

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT  
PANCHKULA**

**Case No. HERC/P. No. 71 of 2024**

**Date of Hearing : 19/11/2025**

**Date of Order : 16/01/2026**

**IN THE MATTER OF:**

**Complaint under Section 142, read with Section 146 & Section 149 of the Electricity Act,2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulations,2020 for imposing penalty u/s 142 and institution of complaint u/s 146 of the electricity act, 2003 on account of non-compliance of the order/ direction passed by 1d. corporate forum CGRF DHBVN for redressal of consumer grievances (CGRF) DHBVN Gurgaon as well as continuing failure to comply with the direction(s) of order number 4644/2024 dated 26-03-2024 by respondent(s) and for direction(s) to ensure strict compliance of the direction issued by the Corporate CGRF DHBVN memo number 117/ CGRF /GGN , 4644-2024 dated 26.03.2024 and to impose the penalty HERC (Standard of Performance of Distribution Licensee and Determination of Compensation) Regulation 2020 Schedule – II Sub Clause 20.**

**Petitioner**

Shri Ram Filament, 65-66/21, Industrial Area Bhiwani, through its partner Raman Aggarwal

**VERSUS**

**Respondents:**

1. SDO 'OP' Sub Urban Sub Division No-1 Bhiwani
2. XEN 'OP' Division City Bhiwani.

**Present**

**On behalf of the Petitioner**

Sh. Akshay Gupta, Advocate

**On behalf of the Respondent**

1. Sh. Raheel Kohli, Advocate
2. Sh. Vinod Punia, SE, DHBVN
3. Sh. Suresh Duhan, SDO, DHBVN
4. Sh. Ankit Kumar, SDO, DHBVN

**QUORUM**

**Shri Nand Lal Sharma, Chairman**

**Shri Mukesh Garg, Member**

**Shri Shiv Kumar, Member**

## **ORDER**

### **1. Petition:**

1.1 That Sh. Raman Aggarwal (Complainant petitioner) S/o Sh. Krishan Kumar Aggarwal, R/o Bhiwani Haryana, is the Partner of Shri Ram Filament and having an HT industrial electricity connection bearing account number 8077380000 under the jurisdiction of SDO Op Sub Division Sub Urban No-1, Bhiwani. Complainant petitioner filed a complaint before Corporate CGRF, DHBVN Gurgaon on dated 23-02-2024 which was instituted on 01-03-2024 vide case number 4644-2024 and the complainant raised the below grievances.

#### Grievances of the complainant/petitioner raised before CGRF:

- i. That the ACD of complaint petitioner was Rs. 577500 also shown in the bill for the month of Sep-2018 and Oct-2018. The petitioner received the bill in the month of Nov-2018 and in this bill the ACD /Security reflected Rs. 105600 (One Lac Five Thousand Six hundred only). There was no adjustment of ACD in that bill and respondent didn't provide any detail/reason.
- ii. Complainant petitioner submitted the application to respondent for adjusting the ACD, but respondent has not adjusted the ACD Rs. 471900.
- iii. That the respondent charged Rs. 3991595 (Thirty-Nine Lac Ninety-One Thousand Five Hundred Ninety-Five) as enhanced ACD through Sundry item in the bill issued on Jan-2019.
- iv. That the respondent debited the amount of enhanced ACD from the current bill account and adjusted in the ACD Head.

Now the ACD of consumer comes to Rs. 4097195 (Forty Lac Ninety-Seven Thousand One Hundred Ninety-Five Only). Which also reflected in the ACD column of bill issued by the respondent in the month of Jan-2019 onwards.

But, the respondent failed to adjust the ACD amounting to Rs. 471900/- and interest on ACD Rs. 4097195 (Rs 105600 ACD shown in bill on Dec-2018 + Rs. 3991595 ACD charged and shown in bill on Jan-2019).

#### Complainant petitioner prayed before CGRF:

- a. Declare the action of the respondent for debiting ACD Rs. 471900 and not adjusting the same in the bill and not adjusting the interest on ACD in first billing cycle as illegal, arbitrary and unjustified and be quashed and;
- b. Direct respondent to refund the ACD amounting to Rs. 471900 in the bill with 18% P/a interest from Jan-2019 to till realization.
- c. Direct the respondent to refund the interest on ACD with penal interest as instruction of Nigam.
- d. Direct the respondent to pay the compensation of Rs 1,00,000 to complainant on account of harassment, mental agony, pain suffered by its functionaries and legal expenses incurred and;
- e. Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favor of complainant in the interest of Justice.

1.2 That the Corporate CGRF DHBVN Gurgaon vide order dated 26-03-2024 disposed the case and the order passed by the CGRF is held as under:

“After considering the reply of both the complainant and SDO and submission made by them in the hearing. The forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- & interest @ 18% on ACD amount from Jan-2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed) The case is disposed of without cost to either of the parties”

1.3 The respondent should comply with the order passed by Corporate CGRF DHBVN within 21 days i.e. by 21-09-2024 but respondent failed to comply with the order and direction(s) given by the Corporate CGRF DHBVN Gurgaon.

1.4 That the order passed by the Corporate CGRF was to be comply with by 17.04.2024 but the respondent didn't comply with the order, so the complainant through his counsel filed an RTI and asked the reason for non-implementation of order passed by the corporate forum.

1.5 That the respondent SDO vide his office memo number 4152 submitted the reply of the RTI and in his reply he submitted in point number 2” The compliance as per direction of HERC, order has been made on the date mentioned on the sheets which are attached herewith for the information as Annexure I to Annexure IV, only ACD case in respect of Sh. Raman Aggarwal is pending and is in process.

1.6 That the complainant through his counsel sent a notice through email and requested the respondent to comply with the order passed by the corporate forum.

1.7 That the respondent SDO vide his email submitted that “It is submitted to the Ld. Ombudsman that the cases mentioned in the email correspondence have been implemented in the respective account except the one case for Raman Aggarwal Sh. Ram Filament is still in pipeline. The case id for the account has been generated which will be approved as earliest at the possible.

The opposing counsel can contact the subdivision office if there is any issue or discrepancy with the implementation of the orders. The same shall be resolved at priority as well.”

1.8 That the respondent SDO updated the complainant that the case for refund is initiated vide ID 2595296869 and confirm that the refund entry is made against the Sundry Number 205/215 and also provide the copy of Sundry.

1.9 That the order dated 26-03-2024 was to be complied within 21 days i.e. by 17-04-2024 but it's been around 8 month since passing of order dated 26-03-2024 by Ld. Corporate CGRF DHBVN Gurgaon and the same has not been complied with by the respondent SDO and the issues wise due refund as below is not adjusted so far.

Interest on ACD: A sum of Rs. 3592436 (Thirty Five Lac Ninety Two Thousand Four Hundred Thirty Six) is to be refundable against the interest on ACD, the same is confirmed by the SDO as per his

submission and copy of sundry made but the same has not been refunded so far.

Refund of missing ACD amount Rs. 471900 (Four Lac Seventy-One Thousand Nine Hundred)- The respondent has not refunded the ACD amount Rs. 471900 so far.

Respondent in sundry 205-215 mentioned "as per CGRF order no 117 dated 26-03-2024 and advice received from LR Panchkula interest on ACD is hereby adjusted to the consumer account as per detail given below."

Despite the direction that he received from the higher authorities and the sundry made by the respondent SDO, the necessary refunds have not been adjusted in the consumer's account, which is contrary to the Corporate CGRF DBHVN order.

- 1.10 This delay of 8 months is unacceptable and has caused considerable inconvenience to the complainant petitioner.
- 1.11 That the respondent has failed to comply with the order passed by Ld. Corporate CGRF DHBVN Gurgaon and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 26.03.2024.
- 1.12 Electricity Act, 2003- Section 142 "Punishment for Non-Compliance of directions by Appropriate Commission): in case any complaint is filed before the Appropriate Commission by any person or if that Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made, thereunder; or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed One Lakh Rupees for each contravention and in case if a continuing failure with an additional penalty which may extend to Six Thousand rupees for every day during which the failure continues after contravention of the first direction.
- 1.13 Section 146: "Punishment for Non-Compliance of orders or directions- Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made there under, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:  
(Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.)

1.14 Section 149 (1) Where an offence under this act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:

(2) Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.

1.15 Regulation 2.32 of HERC (Corporate CGRF UBHVN and Ombudsman) Regulations, 2020 (Regulation2.32):

“The decisions of the Corporate CGRF UBHVN will be recorded and duly supported by reasons. The Order of the Corporate CGRF UBHVN will be communicated to the complainant and the licensee in writing within 7 days of the passing of the Order. The licensee shall comply with the order of the Corporate CGRF UBHVN within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Corporate CGRF UBHVN, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. The aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard and decide the appeal.

In case of non-compliance of the order of the appropriate Corporate CGRF UBHVN, the aggrieved consumer may approach the Commission who will provide the consumer as well as the Licensee an opportunity of being heard. The Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”

1.16 That as per HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation, 2020 Schedule – II Sub Clause 20 provides that in case of compliance of CGRF is not made within the time framed defined in such order or the regulations specified by the commission in this regard, the compensation of Rs.100/- per day or part thereof is payable.

1.17 That as per the HERC fee regulation, the complainant has paid Rs. 50,000 (Rupees Fifty Thousand) through RTGS vide UTR No. N331243416395767 dated 26.11.2024.

Prayer:-

- i. It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon'ble Commission may kindly be pleased to:
  - ii. Institution of complaint under Section 142 RW Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 26.03.2024 as well as continuing failure to comply with the directions against the respondent(s).
  - iii. Direct the respondent(s) to comply with the direction(s) given Corporate CGRF DHBVN vide order dated 26.03.2024 and adjust the due refund as per the Sundry made by the respondent SDO vide sundry number 205-215.
  - iv. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 26.03.2024 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.
  - v. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.
  - vi. To award the penalty imposed on respondent(s) in favor of the complainant- petitioner.
  - vii. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
  - viii. To allow any other relief as deemed fit by the hon'ble Commission.
2. The case was heard on 20/02/2025, Sh. Tarsem Rana, associate to advocate for DHBVN submitted that the concerned SDO could not attend the court due to his appearance in another court and requested to grant 2 weeks' time to file the reply. The Commission directs respondents to submit compliance report of the Forum's order within two weeks and concerned XEN and SDO to remain present in person in the court on next date of hearing.

### **3. Compliance report submitted by DHBVN dated 04/03/2025:**

- 3.1 The present compliance report is being filed on behalf of Dakshin Haryana Bijli Vitran Limited to apprise this Hon'ble Commission regarding the compliance of the order dated 22.03.2024 passed by Corporate CGRF in case no. 4644/2024. For ease of reference, the relevant portion of the order dated 22.03.2024 is reproduced below:  
"After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- & interest @18% on ACD amount from Jan 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side."

3.2 It is submitted that in the present case Petitioner is contending that though, in terms of the direction passed by the CGRF, sundry number 205/215 dated 23.07.2024 was prepared, however till date the necessary adjustment associated with Rs. 4,71,899 (Rupees Four Lacs Seventy One Thousand Eight Hundred Ninety Nine only) are not made in the Petitioner's account.

3.3 It is most respectfully submitted by the Respondent that the sundry number 205/215 dated 23.07.2024 was placed before the Respondent's audit department – Commercial Back Office, Hisar. After verification, the audit department highlighted discrepancy in the said sundry. Consequently, the ACD record of the Petitioner was verified and it was found that:

- a. Rs. 4,35,600 (Rupees Four Lacs Thirty Five Thousand Six hundred Only) was deposited by the Petitioner as ACD and an amount of Rs. 3,33,750 (Rupees Three Lacs Thirty Three Thousand Seven Hundred Fifty) was adjusted as ACD and the same was reflected in the bill dated 19.09.2016. Copy of the bill dated 19.09.2016 is annexed as "Annexure R1".
- b. Rs. 1,05,600 (Rupees One Lac Five Thousand Six Hundred only) was updated by the RAPDRP DHBVN, Hisar (i.e. Rs. 4,34,600 – Rs. 3,33,750 = Rs. 1,01,850). Therefore, an amount of Rs. 4,71,899 (Rupees Four Lacs Seventy One Thousand Eight Hundred Ninety Nine only) was not payable to the Petitioner and in fact an amount of Rs. 19,986 (Rupees Nineteen Thousand Nine Hundred Eighty Six only) was found refundable.

3.4 Accordingly sundry number 205/215 was cancelled and a new sundry number 211/215 dated 16.08.2024 was prepared. Thereafter Rs. 19,986 (Rupees Nineteen Thousand Nine Hundred Eighty Six only) stands refunded, which is reflected in the bill dated 05.09.2024. Copy of the cancelled sundry number 205/215 dated 23.07.2024, sundry number 211/215 dated 16.08.2024 and bill dated 05.09.2024 is attached as "Annexure R2 (Colly)".

3.5 It is humbly submitted that, on account of a bon fide/unintentional miscalculation, the correct figures were not placed before the Corporate CGRF. Therefore, this Hon'ble Commission may be pleased to consider that the Respondent has acted in a bon fide manner and has accordingly implemented the CGRF's order based on the Petitioner's entitlement under law.

In light of the above submissions, this Hon'ble Commission may be pleased to dispose the present petition.

4. The case was heard on 19/03/2025, Sh. Raheel Kohli, advocate for DHBVN submitted that the orders of the CGRF have been complied and submitted a compliance report in this regard. Sh. Akshay Gupta counsel for the petitioner objected to the submissions of the respondent and submitted that the orders have not been complied till date. The Commission called the concerned SDO, DHBVN present in the court to

explain the position. The SDO, DHBVN apprised that an amount of Rs. 3,33,750/- already stands adjusted in the bill dated 19/09/2016. The Commission enquired whether the above facts were brought to the notice of the CGRF, the SDO replied in negative. Upon hearing the parties, the Commission directed the parties to hold a re-conciliation meeting and the respondent to submit the outcome on next date of hearing. The Commission further directed the respondent Nigam to intimate the names of the responsible officers/ officials who have failed to present proper facts before CGRF. The original file relating to present case be called from CGRF, DHBVN, Gurugram before next date of hearing.

5. The case was heard on 25/03/2025, Sh. Raheel Kohli, advocate for DHBVN submitted that in compliance to the order dated 19/03/2025 a meeting was convened with the petitioner but as the records of case are available online only, the petitioner has been requested to come to the office of SDO for discussion on the facts and record. He further requested the Commission to grant some more time to hold another meeting with the petitioner. Sh. Akshay Gupta counsel for the petitioner submitted that he has submitted the facts relating to refund of ACD and interest on ACD but the orders of CGRF have not been complied till date. Upon hearing the parties, the Commission observes that licensee has not intimated the names of the responsible officers/ officials who have failed to present proper facts before CGRF in compliance to the earlier directions. Further the parties have failed to reach at any conclusion in the re-conciliation meeting. The Commission, thus directs the respondent-DHBVN to file its detailed reply alongwith the names of the responsible officers/ officials within 3 weeks with advance copy to petitioner and petitioner to file his averments, if any, within two weeks thereafter.
6. The case was heard on 07/05/2025, Sh. Raheel Kohli, counsel for DHBVN submitted the reply apologising for the delay and requested to take the same on record. The counsel submitted that the reply contains all the facts regarding the case. The Commission orders to take reply of the respondent on record subject to deposit of late fee of Rs. 5000/-. The petitioner may submit rejoinder to the reply, if any, within two weeks with advance copy to the respondent. To the query of the Commission, the respondent SDO stated that the action for compliance of CGRF order was initiated timely but compliance was delayed due to involvement of different offices of DHBVN for final decision. The Commission remarked that it is the responsibility of the concerned SDO to get the orders of CGRF complied

with in timelines and difficulty if any in compliance of orders of CGRF should have been brought to the notice of higher authorities of DHBVN. If the respondent was aggrieved with orders of CGRF, then the respondent should have challenged the order in appropriate court of law. The Commission, thus directs the SE/OP circle, Bhiwani to enquire into the matter and to submit the detailed report including the names of the officers/ officials responsible for noncompliance of the CGRF order with in stipulated time, within 2 weeks.

#### **7. Reply filed by DHBVN on 07/05/2025:**

7.1 The present reply is being filed by SDO (OP) Sub Urban Sub-Division No. 1 Bhiwani DHBVN ("Respondent No. 1/Answering Respondent") in response to the above captioned petition filed alleging non-compliance of the order dated 22.03.2024 passed by Corporate Forum for Redressal of Consumer Grievances ("CGRF Order"). All allegations made by the Petitioner are denied in totality and the same may be treated as a denial as if it was made in seriatim. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.

7.2 That, for ease of reference, the operative portion of the CGRF Order is reproduce below:

"After considering the reply of both the complainant and SDO and submission made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 4,71,899/- & interest @ 18% on the ACD amount from 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side."

7.3 It is respectfully submitted that the Answering Respondent would like to draw the attention of this Hon'ble Commission to the following facts which were unearthed post filing of the compliance report and after through verification of the documents/records, which dates back to the year 2016, in relation to the Petitioner: from the November 2018:

- a. In the month of November 2018, due to technical issue in the system, ACD amount of the Petitioner was reduced from Rs.5,77,500 to Rs. 1,05,600. In this regard, reliance is placed invoices for the month of October 2018 and December 2018.
- b. In January 2019, Petitioner's ACD was reviewed and revised by Rs. 39,91,595.88 and kept on revising in the subsequent financial years. However, the amount of revised ACD was deposited by the Petitioner on 31.03.2023 (Rs. 23,00,000 including surcharge) and on 11.04.2023 (Rs. 18,50,000 including surcharge) these payment details are enclosed as. However, DHBVN's system was inadvertently granting interest to the consumer in terms of revised ACD, which the Petitioner was not entitled to receive. It was found that interest to the tune of Rs. 8,28,946.60 was granted to the Petitioner for the period of FY 19 to 23. Out the said amount Rs.

4,05,455 was charged to the Petitioner vide SC & AR No. 571/214 and the said amount has been deposited by the Petitioner. Therefore, the remaining amount of Rs. 4,23,491.60 needs to be deducted from the Consumer.

- 7.4 It is submitted that, in terms of the CGRF Order, Petitioner is entitled to the ACD amount of Rs. 4,71,899 along with interest and penal interest on the said ACD amount. Therefore, the Petitioner's gross entitlement is Rs. 6,93,757.60 (i.e., Rs. 4,71,900 – ACD amount, Rs. 1,55,254.60 – Interest on ACD and Rs. 66,603 – penal interest). It is pertinent to mention that from the said gross amount, Rs. 4,23,491.60 (from 3(b) above) and Rs. 19986 (which has been refunded vide SC & AR No. 211/215 (already informed through previous replies submitted) needs to be deducted and accordingly the Petitioner is entitled to receive Rs. 2,50,280. Copy of revised sundry is attached herewith and marked as along with case ID.
- 7.5 It is most respectfully submitted that the sundry number 205/215 dated 23.07.2024, reliance on which has been placed by the Petitioner, has been rejected by the Audit department, the same was contrary to the CGRF Order, which directed the refund of ACD amount of Rs. 4,71,899 along with interest and penal interest on the said ACD amount. Also, amount of Rs. 3,33,750 (which was mentioned in the compliance report as adjustment to ACD), was a security deposit in relation to a separate connection request of the Petitioner repaid to the applicant. As the said request was rejected, the said amount was adjusted in September 2016.
- 7.6 It is submitted that the Answering Respondent has initiated the process of refund of Rs. 2,50,280 and the same will be reflected in the upcoming next billing cycles of the Petitioner.  
In light of the above submissions, this Hon'ble Commission may be pleased to dispose the present petition.

8. The case was heard on 03/06/2025, Sh. Raheel Kohli, counsel for DHBVN submitted the enquiry report of SE/OP Bhiwani in compliance to the order of the Commission during hearing and intimated that concerned Assistant Field Sh. Pradeep Ranga has been found responsible for lapses. Further, Petitioner was entitled to the ACD amount of Rs. 4,71,899 along with interest and penal interest on the said ACD amount. The Petitioner's gross entitlement was Rs. 6,93,757.60 (i.e., Rs. 4,71,900/- – ACD amount Rs. 1,55,254.60 – Interest on ACD and Rs. 66,603/- – penal interest). From the said gross amount, Rs. 4,23,491.60 and Rs. 19,986/- needs to be deducted and accordingly the Petitioner is entitled to receive Rs. 2,50,280/-. Sh. Akshay Gupta, Counsel for the petitioner submitted that compliance to the order of CGRF has not been made till date. Even the enquiry report was to be submitted within two weeks which is being

submitted today. The Counsel requested for action against concerned XEN and SDO under section 142 of the Electricity Act.

The Commission observes that respondents should have brought the issues being raised by them in compliance report to the notice of CGRF during the proceedings of case before CGRF. The case has been filed before the Commission for non-compliance of the order of CGRF. The Commission cannot go into the merits of the case at this stage. If the respondents were aggrieved with the CGRF order, they should have challenged the order before the appropriate authority within the stipulated time. The Commission, taking a lenient view directed the respondent to comply with the orders of the CGRF and to submit a compliance report within 15 days i.e. by 18.06.2025 otherwise action under section 142 shall be initiated against the respondents. The issues regarding non-admissibility of any claim of petitioner or any additional demand may be dealt separately.

9. The case was heard on 23/07/2025, The concerned XEN and SDO were present in the court as per directions of the Commission. ; Sh. Raheel Kohli counsel for the respondent submitted that sundry of refund has been prepared on 22/07/2025 but the refund amount is yet to be reflected in the bill of the consumer. ; The Counsel for the petitioner submitted that the orders have not been complied as yet and the concerned officers are not paying any heed to make the compliance as such action against them is required to be initiated under section 142. ; The CGRF order dated 26/03/2024 was to be implemented by the respondents within 21 days but same has not been implemented till date. So, the Commission expressed its displeasure for noncompliance of the order even after lapse of more than one year. ; In light of the escalating number of similar instances MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF due to which the consumers are forced to run from pillar to post and ultimately, they have to approach the Commission for getting awards implemented. On 23.07.2025, single subdivision's four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF order by SDO Sub Urban No-1, Bhiwani and XEN 'Op' Division City Bhiwani were listed before the Commission. Many such cases have already been decided by the Commission and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and

resources of the licensee. MD, DHBVN should get DISCOM's Standard operating procedure for monitoring of CGRF/EO/HERC decisions (circulated vide CE /Commercial Hisar vide memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) implemented in true letter and spirit. ; The Commission observes that there is inordinate delay in implementation of the order of CGRF and decides to issue show cause notice to concerned XEN and SDO to explain their position within 15 days, as to why penal action should not be taken against them under section 142 read with Section 146 of the Electricity Act, 2003 for non-implementing the order in stipulated time. ; The Commission further directs respondents to submit the compliance report within four weeks and Concerned SE/OP to be present in the court on next date of hearing.

#### **10. Compliance Report of DHBVN Submitted on 29/08/2025:**

- 10.1 The present compliance report is being filed on behalf of Dakshin Haryana Bijli Vitran Limited to apprise this Hon'ble Commission regarding the compliance of the order dated 22.03.2024 passed by Corporate CGRF in case no. 4644/2024. For ease of reference, the relevant portion of the order dated 22.03.2024 is reproduced below:  
"After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- & interest @18% on ACD amount from Jan 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side."
- 10.2 It is respectfully submitted that in terms of order dated 03.06.2025 passed by this Hon'ble Commission (wherein this Hon'ble Commission held that - non admissibility of any claim of petitioner or any additional demand may be dealt separately) the Respondent vide sundry No. 266/215 calculated the refund amount of Rs. 710151 (i.e., Rs. 4,71,900 – ACD amount, Rs. 1,65,115 – Interest on ACD and Rs. 73,136 – penal interest). Accordingly, the said amount has been refunded in the Petitioner and the same is evident from the invoice issued for the Month of August 2025.
- 10.3 It is most respectfully submitted that the Answering Respondent has utmost respect and regard for the directions issued by the CGRF accordingly has taken all necessary steps towards compliance of the CGRF Order. Therefore, this Hon'ble Commission may be pleased to consider that the Respondent has acted in a bona fide manner and has accordingly implemented the CGRF's order.  
In light of the above submissions, this Hon'ble Commission may be pleased to dispose the present petition.

11. The case was heard on 03/09/2025, The Commission was apprised that the concerned SE, XEN and SDO has sought exemption on personal

appearance due to emergent situation arisen due to heavy continuous rain in the region and all the officers have been directed by the district administration to maintain Head Quarter. To the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, it was apprised that no reply has been received in the registry till date. The Commission took a serious view of not filling reply to the show cause notice and decided to impose penalty of Rs. 25,000/ each. The counsel for the respondent submitted that the CGRF order has been complied with and the compliance report has been filed with late fee on 29/08/2025. Per contra, the Counsel for the petitioner submitted that the order of the CGRF has not been implemented in toto and even stated that respondent is misleading/misrepresenting the commission. The Commission directs the petitioner to submit its rejoinder by 17/09/2025 along with the details of the CGRF order regarding what is to be complied, what has been complied and pendency if any, with advance copy to respondent. The respondent XEN and SDO to file reply to the show cause notice along with penalty imposed above in the registry by 17/09/2025. Further, concerned SE/OP along with the respondent XEN and SDO to be present in the court on next date of hearing.

## **12. Rejoinder Submitted on 10/09/2025:**

- 12.1 The present petition is filed by the complainant under Section 142 RW Section 146 RW HERC Regulation for compliance of the order passed by the Ld. CGRF DHBVN Gurgaon on 22.03.2024. The Contents of the petition are not reiterated herein for the sake of the brevity.
- 12.2 The respondent submitted the 3rd compliance report on 29.08.2025. Although the respondent had already filed the compliance report on 04.03.2025 and 06.05.2025, wherein they tendered an affidavit and claimed that the order had been complied with, during the hearing, the respondent SDO admitted that the order had not been complied with in toto.
- 12.3 The Hon'ble Commission, via an interim order dated 23rd July 2025, directed the respondent to submit the compliance report within 4 weeks. The interim order of the Commission is quoted as follows:  
"In light of the escalating number of similar instances, MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF, due to which the consumers are forced to run from pillar to post, and ultimately, they have to approach the Commission to get awards implemented. On 23.07.2025, four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF orders by SDO Sub Urban No-I, Bhiwani, and XEN 'Op' Division City, Bhiwani, were listed before the Commission. Many such cases have already been

decided by the Commission, and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should ensure that DISCOM's Standard Operating Procedure for monitoring CGRF/EO/HERC decisions (circulated by CE/Commercial Hisar via memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) is implemented in true letter and spirit."

The Commission observes that there is an inordinate delay in the Implementation of the CGRF order and decides to issue a show-cause notice to the concerned XEN and SDO to explain their position within 15 days regarding why penal action should not be taken against them under Section 142 read with Section 146 of the Electricity Act, 2003, for non-implementation of the order in a stipulated time.

- 12.4 The respondent SDO submitted the 3rd compliance report on 29.08.2025.
- 12.5 That the compliance report submitted by the respondent is baseless, fallacious, flawed, misconceived and untenable.
- 12.6 At the outset, it is submitted that unless hereinafter specifically admitted, each averment in the reply of the respondents shall be deemed to have been denied in its entirety as though specifically set forth and traversed herein. A bare perusal of the reply dated 27.03.2025 makes it clear that it is nothing but an abuse of the process of law and lacks merit.
- 12.7 The complainant reserves the right to file additional evidence, including, but not limited to, additional documents, witnesses, and expert opinions, should the same become necessary at any stage of the arbitral proceedings and/or arise from further submissions made by the respondents.
- 12.8 That a bare perusal of the reply filed by the respondents would show that their submissions are totally vague, full of baseless denials and without any specific answers to the issues raised in the complaint. The respondents have only presented a concocted story and have miserably failed to answer the points of substance of the dispute in hand. It is evident that the respondents are only trying to escape from their liability by false, vague and baseless denials.
- 12.9 It is further submitted that complainant is not providing a paragraph-wise reply to the reply filed by the petitioner (for the sake of brevity) and is setting out its submissions herein below.
- 12.10 We have tabulated the grievance raised by the complainant, prayer, order passed by the Ld. CGRF and the report submitted by SE Op Circle Bhiwani vide his office memo number Ch-25/ SEI ENQ/ VolV dated 2.06.2025

Grievances	Prayer	Order	Committee Report
<p>i. That the ACD of complaint petitioner was Rs. 5,77,500 also shown in the bill for the month of Sep-2018 and Oct 2018. The petitioner received the bill in the month of Nov-2018 and in this bill the ACD /Security reflected Rs. 1,05,600 (One Lac Five Thousand Six hundred only). There was no adjustment of ACD in that bill and respondent didn't provide any detail/reason.</p> <p>ii. Complainant petitioner submitted the application to respondent for adjusting the ACD, but respondent has not adjusted the ACD Rs. 4,71,900.</p> <p>iii. That the respondent charged Rs. 39,91,595 (Thirty-Nine Lac Ninety-One Thousand Five Hundred Ninety-Five) as enhanced ACD through Sundry item in the bill issued on Jan-2019.</p> <p>iv. That the respondent debited the amount of enhanced ACD from the current bill account and adjusted in the ACD Head.</p> <p>v. Now the ACD of consumer comes to Rs. 40,97,195 (Forty Lac NinetySeven Thousand One Hundred Ninety-Five Only).</p> <p>Which also reflected in the ACD column of bill issued by the respondent in the month of Jan-2019 onwards. But, the respondent failed to adjust the ACD amounting to Rs. 4,71,900/- and interest on ACD Rs. 40,97,195 (Rs 1,05,600 ACD shown in bill on Dec-2018 + Rs. 39,91,595 ACD charged and shown in bill on Jan-2019).</p>	<p>A. Declare the action of the respondent for debiting ACD Rs.4,71,900 and adjusting not the same in the bill and not adjusting the interest on ACD in first billing cycle as illegal, arbitrary and unjustified and be quashed and:</p> <p>B. Direct respondent to refund the ACD amounting to Rs. 4,71,900 in the bill with 18% interest from Jan2019 to till realization.</p> <p>C. Direct the respondent to refund the interest on ACD with penal interest as instruction of Nigam.</p> <p>D. Direct the respondent to pay the compensation of Rs 1,00,000 to complaint on account of harassment, mental agony, pain suffered by its functionaries and legal expenses incurred and;</p> <p>E. Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favor of complainant in the interest of Justice.</p>	<p>"After considering the reply of both the complainant and SDO and submission made by them in the hearing. The forum directs the respondent SDO to adjust the ACD amount of Rs. 4,71,899/- &amp; (2) interest @ 18% on ACD amount from Jan 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed) The case is disposed of without cost to either of the parties.</p>	<p><b>Findings</b> The case relates to improper accounting of ACD in the consumer electricity account. The case of the complainant is gone through and all the relevant documents were produced by Sh Ashok Kumar, Asst-F O / SDO SIU S/Divn No. 1 DHBVN, Bhiwani. While conducting the enquiry it is noticed that two issues has been raised by the complainant to the CGRF Forum.</p> <ol style="list-style-type: none"> <li>1. Adjustment ACD amounting to 4,71,900/-</li> <li>2. Not paying the interest on ACD amounting to * 40,97,195/- w.r.t. to this complaint CGRF has passed an order dated 22.03.2024 which is reiterated as "SDO to adjust the ACD amount of 24,71,899/-and interest @ 18% on ACD amount from Jan 2019 till realization as admissible to the complainant In the next billing cycle (interest @ 18% for the period for which the payment of interest is delayed)"</li> </ol>

12.11 It is undisputed and incontestable that the complainant raised two (2) grievances before CGRF:

- i. Adjustment / Refund of ACD amounting to 4,71,900/- ( This ACD amount was deducted from consumer's account in Oct-2018)
- ii. Adjustment/ Refund of interest on ACD Rs. 40,97,195 (Rs 1,05,600 ACD shown in bill on Dec-2018 + Rs. 39,91,595 ACD charged and shown in bill on Jan-2019).

12.12 That the respondent vide compliance report dated 29.08.2025 appended copy of SC&AR number 266/215 dated 22.07.2025 wherein he submitted that the due refund as per CGRF order regarding grievance 1 i.e Adjustment of ACD Rs. 4,71,900 has been made.

The calculation made by the respondent regarding this grievance is incomplete because the ACD was deducted in the month of 11/2018 while the respondent made the calculation from April-2019 onwards, so the difference payable related to grievance 1 is as below

Table -A

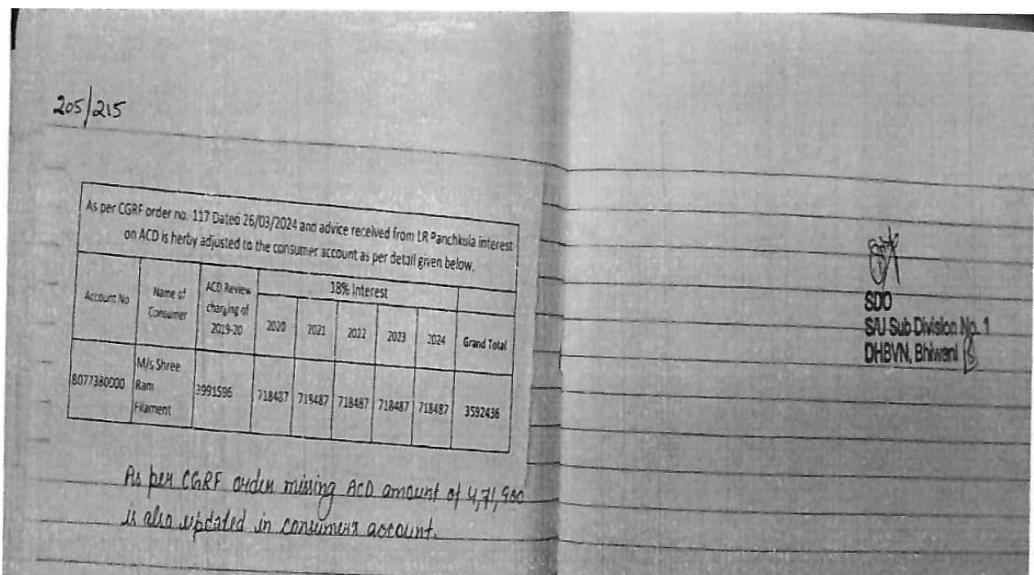
Period	ACD Deducted by System	ACD Interest	18% Penal interest on delayed time	G Total	Remark
11/18 to 3/19	4,71,900	12,289	14,378	26,667	2418 days (78 months)

12.13 That the respondent even after the repeated directions of Hon'ble Commission has not submitted the compliance report on grievance number 2 which is related to Refund of interest on ACD Rs. 40,97,195 (Rs 1,05,600 ACD shown in bill on Dec-2018 + Rs. 39,91,595 ACD charged and shown in bill on Jan-2019).

12.14 That the complaint has already supplied the complete copy of the electricity bills issued to him from Jan-2019 to Dec-2023, which confirms that Rs. 39,91,595 was charged as ACD in Jan-2019 and from Jan-2019 onwards the ACD of the complainant stands 40,97,195.89 ( Rupees Forty Lac Ninety Seven Thousand One Hundred Ninety Five Eighty Nine Paisa Only). (A complete set of bills was submitted before Hon'ble Commission as well as respondent during hearing on 3<sup>rd</sup> Sep-2025.)

12.15 That the respondent SDO in compliance of CGRF order made a sundry for the adjustment of due refund vide SC&R number 205/215.

Below is the copy of the same, which was made as per the directions given by the Ld. CGRF in its order. This sundry was duly signed by the then SDO Mr. Ripudaman Singh and the Commercial Assistant Mr. Pradeep Ranga.



12.16 That the total due refund against the grievance number 2 is as below  
Table-B

ACD Amount	Interest	Amount of interest Financial Year							Total
		19-20	20-21	21-22	22-23	23-24	24-25	25-26 ( till sep)	
39,91,596	18%	7,18,487	7,18,487	7,18,487	7,18,487	7,18,487	7,18,487	4,19,118	47,30,041

so the total balance due refund ( Table A + 26667+4730041= 4756708\* (Rupees Forty Seven Lac Fifty Six Thousand Seven Hundred Eight only)

\* interest has been calculated till Sep-2025 only.

12.17 That the order of the CGRF passed on 26-03-2024; Compliance petition filed on 27-11-2024; The first hearing before the commission held on 20-02-2025. There have been around 534 days since the order passed by CGRF , 288 days since the petition was filed before commission and 203 days since the first hearing was held before commission. Despite this, the respondent even after the repeated directions of the Hon'ble commission, has not complied with the order.

12.18 Below is a summary of the directions given by the Hon'ble Commission, which confirms the stubbornness, disrespect, and willful default of the respondent in not submitting the compliance report.

S.No	Date of Order	Commission Order	DHBVN Reply	Remark
1.	20-02-2025	The Commission directs respondents to submit compliance report of the Forum's order within two weeks and concerned XEN and SDO to remain present in person in the court on next date of hearing.	Compliance report along with affidavit filed on 04-03-2025 and claimed that Rs. 3,33,750 has already been adjusted on	Complainant raised objection and submitted, how come the compliance of the order passed on 2024 was made in 2016 and submitted the bills

			19.09.2016	pertaining to period 2016 which confirms that no such adjustment was made
2.	19/03/25	The Commission called the concerned SDO, DHBVN present in the court to explain the position. The SDO, DHBVN apprised that an amount of Rs. 3,33,750/- already stands adjusted in the bill dated 19/09/2016. The Commission enquired whether the above facts were brought to the notice of the CGRF, the SDO replied in negative. Upon hearing the parties, the Commission directed the parties to hold a re-conciliation meeting and the respondent to submit the outcome on next date of hearing. The Commission further directed the respondent Nigam to intimate the names of the responsible officers/ officials who have failed to present proper facts before CGRF.	Compliance report not submitted	
3.	25/03/25	Upon hearing the parties, the Commission observes that licensee has not intimated the names of the responsible officers/ officials who have failed to present proper facts before CGRF in compliance to the earlier directions. Further the parties have failed to reach at any conclusion in the re-conciliation meeting. The Commission, thus directs the respondent DHBVN to file its detailed reply alongwith the names of the responsible officers/ officials with in 3 weeks with advance copy to petitioner and petitioner to file his averments, if any, with in two weeks thereafter.	Compliance report not submitted	
4.	13/05/25	To the query of the Commission, he respondent SDO stated that the action for compliance of CGRF order was initiated timely but compliance was delayed due to involvement of different offices of DHBVN for final decision. The Commission remarked that it is the responsibility of the concerned SDO to get the orders of CGRF complied with in timelines and difficulty if any in compliance of orders of CGRF should have been brought to the notice of higher authorities of DHBVN. If the respondent was aggrieved with orders of CGRF, then the respondent should have challenged the order in appropriate court of law. The Commission, thus directs the SE/OP circle, Bhiwani to enquire into the matter and to submit the detailed report including the names of the officers/ officials responsible for noncompliance of the CGRF order with in stipulated time, within 2 weeks	incomplete compliance report submitted on 07-05-2025 during the hearing	
5.	03/06/25	The Commission, taking a lenient view directed the respondent to comply with the orders of the CGRF and to submit a compliance report within 15 days i.e. by 18.06.2025 otherwise action under section 142 shall be initiated against the respondents. The issues regarding non-admissibility of any claim of petitioner or any additional demand may be dealt separately.	No compliance report submitted	

6.	25/07/25	<p>The CGRF order dated 26/03/2024 was to be implemented by the respondents within 21 days but same has not been implemented till date. So, the Commission expressed its displeasure for noncompliance of the order even after lapse of more than one year. 5. In light of the escalating number of similar instances MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF due to which the consumers are forced to run from pillar to post and ultimately, they haven to approach the Commission for getting awards implemented. On 23.07.2025, single subdivision's four cases (P. No 40/2025, 41/2925, 42/2025 &amp; 71/2024) of non implementation of CGRF order by SDO Sub Urban No-I, Bhiwani and XEN 'Op' Division City Bhiwani were listed before the Commission. Many such cases have already been decided by the Commission and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should get DISCOM's Standard operating procedure for monitoring of CGRF/EO/HERC decisions (circulated vide CE /Commercial Hisar vide memo No Ch 63/CE/C/Misc/Vol 11 dated 18.02.2022) implemented in true letter and spirit. 6 The Commission observes that there is inordinate delay in implementation of the order of CGRF and decides to issue show cause notice to concerned XEN and SDO to explain their position within 15 days, as to why penal action should not be taken against them under section 142 read with Section 146 of the Electricity Act, 2003 for non implementing the order in stipulated time. 7. The Commission further directs respondents to submit the compliance report within four weeks and Concerned SE/OP to be present in the court on next date of hearing.</p>	incomplete Compliance report submitted on 29-082025	
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12.19 The complainant places reliance upon the judgment passed by the Hon'ble Apex Court in the case titled as *Rahul S. Shah Versus Jinender Kumar Gandhi and others, Civil Appeal Number 1659-60 of 2021 with Nos 1661-62 of 2021 and 1663-64 of 2021*, decided on April 22, 2021, where the Court held as follows:

"42.12 The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

42.13 xxxx.

Further, in case an offense against a public servant while discharging his duties is brought to the knowledge of the court, it must be dealt with stringently in accordance with the law." (Emphasis Supplied)

12.20 In the matter of addressing wilful disobedience to court orders, the Supreme Court's judgment in *Rama Narang v. Ramesh Narang & Ors.*, (2006) 11 SCC 114, serves as a significant precedent. In this case, the Court emphasized that such deliberate violation not only undermines the authority of the judiciary but also disrupts the lawful

operations of businesses and affects the livelihoods of employees. Consequently, the Court imposed a sentence of two months of simple imprisonment and a fine on the respondents, underscoring the judiciary's commitment to upholding the rule of law and ensuring compliance with its directives. This case reinforces the principle that wilful disobedience to court orders cannot be tolerated and must be met with stringent punitive measures to maintain judicial integrity and public confidence in the legal system

- 12.21 Due to the negligence on the part of the respondent the avoidable harassment has been caused to complainant, wasting the time of the commission and imposing a huge financial burden on the Nigam in term of delayed payment interest
- 12.22 That the complainant places a reliance upon the judgement passed by Hon'ble Aptel in the matter Bihar State Electricity Board Versus CERC ( Aptel, Appeal No 53 of 2009), wherein it was emphasized that the timely compliance with regulations is crucial and that any failure to do so warrant appropriate action.
- 12.23 That the complainant also relies on the judgement of Hon'ble DERC in Yogesh Vats versus BRPL (DERC Petition No 31/2020, order dated 09.11.2022), wherein the court has held that:  
"The Commission finds that the Distribution Licensee (BRPL) has willfully failed to comply with the provisions of the Delhi Electricity Supply Code and has harassed the consumer by failing to replace or rectify the defective meter in a timely manner. In exercise of its power under Section 142 of the Electricity Act, 2003, the Commission imposes a penalty upon BRPL and directs it to remedy the violation within 15 days."

It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon'ble Commission may kindly be pleased to:

- i. Institution of complaint under Section 142 RW Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 26.03.2024 as well as continuing failure to comply with the directions against the respondent(s).
- ii. Direct the respondent(s) to comply with the direction(s) given Corporate CGRF DHBVN vide order dated 26.03.2024 and adjust the balance due refund Rs. 47,56,708 (Rupees Forty Seven Lac Fifty Six Thousand Seven Hundred Eight only) iii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 26.03.2024 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.
- iii. To direct the respondent(s) to pay compensation @ Rs.100/ Day for noncompliance of order passed by CGRF within 21 days.
- iv. To award the penalty imposed on respondent(s) in favor of the complainant petitioner.
- v. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
- vi. To allow any other relief as deemed fit by the Hon'ble Commission.

13. The case was heard on 24/09/2025, the concerned SE, XEN and SDO were present in the court. To the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, the SE/OP submitted that the reply was submitted through email but the same was not accepted in registry for want of cost imposed during last hearing. The officers pleaded to waive off the cost imposed. The Commission took a serious view of the casual approach of the respondents as the cases are not being defended properly before the CGRF and changing their stand on some points before the Commission. The respondents even not bothered to submit the reply to the show cause notice as per procedure laid down for filing documents with registry. The Commission, therefore, again directs the respondents to deposit the cost of Rs. 25,000/- each imposed vide interim order dated 03/09/2025 within one month. The counsel for the respondent submitted that the CGRF order has been complied with however there is a difference in the calculations made by the petitioner and respondent. The Counsel for the petitioner submitted that the point of dispute is only interest on ACD and levy of surcharge by the respondent. The Commission observes that the leaving aside the merits of the case, the issues are aggravating due to conduct of the officers of DHBVN. The respondents have lost all the opportunities to resolve the issues, at first instance not taking any action on the request of the consumer, second on not defending the case properly before the CGRF. If the respondents were aggrieved by the order of the CGRF they should have approached to the appropriate authority in the matter. The SE/OP being the administrative head of the circle should monitor all the cases and compliances thereof to avoid litigations and harassment of the consumers. The respondents are directed to submit the reply to the rejoinder within 2 weeks and the SE/OP is directed to submit minutes of his weekly review meeting in tabulated format indicating, title of case, court name, date of decision, Compliance deadline, Action taken and pending compliance with reasons thereof before next date of hearing. Further, concerned SE/OP along with the respondent XEN and SDO to be present in the court on next date of hearing.

**14. Reply by DHBVN submitted on 30/10/2025:**

- 14.1 The present reply is being filed on behalf of Dakshin Haryana Bijli Vitran Limited in response to the issues raised by the Petitioner in its rejoinder dated 10.09.2025.
- 14.2 It is submitted that the primary contention of the Petitioner is that the Respondent has not adjusted or refunded the interest on the ACD

amount of INR 40,97,195 from January 2019. At the outset, it is submitted that the said contention is misconceived and contrary to the order passed by the Ld. CGRF, which does not direct the Respondent to grant interest on the aforesaid amount from January 2019. In fact, the Ld. CGRF has categorically held that interest is to be given only on the ACD amount of INR 4,71,899. For ease of reference, the relevant portion of the CGRF order is reproduced below:

*“After considering the reply of both the complainant and SDO and submission made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 4,71,899/- & interest @ 18% on the ACD amount from 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side.”*

14.3 Additionally, the contention raised by the Petitioner is contrary both to the factual matrix of the case and to the law settled by the Hon'ble Supreme Court. In this regard, the attention of this Hon'ble Commission is invited to the following material facts, which were also brought to its notice on behalf of the Respondent during the course of arguments on 24.09.2025.

- A. In November 2018, Due to technical issue in the system, ACD amount of the Petitioner was reduced from INR 5,77,500 to INR1,05,600 copies of bills showing these amounts in October and November 2018 are attached.
- B. In January 2019, Petitioner's ACD was reviewed and revised to INR 39,91,595 (“Revised ACD”). Copy of bill issued in January 2019 is attached. However, this ACD amount was not deposited by the Petitioner and instead the demand of Revised charged ACD was challenged before the Hon'ble Punjab and Hon'ble High Court of Punjab & Haryana at Chandigarh vide CWP No. 3509 of 2019 (“Writ Petition”). Accordingly, the Hon'ble Court vide order dated 07.02.2019 issued notice and also suspended the recovery of ACD as was done in CWP 24704 of 2018 (“Lead Writ Petition”). Copy of the interim order dated 07.02.2019 is annexed.
- C. In August 2022, the Respondent launched the surcharge waiver scheme. Copy of the surcharge waiver scheme is attached.
- D. The Hon'ble High Court was pleased to dismiss the Writ Petition vide a common order dated 14.02.2023 in the Lead Writ Petition and accordingly upheld the revision of ACD amount.
- E. Consequently, in March 2023, the Petitioner approached the Respondent to avail the benefit of Surcharge waiver scheme and in this regard filed an affidavit dated 31.03.2023. Accordingly, in terms of the scheme, pending bill amount was calculated (waiving the surcharge of INR 19,22,523), which was deposited by the Petitioner, without duress, in three instalments on the following dates:
  - o 31.03.2023 – INR 23,00,000/-
  - o 11.04.2023 – INR 18,50,000/-

- 08.05.2023 – INR 13,92,178/-  
Copy of the affidavit dated 31.03.2023 submitted by the Petitioner to avail the benefit of Surcharge waiver scheme is annexed.

F. In February 2024, the Petitioner by way of a petition approached the Ld. CGRF, which was decided vide order dated 26.03.2024 with the following directions:

*“After considering the reply of both the complainant and SDO and submission made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 4,71,899/- & interest @ 18% on the ACD amount from 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side.”*

It is submitted that before the Ld. CGRF, DHBVN was represented by officiating SDO Sh. Ripudaman Singh and the officiating CA was Sh. Pardeep.

G. Keeping view of the contents quoted in Point F above, it is clear that the interest @18% is to be calculated on the amount 4,71,900 and not on the amount 3991596, as claimed by the petitioner in the point 16 of the rejoinder.

14.4 On the basis of the above numerical facts, in contrary to the submission of the appellant regarding calculation of interest @18% on 3991596 is likely to be set aside and the calculation of delayed interest @18% on ACD Rs. 471900/- is calculated till the month of July-2025 as below:-

Sr No	F.Y	ACD deducted by system	ACD interest	18% penal interest on delayed time	G.Total	Remarks
1	19-20	471900	29493.75	27882	57375.75	1917 days delayed
2	20-21	471900	21943.35	16794	38737.35	1917 days delayed
3	21-22	471900	20055.75	11740	31795.75	1917 days delayed
4	22-23	471900	20055.75	8129	28184.75	1917 days delayed
5	23-24	471900	31853	7162	39015	1917 days delayed
6	24-25	471900	31853	1429	33282	1917 days delayed

7	25-26 (upto7- 25)	471900	9861	0	9861	1917 days delayed
	Total		165115.6	73136	238251.6	

471900(ACD to be updated) + 238251 (Sum of ACD interest and Penal interest).

The amount, as per the aforesaid calculation, comes to ₹70,10,000/- and has been duly refunded in the bill for August 2025. It is, therefore, most respectfully submitted that the directions of the Ld. CGRF have been complied with in letter and spirit.

In light of above factual matrix, the following issues arise for the consideration of this Hon'ble Court:

- I. Whether the Petitioner is entitled to claim interest on an amount which has not been granted by the Ld. CGRF.
- II. Whether the Petitioner, having voluntarily availed the benefit of the Surcharge Waiver Scheme to the tune of INR 19,22,523, is now entitled in law to claim interest on the alleged ACD amount of INR 40,97,195.
- III. Whether the Petitioner is entitled to seek interest from January 2019, when it is an admitted position that the ACD amount, as determined in terms of the Surcharge Waiver Scheme, was deposited only by 08.05.2023.

14.5 Respondent's response to the above issues is as follows:

Response to Issue I – It is respectfully submitted that, in law, the Petitioner is not entitled to claim interest on the amount of ₹40,97,195/-, as no such relief has been granted by the Ld. CGRF. In fact, the Ld. CGRF has specifically allowed interest only on the ACD amount of ₹4,71,899/-. Therefore, it is evident that the Petitioner is seeking a relief which was neither granted by the Ld. CGRF nor permissible in law. The said prayer is misconceived, untenable, and contrary to the settled legal position *qua* the jurisdiction of the State Electricity Regulatory Commission while adjudicating petitions under Section 142 of the Electricity Act, 2003. Similar view has been adopted by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 27 of 2019 titled *Maharashtra State Electricity Distribution Company Vs. Maharashtra State Electricity Regulatory Commission & Anr.* Relevant excerpt of the judgement is reproduced below:

13. *As already noted hereinabove, the 2nd respondent had approached the Commission by way of petition No.89 of 2016 seeking compliance of the judgment dated 06.11.2015 passed by CGRF, which had not allowed interest on the refund amount to the 2nd respondent. In that view of the matter, the initial order dated 14.02.2017 passed by the Commission on the subject petition was perfect and justified in so far as it did not consider the prayer of 2<sup>nd</sup> respondent for interest on the*

*refund amount. However, it is evident that the Commission committed gross error in allowing the review petition filed by the 2nd respondent vide impugned order dated 26.03.2018 thereby holding the appellant liable to pay consequential interest also to the 2nd respondent on the refund amount. While doing so, the Commission has clearly gone beyond the judgment dated 06.11.2015 passed by CGRF which had explicitly stated that the 2nd respondent is entitled to refund without interest. Thus, the Commission appears to have taken over the role of appellate court / authority while exercising the powers under Section 142 of the Act, which is not permissible under law.*

14. *We may also note that in case, the 2nd respondent felt aggrieved by the order of CGRF in not granting interest on the refund amount, the proper course of action for it was to approach the Electricity Ombudsman in accordance with Regulation 17.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006, which is reproduced hereunder: -*

*"17.2 Any consumer, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the order of the Forum. Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period."*

15. *That having not been done, the 2nd respondent was precluded from claiming interest on the refund amount in the petition under Section 142 of the Electricity Act, 2003, filed before the 1st respondent Commission and the Commission also fell in error in granting interest on the refund amount to the 2nd respondent by way of impugned order dated 26.03.2018 passed in the review petition filed by the 2nd respondent.*

Accordingly, the Petitioner's claim is misconceived and deserves to be outrightly rejected by this Hon'ble Commission.

Response to Issue II – It is respectfully submitted that the Petitioner, having voluntarily availed the benefit of the Surcharge Waiver Scheme to the tune of INR 19,22,523, is estopped in law from claiming any further relief, including interest on the alleged ACD amount of ₹40,97,195/-. By opting for and accepting the benefits under the said Scheme, the Petitioner has unequivocally accepted its terms and conditions. Having done so, the Petitioner cannot now be permitted to approbate and reprobate or to wriggle out of the Scheme after deriving substantial benefit thereunder. Such a conduct is contrary to the principles of equity and settled law, and the claim for interest is, therefore, misconceived, untenable, and liable to be rejected outright. Similar view has been adopted by the Hon'ble Supreme Court of India in case titled Reserve Bank of India

Vs. M.T. Mani & Anr 2025 SCC Online SC 1217. Relevant excerpt of the judgement is reproduced below:

*“39. The financial aspect, in itself, is a valid consideration, as stated above, and would be applicable in the present case. The Respondent, therefore, cannot be permitted to choose a particular aspect of the Scheme that makes it unworkable, and that too for his own financial benefit. Approbation and reprobation would not be permissible in such schemes. Respondent having once opted for the Scheme cannot be permitted to not accept a part thereof while intending to take the benefit of the Scheme as a whole.”*

Response to Issue III - It is respectfully submitted that the Petitioner is not entitled to seek interest from January 2019, as claimed. It is an admitted position that the ACD amount, as determined in terms of the Surcharge Waiver Scheme, was deposited only on 08.05.2023. Accordingly, there arises no question of granting interest for any period prior to the actual deposit of the said amount. The claim for interest from January 2019 is, therefore, misconceived, untenable in law, and liable to be rejected outright.

In light of the above submissions, this Hon'ble Commission may be pleased to dispose the present petition.

15. The case was heard on 19/11/2025, the concerned SE and SDOs were present in the court. The Concerned SE submitted the report in the court in compliance to previous order. To the query of the Commission regarding action on the delinquent officers/officials, Sh. Vinod Punia, SE submitted that the responsibility was fixed but no person was charge sheeted. The Commission directs the respondent to take necessary action against the delinquent officer/ official. The Counsel for the petitioner submitted that the order has been complied but one issue pertaining to ACD interest is still pending. Per contra, Sh. Raheel Kohli counsel for the respondent submitted that the CGRF order has been complied with. While going through the record presented in the court, the Commission observes that the official records are not being maintained properly and there is need for training of officers / officials to handle such issues. After hearing arguments of both the parties the Commission directs to submit their written submissions within Two (2) weeks and reserves the order.

**16. Written arguments of respondent submitted on 02/12/2025:**

16.1 The present written submission is being filed on behalf of Dakshin Haryana Bijli Vitran Limited in terms of the direction issued by this Hon'ble Commission. It is submitted the contents of the reply dated 17.10.2025 filed by the Respondent to the Petitioner's rejoinder may please to treated as part and parcel of the present written submission and the same are not repeated herein for the sake of brevity.

16.2 It is respectfully submitted that during the course of arguments on 19.11.2025, learned counsel for the Petitioner, while conceding that an amount of INR 7,10,151 has already been refunded/adjusted to the Petitioner in compliance with the directions of the Ld. CGRF, contended that the Respondent has failed to refund or adjust the interest on the ACD amount of INR 40,97,195 from January 2019. Accordingly, the issue that remains for adjudication before this Hon'ble Commission is: “Whether the Petitioner is entitled to interest on the amount of INR 40,97,195 from January 2019.”

16.3 On behalf of the Respondent, it was submitted during the hearing held on 19.11.2025 that the Petitioner is neither factually nor legally entitled to claim interest on the amount of INR 40,97,195 from January 2019. In this regard, the following submissions were made:

A. The Petitioner's contention regarding interest on INR 40,97,195 from January 2019 is misconceived and contrary to the order passed by the Ld. CGRF, which does not direct the Respondent to grant interest on the said amount. In fact, the Ld. CGRF has categorically held that interest is payable only on the ACD amount of INR 4,71,899, which has already been duly complied with by the Respondent. For ease of reference, the relevant portion of the CGRF order is reproduced below:

*“After considering the reply of both the complainant and SDO and submission made by them in the hearing, the Forum directs the respondent SDO to adjust the ACD amount of Rs. 4,71,899/- & interest @ 18% on the ACD amount from 2019 to till realization as admissible to complainant in his next billing cycle. (Interest @ 18% for the period for which the payment of interest is delayed). This case is closed. No cost on either side.”* Emphasis Supplied

Therefore, from a bare perusal of the above-reproduced order of the Ld. CGRF, it is evident that the Petitioner is not entitled to claim interest on the amount of ₹40,97,195/, as no such relief has been granted by the Ld. CGRF. On the contrary, the Ld. CGRF has specifically directed that interest is payable only on the ACD amount of ₹4,71,899/-, which has already been duly complied with by the Respondent. In view thereof, it is clear that the Petitioner is now seeking a relief which was neither granted by the Ld. CGRF nor permissible in law. The said prayer is wholly misconceived, untenable, and contrary to the settled legal position governing the jurisdiction of the State Electricity Regulatory Commission while adjudicating petitions filed under Section 142 of the Electricity Act, 2003. To buttress this submission, reliance was placed on judgement of the Hon'ble Appellate Tribunal for Electricity in Appeal No. 27 of 2019 titled *Maharashtra State Electricity Distribution Company Vs. Maharashtra State Electricity Regulatory Commission & Anr.* Relevant excerpt of the judgement is reproduced below:

*13. As already noted hereinabove, the 2nd respondent had approached the Commission by way of petition No.89 of 2016 seeking compliance of the judgment dated 06.11.2015 passed by CGRF, which had not allowed interest on the refund amount to the 2nd respondent. In that view of the matter, the initial order dated*

*14.02.2017 passed by the Commission on the subject petition was perfect and justified in so far as it did not consider the prayer of 2<sup>nd</sup> respondent for interest on the refund amount. However, it is evident that the Commission committed gross error in allowing the review petition filed by the 2<sup>nd</sup> respondent vide impugned order dated 26.03.2018 thereby holding the appellant liable to pay consequential interest also to the 2<sup>nd</sup> respondent on the refund amount. While doing so, the Commission has clearly gone beyond the judgment dated 06.11.2015 passed by CGRF which had explicitly stated that the 2<sup>nd</sup> respondent is entitled to refund without interest. Thus, the Commission appears to have taken over the role of appellate court / authority while exercising the powers under Section 142 of the Act, which is not permissible under law.*

14. We may also note that in case, the 2<sup>nd</sup> respondent felt aggrieved by the order of CGRF in not granting interest on the refund amount, the proper course of action for it was to approach the Electricity Ombudsman in accordance with Regulation 17.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006, which is reproduced hereunder: -

*“17.2 Any consumer, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the order of the Forum. Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period.”*

15. *That having not been done, the 2<sup>nd</sup> respondent was precluded from claiming interest on the refund amount in the petition under Section 142 of the Electricity Act, 2003, filed before the 1<sup>st</sup> respondent Commission and the Commission also fell in error in granting interest on the refund amount to the 2<sup>nd</sup> respondent by way of impugned order dated 26.03.2018 passed in the review petition filed by the 2<sup>nd</sup> respondent.* Emphasis Supplied

B. Attention of this Hon'ble Commission was also invited to the prayer clause of the petition filed by the Petitioner before the Ld. CGRF, wherein the Petitioner had not sought the relief of interest on the amount of INR 40,97,195 from January 2019. For ease of reference, the relevant portion of the said prayer clause is extracted below:

*ii. Direct respondent to refund the ACD amounting to Rs. 4,71,900 in the bill with 18% P/a interest from Jan-2019 to till realization.*

*iii. Direct the respondent to refund the interest on ACD with penal interest as instructions of Nigam.*

Without prejudice to the foregoing submissions, and for the sake of argument, even without admitting the same, assuming that the Petitioner had in fact made such a prayer before the Ld. CGRF, a bare perusal of the CGRF order makes it abundantly clear that by directing interest only on the ACD amount of ₹4,71,899/-, the Ld. CGRF has

expressly declined any claim for interest on ₹40,97,195/-. Consequently, if the Petitioner was aggrieved by the aforesaid directions of the Ld. CGRF, the appropriate remedy available to it was to approach the Electricity Ombudsman in accordance with the statutory scheme, and not to raise the issue before this Hon'ble Commission by invoking its jurisdiction under Section 142 of the Electricity Act, 2003.

C. Lastly, it was submitted that, admittedly, the ACD amount, as determined in terms of the Surcharge Waiver Scheme, was deposited by the Petitioner in instalments on the following dates:

- 31.03.2023 – INR 23,00,000/-
- 11.04.2023 – INR 18,50,000/-
- 08.05.2023 – INR 13,92,178/-

Accordingly, interest on the ACD amount becomes applicable only from the date of its actual deposit. It is pertinent to mention that, from the date of deposit of the ACD amount, the interest benefit has been regularly passed on to the Petitioner. In this regard, reliance is placed on invoices dated 08.06.2023, 12.06.2024 and 22.05.2025 (“Sundry Charges/allowance column”) issued to the Petitioner and the same is enclosed herewith as Annexure-A. Therefore, the claim for interest from January 2019 is wholly misconceived, untenable in law, and liable to be rejected outright, as interest prior to the actual payment of ACD is not admissible.

In light of the above submissions, it was humbly submitted that this Hon'ble Commission may be pleased to:

- I. Dismiss the Petitioner's claim for interest on ₹40,97,195/-, since the same was never part of the original prayer before the Ld. CGRF nor covered under the CGRF order;
- II. Hold that interest on the ACD amount prior to its actual deposit is not permissible in law;
- III. Hold that the Respondent has duly complied with the directions issued by the Ld. CGRF.

#### **17. Written arguments of petitioner submitted on 13/12/2025:**

- 17.1 The present petition is filed by the Petitioner under Section 142 RW Section 146 and 149 of the Electricity Act, 2003 r/w 2.3 of HERC (Forum & Ombudsman) Regulations, 2020 for compliance of the final Order dated 22.03.2024 passed by the Ld. CGRF DHBVN Gurugram in Complaint No. 4644/2024. The Contents of the petition are not reiterated herein for the sake of the brevity.
- 17.2 It is submitted that despite numerous repetitive clear and time-bound directions being issued by this Hon'ble Commission, the Respondent herein has consistently failed to completely comply by the final Order dated 22/03/2025 passed by the Ld. CGRF DHBVN, Gurugram.
- 17.3 That such aforementioned continuous defiance of the Respondent is not only procedural lapse but also do reflect persistent, deliberate and disrespectful attitude towards the authority of this Hon'ble Commission and such non-compliance despite multiple opportunities and indulgence of this Hon'ble Commission is an alarming disregard for regulatory directions, which has prolonged the litigation

unnecessarily and caused sustained prejudice and harassment to the consumers.

17.4 That vide final Order dated 22/03/2024 the Ld. CGRF passed a speaking Order and gave very clear directions to the Respondent SDO-

- (i) To Refund/adjust ACD ₹4,71,899/-; and
- (ii) To Pay interest @18% on ACD from Jan 2019 till realization. (Reference is drawn to page 39 of the HERC Petition); and the Respondents have to comply by the same.

17.5 It is undisputed and incontestable that the complainant raised two (2) grievances before CGRF:

- i. Adjustment / Refund of ACD amounting to 471900/- ( This ACD amount was deducted from consumer's account in Oct-2018)
- ii. Adjustment/ Refund of interest on ACD Rs. 4097195 (Rs 105600 ACD shown in bill on Dec-2018 + Rs. 3991595 ACD charged and shown in bill on Jan-2019).

“From the very beginning, this is not the first instance where the respondent has attempted to deviate from the real issue or mislead this Hon’ble Commission. There are multiple matters pending before this Hon’ble Commission under Section 142 of the Electricity Act for non-compliance of CGRF orders by the same officers, and in none of those cases has the respondent challenged the CGRF orders before the appropriate appellate authority. Instead, in every Section 142 proceeding, including the present one, the respondent consistently tries to reopen the merits, quarrel with the calculations, and mislead the Commission with shifting stands. The present case is the perfect example. On 04.03.2025, the respondent filed a compliance report—on affidavit—asserting that ₹3,33,750 had already been adjusted in the bill dated 19.09.2016 and that only ₹19,986 was refundable. This statement was made solemnly in para A-3 of their affidavit. However, when the complainant produced the complete set of bills, which conclusively disproved this version, the respondent took a complete U-turn in the next compliance report dated 07.05.2025. In para 3 of that report, the respondent suddenly introduced an entirely new story, claiming that upon ‘thorough verification’ it was now discovered that due to a technical issue, the ACD was reduced in November 2018 and that the earlier affidavit was based on incomplete records. These two contradictory compliance reports—both filed on affidavit—clearly establish a pattern of misleading submissions, suppression of facts, and shifting narratives. This conduct is not accidental; it reflects a deliberate attempt to confuse, derail and mislead the Hon’ble Commission, instead of complying with the CGRF order in a straightforward and transparent manner.”

It is pertinent to mention here that in compliance of the CGRF order the respondent made a sundry i.e Sundry Number 205/215 .

This sundry, signed by SDO Ripudaman & CA Pradeep ( Auditor), recognizes the refund and the liability. Now they are disowning their own documents. The submission submitted by the respondent in compliance report dated 04.03.2025 and the “ Sundry 205/215 was placed before CBO and after verification the audit department raised

discrepancy in the said entry and the discrepancies raised are only related to difference of ACD amount 4,71,900 etc. Although the Audit wing didn't raised any concern on the Amount of interest on ACD amount Rs 3991596 and interest calculated on this thereupon.

The statement of the respondent is clearly proved that this is suppression + contradiction = wilful dishonesty

That the said final Order dated 22/03/2024 in itself is giving clear aforementioned directions to the Respondent SDO; wherein on the contrary the Respondents is simply trying to mislead this Hon'ble Commission and trying to develop own cooked new interpretations for the said final Order to derail the judicial obligations arising out of it. It is also pertinent to state that the Respondent herein is also wrongly relying upon the Judgement dated 09/03/2025 passed by the Hon'ble APTEL in the Apl No. 27 of 2019 titled as - *"Maharashtra State Electricity Distribution Company Vs. Maharashtra State Electricity Regulatory Commission & Anr"*, it is relevant to state that in the said Judgment Para 5 the Hon'ble APTEL have specifically pointed out in the para 5 reproduced herein below for the ready reference of this Hon'ble Commission *"5. What is noticeable is that even though the 2<sup>nd</sup> respondent has claimed interest also at the rate of 18% per annum on the refund amount, nothing was said in that regard by the Commission in the said Order dated 14/02/2017."* (emphasis supplied) unlike in the present matter wherein the Ld. CGRF has categorically passed directions w.r.t the interest part and in the para 12 the Hon'ble APTEL of the said judgment has also in fact categorically held *"12. .... It is a settled principle of law that while exercising powers under Section 142 of the Act, the Commission cannot travel beyond the four corners of the order, of which compliance is sought, and read/add into the order what is not expressly provided in the order. (emphasis supplied) While exercising powers under Section 142, the Commission does not function as an original or appellate court for determination of disputes between the parties. In these proceedings, the Commission is only concerned with the issue as to whether there has been any noncompliance or disobedience of the orders passed by Commission/forum and if so, compel the erring party to comply/obey the order in letter and spirit".*

17.6 Therefore, in furtherance to the same the Respondents initiated refund vide SC&R No. 205/215 dated 23/07/2024. It is also relevant to note that the said SC&R No. 205/215 was issued post advice received from LR Panchkula i.e., a higher authority to the Respondent SDO; despite the same necessary actions have not been taken. Reference is also drawn to (Para 2 at Page 1) of the Compliance Report dated 04/03/2025 filed by the Respondents wherein they have admitted that necessary adjustment associated with Rs. 4,71,899 (Rupees Four-Lakhs Seventy-One Thousand Eight-Hundred and Ninety-Nine only) has not been made. That it is pertinent to mention that qua Compliance Report dated 04/03/2025 the Respondents raised objection only w.r.t. the Refund/adjustment of ACD amount i.e., ₹4,71,899/- and not the interest component.

17.7 That vide interim order dated 13/05/2025, during the present compliance proceedings this Hon'ble Commission had directed the SE/Operation Circle, Bhiwani to conduct an enquiry and submit a detailed report w.r.t Petitioner's case; including the names of the officers/ officials responsible for noncompliance of the Ld. CGRF's final Order. In furtherance to the same, the concerned SE submitted the report vide office memo No. Ch-25/SE/ENQ/Vol-V dated 02/06/2025 and the findings of the enquiry are unequivocal which categorically records that the case pertains to 'improper accounting' of ACD in the consumer's electricity account and that upon examination of all bills and documents produced by the Assistant (F) of Sub Urban Sub Division No. 1, two distinct grievances were raised before the CGRF: (i) adjustment of ACD of ₹4,71,900/-, and (ii) interest on the ACD amount of ₹40,97,195/-. Therefore, the respondent's attempt to now intermix or dilute the issues, or to restrict the CGRF order only to ₹4,71,900/-; is completely contrary to their own departmental 'official enquiry report' and also the directions passed said final Order dated 22/03/2024 and is false and incorrect premise relied on by the Respondents.

17.8 That the Respondents have charged enhanced Advanced Consumption Deposit ('ACD') of Rs. 39,91,595/- (Rupees Thirty-Nine Lakhs Ninety-One Thousand Five Hundred and Ninety-Five only) through Sundry item in bill issued on January, 2019 and start charging the surcharge @ 1.5% Per Month, which is evident from the bills issued to the complainant. The petitioner has also supplied the complete copy of the electricity bills for the period Jan-2023 to April-2024.

17.9 Since the respondent kept charging the surcharge @ 1.5% Per month on enhanced ACD from Jan-2019, which resultantly inflated the amount of enhanced ACD along with surcharge to Rs. 7464700 ( Rupees Seventy Four Lac Sixty Four Thousand Seven Hundred ) on 31.03.2023.

17.10 The respondent forced the Petitioner to also pay Surcharge / Interest @ 10% flat rate + Admn charges (as per Sales Circular D-24 of 2022) on the said ACD amount from January, 2019 till March, 2023 which accumulates up to Rs. 1721342 ( Rupees Seveenteen Lac Twenty One Thousand Three Hundred Forty Two Only) and this surcharge was calculated from Jan-2019 onwards , it is pertinent to note that as per and in accordance to the HERC Regulations and Supply Order no surcharge / interest cannot be imposed upon the ACD amount still the Respondents at a monthly rate of 1.5 % charged the interest / surcharge upon the Petitioner herein. The maximum DHBVN ('Nigam') in case of non-payment of ACD can disconnect the connection of the consumer.

17.11 That however, post issuance of 'surcharge waiver scheme' vide Sales Circular No. D-24/2022, the Petitioner further, deposited a total sum of Rs. 55,42,178/- (Rupees Fifty-Five Lakhs Forty-Two Thousand One Hundred and Seventy-Eight only) in three installments in 2023; along with surcharge Rs 1721342 ( Rupees Seventeen Lac Twenty One Thousand Three Hundred Forty Two Only) which is also an admitted

position by the Respondents. (Reference is drawn to Para 3 (E) at Page 03 of the 'Reply to Rejoinder' dated 17/10/2025 filed by the Respondents).

17.12 That the petitioner raised 2 grievances before the CGRF  
Grievance 1 – Refund of ACD ₹4,71,900 deducted in Oct 2018 without intimation/adjustment ( Page Number 23 of the petition)  
Grievance 2 – interest on ACD amount Rs. 4097195 (₹1,05,600 already shown in Dec 2018 bill + ₹39,91,595 charged in Jan 2019 bill).

17.13 That while passing of the final Order dated 22/03/2024 the Ld. CGRF was crystal clear and correct for directing the Respondents for 2<sup>nd</sup> grievance to pay 18% on ACD amount from January, 2019 till realization [18% (as penal interest) for the payment for which interest (i.e. 11%) is delayed] which is as per and in accordance to the clause 5.8.2 of the HERC Regulation 34 of 2016. The same is reproduced herein below for the ready reference of this Hon'ble Commission-

*"5.8.2 - In case the interest accrued during the year is not adjusted in the consumer's bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed";*

17.14 That therefore, the aforementioned 18% interest on delayed payment of interest is being rightly been imposed as per settled principles of equity and law by the Ld. CGRF, Gurugram. Reliance is also placed upon the judgment passed by the Hon'ble High Court of Punjab and Haryana in the matter of- *M.G. Stone Crusher versus Punjab State Power Corporation Limited & Ors. [2024 SCC On Line P&H 5851]* wherein the Hon'ble High Court of Punjab & Haryana has categorically held- *"12. It is a well settled principle in law that "equity follows the law". The above said legal maxim "aequitas sequitur legem" emphasizes that equity or fairness should be applied in accordance with law. Equity should thus compliment established legal principles. In legal terms, it would mean that if a contract or agreement includes clauses that establish liability or obligations for one party, those clauses could potentially extend benefits to that party; if circumstances arise where they are entitled to benefits under the agreement."* The Respondent with an ill-intent to run away from its pending due compliance of the final Order dated 22/03/2025 is wrongly restricting the scope of "interest" only to ACD ₹4,71,900, ignoring the second and larger grievance i.e. interest on ACD ₹39,91,595. This is a deliberate intermingling of two issues to mislead this Hon'ble Commission.

17.15 The Respondents have also submitted the 3rd compliance report on 29/08/2025 and again making baseless, vague denials and are raising new averments / defences which cannot be entertained by this Hon'ble Commission during the compliance proceedings. Although the Respondents has previously also, filed the compliance report on 04/03/2025 and 06/05/2025, wherein they tendered an affidavit and claimed that the order had been complied with, during the hearing, the Respondent SDO admitted that the order had not been complied

with in *toto*. (Reference is drawn to Para 10 to 14 at pages- 4-7 of the Rejoinder to Compliance Report).

17.16 It is submitted that even, during the said compliance proceedings herein, this Hon'ble Commission also took note of the similarly raising cases and non-compliance of Orders of the Ld. CGRF by the Respondents and vide Order dated 25/07/2025 categorically stated – *"In light of the escalating number of similar instances MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF due to which the consumers are forced to run from pillar to post and ultimately, they have to approach the Commission for getting awards implemented. On 23.07.2025, single subdivision's four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF order by SDO Sub Urban No-1, Bhiwani and XEN 'Op' Division City Bhiwani were listed before the Commission. Many such cases have already been decided by the Commission and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should get DISCOM's Standard operating procedure for monitoring of CGRF/EO/HERC decisions (circulated vide CE /Commercial Hisar vide memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) implemented in true letter and spirit."*; and vide its Order dated 24/09/2025 also took a serious note of the Respondent's 'casual approach'; towards not defending the cases before the Ld. CGRF properly and later changing their stand before this Hon'ble Commission. Therefore, it is evident from the aforementioned that the Respondents are only trying to escape from their liability by false, vague and baseless denials. That the Petitioner places a reliance upon the judgement passed by Hon'ble Aptel in the matter *Bihar State Electricity Board Versus CERC ( Aptel, Appeal No 53 of 2009)*, wherein it was emphasized that the timely compliance with regulations is crucial and that any failure to do so warrant appropriate action.

17.17 That the Respondents herein have failed to raise any denials / defences before the Ld. CGRF, Gurugram which they have put forth herein before this Hon'ble Commission during the present compliance proceedings and have also, not challenged the final Order dated 22/03/2025 before the concerned Appellate Authority; henceforth the said Order has attained finality and has to be adhered and complied by the Respondents herein.

17.18 That such non- compliance on the part of the Respondents grave hardship and prejudice is being caused upon the Petitioner and huge financial burden is also being caused to the Nigam in term of delayed payment interest.

17.19 That there is an inordinate delay being also caused in compliance because of the involvement of different officers who are responsible for ill-action caused on part of the Nigam in the Petitioner's case and non-compliance of the Ld. CGRF's Order; therefore, strict action should be taken against them and they should be prosecuted and punished

accordingly as well. Reliance is also placed upon- (1) final Order dated 23/05/2024 passed by this Hon'ble Commission in the matter of *Manoj Kumar of M/s Silver Stone Crusher, Bhiwani versus DHBVNL and SDO Operation, BHBVN (Bhiwani) [HERC PETITION NO. 06 OF 2024, Panchkula]; (Relevant Para No. 12 and 13(b))*; (2) final Order / Judgment dated 15/03/2009 in the matter of - *Bihar State Electricity Board and Shri Swapna Mukherjee, Chairman, Bihar State Electricity Board [2009 SCC On Line CERC 208]; (Relevant Para No. 18 and 19)* and (3) final Order / Judgment dated 12/02/2009 in the matter of *Uttar Pradesh Power Corporation Limited, Lucknow and Shri Awanish Awasthi, M.D. (formerly), UPPCL, Lucknow [2009 SCC On Line CERC 234]; (Relevant Para No. 9)*.

17.20 That the present Petition is been preferred by the Petitioner due to non-compliance of the final Order dated 22/03/2025 passed by the Ld. CGRF in the subject complaint case, and this Hon'ble Commission at this stage, cannot re-adjudicate and / or go into the merits of the subject case.

17.21 That as tabulated below Rs 47,30,041 ( Rupees Forty Seven lac Thirty Thousand Forty One) is pending for refund.

ACD Amount	Interest	Amount of interest Financial Year							Total
		19-20	20-21	21-22	22-23	23-24	24-25	25-26 ( till Sep)	
3991596	18%	718487	718487	718487	718487	718487	718487	419118	4730041

17.22 Therefore, in the light of the aforementioned submissions and averments made herein this Hon'ble Commission should allow and grant prayers as under the subject Petition filed by the Petitioner herein ensuring proper compliance of the final Order dated 22/03/2025 passed by the Ld. CGRF in the Petitioner's case and also, to take strict action against the concerned officials of DHBVNL responsible for such non-compliance.

#### **Commission's Order:**

1. The petitioner approached the Corporate CGRF, which, passed an order dated 26 March 2024 directing the SDO to adjust the ACD amount of ₹4,71,899 and pay interest at 18% "on the ACD amount from January 2019 till realization," specifically for the period of delayed payment. The Forum directed that this adjustment be carried out in the next billing cycle.
2. The respondent claimed that the refundable amount was only ₹19,986 and the CGRF order is very clear in directing the SDO to adjust ₹4,71,899 and pay interest at 18% "on the ACD amount from January 2019 till realization." The expression "ACD amount," as used by the Forum, refers to ₹4,71,899, whereas the petitioner's contested for interest on ₹40,97,195 from Jan, 2019.
3. The Commission observes that the issues emerging from the pleadings were whether the petitioner was entitled to interest on ₹40,97,195; whether interest on ₹4,71,899 had been correctly computed and refunded;

whether the respondents could dispute the CGRF's directions at the compliance stage; and whether their repeated delays attracted action under Sections 142 and 146.

4. The CGRF has clearly directed the SDO to adjust ₹4,71,899 and pay interest at 18% from January 2019 till realization. Therefore, the petitioner's attempt to modify the scope of the CGRF order cannot be sustained within the confines of Section 142 proceedings.
5. The petitioner has been compelled to pursue compliance for over one year since the CGRF order and nearly eight months after filing the present petition. This delay has no justification, particularly when the respondents did not challenge the CGRF order before any appellate forum.
6. Accordingly, the Commission observes that the respondent has now complied with the CGRF order and adjusted ₹4,71,899 along with the interest, but such compliance was delayed without any reasonable cause. The respondents' prolonged non-implementation of the order warrants action under Section 142 for the period of delay.
7. Since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition. However, the dispute was primarily pertaining to non-compliance of the CGRF orders in timely manner. The negligence on the part of officials/officers of Respondent Nigam cannot be ignored, due to which the consumer had to suffer and had to knock the doors of CGRF for relief in the first instance and then had to approach the Commission for implementation of CGRF orders. Nigam has been burdened with interest and litigation charges in addition to wastage of valuable time of the officers/officials.
8. The Commission, therefore, directs the respondent DHBVN to make payment of ₹50,000/- Court Fee deposited by the petitioner along with ₹15,000/- towards litigation expenses to the petitioner within 30 days from the date of this order.
9. MD, DHBVN is directed to order an enquiry for the said lapses and take appropriate action on the delinquent officers/officials for causing harassment to the consumer and to recover the monetary loss caused to the Nigam from such officers/officials and progress of enquiry be intimated to the Commission regularly at each stage.
10. The petition is disposed of, in above terms

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 16/01/2026.

**Date: 16/01/2026**  
**Place: Panchkula**

Sd/-  
**(Shiv Kumar)**  
**Member**

Sd/-  
**(Mukesh Garg)**  
**Member**

Sd/-  
**(Nand Lal Sharma)**  
**Chairman**