

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

**Case No. HERC/Petition No. 15 of 2023**

**Date of Hearing : 28/02/2024**

**Date of Order : 29/02/2024**

**In the Matter of: -**

**Application/Petition under section 142 and 146 of the Haryana Electricity Act – 2003 for Non-compliance of the order of the Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram in case No. DH/CGRF-3873/2021 dated 2.9.2022 on Regulations No. HERC/49/2020 of the Haryana Electricity Regulatory Commission (Single Point Supply to Employers 'Colonies, Group Housing Societies and Residential or Residential cum Commercial/Commercial complexes of Developers and Industrial Estates/IT Parks/SEZ) Regulations-2020.**

**Petitioner/Complainant**

Sh. Naresh Kumar Jindal, Flat No.402, Tower -C2, Uniworld Gardens-II, Sector-47, Gurugram

**Vs.**

**Respondents:**

1. Unitech Realty Pvt. Ltd. through its Chairman / Managing Director Sh. Yudhvir Singh Malik
2. The Uniworld Gardens II Apartment Owners Association, through its President / Secretary
3. XEN (OP) Division, DHBVN, Sohna
4. SDO (OP) Sub Division, DHBVN, Sohna Road
5. The Nodal Officer, CGRF, DHBVN,
6. The Managing Director, DHBVN Hisar

**Present:**

**On behalf of the Petitioner:**

Sh. Virender Singh, Advocate.

**On behalf of the Respondents:**

1. Ms. Sonia Madan, Advocate for DHBVN
2. Ms. Achintaya Soni, Advocate (R-1)

**QUORUM**

**Shri Nand Lal Sharma, Chairman  
Shri Naresh Sardana, Member  
Shri Mukesh Garg, Member**

## **Order**

### **1. Background:**

The petitioner / applicant respectfully submit as under:

- 1.1. The applicant , Naresh Kumar Jindal is a registered owner of Flat No. 402, Tower- C2, World Gardens II, Sector – 47, Gurugram-122018, Haryana and a consumer of the Dakshin Haryana Bijli Vitran Nigam.
- 1.2. The applicant has filed this instant petition under section 142 and 146 of the Electricity Act 2003 for noncompliance of the orders of the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram which passed a speaking orders on dated 02/09/2022 in case no. DH/CGRF-3873/2021 in the matter of Naresh Kumar Jindal versus XEN ( OP ) Division, DHBVN, Sohna and SDO ( OP ) Sub Division, DHBVN, Sohna Road, Gurugram and others .
- 1.3. The applicant filed an application before the Honorable Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam , Gurugram is seeking relief towards blatant disobedience, violation and noncompliance of the directions and regulations of the Haryana Electricity Regulatory Commission by respondents as per the Regulations No. HERC/ 49/ 2020 of the Haryana Electricity Regulatory Commission.

The content of the application read as follows:

- 1.4. The applicant is highly aggrieved by the electricity bills being received for his apartment from Respondent No. 1 and 2.
- 1.5. The respondent no, 1 and 2 have got sanctioned Single Point Supply connection under Bulk Supply (Domestic) category from DISCOM , DHBVN of load 3598KW or 3998 KVA to supply electricity to the apartment owners of Uniworld Gardens II, Sector-47, Gurugram vide Account Number – 7037804368.
- 1.6. The respondent no. 1 and 2 have installed dual power supply electric meter which facilitates recording of main supply and backup supply and is charging from the apartment owners since the inception of the account in May, 2018 , having Release orders vide Memo No. CH-30/SE/C-SOL-190, dated 06-01- 2018.
- 1.7. The Haryana Electricity Regulatory Commission ( Single Point Supply to Employers ' Colonies , Group Housing Societies and Residential or Residential Cum Commercial / Commercial Complexes of Developers and Industrial Estates / IT Parks / SEZ ) Regulations, 2020 , were issued by the honorable Commission to provide administrative convenience to Distribution Licensee and to minimize the harassment of individual consumers from Discoms employees and/or distribution licensees, may have one point of contact for meter reading , billing and payments for efficient operations.
- 1.8. The resident in a group housing society having electricity connection under said regulation is for all purposes a consumer under DS category, tariffs and benefits available to a consumer in DS category

are always applicable and available to the residents in a group housing society.

- 1.9. The respondent no. 1 and 2 are not raising electricity bills as per the approved tariff plan and the procedure laid down in the Single Point Supply Regulation . The respondents are charging as per their will arbitrarily with wrong tariff plan i.e. highest slab tariff to bulk supply domestic category / rate decided through their whims and wishes , ignoring the provisions of the Regulations with regard to application of different slabs in a tabular form , rebates , concessions , incentives and subsidies as may have been applicable and announced by the state government from time to time.
- 1.10. The respondent no. 1 and 2 are charging the petitioner @ Rs. 6.10 per under Mains Unit Rate, whereas the Discom, DHBVN charged the licensee distributor @ Rs. 5.25 per unit.
- 1.11. It is pertinent to mention that the respondent no. 1 and 2 were charging the petitioner @ Rs. 7.28 per unit as 'Mains Unit Rat ' till December, 2020.
- 1.12. The respondent no. 1 and 2 are also charging some ' Standing Charges per Day ' @ Rs. 139 as is evident from the bill. The total sum charged under this head is Rs. 4309 which is much higher than the actual electricity consumption charges for the month i.e. Rs. 1255.99.
- 1.13. The respondent no. 1 and 2 are further charging the petitioner in the bill Rs. 42 per month as 'Fixed Charge Vending/month' for the operation of Pre paid Energy meter.
- 1.14. As per the statement of account of the petitioner provided by the respondent no. 1, in column A8 the respondent no. 1 has charged whopping Rs. 58683 towards Electricity , Water and Sewer connection charges . While connections for Water and Sewer come under the IDC / EDC expenses incurred for the project , there is no justification for charging Rs. 58683 for an electricity connection having a sanctioned load of 7.2 kw.
- 1.15. The respondent no. 2 has been communicating with respondent nos. 3, 4 and 6 for refund of Rs. 60 lakhs as per the document obtained through RTI from the office of respondent no. 4. This amount definitely belong the consumers of the group housing society Uniworld Gardens II and respondent no. 1 and 2 have no rights to retain and grab this amount which has been paid additionally by the consumers. The respondents no. 1 and 2 have not shown any intention to refund this amount to consumers so far.  
It is a blatant misuse of authority by the respondent no. 1 and 2 to extort money from the 896 apartment owners of Uniworld Gardens II Group Housing Society in the electricity distribution and gross dereliction of duty and over looking of the whole loot by respondents nos. 3, 4, 5 and 6.
- 1.16. That, in a landmark order pronounced by the Forum for Redressal of Consumer Grievances – Dakshin Haryana Bijli Vitran Nigam, Gurugram on 02-09-2022 directed the builder Unitech Realty Pvt Ltd and RWA of the group housing society Uniworld Gardens II , Sector-

47, Gurugram to implement tariff order of the Haryana Electricity Regulatory Commission applying all the telescopic tariff rates as applicable on the basis of individual's consumption from next billing cycle.

The commission further ordered that for the period , during which billing has not been done as per the HERC tariff order , the same should be re-billed and corrected bills be issued to individual residents according to their individual consumption.

The honorable commission added that any amount , which had been charged by the DHBVN but was subsequently refunded either in full or in part by the DHBVN on any account, the same should be credited proportionately to individual residents' account in the next billing cycle.

- 1.17. That, this order was pronounced by the honorable CGRF, DHBVN following a complaint filed before the commission by the Uniworld Gardens II resident Naresh Jindal on 03-12-2021 in case number DH/CGRF-3873. Annexure- 06.

In his complaint the complainant has raised following issues before the honorable CGRF- DHBVN:

- 1.17.1. The respondent no. 1 and 2 are not raising electricity bills as per the approved tariff plan and the procedure laid down in the Single Point Supply Regulation . The respondents are charging as per their will arbitrarily with wrong tariff plan i.e. highest slab tariff to bulk supply domestic category / rate decided through their whims and wishes , ignoring the provisions of the Regulations with regard to application of different slabs in a tabular form, rebates, concessions, incentives and subsidies as may have been applicable and announced by the state government from time to time .
- 1.17.2. The respondent no. 1 and 2 are charging the petitioner @ Rs. 6.10 per under Mains Unit Rate , whereas the Discom , DHBVN charged the licensee distributor @ Rs. 5.25 per unit.
- 1.17.3. It is pertinent to mention that the respondent no. 1 and 2 were charging the petitioner @ Rs. 7.28 per unit as ' Mains Unit Rate ' till December , 2020.
- 1.17.4. The respondent no. 1 and 2 are also charging some ' Standing Charges per Day ' @ Rs. 139 . The total sum charged under this head is Rs. 4309 which is much higher than the actual electricity consumption charges for the month i.e. Rs. 1255.99.
- 1.17.5. The respondent no. 2 has been communicating with respondent nos. 3, 4 and 6 for refund of Rs. 60 lakhs as per the document obtained through RTI from the office of respondent no. 4. This amount definitely belong the consumers of the group housing society Uniworld Gardens II and respondent no. 1 and 2 have no rights to retain and grab this amount which has been paid additionally by the consumers.

These were the key issues among several others as part the complaint .

- 1.18. That, in his report , dated 19-07-2022 , the SDO ( OP ) S/Division , Sohna Road- DHBVN found the builder and the RWA are not billing as per Tariff Order, the Fixed Charges @139/ per day is not in line with Single Point regulation of HERC and an amount of Rs. 2329505/ was credited into the electricity account as refund
- 1.19. The observations made by the Haryana Electricity Regulatory Commission vide Notification dated 22nd April 2020 laid down the path of hassle free, corruption free and tension free distribution of electricity through the Discoms and distribution licensees as a permanent resolution but owing to the unknown reasons both Discoms and the licensees refuse to abide by the directions of the honorable HERC putting innocent consumers in trouble and who are subjected to harassment and exploitation .  
The innocent consumer is left alone to fight with the powerful lobbies of Discoms and distribution licensees as the case is with the Petitioner in this matter.  
It is high time the honorable Commission take stern view of all such practices and pass strict structures to fix the accountability for non compliance of its directions,
- 1.20. STATEMENT OF THE RELIEF SOUGHT :
- 1.20.1. Direct the respondents 1 and 2 to comply with the order dated 02-09-2022 in Case No. DH/CGRF- 3873/2021 of the Honorable Forum For Redressal of Consumer Grievances, Dakshin Haryana Bij li Vitran Nigam, Gurugram and Regulations No. HERC / 49 / 2020 abd charge the consumers as per provisions of the said RegulatioN and tariff plans and guidelines as amended time to time in letter and spirit.
- 1.20.2. Direct the respondents to refund / reimburse the consumers excess tariff /amount charged till date Witt-I interest without any further delay
- 1.20.3. Pass orders to penalize respondents in consonance with the provisions of Section 142 and Section 146 of the Electricity Act 2003 for noncompliance of the orders and violation of Regulation No. HERC/49/2020 and other tariff guidelines.
- 1.20.4. Direct the Discom , The Dakshin Haryana Bijli Vitran Nigam to ensure compliance of HERC Notification dated 22-d April , 2020 in letter and spirit without fail in case of every distributor licensee along with a quarterly compliance report on a standard format in case of each and every distributor licensee after audit.
- 1.20.5. Leavy cost on respondent 1 and 2 for being a habitual and repeat offender and showing disrespect to the law.
- 1.20.6. Pass any such order and / or directions as the honorable Commission may deem fit.
- 1.21. GROUNDS FOR RELIEF :
- 1.21.1. Regulation No. HERC / 49 / 2020 in exercise of powers conferred on to the Haryana Electricity Regulatory Commission by Section 61 (d) and Section 181 of the Electricity Act , 2003.

- 1.21.2. Vide Section 5.3 of the Regulation No. HERC/ 49/ 2020- “The individual consumer in the GHS/ Employer’s Colonies/ Residential cum Commercial/ Commercial Complexes / Shopping Malls/ Industrial Estates/ iT Parks where Single Point Supply has been provided shall be treated at par with the consumers of the distribution licensees and shall have the same right and obligations as that of other consumers of distribution licensee.”
- 1.21.3. Vide Section 6.6 of the Regulation No. HERC/ 49/ 2020 – “ The Employer/ GHS/ Users Associations will not charge the Residents / Individual Consumer , Common Services and other category loads in the Colony /GHS/ Complex for electricity supplied , at a rate higher than the tariff for Domestic Supply ( DS )/ other relevant category, approved by the Commission from time to time.”
- 1.21.4. Section 6.7 of the Single Point Supply to Residential Colonies or Office cum Residential Complexes of Employers , Group Housing Societies and Commercial cum Residential Complexes of Developers , Regulations – 2020 “The Single Point Supply meter will be read and billed on monthly basis after completion of each calendar month for proper application of tariff as the reading prior to completion of month or post completion of the calendar month may affect the bulk supply ( Domestic ) tariff slab applicable on Single Point Supply to Employers’ Colony /GHS.”
- 1.21.5. General terms and conditions – e) - vii – of the Regulation No. HERC/49/ 2020 in exercise of powers conferred on to the Haryana Electricity Regulatory Commission by Section 61 (d) and Section 181 of the Electricity Act , 2003. “The users association shall issue regular monthly electricity bills to the individual consumers residing in the colony / complex on the format approved by the Commission . The resident / users shall be charged for their consumption as per tariff approved by the Commission for respective category of consumers.”
- 1.21.6. General terms and conditions – e) - viii – of the Regulation No. HERC/49 /2020 in exercise of powers conferred on to the Haryana Electricity Regulatory Commission by Section 61 (d) and Section 181 of the Electricity Act, 2003. "The users association shall be responsible for billing , collection of revenue and proper categorization of consumers for correct revenue recovery as per Schedules of Tariff and shall keep updated billing records of all the consumers in the billing data base as per Distribution Licensee’s requirements and the same shall be supplied monthly to the concerned distribution office of the area.”
- 1.21.7. Vide Notification , The 22-d April 2020, As part of the observations, the honorable Commission observed in para ii) as , “ in case of Single Point , the tariff charged by the society / employer should not be higher than the rates determined by the Commission and the developer /RWA are estopped from recovering the tariff in variance with the tariff determined by the Commission.”

- 1.21.8. Section 142 of the Electricity Act 2003 “ Punishment for non compliance of the directions by Appropriate Commission stipulates that ' in case of any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any provisions of this Act or 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 of 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 such direction . ”
- 1.21.9. Section 146 of the Electricity Act 2003 “ Punishment for non – compliance of orders or directions stipulates that ' 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 thereunder , shall be punishable with imprisonment for a term which may extend to three months or with fine , which may extend to one lakh rupees, or with both in respect of each offence and in the case of a 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.”
- 1.21.10. The order of the Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram in Case No. DH/CGRF- 3873/2021 Dated- 02- 09- 2021.
2. The case was heard on 06/04/2023. None appeared on behalf of the respondents no.1 and 2. The Commission considers it appropriate to grant one opportunity of being heard to the parties, therefore directs the respondents to file their reply within two weeks with an advance copy to the petitioner and the petitioner to file the rejoinder, if any, within one week thereafter.
- 3. Respondents reply received on 24/04/2023:**
- 3.1. That the instant Petition is the outcome of the Application/petition preferred by the Petitioner under Section 142 & 146 of the Haryana Electricity Act-2003 before the Id. Electricity Ombudsman, regarding non-compliance of the order of the Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Gurugram in Case No.DH/CGRF-3873/2021 dated-02.09.2022 on regulations No. HERC/49/2020 of the Haryana Electricity Regulatory Commission (Single Point Supply) i.e. Regulations 2020.
- 3.2. The Respondent no.1, submits that it is a Real Estate Company established in 1972, that undertakes construction and management of various residential and commercial projects throughout the

country. That during the period of 2011 to 2019, the original promoters of the Respondent Company were implicated in the multiple economic offences and allied charges of mismanagement of funds secured at the behest of the homebuyers and repercussion whereof, the promoters of the Respondent Company have been behind the bars since then.

3.3. That in view of the abovementioned circumstances and in order to protect the interests of almost 30,000 homebuyers, the Hon'ble Apex Court in the case titled as *Bhupinder Singh & Ors. Vs. Unitech Ltd.* [Civil Appeal No(s).10856/2016] vide the order dated-20.01.2020, had directed the Central Government to take over the management of the company.

3.4. That pursuant to the abovementioned Order, the Central Government have superseded the existing board of directors of the company and have constituted a new board with Shri Yudvir Singh Malik (retd.), IAS, Haryana cadre being appointed as the Chairman & Managing Director of the Respondent Company. The relevant portion of the abovementioned Order highlighting this proposition is reproduced below:

Pg. 33 para i) *The existing Board of Directors of Unitech Limited is superseded with immediate effect in order to facilitate the taking over of management by the new Board of Directors constituted in terms of the proposal submitted by the Union government;*

*(ii) The Union government has proposed that the Board of Directors shall consist of seven persons, whose names have been suggested in the proposal, namely, (a) Shri Yudvir Singh Malik (retd.), IAS, Haryana cadre (Chairman & Managing Director); (b) Shri Anoop Kumar Mittal; (c) Ms RenuSudKarnad; (d) Shri Jitu Virwani; (e) Shri NiranjanHiranandani; (f) Dr Girish Kumar Ahuja; and (g) Shri B Sriram....*

3.5. That, furthermore, in order to facilitate a smooth resolution of the company at the hands of the newly appointed board, the Hon'ble Apex Court, vide Order dated 20.01.2020, have also imposed a moratorium against institution of legal proceedings against the Respondent Company. The relevant portion of the abovementioned Order highlighting this proposition is reproduced below:

Pg. 35, Para (vii) *Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company;*

*(viii) The moratorium which has been imposed by this Court in clause (vii) above shall not impede, affect or restrain any existing investigation or prosecution or any investigation or prosecution which may hereafter be initiated against the erstwhile management or officers of Unitech Limited for acts involving a criminal wrongdoing.*



*This order shall not be construed as any restraint on the investigative process of any agency;*

- 3.6. That further, the Hon'ble Supreme Court was further pleased to grant immunity to the newly appointed Board of Directors and other persons appointed by the new board in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc., The relevant part of this order has been reproduced below:

*At Page 29 of the Order*

*"(ix) That this Hon'ble Court may confer immunity for the proposed Directors in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc."*

*At Page 36 of the Order*

*"Besides the directions issued above in regard to the moratorium, we accept the specific requests contained in clauses (iv), (v), (vi), (vii), (ix) and (x) of the proposal of the Union government and issue directions in the terms as sought."*

- 3.7. That the Hon'ble Supreme Court while passing the aforesaid directions has further pointed out that the newly constituted Board of Unitech shall prepare a resolution framework for Unitech Limited, the implementation of existing projects under the auspices of the Justice Dhingra Committee will continue pending further orders and all concerned shall cooperate with the newly constituted Board. Relevant Para (iv) and (v) of the order dated 20.01.2020.
- 3.8. That it is also relevant to mention that the affairs of M/s Unitech Limited and its subsidiaries has been under consideration before the Hon'ble Supreme Court of India as the moratorium order remains in effect till date.
- 3.9. It is germane to mention that after placing a reliance upon the Order dated 20.01.2020 in Bhupinder Singh (Supra) case, the matter pertaining to Unitech Limited and the home buyers of Unitech Limited are being adjourned sine die by the Hon'ble High Court,. Details of such cases are mentioned herein below:

Order dated 14.07.2022 passed by Hon'ble Justice Lisa Gill, Punjab and Haryana High Court

M/S MILLENNIUM ENGINEERS VS M/S UNITECH LIMITED

*Mr. Abhinav Sood, Advocate appears on behalf of the respondent and submits that in view of order dated 20.01.2020, passed by the Hon'ble Supreme Court in Civil Appeal No.10856/2016, as of now there is a moratorium against the institution or continuation of proceedings against respondent no.1. Same is not denied by learned counsel for the applicant. Adjourned sine die to await decision of the Hon'ble Supreme Court in Civil Appeal No.10856/2016*

Order dated 26.08.2022 passed by Hon'ble Justice RAVI SHANKER JHA, Punjab and Haryana High Court.

"SPEED TOWN PLANNERS PVT. LTD. VS GIRNAR INFRASTRUCTURE PVT. LTD."

*The parties are ad-idem that in view of the order dated 20.01.2020*

*passed by the Supreme Court in Civil Appeal No(s). 10856/2016 titled as Bhupinder Singh Vs Unitech Ltd., the matter may be adjourned sine-die awaiting decision of the Supreme Court.*

*Prayer made is allowed. The matter is adjourned sine-die awaiting the decision of the Supreme Court.*

Order dated 10.10.2022 passed by Hon'ble Justice Raj Mohan Singh, Punjab and Haryana High Court

"GUNJIT SINGH AND ORS VS M/S UNITECH HOSPITALITY SERVICES LTD AND ORS"

*Learned counsel for the respondents submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of the orders that may have been passed against the company.*

*Learned counsel for the petitioners, however, submits that the petitioner is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner. In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings sine die in order to await the decision of the Hon'ble Apex Court in Civil Appeal No.10856 of 2016. Adjourned sine die to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.*

Order dated 10.10.2022 passed by Hon'ble Justice Raj Mohan Singh, Punjab and Haryana High Court

"MR. AVTAR SINGH VS M/S UNITECH HOSPITALITY SERVICES LTD. & ORS"

*Learned counsel for the respondents submits that in view of order dated 20.01.2020 passed by the Hon'ble Apex Court in Civil Appeal No.10856 of 2016, the Board of Directors consisting of seven persons has already been constituted on the proposal of the Union Government. Newly constituted Board of Directors was requested to prepare a resolution framework within a period of two months from 20.01.2020. Civil Appeal is still pending before the Hon'ble Apex Court. Pending further orders, the Hon'ble Apex Court has observed that there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing*

*proceedings against the company as well as the enforcement of the orders that may have been passed against the company.*

*Learned counsel for the petitioner, however, submits that the petitioner is not party to the aforesaid appeal in the Hon'ble Apex Court and there is no direction qua the relief claimed by the petitioner. In a similarly situated case, this Court in ARB No.153 of 2021 and ARB No. 215 of 2019, has already adjourned the proceedings sine die in order to await the decision of the Hon'ble Apex Court in Civil Appeal No.10856 of 2016.*

*Adjourned sine die to await the decision of the Hon'ble Supreme Court in Civil Appeal No. 10856 of 2016.*

Order dated 29.10.2022 passed by Hon'ble Justice Raj Mohan Singh, Punjab and Haryana High Court

M/S GKEM INFRATECH PVT. LTD. VS M/S UNITECH LIMITED AND ANR.

*Learned counsel for the respondents, by referring to order dated 20.01.2022 passed by the Hon'ble Apex Court in Civil Appeal No. 10856 of 2016 titled Bhupinder Singh vs. Unitech Ltd., submits that the existing Board of M/s Unitech Limited is ordered to be superceded with immediate effect in order to facilitate the taking over of management by the Board of Directors constituted in terms of the proposal submitted by the Union Government. Pending further orders of the Court, there shall be a moratorium against the institution of proceedings against M/s Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of order that may have been passed against the company. This position has not been disputed by learned counsel for the petitioner.*

*In view of above, the matter is adjourned sine die to await the decision of the Hon'ble Apex Court in Civil Appeal No.10856 of 2016.*

- 3.10. That it is pertinent to note that this Hon'ble Commission in the matter titled as "Dakshin Haryana Bijli Vitran Nigam Versus M/s Unitech Ltd. case No. HERC/ P. No. 46 of 2022, vide its order dated-25.01.2023 was pleased to dispose off the matter, thereby granting the liberty to the Petitioner to approach the commission after the clarification of Hon'ble Supreme Court in the matter titled as Bhupinder Singh Vs. Unitech Limited, Civil Appeal No.10856 of 2016, which is reproduced herein below:

*(v) Upon hearing the parties, the commission observes that unitech developer filed an interim application (i.e. IA 17 of 20220 praying thereby to adjourn the matter sine die in view of the moratorium passed by the Hon'ble Supreme Court vide order dated-20.01.2020 in Civil Appeal No.10856 of 2016, Bhupinder Singh Vs. Unitech Limited, wherein the Hon'ble Supreme Court has issued a moratorium against the institution of proceedings against Unitech. Accordingly, the counsel for Unitech has prayed that the present proceedings filed by DHVBN against Unitech are not maintainable.*

(vi) In deference to the order of the Hon'ble Supreme Court, the Petitioner may approach the Hon'ble Supreme Court to seek a clarification from the Hon'ble Supreme Court with regard to the effect of the Hon'ble Supreme Court's order on the statutory dues-past, present and future of Unitech for providing electrical infrastructure and future obligations to the consumers/residents.

(vii) Until an appropriate clarification is issued by the Supreme Court, this matter cannot be proceeded with. Hence, this Petition is accordingly disposed off with liberty to the petitioner, to approach this commission as and when any such clarification is given by the Hon'ble Supreme Court.

- 3.11. That the Hon'ble Telangana High Court in the matter titled as M/S Golden Jubilee Hotels Limited vs Eih Ltd, Civil Revision Petition Nos.4881, 4884, 4885 AND 4886 OF 2018 C.R.P.Nos.4881 and 4884 of 2018 has held that the passing of procedural orders would be in the violation of the moratorium and such continuation of procedural steps would tantamount to transgression of moratorium order. The relevant part of the judgement is reproduced herein below:

*This Court is at a loss to understand as to how the trial Court could misconstrue the scope and import of Section 14(1)(a) of the Code of 2016, which categorically states that upon the order declaring moratorium being passed by the Adjudicating Authority, not only the institution of suits but even continuation of pending suits or proceedings against the corporate debtor are prohibited. Requiring the filing of a written statement would be a step in continuation of the suit proceedings and the understanding of the trial Court to the contrary belies comprehension. Further, the interim resolution professional is not required to play an adjudicatory role in terms of testing the claims of the creditors against the corporate debtor and the question of the written statements filed by the defendants assisting him in resolving the dispute does not arise. It is only at a later stage that the verification of claims would be undertaken by the liquidator under Sections 38, 39 and 40 of the Code of 2016. The trial Court was therefore in error in concluding that continuing with the suit proceedings for passing procedural orders would not be violative of the moratorium order passed under Section 14 of the Code of 2016. Continuation of the suit proceedings would encompass every step therein, which would include not only adjudicatory steps but also procedural ones. Upon the moratorium order being passed, the pending suit proceedings necessarily had to come to a complete halt. The docket order dated 14.03.2018 passed by the trial Court upon the Memo filed by the defendants is therefore unsustainable in law in so far as the first defendant company is concerned.*

- 3.12. It is further pertinent to note that in respect of moratorium, the Hon'ble Supreme Court in the matter of Alchemist Asset reconstruction Company Limited vs. Hotel Gaudavan Private Limited &Ors.; (2018) 16 SCC 94 has held that continuation of any proceedings after the imposition of moratorium is *non est in law*"

- 3.13. The Respondent humbly craves leave of this Hon'ble Tribunal to raise such further grounds, as may be available to the Respondent under law, during the course of hearing of the present Petition.
- 3.14. That, in view of the abovementioned submissions, the Respondent most humbly submits that no purpose will be served by initiating proceedings against the Respondent as the Hon'ble Supreme Court is directly monitoring the case of homebuyers and Unitech Limited. Therefore it is most humbly prayed that this Hon'ble Court may be pleased to adjourned the instant proceedings sine die as the Hon'ble Supreme Court has imposed a Moratorium vide its order dated-20.01.2020 and such the initiation of the present proceedings against the Respondent cannot continue.
4. The case was heard on 17/05/2023. Mr. Naresh Kumar Jindal, the petitioner pointed out that though the bills are being issued by the DHBVN in the name of Uniworld Garden Apartment Owners Association, however, the bills are being raised to the apartment owners by the respondent no. 1, i.e. Unitech Realty Pvt. Ltd. It was also averred that bills are not being raised as per the approved tariff plan and the procedure laid down in the Single Point Supply Regulations. The respondents are charging as per their will, arbitrarily with the wrong tariff plan i.e. highest slab tariff to bulk supply domestic category / rate decided through their whims and wishes, ignoring the provisions of the Regulations with regard to application of different slabs, rebates, concessions, incentives and subsidies. Ms. Deepika Sood, Counsel for Unitech Realty Pvt. Ltd., did not respond to the merits of the contentions raised by the petitioner and stated that she has no instructions on the same. She however, submitted that in the order of the Hon'ble Apex Court dated 20.01.2020 in the case titled as Bhupinder Singh and Ors. Vs. Unitech Ltd. [Civil Appeal No(s).10856/2016], the Central Government had been directed to take over the management of the company. The Hon'ble Supreme Court has granted immunity to the newly appointed Board of Directors and other persons appointed by the new board in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc. It was requested that in view thereof, the present matter cannot be adjudicated and needs to be adjourned sine die. The petitioner refuted the contentions raised by the counsel for the respondent no. 1 and stated that they are misusing and misinterpreting the order of the Hon'ble Supreme Court to continue to act illegally, which is not the intent of the order. No one appeared on behalf of Resident Welfare Association i.e. respondent no. 2. The Commission observes that once the bill is being raised by the DHBVN in the name of respondent no. 2, the respondent no. 1 cannot raise bills to the individual allottee/ owners. The bill should have been raised by respondent no. 2 alone in accordance with the regulations as per the order of CGRF dated 02.09.2022. Respondent no. 2 is therefore, directed to file an affidavit to explain as to why the bills are being raised by the respondent no. 1 and also specify whether the bills are being raised as

per the regulations of the Commission. The Commission in its order dated 25.01.2023 passed in the petition no. 46 of 2022 filed by DHBVN regarding deficiency in electrical infrastructure installed by the respondent no. 1 had asked DHBVN to approach the Hon'ble Supreme Court to seek a clarification with regard to the effect of the Hon'ble Supreme Court's order on the obligation of the Unitech Realty Pvt. Ltd. regarding discharge of statutory duties for providing electrical infrastructure and future obligations to the consumers/residents. However, no attempt has been made by the DHBVN to seek such clarification. The consumers/allottees cannot be subjected to harassment/ inconvenience at the hands of the respondent no. 1. The respondent no. 1 cannot continue to raise illegal bills by misinterpreting the orders of the Hon'ble Supreme Court. In the interest of the consumers of the State, DHBVN is therefore, directed to approach the Hon'ble Supreme Court within four weeks and seek appropriate clarifications with regard to the effect of the order of the Supreme Court declaring moratorium on the issue of raising of electricity bills by them in violation of the applicable regulations, their statutory duties – past, present and future for providing correct bills to the consumers/residents and other 4 obligations in accordance with the HERC Regulations. The DHBVN shall apprise the Commission regarding the order of the Hon'ble Supreme Court in this regard. Let the affidavit of respondent no. 2 be filed within 2 weeks from the date of the order.

#### **5. Rejoinder of the petitioner received on 16/05/2023:**

- 5.1. The applicant/ petitioner Naresh Kumar Jindal is a senior citizen and registered owner of Flat No. 402, Tower- C2, Uniworld Gardens II, Sector – 47, Gurugram- 122018, Haryana and a consumer of the Dakshin Haryana Bijli Vitran Nigam.
- 5.2. The petitioner has filed this instant petition under section 142 and 146 of the Electricity Act 2003 for noncompliance of the orders of the Honorable Forum for Redressal of Consumer Grievances , Dakshin Haryana Bijli Vitran Nigam , Gurugram ; which passed a speaking orders on dated 02-09-2022 in case no. DH/CGRF- 3873/2021 in the matter of Naresh Kumar Jindal versus XEN (OP) Division, DHBVN, Sohna and SDO (OP) Sub Division, DHBVN, Sohna Road, Gurugram and others .
- 5.3. That, the petitioner respectfully submit the rejoinder to the reply filed by Respondent No. 1, as under:
- 5.4. That, the respondent no. 1 in its reply is silent on the compliance of the orders of THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES , DAKSHIN HARYANA BIJLI VITRAN NIGAM, GURUGRAM IN CASE NO. DH/CGRF-3873/2021 DATED- 02-09-2022, on violations of REGULATIONS NO. HERC/49/2020 OF THE HARYANA ELECTRICITY REGULATORY COMMISSION.
- 5.5. That, by keeping silent and ignoring the orders of THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES , DAKSHIN HARYANA BIJLI VITRAN NIGAM, GURUGRAM IN CASE NO. DH/CGRF-

3873/2021 DATED- 02-09-2022, on violations of REGULATIONS NO. HERC / 49 / 2020 OF THE HARYANA ELECTRICITY REGULATORY COMMISSION, the respondent no. 1 showing disrespect to the Regulations of the Haryana Electricity Regulatory Commission and wants to continue with its illegal practices of charging higher rates and wrong billing in violation of the tariff plan to pocket unjust monies extorted from the electricity consumers under the garb of the orders of the Hon'ble Apex Court in the case titled as Bhupinder Singh & Ors. Vs. Unitech Ltd. [Civil Appeal No(s).10856/2016] vide the order dated-20.01.2020.

- 5.6. That, it is pertinent to mention here that every consumer/ distributor/ franchisee/ DISCOM is legally bound under oath after furnishing certified undertaking before the Hon. Commission to honour, respect and comply with the Regulations of the Haryana Electricity Regulatory Commission and no authority or court has any rights to override these regulations.
- 5.7. That, the respondent no. 1 has submitted in its reply vide 4, 5, 6 and 7 that in order to protect the interests of homebuyers, the Hon'ble Apex Court in the case titled as Bhupinder Singh & Ors. Vs. Unitech Ltd. [Civil Appeal No(s).10856/2016] vide the order dated-20.01.2020 had directed the Central Government to take over the management of the company.

To facilitate a smooth resolution of the company at the hands of the newly appointed board, the Hon'ble Apex Court, vide Order dated 20.01.2020, have also imposed a moratorium against institution of legal proceedings against the Respondent Company. The relevant portion of the abovementioned Order highlighting this proposition is reproduced below:

Pg. 35, Para (vii) Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company;

Further, the Hon'ble Supreme Court was further pleased to grant immunity to the newly appointed Board of Directors and other persons appointed by the new board in respect of the numerous litigations pending all over India in relation to the Company and its promoters, management, etc.,

In response to the above averments of the respondent no. 1, the petitioner hereby submit that:

- 5.7.1. the order of the Hon'ble Supreme Court can not be read to infer that there can not be check and balance on the illegal billing done by the respondent no. 1.
- 5.7.2. The intent of the order of the Hon'ble Supreme Court was not to permit the respondent no. 1 to continue to do wrongful billing against the regulations of the Commission.
- 5.7.3. the Hon'ble Supreme Court has nowhere granted any leave and liberty to the respondent no.1 that it is above the law now onwards

and no law, no regulations including those of the Haryana Electricity Regulatory Commission are applicable on them.

- 5.7.4. the Hon'ble Supreme Court has nowhere granted any license to the respondent no.1 to indulge in open loot and extortion of the innocent home buyers whose interest are to be protected by the newly appointed board.
- 5.7.5. the Hon'ble Supreme Court has nowhere in its order has mention of the fact that the respondent no. 1 shall sell / distribute electricity on its own terms overriding the terms, conditions and regulations of the Haryana Electricity Regulatory Commission.
- 5.7.6. therefore, the noncompliance of the orders of the FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES , DAKSHIN HARYANA BIJLI VITRAN NIGAM, GURUGRAM IN CASE NO. DH/CGRF-3873/2021 DATED- 02-09-2022, on violations of REGULATIONS NO. HERC/49/2020 OF THE HARYANA ELECTRICITY REGULATORY COMMISSION, is blatant and brazen misuse, misinterpretation and insult of the Hon'ble Supreme Court by the respondent no. 1.
- 5.8. That, the respondent no. 1 is also misleading the Hon. Commission by referring the above orders of the Hon'ble Supreme Court issued with regard to the company name and styled 'Unitech Ltd.' Whereas the instant petition is against the company named and styled 'Unitech Realty Pvt. Ltd.' Which is a separate company having separate corporate and legal entity.
- 5.8.1. The Honorable Punjab and Haryana High Court in another Case No. FAO 3560 of 2021 (O&M) on page 5 have recorded the submissions of the Unitech Realty Pvt. Ltd. that "Unitech Realty Pvt Ltd is a separate legal entity though a subsidiary of the Unitech Ltd. and had never been a party to the proceedings before the Apex Court".
- 5.8.2. The same statement is also recorded in the order of the Additional Sessions Judge, Gurugram in Case Nos. 422-425-427 of 2021 Date: 19.07.2021.
- 5.8.3. In view of the submissions made by the respondent no.1 before the Hon. Punjab and Haryana High Court, any moratorium or immunity granted by the Hon'ble Apex Court in the case titled as Bhupinder Singh & Ors. Vs. Unitech Ltd. [Civil Appeal No(s).10856/2016] vide the order dated-20.01.2020 does not apply to the respondent no. 1, the Unitech Realty Pvt. Ltd. And their seeking any relief under the garb of the said case is an act of legal impropriety, cheating, impersonation and contempt of court.
- 5.8.4. Therefore, the instant petition should be decided considering Unitech Realty Pvt. Ltd. as a separate corporate and legal entity and not under any influence and impact of the orders by the Hon'ble Apex Court in the case titled as Bhupinder Singh & Ors. Vs. Unitech Ltd. [Civil Appeal No(s).10856/2016] vide the order dated-20.01.2020.
- 5.9. That, the Respondent no. 1 have prayed in its reply vide para 16 that instant proceedings be adjourned sine die as the Hon'ble Supreme



Court has imposed a Moratorium vide its order dated-20.01.2020 and such the initiation of the present proceedings against the Respondent cannot continue.

- 5.9.1. The relief sought by the respondent no. 1 do not stand any chance and grounds in view of the positions as stated in para 7 and 8 above.
- 5.9.2. The respondent no. 1 can not resort to illegal tactics and practices to enjoy on unjust monies collected from the innocent consumers while having the case be adjourned sine die.
- 5.10. That, in a ridiculous submission vide para 16, the respondent no. 1 by taking law into its own hands and challenging the authority of the Hon. Commission have stated that “no purpose will be served by initiating proceedings against the Respondent as the Hon’ble Supreme Court is directly monitoring the case of homebuyers and Unitech Limited”.
- 5.10.1. It is sheer arrogance on part of the respondent no. 1 to suggest the Hon. Commission that by hearing a petition of noncompliance of its regulations, the Hon. Commission is not serving any purpose.
- 5.10.2. The Hon. Commission is prayed to take cognizance of the averments of the respondent no. 1 and take appropriate sou moto action additionally.
- 5.11. That, it is very strange that while the respondent no. 1 have prayed in its reply vide para 16 that instant proceedings be adjourned sine die as the Hon’ble Supreme Court has imposed a Moratorium vide its order dated-20.01.2020 and such the initiation of the present proceedings against the Respondent cannot continue.  
The same respondent in the Case No. HERC/Petition No. 07 of 2022 appeared as a party/ respondent before this Hon. Commission and ensured compliance of the Hon. Commission’s orders in accordance with the regulations of the commission. It is beyond understanding that what change has happened in the stand of the respondent within a span of few months amid the order of the Apex Court remains the same and still applicable. The respondent no. 1 should not have any issues in complying the regulations even this time around.
- 5.12. That, the respondent no. 1 is a proven repeated and habitual offender, they try to show disrespect to every authority and regulation under the garb of the Apex Court orders but not every authority is intimidated and bullied by their tantrums.
- 5.12.1. The Municipal Corporation, Gurugram refused to budge to their pressure and imposed a fine of Rs. 25000/ on them and also dumped the untreated waste at the gate of the respondent’s gate at Uniworld Gardens II as the waste was being carried untreated in violation of the Solid Waste Management Rules 2016.
- 5.12.2. The respondent no. 1 was also in practice of raising wrong billing in violation of the GST Regulations till few months ago, the petitioner in the instant petition raised the matter with the GST authorities and the respondent was forced to comply the law and regulations of the GST Act.

It will be an exemplary step if the Hon. Commission too exercise its powers to make the respondent no.1 to behave and respect the dignity of the Commission and its regulations.

The petitioner once again pray before the Hon. Commission to provide the relief as prayed in the original complaint as well as action and punishment against the respondents as per applicable laws and regulations in the instant petition.

6. The case was heard on 19/07/2023. Mr. Naresh Kumar Jindal, the petitioner submitted that directions passed by the Hon'ble Commission vide order dated 17.05.2023 has not been complied as yet by the respondent(s) as no affidavit has been filed by the respondent-RWA and DHBVN has also not approached the Hon'ble Supreme Court for necessary clarification as directed. Ms. Sonia Madan, counsel for the respondent-DHBVN requested for additional two weeks time for compliance of the directions passed in order dated 17.05.2023. The Commission observes that respondent no.2 i.e. RWA has neither filed their reply nor appeared before the Commission therefore directs to issue notice under S.142 of the Electricity Act 2003. Further two weeks' time is granted to DHBVN for compliance of direction order dated 17.05.2023 as requested for.
7. The case was heard on 26/09/2023. Ms. Sonia Madan, counsel for the respondent-DHBVN submitted a copy of the application filed by DHBVN before the Hon'ble Supreme Court regarding clarification with respect to moratorium and a copy of order dated 03/08/2023 passed by the Hon'ble Punjab and Haryana High court and requested to place the same on record. As none appeared from the side of the petitioner and RWA, the Commission therefore adjourned the matter.
8. The case was heard on 25/10/2023. The commission observed that none has appeared for RWA/ subsidiary of Unitech responsible for preparation of bills despite sufficient time allowed for filing their submissions. The commission adjourned the matter giving last opportunity to the RWA to file their submissions.
9. The case was heard on 25/10/2023. Ms. Achintaya Soni counsel for the respondent-developer re-iterated the issue of imposition of moratorium by Hon'ble Supreme Court against any proceedings, in the matter of M/s Unitech. The commission expressed its earlier view that moratorium does not prevent respondents to issue correct bills as per regulations. The proxy counsel appearing on behalf of the respondent-RWA assured to submit its reply at the earliest. The commission as a last opportunity directed the respondent RWA to file its reply within one week since Single Point connection has been released in the name of RWA and as such it is the responsibility of RWA to ensure that bills are issued to residents as per tariff order of Commission for the relevant year. In case the reply

is not submitted by the respondent the commission will decide the matter ex-parte.

### **Commission's Analysis and Order**

1. The case was heard on 28/02/2024 as scheduled in the court room of the Commission. None appeared on behalf of respondent-RWA.
2. Ms. Achintaya Soni counsel for the respondent-developer re-iterated the issue of imposition of moratorium by Hon'ble Supreme Court against any proceedings, in the matter of M/s Unitech.
3. The Counsel for the petitioner again requested for action against respondents for noncompliance of the CGRF's order.
4. The Commission has carefully examined the contents of Petition, reply made by the Respondents, material placed on record and the detailed deliberation, averments made by the representative of both the parties during the various hearings in the matter.
5. The Commission notes the respondent-developer's argument regarding the imposition of a moratorium. However, it is observed that this does not absolve the respondents from their obligation to issue correct bills as per regulations.
6. Given the non-participation of the RWA respondent in the court hearing on 28/02/2024, the Commission acknowledges that the reply submitted by RWA through email dated 07/08/2023. Although, the submission of RWA through email cannot be formally taken on record, yet the Commission has considered the contents of the email in its decision-making process.
7. The email submission outlines the arguments of respondent RWA contending that they have been sharing their monthly accounts and audits with all residents, indicating transparency in financial matters. They assert that the responsibility for electricity bills and related expenses lies with the developer, Unitech, as evidenced by the GST number and PAN details mentioned on the bills, which belong to Unitech. Furthermore, the respondent RWA accuses the petitioner of having a personal agenda aimed at disrupting the functioning of the RWA and delaying its Annual General Meeting. They argue that the petitioner's actions are motivated by personal vendetta rather than genuine concerns and points out that a previous complaint filed by the petitioner against the RWA was dismissed on its merits, suggesting that the current petition is frivolous. Respondent RWA provided that it was

decided that the RWA, as the registered body of residents, may select vendors for specific services and asserted that while day-to-day maintenance is handled by the developer through its maintenance agency, capital investments and social activities are managed by the RWA with due approval from residents and the developer, in accordance with legal mandate.

8. The Commission acknowledges these arguments presented by the respondent RWA. However, it is pertinent to note that the electrical connection from which the electricity bills are issued to residents is in the name of the RWA. Therefore, irrespective of the distribution of responsibilities outlined by the respondent, the RWA holds a legal obligation to ensure rendering of Correct bills to residents as per regulatory directives. The Commission also observes that the primary concern remains the fulfilment of legal obligations by the RWA and their arguments regarding the distribution of responsibilities between the RWA and the developer do not absolve the RWA of its responsibility from correct billing of occupants of dwelling units.
9. Upon consideration of the arguments presented by both parties, the Commission observes that the ongoing litigation between the petitioner and respondents is resulting in services detrimental to consumers. In light of this, the Commission draws attention to clause 6.1 (d) of the HERC Single Point Supply to Colonies, Group Housing Societies (GHS), Residential cum Commercial complexes of developers, Industrial Estates (IEs), IT parks, Special Economic Zones (SEZ) Regulation, 2020 which inter alia states:  
“Employer / GHS/ Developer/ User Association shall be responsible for all liabilities and obligations including individual metering, billing and collection of charges from individual users and payment of energy bill for Single Point Supply to the Distribution Licensee”.
10. In view of the above, the Commission holds the RWA jointly and severally liable for raising correct electricity bills in accordance with prevailing regulations and it is noted that respondent RWA has full responsibility for the accurate generation and issuance of electricity bills. Despite any attempts to shift this responsibility onto the developer, it is imperative that the RWA has failed in its duty in line with regulatory requirements.
11. The Commission observes that the respondent RWA's absence during the proceedings and their failure to submit a formal reply signify a

casual approach towards compliance with the legal obligations enriched as per regulations. This disregard for procedural requirements raises concerns regarding the respondent's commitment in upholding the rule of law and addressing grievances in accordance with established procedures. Furthermore, the Commission takes note that no other resident from the society has come forward with a similar dispute against either the respondent RWA or the developer. While this absence of additional complaints may indicate a lack of awareness or satisfaction among residents regarding potential issues, it does not diminish the significance of the concerns raised in the present case. Therefore, while acknowledging the absence of additional complaints, the Commission emphasizes that the respondent RWA's non-compliance with procedural requirements and the need for adherence to regulatory directives remains paramount. The absence of additional complaints does not absolve the respondent RWA from its responsibilities or mitigate the necessity for compliance with legal obligations.

12. Upon thorough examination of the arguments and evidence presented before this Commission, it is imperative to underscore the paramount importance of adherence to regulatory directives, particularly for the welfare of consumers. In accordance with the provisions delineated under section 142 of the Electricity Act, 2003, this Commission has discerned that both the Respondent-developer and RWA have wilfully transgressed the directives issued by the CGRF, specifically pertaining to the issuance of correct bills to residents.
13. Despite being afforded ample opportunities for compliance of CGRF's Orders, it is regrettable to note that the respondent RWA has failed to adhere to the directives issued by this Commission. Therefore, the Commission, mindful of its obligation to uphold the integrity of regulatory framework and ensure consumer protection, hereby imposes a penalty of Rs. 50,000/- on RWA as a consequence of wilful non-compliance with the CGRF's Order regarding the issuance of correct bills as per tariff order of the Commission and the refund of any excess amounts already charged..
14. This penalty amount shall be deposited by the respondent RWA within two weeks from the date of issuance of this order. It is emphasized that this directive is issued without prejudice to any other penalties that the respondent RWA may be subject to under relevant statutory provisions.

15. Consequently, the Commission directs respondent developer and RWA to:

- a) Comply with the order of the CGRF, DHBVN in toto within 30 days of issue of this order.
- b) Refund any excess amount charged or amounts refunded by DHBVN to the residents proportionately from next billing cycle.
- c) Issue correct bills as per formats prescribed in single point supply Regulation, 2020 and applicable tariff as per directions of the Commission.

16. In the event of persistent non-compliance with the CGRF's order, an additional penalty of six thousand rupees shall be imposed for each day as per Electricity Act 2003.

17. In view of the above, the case is disposed of accordingly.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 29/02/2024.

**Date: 29/02/2024**  
**Place: Panchkula**

**(Mukesh Garg)**  
**Member**

**(Naresh Sardana)**  
**Member**

**(Nand Lal Sharma)**  
**Chairman**