ACD not granted by the Respondent.
 - C. 4% rebate for the period April 2020 to October 2020 not granted by the Respondent.
 - D. Refund the amount of INR 7,40,172, which was charged to the Appellant for the difference of tariff for NDS load.
 4. In response to the issues mentioned above, the Respondent submits as under:
 - A. Slab benefit- M/s Brisk Infrastructure and Developers Pvt. Ltd., Sector-109, Village Babupur, Gurugram, applied for a partial load of 1000 KW/1000 KVA, which was released on 19.07.2019. At the time of applying for the said load,

the builder submitted a load data sheet for 128 units. Based on the load details submitted by the builder and subsequent physical verification, 100 units were eligible and were accordingly updated in the Respondent's report. This office updated the records for 100 units. Copy of the load data sheet for 128 units submitted by the builder is attached herewith and marked as "Annexure-R1".

It is pertinent to mention that the Occupation Certificate (OC) cannot be treated as authenticated proof of actual occupancy to establish that 322 dwelling units have been occupied by the residents since 19.05.2016, moreover the partial load of 1000KW/1000KVA was released on dated 19.07.2019, hence the occupancy certificate cannot be treated as authenticated proof of actual residency in the society. The builder has neither submitted any authenticated proof regarding the occupancy of these 322 units nor enhanced the sanctioned load accordingly, and has also not commenced unified billing in accordance with Sales Circular D-23/2022. Copy of the Sales Circular D-23/2022 is attached herewith and marked as "Annexure-R2". Therefore, the Appellant's contention (i.e. slab benefit has only been given to 100 dwelling units instead of 322 dwelling units) has been rightly rejected by CGRF and also deserves outright rejection from this Hon'ble Forum.

- B. Interest on ACD- It is submitted that the interest on ACD has already been granted to the Appellant of (i) INR 31,530 as reflected in energy bill dated 16.07.2021, (ii) INR 31,875 as reflected in energy bill dated 06.05.2022, (iii) INR 31,875 as reflected in energy bill dated 02.05.2023, (iv) INR 50,625-as reflected in energy bill dated 03.05.2024, and (v) INR 50,625-as reflected in energy bill dated 27.04.2025. Copies of energy bills dated 16.07.2021, 06.05.2022, 02.05.2023, 03.05.2024 and 27.04.2025 are annexed herewith and marked as Annexure-R3(Colly)"
- C. 4% rebate for the period April 2020 to October 2020-It is submitted that benefit associated with 4% rebate for the period April 2020 to October 2020 to the tune of INR 1,04,615 has been passed on to the Appellant, as reflected in energy bill dated 08.07.2025. Copy of the energy bill dated 08.07.2025 is annexed herewith and marked as "Annexure-R4".
- D. Refund the amount of INR 7,40,172-It is submitted that the Appellant's premise, was inspected on 19.11.2024 by, SDO (OP), New Palam Vihar Sub-Division, along with the Nigam team, for bifurcation of Common Area and other NDS loads. It was found that 52.91 KW of NDS load for commercial purposes was running on a BLDS (Bulk Domestic Supply) tariff, and 33.675 KW was being used for common amenities. Further, it is pertinent to mention that the connection (A/c No. 0906942389) was released on 19.07.2019 under BLDS category. As per Sales Circulars D-4/2013 and D-17/2020, the builder is liable to pay the tariff difference (BLDS to NDS) for the NDS load. The builder failed to disclose/intimate such commercial load and continued to run it on BLDS, in violation of Nigam's instructions. Accordingly, on the basis of checking report LL-1 No. 24328/12 dated 19.11.2024, an amount of 7,40,172/- was

charged to the Appellant. Copy of the checking report bearing LL-1 No. 24328/12 dated 19.11.2024 is annexed herewith and marked as "Annexure-RS". Copy of Calculation Sheet is annexed herewith and marked as "Annexure-R6". Copy of the Circulars D-4/2013 and D-17/2020 is annexed herewith and marked as "Annexure-R7".

Additionally, the CGRF has rightly relied upon the definition of "Common Facilities" as enshrined in Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Residential cum Commercial/Commercial Complexes of Developers and Industrial Estates/ IT parks/SEZ) Regulations, 2020, to hold that Club is excluded from the ambit of Common Facilities and thus comes under NDS load. For ease of reference, the definition of "Common Facilities" is reproduced below:

"Common Facilities" means the common recreational facilities/ services such as common room, society office, street lighting, sewerage treatment plant, ventilation system, common/parking areas, excluding club, school, convenience stores/shops etc. for the residents of a Hosting Society/ Colony/ Complexes."
Emphasis Supplied

The Hon'ble HERC, Panchkula vide Sale circular D-17 of 2020 dated August 06, 2020 has expressly provided in the Regulation 6.4 under Regulation No. HERC/49/2020 the procedure for calculating the billing of Single Point Supply in case NDS load is found under Bulk Domestic Supply. The relevant extract of the regulation is reproduced hereunder for ready reference:

"6.4 Billing Of Single Point Supply

In case an office complex or other non-domestic loads are also existing within the GHS/ Colony, the apportionment of energy (after allowing the rebate) and combined maximum demand for billing under Bulk Supply (Domestic) category and NDS category shall be as detailed in the Annexure-2."

In light of the above submissions, it is submitted that all the issues alleged the Appellant have been rightly rejected by CGRF. Therefore, it is respectfully submitted that this Hon'ble Forum may be pleased to dismiss the present appeal, thereby rejecting the contentions raised by the Appellant.

E. Vide email dated 17.09.2025, counsel of appellant has submitted rejoinder to the reply filed by counsel of respondent which is as under: -

1. That the contents of the para no.1 of the reply filed by the respondent needs no reply.
2. That the contents of the para no.2 of the reply filed by the respondent are wrong and denied. It is denied that all the contents of the present appeal filed by the respondent as against the answering Complaint are false and misleading or each and every allegation set forth in the reply are disputed, traversed, controverted and emphatically denied individually and specifically. The contents of the appeal are reaffirmed.

3. That the contents of the para no.3 of the reply filed by the respondent are matter of record and hence needs no reply.
4. That the contents of the para no.4A to 4D of the reply filed by the respondent are wrong and denied which are as under: -
- 4A That the Appellant has submitted the load data sheet of 128 dwelling units after few months of obtaining occupancy certificate on 19.05.2016 but the electricity connection was sanctioned on 19.07.2019 and at the time of sanctioning the connection the occupancy of the flat was 322 and hence as per the Regulation applicable in July 2019 i.e. Single Point Supply Regulation 2013, the respondents are bound to give the slab benefit to all 322 dwelling units. It is submitted that as per the Single Point Supply Regulation 2013 the Appellant is supposed to allow slab benefit to all its members as applicable to individual connection then it is not possible to allowed the slab benefit without getting the same from the respondent. It is further submitted that Appellant is not getting any subsidy from the Respondent so that the Appellant can give the slab benefit to its members without getting it from the Respondent. The Appellant has enclosed the list of the occupancy along with the complaint filed before the Hon'ble CGRF but while passing the order by the said forum no order was passed on the prayer of the complainant due to the reason best known to the Hon'ble Forum. Copy of the list of occupancy is enclosed along with the reply as ANNEXURE A-11(Colly). Even otherwise when the list of 128 was provided to the respondent then without any reason the respondent has given the benefit to 100 members only and it is not clarified from which date the slab benefit was given by the respondent, the respondent has intentionally not mentioned the date from which such benefit was given.

It is denied that the builder has not submitted any authenticated proof of actual residency in the society, the Appellant has filed the complete list along with the complaint but the respondent has never verified the list due to the reason best known to them. Regarding the Unified billing system, it is submitted that the Unified billing system was notified in 2022 but till date it is not made applicable in maximum societies of the Respondent because the system was itself not operative till 2025 and till date it was operative in few society but almost all the society are getting the slab benefit. Slab benefit provision is mentioned in the tariff and hence the respondents are bound to give the slab benefit to all 322 members.

It is denied that CGRF has rejected the slab benefit. It is submitted that the Hon'ble CGRF has not passed any order on this issue due to the reason best known to the Forum.

- 4B The respondent has admitted in this para that they for the first time has given the interest on 16,07,2021 and prior to that no interest on ACD was given and hence as per Section 47(4) of the Electricity Act, 2003 the respondents are bound to give the interest on security from the date of deposit in the month of April of each financial year and as per regulation for delayed period the interest is to be given @ 18% on the interest and hence the respondent are required to

give the interest as per the regulation and Act and recover the same from the defaulter.

4C with respect to refund of Rs.1,04,615/- the respondent has withhold the 4% rebate from 2020 to 2025 without any reason and hence the respondents are liable to pay the interest @ 18% on this amount from the date of excess amount recovered.

4D the contents of this para are totally wrong and denied. It is denied that NDS load during the inspection was found to be 52.91 KW. It is submitted that the respondent has intentionally written the community center used for the recreation facilities e.g. Common room as club, whereas there is no club in the society and there is only one recreation club in the society and hence the respondent cannot issue any supplementary demand treated it as club. It is submitted that the common area load was found to be 33.765 KW which is within the permissible limit of 15% and hence no NDS load can be charged from the Appellant.

Rest of the contents of the reply are regarding the issue of the Regulation which are matter of record. However, it is submitted that the Appellant has not violated any of the regulation and hence no NDS penalty can be charged from the Appellant and hence the Respondents are liable to refund the entire INR 7,40,172/- paid by the Appellant along with the interest, in the interest of justice.

Last para of the reply is wrong and denied and hence same be rejected.

It is, therefore, prayed that the Appeal of the Appellant may kindly be decreed with cost, in the interest of justice.

Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Appellant in the interest of justice.

F. Hearing was held on 17.09.2025 as scheduled. Both the parties were present through Video Conferencing. In response to the reply of respondent counsel received on 16.09.2025, the appellant counsel also submitted rejoinder today i.e. on 17.09.2025. Both the counsels requested an early date for argument.

Accordingly, the case is adjourned and will now be heard on 29.09.2025.

G. Hearing was held on 29.09.2025, as scheduled. Both the parties were present through Video Conferencing. During the hearing, the appellant counsel raised the following issues on which he wants decision on that from this Forum.

1. The ACD interest for the financial year 2019-20 has not been paid to the appellant with interest thereof as the appellant has applied for release of connection in 2019.
2. The consumption needs to be calculated by taking into the average consumption per unit wherein 322 dwelling units are available in the society for which occupation certificate was released by Directorate Town and

Country Planning vide memo no. ZP-508/SD(BS)/2016/9991 dated 19.05.2016.

3. The benefit of the 4% rebate for the period April 2020 to October 2020 to the tune of Rs. 1,04,615/- has been passed on to appellant in energy bill dated 08.07.2025. However, the interest from 2020 to 2025 has not been paid.
4. The counsel for the appellant also stated that the common recreational facility has been taken as club load in the LL-1 leading to NDS tariff on the common recreational facility which is basically not applicable.

The respondent counsel has stated that the ACD interest for the year 2019-20 needs to be checked from the relevant record of the respondent SDO, Palam Vihar, Gurugram and if not paid the same shall be paid. Furthermore, regarding the point no. 2 of appellant counsel the respondent counsel contended that the appellant has submitted the load sheet of 130 dwelling units while applying for the release of the connection. Furthermore, he has argued that it was the responsibility of the appellant to update the load of the number of the dwelling units on the unified billing portal wherein it is the responsibility of the RWA to create the consumer directory which has not been done by the appellant till date. Further, respondent counsel contended that there are some dwelling unit which are having less consumption in the slab of zero-unit consumption less than 10 units and less than 50 units according to which the slab wise benefit cannot be granted. The respondent counsel further sought intervention that when the LL-1 No. 12/24328 was filled the manager did not raise any objection to the usage of the word club which was also not challenged before the CGRF hearings.

Regarding the 4% rebate being claimed with interest thereof the respondent counsel raised objection that this point has never been raised before the CGRF hearings and the appellant did not raise the point at valid platform and interest part cannot be passed on.

During the hearing it was inquired by the Chair about the electrification plan wherein the respondent counsel and respondent SDO intimated that the same has been passed by taking 322 dwelling units into the consideration. Furthermore, when it was inquired about the provisions of taking actual consumption of the dwelling units instead of taking average consumption per dwelling units. The respondent SDO promised to submit the appropriate guidelines by way of which he has taken into consideration the actual consumption instead of average consumption per dwelling unit by surpassing the tariff order.

Both the parties were heard and the respondent are directed to checkout the relevant record regarding the electrification plan of the appellant consumer, applicability of claim for refund of ACD interest for the FY 2019-20, checkout the calculation of 4% rebate in view of the sales circular no. 4/2013 and 17/2020 for its application in grant of calculation of the DS slab and subsequently calculating the claim for NDS units to be charged in compliance to LL1 No.-12/ 24328.

Respondent SDO, Palam Vihar, Gurugram will ensured submission of the requisite documents duly verified within a time span of fortnight i.e. upto 13.10.2025.

The case is adjourned and will now be heard on 27.10.2025.

H. On 24.10.2025, respondent SDO had submitted interest detail and calculation sheet as per circulate D-17/2020 which was also shared with the appellant counsel.

I. On 27.10.2025, respondent SDO has further submitted as under: -

Reference your good office interim order dated 29/09/2025.

In this connection, it is stated that the compliance of interim order 29/02/2025 as under please.

1. As per sales circular no D-17/2020 clause no 6.7 the Employer/GHS shall update the occupancy status (nos. of flats/dwellings occupied as on each billing date) in writing to the licensee for proper billing to avoid any wrong application of tariff for Single Point Supply.(copy attached as Annexure-A)
2. The copy of electrification plan of the appellant consumer is attached as Annexure-B.
3. Refund of ACD interest from 13/11/2018 to 06/05/2020 is attached as Annexure-C.
4. 4% rebate has already been given in the energy bill for the month of July-2025 and adjust an amount of Rs. 1,04,615. Copy of bill attached as Annexure-D.
5. Copy of one-month calculation as per Sales Circular D-2017/20 copy attached as Annexure-E.

This is for your kind information and further action, please.

J. On 28.10.2025, counsel of appellant has submitted as under: -

1. That with respect to the provision mentioned by the respondent in this regard it is submitted that the regulation quoted by respondent is not applicable on the Appellant as the same was notified afterwards whereas the connection was obtained on 24/07/2019 when no such regulation was applicable. Moreover, the Appellant has obtained the Occupancy Certificate for 322 dwelling units from Directorate of the Town and Country Planning Haryana on 19/05/2016 vide memo no. ZP-508/SD(BS)/2016/9991 and this certificate was duly submitted with the respondent regarding occupancy of 322 dwelling units and thus there is the compliance of the notification regarding which the respondent is alleging that the Appellant has never informed to the respondent. The Occupancy certificate is issued only after all the 322 were completed and ready for the occupancy. The electrification plan was approved for 448 dwelling units (as mentioned in the reply dated 27.10.2025) and electrification plan was approved on 29/06/2017 for 448 dwelling units but the Appellant is only asking for 322 dwelling units' rebate. The respondent has inspected the premises several times always found the number of dwelling units as 322 and they never alleged that the units were less, even on 19.11.2024 the premises was inspection and checked the number of dwelling units and also prepared a LL-1 Checking report but in that report number of dwelling units were not mentioned for which the Appellant is not responsible ,The Appellant has issued a legal notice 16 May

2025 in which number of dwelling units were mentioned but no reply was given by respondent, thereby admitting the claim of the Appellant. The Appellant has also filed complete details of all the 322 members through email to the Hon'ble CGRF and also sent a copy to the respondent through email but the respondent has not taken any objection.

Even otherwise the respondent has admitted that in their record number of dwelling units are available as 128 prior to release of the connection but the respondent has never given the benefit of the same as admitted by the respondent, which shows the deficiency on the parts of the respondent.

As per tariff provision the Appellant is required to billed the consumer on the basis of the tariff applicable for the individual consumer and accordingly the Appellant is billing to its members and hence if the Appellant will not receive the slab benefit then it will not be possible for the Appellant to billed the individual consumers as per the tariff provision and hence the Appellant is entitled for the slab benefit for all 322 dwelling units.

The respondent has given slab benefits to more than 200 societies in Gurugram but in the maximum societies without the intimation of the society the respondent company has given slab benefit after filling the case before the Hon'ble CGRF and for compliance of the order the consumer has filed the Petition before the Hon'ble HERC and the same were approved, one such Petition is still pending before the Hon'ble HERC with PRO No. 39/2025 in which no such intimation was given and despite this slab benefit was allowed on the basis of the occupancy certificate and respondent has complied but there is some dispute with calculation and Petition now is listed on 10/12/2025 before the Hon'ble Commission.

2. That the contents of the para no.2 of the reply filed by the respondents needs no reply.
3. That the respondent has shown the refundable amount in the sheet but the respondent is liable to pay penal interest @ 18% on the interest but the same was not shown in the sheet.
4. That the contents of the para no.4 of the reply filed by the respondent are matter of record and hence needs no reply.
5. That the contents of the para no.5 of the reply filed by the respondent are wrong and denied and the same was wrongly calculated. The respondent has wrongly shown common facilities load under the head club and shown illegal load as NDS load and hence same needs to be revised.

It is, therefore, prayed that the Appeal of the Appellant may kindly be decreed with cost or in alternative the same kindly be remand back for the decision of the issue i.e. slab benefit which was not adjudicated by the Hon'ble CGRF, in the interest of justice.

Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Appellant in the interest of justice.

K. Hearing was held on 29.10.2025, as re-scheduled. Shri Raheel Kohli counsel of respondent has attended the hearing physically and Respondent SDO & Shri B.P. Aggarwal, Advocate of the appellant have attended through Video Conferencing.

The appellant counsel submitted the rejoinder yesterday on dated 28.10.2025 in compliance to the reply submitted by respondent SDO vide his letter bearing no. 6810 dated 27.10.2025. During the hearing, the appellant counsel raised the following issues on which the action is yet to be taken by the respondents: -

1. The ACD interest @18% is applicable for the delayed period against account number 0906942389 w.e.f. 13.11.2018 to 06.05.2020 in respect of the delayed period as mentioned in the reply of SDO operation, Palam Vihar vide his office memo no. 6810 dated 27.10.2025 (Annexure-C) wherein the rate of interest has arbitrary taken as 6% and 5% which is in gross violation to the regulation for giving 18% interest (as per sale circular no. 9 of 2016).
2. Both the parties agreed that 4% rebate has been given by the respondent SDO as mentioned in point no. 4 of the reply of the SDO bearing memo no. 6810 dated 27.10.2025.
3. The matter was raised by the appellant counsel that they have got the electrification plan of 448 units approved but at present 322 dwelling units are being billed on the basis of the billing system being used by the GHS. Furthermore, it was contradicted by the respondent SDO that initially the connection was applied for 128 units in 2019 out of which after due verification 100 numbers dwelling units were found actual occupied after due verification. Furthermore, the SDO and respondent counsel highlighted the clause no. 6.7 of sales circular no. 17/2020 which is reproduced as under: -

“The Single Point Supply meter will be read and billed on monthly basis after completion of each calendar month for proper application of tariff as the reading prior to completion of month or post completion of the calendar month may affect the bulk supply (Domestic) tariff slab applicable on Single Point Supply to Employer’s Colonies/GHS. The Employer/GHS shall update the occupancy status (nos. of flats/dwellings occupied as on each billing date) in writing to the licensee for proper billing to avoid any wrong application of tariff for Single Point Supply.”

It was observed that since the consumer GHS has applied for 128 number dwelling units but was billed on 100 dwelling units after due verification done by the DHBVN. Neither the GHS submitted the details of the actual occupant to the respondent nor did the respondent verified the number of actual occupants in the intervening time period.

In reply to the above points, the appellant counsel agreed to supply the bills of all the 322 dwelling units being raised by the GHS alongwith the mode of receipt of the amount before the next date of hearing so that the benefit of slab could be got decided by the Electricity Ombudsman.

The appellant counsel raised the point that the common area is being utilized as Community Centre instead of club but could not with stand his contention when asked vice versa. Therefore, it is opined that the amount being mentioned to be used under club category is as per the definition of Hon’ble HERC.

The respondent counsel agreed that the delayed payment of ACD interest, Nigam is liable to pay interest @18%. Furthermore, he agreed to give relief if the appellant counsel furnishes the details of the billing of all the 322 dwelling units along with their mode of payment in the GHS from time to time during the period under consideration of notice issued by SDO, Palam Vihar in compliance to LL-1 No. 12/24328 dated 19.11.2024 and memo no. 4244 dated 12.12.2024.

The case is adjourned and will now be heard on 11.11.2025

L. On 10.11.2025, counsel of respondent has submitted additional rejoinder which is as under: -

1. That the occupancy certificate was issued to the Appellant for 322 dwelling units e.g. 274 for main building and 48 for EWS on 19.05.2016 and as per the clause “h” of the Memo No. LC1477/16/2006-2TCP dated 3rd Feb.2010, Chandigarh by The Financial Commissioner & Principal Secretary to Government Haryana, Town & Country Planning, Haryana, Chandigarh, which say as under,

“It needs to be ensured at the time of grant of occupancy certificate in case of group housing colonies and grant of part completion certificate for plotted colonies that the proportionate number of EWS units stand constructed & allotted and plots reserved for EWS are also allotted”.

From which it confirmed that the flats were allotted before the issue of the occupancy certificate to EWS and hence the flats were presumed to be allotted before issue of the Occupancy certificate on 19.05.2016, therefore all 48 flats owner are entitled for the rebate from the date of connection. Copy of the Memo No. LC1477/16/2006-2TCP dated 3rd Feb.2010 is enclosed.

2. That the data with the RWA is available from Aug. 2020 and prior to Aug. 2020 the data is not available with the Appellant and it is with the builder. The builder has allotted the flats to all the 274 members and all the members were taken the possession but some of the occupant have not get it transfer the flats in its own name but all the 274 members were paying the electricity bills from the day one. The details of the number of the occupant showing in the bills are as follows:

Sr. No.	Month/Year	General Category	EWS
1.	August 2020	227	All 48 occupied as per notification/can be verified
2.	April, 2021	228	
3.	June, 2021	233	
4.	October, 2021	236	
5.	December, 2021	241	
6.	March, 2022	244	
7.	January, 2023	254	
8.	September, 2023	258	
9.	October, 2023	259	
10.	November, 2023	260	
11.	March, 2024	261	
12.	September, 2025	274	

Complete data is available in the google drive as it can be sent through email as its volume is very big. Kindly open the link.

It is, therefore, prayed that the rebate to all 322 members be given from the date of connection. Interest on ACD be given as per the regulation and NDS bill may kindly be withdrawn or revised after considering the rebate if allowed by this Hon'ble Ombudsman.

Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Appellant in the interest of justice.

- M.** On 11.11.2025, respondent SDO has submitted details of ACD interest along with Penal interest of M/s Brisk Lumbini.
- N.** Hearing was held on 11.11.2025, as scheduled. Shri Raheel Kohli counsel of respondent has attended the hearing physically and Respondent SDO & Shri B.P. Aggarwal, Advocate of the appellant have attended through Video Conferencing.

As per interim order dated 29.10.2025 SDO respondent was directed to submit the calculation of interest on ACD @18% (as per sales circular no. 9/2016) but surprisingly SDO failed to submit the calculation as directed which has been viewed very seriously. Accordingly, SDO is directed to submit the desired calculation within 3 days. Appellant counsel vide email dated 10.11.2025 submitted the billing details of dwelling units as per point no. 2 of additional rejoinder wherein the detail of bills issued from August 2020 to September 2025 have been submitted. In August 2020, 227 number bills were issued by name to the residents and in September 2025, 274 bills have been issued by name. Appellant counsel also referred to point (h) of notification issued by Financial Commissioner & Principal Secretary to Government Haryana, Town & Country Planning, Haryana, Chandigarh vide memo no. LC-147-7/16/2006-2TCP dated Chandigarh the 3rd Feb, 2010 wherein it has been mentioned that *"it needs to be ensured at the time of grant of occupation certificate in case of group housing colonies and grant of part completion certification for plotted colonies that the proportionate number of EWS units stand constructed & allotted and plots reserved for EWS are also allotted."*

The appellant counsel through his submission justified that 48 EWS flats stands occupied from the date of grant of occupation certificate. Accordingly, SDO respondent is directed to submit the calculation by giving rebate as per dwelling units shown in table given on the next page. This calculation should be submitted within 5 days.

The SDO respondent and counsel of respondent requested that mode of payment of the bills be also submitted by appellant counsel, accordingly appellant

counsel was directed to submit the mode of payments details for August 2020 within a week.

Sr. No.	Month/Year	General Category	EWS
13.	August 2020	227+48=275	All 48 occupied as per notification/can be verified
14.	April, 2021	228+48=276	
15.	June, 2021	233+48=281	
16.	October, 2021	236+48=284	
17.	December, 2021	241+48=289	
18.	March, 2022	244+48=292	
19.	January, 2023	254+48=302	
20.	September, 2023	258+48=306	
21.	October, 2023	259+48=307	
22.	November, 2023	260+48=308	
23.	March, 2024	261+48=309	
24.	September, 2025	274+48=322	

Regarding request of appellant counsel for withdrawal of NDS bills, SDO respondent and respondent counsel submitted that NDS load has been calculated as per sales circular no. 17/2020.

Arguments in the main matter have been led by both the parties. Final decision in the matter will be taken after receipt of the above information from both the parties.

O. On 18.11.2025 counsel of appellant has submitted details of payment as per the directions passed in appeal no. 36 of 2025 vide interim order dated 11.11.2025.

P. On 19.11.2025 respondent SDO has submitted reply to the payment details submitted by the appellant in appeal no. 36 of 2025 which is as under: -

1. That the present reply is being filed in response to the payment details submitted by the Appellant in compliance of the order dated 11.11.2025 passed by this Hon'ble Forum.
2. It is submitted that, upon a comprehensive scrutiny of the payment details furnished by the Claimant, the Respondent has detected material discrepancies, which are delineated as under:
 - A. 29 flats reflect a uniform bill amount of Rs. 817/- for the consecutive months of July 2020, August 2020, and September 2020.
 - B. 93 flats reflect a uniform bill amount of Rs. 627/- for the aforesaid three months.
 - C. 19 flats reflect a uniform bill amount of Rs. 539/- for all three months.
 - D. 19 EWS flats reflect a uniform bill amount of Rs. 120/- for the said three months.

In the premises aforesaid, it is respectfully submitted that the energy charges payable by any consumer cannot, in the ordinary course of consumption and billing, remain identical for three successive billing cycles. The aforesaid

uniformity of charges is ex facie anomalous and indicative of inaccuracies in the data submitted by the Claimant.

3. It is further submitted that a bare perusal of the bank statement reveals only 456 deposit entries amounting to Rs. 53.09 lakhs for the months of July, August, and September 2020.

In stark contrast, the details furnished by the Appellant's counsel in the Excel sheet indicate 924 deposits aggregating to Rs. 62.21 lakhs for the same period. The data supplied by the Appellant's counsel is, therefore, prima facie inconsistent with the bank records and cannot be treated as correct or authenticated.

4. Without prejudice to the Respondent's submissions contained in paragraphs 2 and 3 above, and solely in compliance with the directions issued by this Hon'ble Court, the Respondent is submitting the rebate calculation in the tabular format as mandated by the order dated 11.11.2025. It is most respectfully clarified that the furnishing of the rebate calculation shall not, in any manner, be construed as an admission of the payment details or any other information provided by the Appellant. Copy of the rebate calculation in tabular form is attached herewith as "Annexure-A".

In light of the above, it is respectfully submitted that, while adjudicating the present matter, this Hon'ble Forum may be pleased to take into consideration the discrepancies highlighted hereinabove. It is further submitted that the Appellant's reliance on the notification issued by the Financial Commissioner & Principal Secretary to Government of Haryana, Town & Country Planning Department, Chandigarh, vide Memo No. LC-147-7/16/2006-2TCP dated 03.02.2010, is misplaced, as the said notification merely provides that a flat is to be reserved for EWS. However, in order to establish that the EWS flats are actually occupied by the intended beneficiaries, the Appellant was required to furnish invoices and payment details in terms of the directions already issued by this Hon'ble Forum-documents which the Appellant has failed to produce. In view of these aspects, it is submitted that this Hon'ble Commission may be pleased to, inter alia, reject the Appellant's prayer pertaining to grant of slab benefit.

- Q.** On 19.11.2025 the following interim order has been passed: -

Vide interim order dated 11.11.2025 in respect of appeal no. 36 of 2025 following directions were issued: -

The appellant counsel through his submission justified that 48 EWS flats stands occupied from the date of grant of occupation certificate. Accordingly, SDO respondent is directed to submit the calculation by giving rebate as per dwelling units shown in table given on the next page. This calculation should be submitted within 5 days.

The SDO respondent and counsel of respondent requested that mode of payment of the bills be also submitted by appellant counsel, accordingly appellant counsel was directed to submit the mode of payments details for August 2020 within a week.

The respondent as well as the appellant both the parties were requested vide email dated 17.11.2025 to furnish the information so as to enable speedy decision in the matter. Subsequently, reply made by SDO, Palam Vihar vide his email dated 19.11.2025 has been considered. In order to settle the case for its finality, physical hearing has been fixed to settle the case to conclude the appeal.

Accordingly, the case has been listed for final argument on dated 24.11.2025 at 2:00 P.M. both the parties are directed to submit their final claim and counter claim within 3 days duly supported by documents duly attested and notarized. No further submission will be entertained after 22.11.2025.

R. Vide email dated 22.11.2025, counsel of respondent has submitted as under: -

PRELIMINARY SUBMISSION

1. That the respondent has filed the statement of account as **ANNEXURE A**, which shows that there is net adjustable amount of Rs. 3194531/-but while preparing the statement the respondent has added one additional column after energy consumption to be billed under NDS category i.e. KVAH energy consumption to be billed under NDS category and thereby converted KWH units in to KVAH units by using power factor as 0.9 and charged additional amount from the Complainant. While raising the supplementary demand of Rs. 740172/- under the Memo No. 4400 sated 10.01.2025 which is also challenged before this Hon'ble Ombudsman there was no such KVAH energy consumption to be billed under NDS category and thus the respondent is trying to reduce the refund adjustment by illegal means. In the Annexure -2 of the Single point Supply Regulation 2020 there is no provision to convert the KWH reading in to KVAH and the DHBVN has never issued such demand and hence strict action is required to be taken for the guilty person who is trying to harass the residents of the society.
2. That as per the tariff provision for Bulk Supply Domestic it is mentioned as under: -

For total consumption

in a month not exceeding 800 units/ flat/ dwelling unit (DU)	Rs.580/- plus Rs. 150/- /kw/month of recorded consumption
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For total consumption

in a month exceeding 800 units/ flat/ dwelling unit (DU)	Rs.660/- plus Rs. 150/- /kw/month of recorded consumption
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It is nowhere mentioned that if the flat is lying vacant due to any reason then the society will not get the rebate benefit. The town planning has given the occupancy certificate for 322 dwelling units and the meters were installed for all 322 dwelling units then the respondent cannot deny the benefit. The respondent has also verified the number of dwelling units on 18.11.2025 and verified 322 flats plus 5 shops at site, the only objection of the respondents that some of the flats are lying vacant

which does not disentitle the Complainant for the rebate benefit for 322 dwelling units.

REPLY ON MERITS

1. That para no.1 of the reply filed by the respondent needs no reply.
2. That the contents of para no,2 of the reply filed by the respondents are wrong and denied. It is denied that there is any anomalous and indicative of inaccuracies in the data submitted by the Claimant. It is submitted that as per tariff provision prevailing at that time fixed charges per KW was required to be charged even if the consumption is nil and accordingly the Complainant has charged the fixed charges of Rs.817, Rs.627, Rs.539 and Rs120 for some flats as due to COVID the owner of the flats was not staying in the flats or rented. The charges which were shown by the respondents are charged equally every month based on a preapproved formula as per the tariff provision and there is no illegality in charging such charges.

3. That the contents of para no.3 of the reply filed by the respondent are wrong and denied. It is denied that the data supplied by the Appellant is Prima Facie inconsistent with the bank records and cannot be treated as correct or authenticated. It is submitted that the figure of 924 entries pertains to the tally ledger, which records individual billing components-namely GRID electricity charges, DG electricity charges, and Maintenance charges. These ledger entries collectively amount to Rs62.32 lakhs, which represents the total billed amount for these three heads combined.

On the other hand, the bank statement reflects 456 deposit entries amounting to Rs53.09 lakhs because residents do not make separate payments for GRID, DG, and Maintenance charges. Instead, residents typically make a single consolidated payment, which the accounting system subsequently allocates internally across the respective billing heads.

Therefore, the number of bank deposits cannot and should not match the number of ledger entries. Each consolidated bank deposit corresponds to multiple ledger entries in tally. The GRID-specific billed amount for the same period is Rs19.58 lakhs, which is already distinctly accounted for.

Accordingly, the data supplied by the Appellant is accurate and is being misinterpreted by DHBVN by comparing incomparable datasets (bank deposits vs. internal ledger allocations). There is no discrepancy or anomaly in the figures provided.

4. That the contents of para no. 4 of the reply filed by the respondent are wrong and denied. It is denied that the respondent has calculated the rebate as directed by this Hon'ble Ombudsman, the respondent has not only added the NDS tariff in the statement which was already charged but also converted the NDS units from KWH in to KVAH illegally and arbitrarily violating all the norms and regulation as mentioned in the preliminary objection which may be read as part of this reply also.

It is, therefore, prayed that the order passed by the Hon'ble CGRF may kindly set aside and the appeal of the Appellant may kindly be accepted.

Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favour of Complainant in the interest of justice.

- S.** Hearing was held on 24.11.2025 as scheduled. Both the parties were physically present. During the hearing the appellant counsel raised the contentions that though the respondent has passed on the benefits as per his appeal but there has been billing of the NDS load on the basis KVAH instead of KWH which should have been charged on the basis of KWH only. The respondent SDO operation submitted that there was a clerical mistake in the earlier submitted calculation wherein the calculation was made on the basis of KWH whereas actually the NDS load above 20 KW was required to be billed on KVAH basis in compliance to sale circular no. D-13/2025. It was decided that relevant Tariff decided by Commission shall only be considered as applicable in the matter. Both parties expressed their concurrence in the matter.

The appellant counsel raised the contentions that the calculation supplied by the respondent SDO, Palam Vihar vide which a refund of Rs. 31,94,531/- on account of slab wise benefit to the residents have been given does not include the original amount deposited by appellant in compliance to notice bearing memo no. 4244 dated 12.12.2024. The respondent SDO after having telephonically conversation from his official informed that the amount deposited by the appellant in compliance to his office memo no. 4244 dated 12.12.2025 shall be accounted for separately.

The appellant counsel expressed his concurrence thereafter and respondent SDO also assured before Electricity Ombudsman that the amount deposited by the appellant in compliance to notice bearing memo no. 4244 dated 12.12.2024 will be duly accounted for other than the sum of Rs. 1,25,120/- on account of ACD interest plus Rs. 31,94,531/- on account of slab wise tariff.

Decision

After hearing both the parties and going through the record made available on file, it is decided that: -

- a) The respondent SDO will also consider the amount deposited earlier his office memo no. 4244 dated 12.12.2024 as the benefit of the same is required to be also given to the consumer.
- b) The benefit of ACD interest amounting to Rs. 1,25,120/- shall be passed onto the consumer within 30 days otherwise interest of further 18% shall be payable to the consumer after the lapse of 30 days from the date of decision.
- c) The benefit of slab wise tariff amounting to Rs. 31,94,531/- shall be passed onto the consumer M/s Brisk Lumbini Apartment, Resident Welfare Association bearing account no. 0906942389 (Brisk Lumbini Terrace Homes, Sector-109, Gurugram).

Decision

After hearing both the parties and going through the record made available on file,
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.2023/EO/HERC/Appeal No. 36/2025

Dated:28.11.2025

To

1. Brisk Lumbini Apartment, Resident Welfare Association through its President Sh. N.K. Sharma, Brisk Lumbini Terrace Homes, Sector 109, Gurugram-122006 (Email bpagarwal57@gmail.com)
2. The Managing Director, DHBVN, Hisar (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, DHBVN, Delhi (Email ceopdelhi@dhbvn.org.in).
5. The SE/OP, Circle, Gurugram-I, DHBVN, Gurugram (Email seop1gurugram@dhbvn.org.in)
6. The XEN/OP, City Division, DHBVN, Gurugram (Email xenopcitygurugram@dhbvn.org.in)
7. SDO, Op. Sub Division, New Palam Vihar, DHBVN, Gurugram (Email sdoopnewpalamvihar@dhbvn.org.in)