

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

**Case No. HERC/Petition no. 11 of 2022**

**Date of Hearing : 31/01/2024**

**Date of Order : 13/03/2024**

**In the Matter of**

**Petition under Section 142 read with Section 146 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of directions to the Respondents to forthwith comply with the orders dated 28.11.2021 (DH-CGRF-3244/2020) of the Forum for Redressal of Consumer grievances DHBVN Gurugram.**

**Petitioner**

Mr. R.P. Uniyal R/o Park Floors-2, Flat No. T-13/G004, Sector-76, Faridabad.  
and Ors.

**Respondents**

1. Executive Engineer (OP) Division, DHBVN, Greater Faridabad.
2. SDO OP Subdivision, DHBVN Badrola, Faridabad
3. M/s Countrywide Promoters P. Ltd. at Next door mall, sector-76 Greater Faridabad through its Director
4. M/s BPTP Ltd, 28, ECE House, KG Marg, New Delhi-110001, through its MD, Sh. Kabul Chawla,
5. M/s BPMS Pvt Ltd at Next Door, Greater Faridabad-121004 through its MD, Sh. Sanjeev Saxena.

**Present:**

**On behalf of the Petitioner:**

1. Sh. R. P. Uniyal, Advocate
2. Sh. P. N. Bhatt
3. Sh. Krishna Bhatt
4. Sh. T. R. Gupta

**On behalf of the Respondents:**

1. Sh. Akash Lamba, Advocate for Respondent no. 1 & 2
2. Sh. Hemant Saini, Advocate for Respondent no. 3 to 5
3. Sh. Rajat Kamboj, SDO

**QUORUM**

**Shri Naresh Sardana, Member**

**ORDER**

1. The petitioner has submitted as under:
  - 1.1 That the above-mentioned complaint was filed by petitioners / complainants and others on 19-10-2020 before this Hon'ble Forum for Redressal of Consumer Grievances DHBVN, Gurugram and this

Hon'ble Forum have been pleased to accept the complaint of petitioners / complainants vide order dated 28-11-2021 in the following manner:-

Hence the Respondents are directed as :

- I. The developer M/s Country Wide Promoters and M/s BPTP should complete within 45 days of issue of this order all the formalities and requirements of the licensee DHBVN for sanctioning of the total load as per the approved electrification plan.
- II. The developer M/s Country Wide Promoters and M/s BPTP should create adequate electrical Infrastructure within 45 days of issue of order either by themselves or by paying the cost to the licensee DHBVN for providing an independent Single Point Connection to Park Floors 2.
- III. The developer M/s Country Wide Promoters and M/s BPTP after obtaining a separate independent Single Point Connection for Park Floors 2 should without any delay transfer the connection in the name of RWA / Users Association of Park Floors 2 for them to manage their internal affairs of electricity.
- IV. After transferring of the electricity connection in the name of RWA/Users Association, it will be responsibility of the RWA/Users Association to run the affairs within and serve the individual consumer strictly in accordance with the provisions of Single Point Regulation of April 2020.
- V. Till such time the above actions, as ordered in paras "1 to 4" above get completed, the developer M/s Country Wide Promoters and M/s BPTP shall maintain the electrical system of Park Floors 2 as under:-
  - i. The sub-meter of the main Single Point Meter, which has been installed for Park Floors 2, should be got checked up and sealed from M&P wing of the licensee DHBVN for its accuracy. Also, that this submeter should be read every month in presence of authorized representative of RWA/Users' Association of Park Floors.
  - ii. Electricity bills to the residents of Park Floors 2 should be issued strictly as per Annexure "A" and "B" of the Single Point Regulation of April 2020.

- iii. Residents of Park Floors 2 should be billed 'strictly in accordance with the tariff order of the Hon'ble HERC for different categories of consumers.
  - iv. Not to disconnect electricity supply of any consumer who pays the grid electricity supply bills honestly.
  - v. All the dual energy meters and reference meters installed for recording of DG units and common area consumption should be put in order within one month of issue of this order.
  - vi. Not to charge any non-electricity maintenance charges through the meter meant for recording electricity consumption.
- VI. The developer M/s Country Wide Promoters and M/s BPTP should get a comprehensive audit completed within a month of issue of this order of the last 2 years of the electricity accounts viz. a biz. bills received from DHBVN, bills issued to individual residents, common area consumption and DG set units booked, any interest on ACD received from DHBVN, any other incentives received, any penalties imposed on account of late payments or for any other reason, the tariff levied to domestic and commercial establishments within park floors 2 and to make the audit report public and to share it with the RWA / Users Association and the licensee DHBVN for scrutiny.
- 1.2 That as per the order of this Hon'ble Forum the petitioner / complainants are entitled to receive the relief as prayed for by the Hon'ble Forum till the date of compliance of order.
- 1.3 That the respondents/opposite parties have full knowledge about the passing of this order and the respondents/opposite parties No. 1 & 2 has sent the notice dated 08-12-2021 & 14-12-2021 to the respondents/opposite parties No. 3 to 5 as per the order besides which they have failed to comply order of this Hon'ble Forum intentionally and deliberately.
- 1.4 That the petitioners/complainants went to the respondents/opposite parties and asked them to comply the order of this Hon'ble Forum but they refused to comply with the orders of this Hon'ble Forum. Hence this execution.

PRAYER:

1.5 It is therefore, prayed that the petition of petitioners/Complainants may kindly be accepted and the opposite parties/respondents may kindly be directed to comply the order of this Hon'ble Forum. It is further prayed that the legal proceedings under section 142 read with section 146 of The Electricity Act 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 , may kindly be initiated against the respondents/opposite parties for non-compliance of the order of this Hon'ble Forum.

It is further prayed that the litigation charges of Rs. 21,000/- may kindly be awarded from the respondents.

2. The case was heard on 07.04.2022 as scheduled through video conferencing in view of the Covid-19 pandemic.

At the outset, Sh. Hemant Saini, counsel for respondent no R-3 submitted that he has received the copy of petition through email yesterday only and requested to grant time for filing reply in the matter.

Acceding to his request, the Commission granted three weeks' time to file the reply.

3. The case was next heard on 04.05.2022 as scheduled in the court room of the Commission. Ms. Nikita Choukse, counsel for the respondent-DHBVN submitted that they have already filed the reply; however no reply has been filed by other respondents.

The Commission directed the respondents no. 3-5 to file reply within three days with an advance copy to the petitioner and DHBVN.

4. The respondent No. 1 & 2 (DHBVN) filed reply on 10/05/2023 which is reproduced as under:

4.1 That the present reply is being filed on behalf of Xen-OP DHBVN and SDO-OP DHBVN Greater Faridabad, Respondent No. 1 and 2 ("Answering Respondents") in response to the captioned petition filed by the Petitioners under Section 142 read with Section 146 of the Electricity Act, 2003 ("Act") read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of directions to the Respondent no.3 to 5 to forthwith comply with the orders dated 28.11.2021 (DH-CGRF-3244/2020) passed by Forum for Redressal of Consumer grievances DHBVNL Gurugram ("CGRF Order").

4.2 It is submitted that the issues that have been raised before the Ld. CGRF and the present Petition pertain to the Group Housing Society namely "Park Floors 2, Flat No. T-13/G004, Sector 76, Faridabad" developed by Respondent no. 3 and 4 i.e. M/S Country Wide Promoters and M/S BPTP ("Respondent -Developers") that is being fed electricity through a Single Point Connection bearing account no. F35BSHT0003 under SDO (OP) Badrola S/Divn. DHBVN, Faridabad ("Society"). The complainant is a resident of the Society. The Complaint was filed on account of the non-compliance of the HERC Single Point Regulation notified on 22.04.2020 by the Respondent-Developer inter alia relating to:

- I. Deduction of additional amounts from the prepaid meter of the residents of the Society which is not permitted.
- II. Tariff charged to residents is beyond the tariff allowed by the Hon'ble Commission.
- III. Society being fed through a single point connection which is also feeding the other properties developed by the Respondent - developer in Sector 75-76;
- IV. Respondent- developer has not erected the requisite electrical infrastructure.
- V. Disconnection of supply of residents without assigning any reason.

4.3 By way of the CGRF Order, the Ld. CGRF had directed in paragraph (Decision) as under: -

- I. *"The developer M/S Country Wide Promoters and M/S BPTP should complete within 45 days of issue of this order all the formalities and requirements of the licensee DHBVN for sanctioning of the total load as per the approved electrification plan*
- II. *The developer M/S Country Wide Promoters and M/S BPTP should create adequate electrical infrastructure within 45 days of issue of this order either by themselves or by paying the cost to the licensee DHBVN for providing an independent Single Point Connection to Park Floors 2*

- III. *The developer M/S Country Wide Promoters and M/S BPTP after obtaining a separate independent Single Point Connection for Park Floors 2 should without any delay transfer the connection in the name of RWA / Users Association of Park Floors 2 for them to manage their internal affairs of electricity*
- IV. *After transferring of the electricity connection in the name of RWA / Users' Association, it will be responsibility of the RWA / Users' Association to run the affairs within and serve the individual consumer strictly in accordance with the provisions of Single Point Regulation of April 2020*
- V. *Till such time the above actions, as ordered in paras "1 to 4" above get completed, the developer M/S Country Wide Promoters and M/S BPTP shall maintain the electrical system of Park Floors 2 as under:*
- i. *The sub-meter of the main Single Point Meter, which has been installed for Park Floors 2, should be got checked up and sealed from M&P wing of the licensee DHBVN for its accuracy. Also, that this submeter should be read every month in presence of authorized representative of RWA / Users' Association of Park Floors 2*
  - ii. *Electricity bills to the residents of Park Floors 2 should be issued strictly as per Annexure "A" and "B" of the Single Point Regulation of April 2020*
  - iii. *Residents of Park Floors 2 should be billed strictly in accordance with the tariff order of the hon'ble HERC for different categories of consumers*
  - iv. *Not to disconnect electricity supply of any consumer who pays the grid electricity supply bills honestly*
  - v. *All the dual energy meters and reference meters installed for recording of DG units and common area consumption should be put in order within one month of issue of this order*
  - vi. *Not to charge any non-electricity maintenance charges through the meter meant for recording electricity consumption*

- VI. *The developer M/S Country Wide Promoters and M/S BPTP should get a comprehensive audit completed within a month of issue of this order of the last 2 years of the electricity accounts viz.-a-viz. bills received from DHBVN, bills issued to individual residents, common area consumption and DG set units booked, any interest on ACD received from DHBVN, any other incentives received, any penalties imposed on account of late payments or for any other reason, the tariff levied to domestic and commercial establishments within Park Floors 2 and to make the audit report public and to share it with the RWA / Users' Association and the licensee DHBVN for scrutiny.*
- VII. *The prayer of the complainants that bills to the residents be raised every two months and that common area electricity consumption should be charged in terms of electricity units instead of applying it in terms of sq. feet area of apartments is not tenable because it is against the provisions of regulations and various orders passed by the Hon'ble Commission in this regard.*
- VIII. *...Regarding levy of Municipal Tax, Electricity Duty and GST on common area charges, it is a policy matter of the government and the complaints may separately represent to DHBVN for its refund, if permitted under the law.*
- IX. *The licensee DHBVN should serve notice to the developer M/S Country Wide Promoters and M/S BPTP within 15 days of issue of this order mentioning therein the formalities and requirements which they have to complete for release of an independent Single Point Connection for Park Floors 2"*

4.4 It is submitted that the Petitioner is aggrieved by the non-compliance on the part of Respondent No.3 to 5 in complying with the directions passed in the CGRF Order. It is submitted that in compliance of the CGRF Order, the answering respondents have already raised a demand notice dated 08.12.2021 and 31.12.2021 on the Respondent-Developers which is marked and annexed herewith as Annexure -1 Colly. Therefore, there is no non-compliance of the CGRF Order on the part of DHBVN.

- 4.5 Vide the said notices, the Respondent No. 3 to 5 were directed to comply with the order passed by Ld. CGRF including completion of all requisite formalities and requirements for release of an independent single point connection of adequate load for park-2 executively within the period as mentioned subject to maximum 45 days.
- 4.6 It is further directed vide said notice(s) to immediately stop the billing and collection of the energy charges from park-2 residents, developer M/s Country Wise Promoters Private Limited in whose name the DHBVN connection bearing account No. F 35-BSHT-0003 stands for grid supply to sector 75 and 76, Faridabad are required to do billing and collection of energy charges from the consumers of group housing society strictly in accordance with the tariff order passed by Hon'ble Commission for domestic supply category of consumers.
- 4.7 It is submitted that the Answering Respondents again on 31.12.2021 served the reminder notice(s) to the Respondent No. 3 to 5. Vide said notice, It was further requested to builders to renew the Bank Guarantee which expired on 20.02.2018, and has not been renewed.
- 4.8 On 07.04.2022, the SE, (OP) Circle, DHBVN has sent a letter to the CE, DHBVN for approval for change in feeding source from 400 KVA Sub Station Nawada to 220 KV Sub Station for release of partial load of 2 MVA for residential colony of M/s Country Wide Promoters and on 29.04.2022 the Chief Engineer has sent a letter to SE, OP Circle stating that '*as per nigam instructions, builder has to complete the work of 33 KV switching station within 3 years but the work is still pending even after passing the period of more than 5 years, and requested to send the complete case file .*' Copy of the letters dated 07.04.2022 29.04.2022 are annexed hereto and marked as Annexure 2 Colly.
- 4.9 It is submitted that the Electrification Scheme with ultimate load of 12977 kW with Contract Demand of 14419 kVA as well as sanction of Partial load of 2 mVA to M/s Country wide Promoters Pvt. Ltd., Park Floor -II sector -76, Faridabad under HT/BS category (Single Point) was sanctioned by CE/ Commercial DHBVN Hisar vide memo. no. Ch - 13/SE /C-SOL -250 dated 29.08.2017. Copy of the memo dated 29.08.2017 is annexed hereto and marked as Annexure 3.



4.10 The salient feature of the sanction granted vide above memo are as under: -

- I. The developer shall install 2X10 mVA, 33/11 kV Power Transformer (Total Capacity = 20 mVA) and distribution transformer of rating 6X1000 kVA, 13 X 630 kVA & 10 X 400 kVA (total Capacity = 18910 kVA) to cater their ultimate load by considering maximum loading of 80% of the rating of each Transformer.
- II. The partial load of 2 mVA of the applicant shall be released on 33 kV level. For this purpose, one No 33 kV bay at 400 KV Substation Nawada shall be given to the developer to feed their primary switching station, which in turn will feed their other switching stations. The purposed switching station is required to be created at 33 kV level with two outgoing feeders for connecting secondary ring main 33 KV switching stations.
- III. The consumer is required to provide extension provisions for other consumer at their cost. Further the already allowed partial load for other schemes in new sectors on 11 kV level shall be switched over to 33 kV level with reasonable time after development of requisite 33 kV infrastructure for feeding the load.
- IV. The ultimate load of 12977 kW or 14419 kVA of the Group Housing Colony has been proposed to be fed on 33 kV level through independent feeder with 3C X300 Sq mm XLPE cable Double run at the cost of the applicant from nearby 220/33 kV Substation.

4.11 It is submitted that the Respondent No. 3 to 5 have not laid the adequate Infrastructure as per terms and condition of the sanctioned memo. The builders have further not laid the separate independent feeder for its partial load of 2 mVA on 33 kV level as already approved vide CE/ Commercial DHBVN Hisar memo. no. Ch -13/SE /C-SOL - 250 dated 29.08.2017. However, the builder has approached for the change of source for the partial load of 2 mVA on 11 kV level from 220 kV Substation A5 and the case was moved to the competent authority for approval on dated 07.04.22. But the said is returned with the following remarks.

*“Before taking any action put up the latest status of B.G. submitted by the builder for internal and external infrastructure developed by the builder including 33 kV line and Sub stations. As per Nigam’s Instruction, builder have to complete the work of 33 kV Switching station within 3 years but the work is still pending even after passing of more than 5 years.”*

Thus, it is evident that the builder is un-prepared towards laying of infrastructure.

4.12 In addition to this, M/s Country wide has recently offered the land for construction of switching station for approval from the land feasibility committee, which is under consideration by the committee.

4.13 Thus, the Answering Respondents have complied with the order passed by Ld. CGRF and no prayer or relief has been sought in the present petition against DHBVN. It is submitted that DHBVN has taken all steps within its powers to ensure compliance of the CGRF Order.

Re: Issue of inadequate infrastructure

4.14 It is submitted that on several occasions the Hon’ble Commission has noticed and upheld the need and requirement of creation of the adequate electrical infrastructure and submission of requisite bank guarantee by the developers in terms of the extant Regulations. This Hon’ble Commission in its Order dated 09.08.2021 passed in Anandvilas 81 Resident Welfare Association v. DHBVNL, HERC/PRO-48/2020 held that: *“It is obligatory on the part of developer (License holder) to get the electrification plan approved from DISCOM as per ultimate load requirement and deposit the requisite bank guarantee for development of the electrical infrastructure for the licensed area before release of the electrical connection for which compliance is required to be made by M/s Country Wide developers”.*

4.15 In this regard, the answering respondents further seeks to draw the attention of this Hon’ble Commission to the fact that the issue of lack of adequate infrastructure created by the Respondent -developer in the properties developed by them is a matter of grave concern which has also been raised by the answering Respondent in a petition before this Hon’ble Commission bearing PRO No. 55 of 2021 under Section 43, 46 and 50 of the Electricity Act, 2003 and Regulation 8 and 9 of the HERC Duty to Supply Electricity on Request, Power to Recover Expenditure

incurred in providing Supply and Power to require Security) Regulations, 2016 ("Duty to Supply Regulations") and Regulation 16 of the HERC Electricity Supply Code Regulations, 2014 ("Supply Code") read with Section 142 and 146 of the Electricity Act, 2003. In the said Petition, the answering Respondent has sought for immediate and urgent directions to resolve this acute problem of existing deficient electrical infrastructure in the interests of all stake holders. Vide interim order dated 02.02.2022 passed in the said petition, this Hon'ble Commission has already allowed for release of connections to individual residents of the subject area upon voluntary payment of development charges. It is submitted that DHBVN is complying with the said order.

- 4.16 The answering Respondents crave leave of this Hon'ble Commission to submit further reply/submissions if required at a later stage to assist this Hon'ble Commission in adjudication of the issue.
5. The respondents No.3, 4 & 5 have filed the reply on 11/05/2022 as under:
- 5.1 That the Answering Respondents- Developers have already taken all the necessary steps to comply with the Order passed by the Id. Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam (hereinafter referred to as "CGRF"), vide order dated 28.11.2021 in the case of "R.P. Uniyal Vs. DHBVN and Others".
- 5.2 That the Answering Respondents- Developers have already submitted its Compliance Report dated 03.01.2022 to Executive Engineer (Op) Division, Greater Faridabad, Sector 69, Faridabad, followed by reminder-1 communication dated 29.01.2022. Copies of both communications are annexed along with as ANNEXURE R3/1 & R3/2, respectively.
- 5.3 That the Answering Respondents- Developers shall immediately distribute the electricity further to the Allottees, as soon as the same is released by the DHBVN. The Answering Respondents- Developers are awaiting for the DHBVN to provide and release the electrical load.

PRAYER:

- 5.4 In view of the submissions made hereinabove, it is, therefore, most respectfully prayed that this Hon'ble Commission may be pleased to very kindly dispose off the present Petition filed by the

Petitioner/Complainant, as having become infructuous, in the interest of justice.

6. The case was next heard on 18.05.2022 as scheduled. At the outset, Sh. Gaurav Gupta, counsel for the petitioner submitted that, although reply has been filed by the respondent-developers no. 3-5 stating compliance of CGRF's order dated 28.11.2021 yet none of the directions of CGRF's order, have been complied with till date.

Ms. Nikita Choukse, counsel appearing on behalf of DHBVN submitted that in compliance of CGRF's directions, DHBVN has already issued demand notices dated 08.12.2021, 14.12.2021 and 31.12.2021 where the respondent-developers were directed to complete the formalities including renewal of the bank guarantee which expired on 20.02.2018.

Per contra Sh. Hemant Saini counsel for the respondent-developers submitted that developers have taken all the necessary steps to comply with CGRF's order and has applied for release of load for the said project and shall distribute the electricity to allottees as soon as the same is released by DHBVN. On the issue of bank guarantee, he submitted that a case relating to the issue of bank guarantee amount is pending for adjudication before the Hon'ble Punjab and Haryana High Court. On the query of the Hon'ble Commission, regarding stay on the bank guarantee by the Punjab and Haryana High Court, Mr. Saini requested to grant time to place on record the order of the Hon'ble Punjab and Haryana High Court in the matter. Ms Nikita stated that there is no stay on deposition of bank guarantee.

The Commission took notice with regard to the inordinate delay caused by the developers on one pretext or the other for compliance of CGRF's order dated 28.11.2021 and observes that none of the directions passed by CGRF has been implemented, which has resulted in unnecessary harassment to the occupants' dwelling units by not providing electricity which is an essential amenity. As requested, the respondent-developers were allowed to submit the order of the Hon'ble Punjab and Haryana High Court, if any, within 2 days. The respondent-developers have submitted their reply but no restraining order of the Hon'ble Punjab and Haryana High Court so far has been placed before the Commission regarding deposition of the bank guarantee by the respondent-developers to the Discom against the inadequacy in infrastructure. Therefore, the Commission being satisfied that it is a prima

facie case of non-compliance of the directions issued by the CGRF in its order dated 28.11.2021 and hence, issues a show cause notice to the respondents/developers no. 3-5, under Section 142 read with Section 146 of the Electricity Act, 2003.

7. Reply dated 16/06/2022 to Show Cause Notice dated 26.05.2022 issued by Hon'ble Haryana Electricity Regulatory Commission has been filed by the developers:

7.1 That the Complaint filed by Sh. R.P. Uniyal before the Ld. Consumer Grievance Redressal Forum ('CGRF') is a total misuse of the process as the Developer has been performing his duties diligently, in accordance with the rules, regulations and the settled law.

7.2 That in fact, the entire imbroglio happened as the Dakshin Haryana Bijli Vitran Nigam ('DHBVN') had been erroneously demanding Bank Guarantee to the tune of Rs.231.77 crores from the Developer, in gross violation of the rules and regulations, in particular against the letter and spirit of the Sales Circular No.D-01/2105 dated 02.01.2015, which provided for every site developed by a Builder/Developer to be treated as an individual identity with respect to the ultimate electrical load of such sites within a District were not to be clubbed together to arrive at a total amount of inadequacy for that Builder/Developer and that license wise or scheme wise be taken as a unit. Furthermore, the Developer, as per the regulations and sales circulars, has been allowed to erect the electrical infrastructure in phases and is actually required to furnish the Bank Guarantee for the particular electrical infrastructure to be erected during that particular phase.

7.3 That subsequent to the erroneous demands made by the DHBVN for furnishing the Bank Guarantees worth Rs.231.77 crores, the Developer had filed CWP No.15141 of 2019 titled "*Countrywide Promoters Pvt. Ltd. vs. State of Haryana and Others*", arraying DHBVN as one of the Respondents, which is still pending before the Hon'ble High Court, in which the Developer had prayed for quashing of the unreasonable, arbitrary demands by the DHBVN for furnishing the Bank Guarantees and Advance Consumption Deposits in violation of the Haryana Electricity Regulation Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and

Power to require security) Regulations, 2016 along with other reliefs, in which the Hon'ble High Court had passed interim order dated 30.05.2019.

- 7.4 That in fact, the entire situation has now been clarified by the communication dated 18.05.2022 issued by the DHBVN vide which, it has been clarified that while computing the bank guarantees to the tune of Rs.231.77 crores to be submitted by the Developer, the XEN Energy Audit had not taken into account the Sales Circular No.D-01/2105, as per which, the Bank Guarantees should have been calculated project-wise instead of all the projects in a district as a whole.
- 7.5 That in fact, the officials of the DHBVN should elicit the true and correct facts before the Hon'ble Haryana Electricity Regulatory Commission, Panchkula, Haryana, especially in view of the fact that vide communication dated 18.05.2022 written to SE/R-APDRP, DHBVN, Hisar, the DHBVN office of the Superintending Engineer (OP) Circle, Sector 23, Faridabad vide Memo No.234/SI-1671 has duly conveyed to him with the approval of MD, DHBVN, Hisar that earlier, while computing the demand of the bank guarantees to the tune of Rs.231.77 crores to be submitted by the Developer, the XEN Energy Audit had not taken into account the Sales Circular No.D-01/2015, as per which, the Bank Guarantee should have been calculated project-wise instead of all the projects in a district as a whole.

It would be pertinent to mention here that as per the Sales Circular No.D-01/2015 dated 02.01.2015 "Every site developed by the builder/developers be treated as an individual identity w.r.t. ultimate load and the load of all such sites within district need not be clubbed together to arrive at the total amount of inadequacy for that builder/developer i.e. license wise or scheme wise be taken as a unit".

In that communication, it has been observed that it had been decided/approved to set aside Bank Guarantees of Rs.231.77 crores calculated for all projects district as a whole and Bank Guarantees be calculated project-wise by concerned XEN/OP as per project already sanctioned in the electrification plan/to be sanctioned applied by the builder in light of Sales Circular No.D-01/2015. Through the same

communication, the concerned officials have been directed to process the sanctioning of Load/EPs already applied by the builder and to issue revised Technical Feasibility Report ('TFR').

- 7.6 That it is thus clear that the entire confusion which had been created within the DHBVN itself has now been cleared vide the aforesaid communication dated 18.05.2022, which record may kindly be called for to be duly verified by the office of the Hon'ble HERC, to secure the ends of justice.
- 7.7 That it would be pertinent to mention here that as a consequence to the communication dated 18.05.2022 sent by the office of DHBVN to SE/R-APDRP, DHBVN, Hisar, the Bank Guarantees, which had earlier been demanded erroneously by the DHBVN to the tune of Rs.231.77 crores from the Developer have now been reduced to Rs.9 crores vide communication dated 05.05.2022. In compliance thereto, the Answering Developer has to furnish Bank Guarantee worth Rs.1.18 crores for the high powered line cost and another Bank Guarantee worth Rs.1.84 crores with regard to the switching station. The Developer has to furnish Bank Guarantee worth Rs.3.27 crores regarding the Electric Sub-Station. Furthermore, the Developer has been authorized by the DHBVN to complete the electrical development in five phases. The first phase regarding the electrical infrastructure has already been completed as the entire infrastructure to be developed in the first phase has already been installed. As a consequence thereof, no Bank Guarantee is now required regarding the same. Hence, the Developer has, in principal, complied with all the demands raised by the DHBVN and will furnish the Bank Guarantees in the next 14 working days.
- 7.8 That it would be pertinent to mention here that the ultimate load of 14419 KVA at 33 KV level has been approved in the electric scheme by DHBVN, which electrical load has to be provided from the nearby Electric Sub-Station in Sector 78, Faridabad. That Electrical Sub-station is under construction, which is being erected by DHBVN and will take about 10 months to complete.

Furthermore, DHBVN had sanctioned 2 MVA partial load through 400 KV Sub-Station from Nawada which is 14 Kms away from

Group Housing Society, Park Floor-II, where the Complainant R.P. Uniyal is residing. Due to the problem of the Right to Way, laying of 33 KV line from Nawada to Park Floor-II, is not feasible, as a consequence whereof, the Developer has already sent a request to change feeding source of nearby sub-station i.e. 66/11 KV Sub-Station, which request was submitted on 07.11.2020. After sanction of the nearby Sub-Station in Sector 3, Faridabad or any other nearby location, the Company will erect a new feeder line so as to provide electricity. The case is pending before the office of Chief Engineer (Operation), Delhi.

- 7.9 That the Developer has also applied for change of feeding source to release the partial load of 11 KV level from nearby Sub-Station as the 220/33 KV Sub-Station, from which the sanctioned electrical load has to be provided, is under construction. In fact, the Developer is constructing the additional 11 KV Line while incurring extra expenditure for the benefit and welfare of its customers to create electrical infrastructure, till the time 220/33 KV Sub-Station is constructed by the DHBVN. Thus, the Developer has provided the electrical infrastructure in the most diligent manner in accordance with the regulations and various sales circulars.
- 7.10 That as far as order of the Ld. CGRF regarding the forensic audit is concerned, it is submitted that the Ld. CGRF, vide impugned order dated 29.11.2021, has ordered comprehensive audit into the amounts received for the construction of the electrical infrastructure by the Developer, in spite of the fact that such power of audit is not provided in any of the Regulations/Notification etc. The only provision is Regulation 2.40, for undertaking inspection and obtaining an independent report. The ordering of the audit is absolutely different from conducting an inspection of the electrical infrastructure. Furthermore, even for a third party inspection pertaining to electrical infrastructure, it is mentioned in Regulation 2.40 that it should be done in rare cases and in view of some special circumstances. In the present case, no such power of audit has ever been provided in any of the Rules/Regulations. Furthermore, the Ld. CGRF, in its impugned order, itself admits that "it does not have any jurisdiction to adjudicate upon the amount of External Development Charges collected/to be collected, its apportionment or its utilization/refund etc. Furthermore, in "DLF



*Qutab Enclave Complex Educational Charitable Trust Vs. State of Haryana and Others*” (2003) 5 SCC 622, the Hon’ble Supreme Court had held as follows:-

*“38. A regulatory Act must be construed having regard to the purpose it seeks to achieve. The State as a statutory authority cannot ask for something which is not contemplated under the Act.”*

- 7.11 That the Impugned judgment dated 29.11.2021 passed by the Id. CGRF is perverse, in so much as it has granted relief to the Complainant regarding conducting the forensic audit, which was beyond the purview and jurisdiction of the CGRF, in view of the fact that none of the Regulations/Notifications vests the Forum with the power to order Forensic Audit, which renders the Impugned judgment totally illegal and unsustainable in the eyes of law, being in direct conflict with the law laid down by the Hon’ble Supreme Court.
- 7.12 That the Ld. CGRF, vide impugned order dated 29.11.2021 had duly admitted that it did not have jurisdiction to look into External Development Charges collection, while observing in para 12 that the issues regarding the collection of External Development Charges by DTCP are governed by the Haryana Development and Regulation of Urban Areas Act, 1975, which is a policy matter decided from time to time by the Government and therefore, the Forum does not have jurisdiction to adjudicate upon the same, yet the Ld. CGRF, even after holding so, exceeded its jurisdiction while entering into the private law domain and ordered a comprehensive audit regarding the amount collected by the Developer from the unit holders for the creation of electrical infrastructure, which order is absolutely illegal, unsustainable in the eyes of law as the Ld. CGRF has travelled beyond its jurisdiction and scope of its powers and thus the impugned order dated 29.11.2021 is liable to be set aside, in the interest of justice. The observations made by the Ld. CGRF regarding not having any jurisdiction to adjudicate upon the amount of External Development Charges collected/to be collected, its apportionment or its utilization/refund etc. are reproduced hereunder: -

*“12. That collection of EDC by DTCP is governed by the Act of 1975 and is a policy matter decided from time to time by the government and therefore Forum does not have any jurisdiction to adjudicate upon the*

*amount of EDC collected/to be collected, its apportionment or its utilization/refund etc.”*

- 7.13 That it is submitted that the Ld. CGRF has travelled beyond its powers conferred upon it, even while duly admitting in the order that it does not have any jurisdiction to entertain any of the issues regarding the External Development Charges. It is submitted that the electrical infrastructure is a part of the External Development Works, which is duly defined in the Haryana Development and Regulation of Urban Areas Act, 1975. Section 2(g) pertains to External Development Works whose definition is reproduced hereunder: -

*“2(g) "external development works" include water supply, sewerage, drains, necessary provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and any other work which the Director may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area”*

Similarly, Section 2(jj) pertains to Major Infrastructure Projects and is defined as under: -

*“(jj) "major infrastructure projects" include national/state highways transport, major water supply scheme and power facilities etc.”*

From the perusal of both the definitions reproduced hereinabove from the 1975 Act, it becomes abundantly clear that the electricity works, grid sub-stations, power facilities are all part of the External Development Works and even as per the observations of the Ld. CGRF in the impugned order dated 29.11.2021, the Ld. CGRF did not have any jurisdiction to entertain any dispute pertaining to the External Development Works/Charges, which is a subject-matter between the Department of Town and Country Planning; Government; and the Developer, duly covered under the Haryana Development and Regulation of Urban Areas Act, 1975. Thus, the action of the Ld. CGRF in proceeding beyond the mandate of law and resultantly passing the impugned order dated 29.11.2021 regarding the electrical charges collected and spent is wholly beyond its scope and the pale of its jurisdiction and thus liable to be set aside in the interest of justice.

7.14 That it is further submitted that Section 15 of the Haryana Development and Regulation of Urban Areas Act, 1975 clearly bars the jurisdiction of Civil Court, which is reproduced hereunder: -

*“15. Bar of jurisdiction of Civil Court: - No civil Court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.”*

7.15 That it is submitted that even otherwise also, Regulation 2.40 of The Haryana Electricity Regulatory Commission Notification dated 24.01.2022 clearly lays down that even a third-party inspection should be resorted to ‘rarely’ and only in ‘special circumstances’ of a case. In the present case, the Ld. Forum has itself observed and admitted in para 12 of its order that it has got no jurisdiction to entertain any dispute regarding the amounts collected under the External Development Charges, which is the exclusive domain of the State under the Haryana Development and Regulation of Urban Areas Act, 1975. In spite of the same, the Forum exceeded its jurisdiction and passed a wholly illegal and arbitrary order, which is unsustainable in the eyes of law and thus liable to be set aside. Regulation 2.40 is reproduced hereunder: -

*“2.40. The Forum may direct the Licensee to undertake an inspection with regard to the grievance, as may be required for expeditious redressal. The Forum may also engage a third party (other than the licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case.*

*The expenses of such third-party inspection shall be payable by the Complainant and got deposited in advance.”*

Similarly, Regulation 2.38 clearly lays down that the Forum may call for information or record which it considers relevant for examination and disposal of the grievance. Regulation 2.38 is reproduced hereunder: -

*“2.38. In addition to the record of the concerned Dispute Settlement Committee (if applicable), the Forum may call for further information or record from the Licensee or the complainant that it considers relevant for examination and disposal of the grievance and the parties shall be under obligation to provide such information or record as*

*the Forum may call for. The concerned party will send the same to the Forum within 7 days of receipt of its requisition. Where a party fails to provide such information, document or record within the stipulated time and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.”*

- 7.16 That the Hon’ble Supreme Court in “*DLF Qutab Enclave Complex Educational Charitable Trust Vs. State of Haryana and Others*” (2003) 5 SCC 622 has held that a statutory Authority cannot ask for something which is not contemplated under the Act. There is no provision for forensic Audit in any of the Regulations or Notifications issued from time to time.

Furthermore, the Hon’ble Supreme Court in “*DLF Universal Ltd. and Another Vs. Director, Town and Country Planning, Haryana and Others*”, 2011 AIR (SC) 1463 has held that though the State Authority is entitled to inspect the execution of the lay out and internal and external development works in the colony and to issue appropriate directions in order to ensure strict compliance of their terms and conditions of licences, but is not authorized or empowered to review or evaluate the terms of contract and resolve the disputes, if any, between the Developer and the Purchasers of plots/flats. The Hon’ble Supreme court had, further, held that no direction can be issued to delete the clause or relevant clauses from the Agreement mutually entered into by and between the parties and that the agreement by and between the Developer and Allottees, agreed terms and conditions and covenant therein are purely under private law domain. The Hon’ble Supreme Court had, further, held that the State cannot interfere with the agreement voluntarily entered into by and between the Developer and Purchaser of the plots/flats and the agreed terms and conditions by and between the parties do not require the approval or ratification and no direction can be issued to amend, modify or alter any of the clauses in the agreement entered into between the parties.

- 7.17 That it is settled principle in law that a contract is interpreted according to its purpose. The purpose of a contract is the interests, objectives, values, which the contract is recorded into writing with a specific goal in mind the joint intent of both the parties. Such a written document enunciates the collective content of both the executing parties. Every

contract expresses the autonomy of the contractual parties' will and creates reasonable, legally protected expectations between the parties.

Anson's Law of Contract, "a basic principle of the Common Law of Contract is that the parties are free to determine for themselves what primary obligations they will accept..... Today, the position is seen in a different light. Freedom of contract is generally regarded as a reasonable, social, ideal only to the extent that equality of bargaining power between the contracting parties can be assumed and no injury is done to the interests of the community at large.

- 7.18 That the Hon'ble Supreme Court in the case "*DLF Universal Ltd. and Another Versus Director, Town and Country Planning, Haryana and others*" has held as follows:-

.....

*"The Director's functions and duties are well structured by the Act and the Rules. There is no provision in the Act or the Rules empowering the Director to sit in judgment on the perceived fairness of any clauses incorporated in the agreement entered by the parties. The terms and conditions in the licence granted by the Director do not prohibit incorporation of such a clause in the agreement to be entered between the owners and the purchasers. Nor there is any clause in the agreement entered by the owner with the Governor through the Director empowering the Director to sit in appeal over the agreement entered by the owners with the purchasers of the plots. There is no explanation forthcoming as to the source of power under which the Director could have issued the impugned directions directing the owner to delete such clauses from the agreement entered with the purchasers".*

.....

- 7.19 That in view of the submissions made hereinabove, it is most respectfully prayed that the Developer had always been working diligently and it was the DHBVN, which had wrongly demanded enormous amount of Bank Guarantees to the tune of Rs.231.77 crores, which was illegal and arbitrary, which demand has now been reduced to Rs.9 crores by DHBVN vide communications dated 05.05.2022 and 18.05.2022, which demands are in the process of being duly complied with by the Developer in the next 14 working days, as a consequence to which, it is humbly prayed that the Notice be discharged in view of the Reply to the Show Cause Notice dated 26.05.2022 issued by this Hon'ble Haryana Electricity Regulatory Commission, in the interest of justice.

8. The case was heard on 29.06.2022, as scheduled. At the outset, Sh. Hemant Saini, counsel appearing for the respondent- developers requested for a short adjournment because of some medical exigency to his mother; Sh. Gaurav Gupta, Advocate, appearing for the petitioner stated that he had no objection to the same. However, Ms. Nikita Chaukse, Advocate for DHBVN submitted that no such intimation has been provided to them earlier.

The Commission has taken note of the different figures/amount of the Bank Guarantee (BG) to be submitted by the developers to DHBVN which has been reduced from amount of Rs. 231.77 crores to 13 crores by DHBVN and further mentioned by the respondent- developer to be Rs. 9 crores. This reflects conflicting stand of DHBVN on the amount of BG.

The Commission, considering the above contradiction, directs the MD/DHBVN to personally call a meeting within a week for finalizing the BG to be submitted by the developer to finalize the amount of BG. Director OP DHBVN to be present in person on the next date of hearing with the correct amount of BG, along with the reasons as to why correct BG amount was not intimated earlier, when the complaint was filed before CGRF on 19.10.2020.

9. The case was heard on 14.07.2022. At the outset, Ms. Nikita Choukse, counsel for the respondent- DHBVN submitted that in compliance of the Hon'ble Commission's order dated 29.06.2022, MD/DHBVN convened a meeting with the petitioner and respondent-developers on 08.07.2022 and 11.07.2022. In the meeting, it has been decided that developers have to submit the bank guarantee immediately for both the society at park floor-II and Adel Devine Sector76 being part of same electrification plan submitted by M/s Country Wide Promoters Pvt. Ltd. and subsequently also got approved from DHBVN against the ultimate load of 12977 kW/14419 kVA, wherein construction has been completed and structure are standing in the form of building. It was also decided that for the remaining part of the society, the developer may also opt for phasing of the internal electrical infrastructure. Director OP DHBVN submitted that BG required to be submitted for the first phase is Rs. 8.18 Cr. and remaining BG of Rs. 4.82 Cr. out of 13 Cr. as sought by the developer is payable in phases as per terms of S.C no D-12/2020 of the Nigam.

Sh. Hemant Saini, stated that developers have agreed for deposition of BG of Rs 8.18 Cr. for the first phase and requested to allow for 6 weeks' time to furnish the same. Sh. Gaurav Gupta, counsel appearing for the petitioner

stated that he has no objection to the same. Ms. Nikita Choukse, counsel for DHBVN has drawn attention of the Commission to the contention of respondent developers w.r.t to the reply dated 09.06.2022 of the respondent regarding forensic audit of the amount received by the developer that forensic audit of amount collected by the developer for construction of electrical infrastructure is illegal, as such power of audit is not provided in any of Regulation/Notification and the same is misplaced. Also, as per the CGRF order dated 28.11.2021 vide which it was directed to get a comprehensive audit of the billing related issues only i.e. bill received from DHBVN, bills issued to individual residents and common area consumption and DG set units booked, any interest of ACD received by the developer and tariff levied to the domestic and commercial establishment within park floor-2 and not w.r.t to the charges of EDC/IDC, which is well within the provisions of the existing regulations.

The Commission draws the reference from the regulation 6.1 (e) of the HERC Single Point Supply Regulations, 2020 that the user association shall be responsible for billing, collection of revenue as per the schedule 3 of tariff and shall keep updated billing data base as per the distribution licensee requirements, and same shall be supplied monthly to the concerned Distribution office. Accordingly, the Commission convinced with contention of counsel of respondent DHBVN that the direction of the CGRF to developer/user association regarding audit of billing is as per regulation in vogue and the order regarding comprehensive audit of the electricity consumed, so passed, was well within the jurisdiction of the CGRF.

Acceding to the request of the counsel of respondent developers, the Commission allowed 6-weeks' time from issue of this order for submission of Bank Guarantee of Rs. 8.18 Cr. to DHBVN for release of load for the first phase.

10. The case was heard on 08.09.2022. At the outset, Sh. Hemant Saini counsel for the respondent-builders submitted that the requisite Bank Guarantee (BG) of Rs. 8.18 Crore for the first phase has already been submitted to DHBVN and the rest shall be payable in the next phases as per terms of S.C no D-12/2020 of the Nigam for both the societies i.e. park floor-II and Adel Devine, Sector-76. Sh. Ranjan Rao, XEN OP/ DHBVN also confirmed that builder has submitted the BG of Rs. 8.18 Crore on 01.08.2022 towards the constructed

portion of the building. He further submitted that after submission of the requisite BG, the change of feeding source for release of partial load of 1 MVA was got approved from Chief Engineer DHBVN on 31.08.2022, after concurrence of SE/TS, HVPNL on 11 KV, existing country wide feeder, emanating from 220 KV substation A-5, which was proposed and approved from 400 KV substation Nawada earlier. This load shall be released within one month. Sh. Gaurav Gupta, counsel for the petitioner submitted that although the process to release connection for partial load has now started after submission of the BG by the respondent-developers, but nothing is being done by the builder to remove the billing discrepancies. After hearing the parties, the Commission decided to review the compliance status after one month.

11. The case was heard on 20.10.2022. At the outset, Shri Gaurav Gupta, the learned counsel appearing for the petitioner submitted that the Hon'ble Bar Council of Punjab and Haryana and Bar Association of Punjab and Haryana High Court, has given a call to "abstain from work" on 20.10.2022. Accordingly, Shri Gaurav Gupta requested to adjourn the case. Sh. Satnam Singh, proxy for the counsel for the respondents no. 3 to 5 appeared before the Commission and made the same request. Accordingly, the Commission adjourned the matter.
12. The case was heard on 08.12.2022. At the outset Sh. Hemant Saini, counsel for the respondent developer submitted that the requisite Bank Guarantee (BG) of Rs. 8.18 Cr. has already been submitted to the DHBVN and accordingly, partial load of 1 MVA on 11 KV stands released to Park Flore-II at 11 kV level on single point supply on 29.09.2022 by DHBVN. Sh. Gourav Gupta counsel for the petitioner submitted that nothing has been done by the developer to remove the deficiencies and compliance of the CGRF directions. Further, no additional infrastructure has been laid by the developer and DHBVN has released the said connection on existing 11 kV feeder by providing separate single point metering equipment only. The supply of electricity to the residents is not adequate from the existing system and no action has been taken by the builder for rectifying the billing discrepancies. Also, no refund of the excess amount collected from the residents has been made till date. Sh. Hemant Saini submitted that they have initiated the process to refund the excess payment and shall be done shortly. After hearing the parties, the Commission directed the developer to refund the excess amount to residents



and remove the billing discrepancies within four weeks. Further, DHBVN is directed to submit the progress report on the same before the Commission.

13. The case was heard on 22.02.2023. At the outset Sh. R.P. Uniyal, the petitioner himself submitted that the developer has not refunded the excess amount to residents and not removed billing discrepancies as per the directions passed by the Commission vide order dated 12.12.2022. He further submitted that the partial load of 1 MVA released on 11 KV is not sufficient to cater to the existing electricity need of the residents as frequent cuts are being imposed by the developer causing harassments to the residents of the society. He further submitted that respondent developer is not being issuing the corrected bills on one side and on the other side disconnecting the supply of residents for non-payment of charges other than electricity as against the regulations/ directions of the Commission.

Sh. Manuj Kaushik, counsel for the respondent-DHBVN submitted that the respondent developer vide DHBVN letter dated 15.02.2023 and 17.02.2023 was requested to submit/upload the data of all the residents as per predefined formats on the UBS portal developed by DHBVN to issue the unified billing as per HERC regulations/guidelines. However, no response from the respondent developer has been received so far which is urgently required for compliance of the directions of the Commission. Sh. Hemant Saini, counsel for the respondent developer submitted that the requisite Bank Guarantee (BG) of Rs. 8.18 Cr. has already been submitted to the DHBVN and stated that the data required for issuing bills through portal of DHBVN is under process and the same shall be completed within 10 days. Sh. Sandeep Kumar, the concerned SDO OP DHBVN submitted that after submission of the requisite data by the respondent developer, a week time will be further needed to issue the uniformed bills as per the regulations/guidelines of the Commission through portal.

After hearing the parties, the Commission directed the developer to submit/upload the requisite data of all the residents on UBS portal within 10 days and DHBVN shall generate electricity bill on portal within 7 days thereafter and refund the excess amount, if any. Respondent developer is further directed not to disconnect the electricity connection of the consumer for non-payment of charges other than electricity bill. DHBVN is further directed to submit the compliance report before the next date of hearing.

14. The case was heard on 12.04.2023, as scheduled, in the court room of the Commission. At the outset Sh. Hemant Saini, counsel for the respondent developers submitted that the requisite data of residents have already been uploaded on the Uniform Billing Software (UBS) portal developed by DHBVN and have also removed the billing discrepancies. He further submitted that respondent developers have conducted the audit of electricity accounts of residents to access the actual excess amount collected from the residents and the same shall be refunded within next four weeks. Ms. Nikita Choukse, advocate for DHBVN requested the Commission for direction to the respondent-developers to share the audit report/data of electricity consumer with DHBVN to point out any discrepancy on the same, if any. After hearing the parties, the Commission directed the developer to refund the excess amount to the residents immediately but not later than four weeks and to submit complete details of the audit of consumer accounts as carried out by them to the respondent DHBVN. The respondent DHBVN was further directed to submit the comprehensive report on the compliance of the directions of CGRF order before the next date of hearing.

15. Affidavit of Respondent DHBVN dated 13/04/2023:

I, Vikas Mohan Dahiya, S/o Sh. Dharamvir aged 45 years working as Executive Engineer (XEN) with the DHBVN's office having its registered office at Haryana presently in New Delhi, do hereby solemnly affirm and declare an oath as under:-

15.1. I am the authorized representative of DHBVN and as such I am aware of the facts and circumstances of the present case. I am competent to swear the present affidavit.

15.2. That the present Petition was filed before this Hon'ble Commission *inter alia* seeking compliance of the CGRF order dated 28.11.2021 passed in case no. CGRF/3244/2020 titled as R.P Uniyal Vs DHBVN.

15.3. That vide orders dated 13.04.2023 and 07.06.2023, this Hon'ble Commission had directed DHBVN to file a comprehensive report on the compliance of the CGRF order dated 28.11.2021 passed in case no. CGRF/3244/2020 titled as R.P Uniyal Vs DHBVN.

15.4. Furthermore, this Hon'ble Commission, vide order dated 21.07.2023 had *inter alia* directed DHBVN to also point out their observation on the calculation of refund submitted by the respondent developer.

Re: the compliance of orders dated 13.04.2023 and 07.06.2023

15.5. In furtherance of the above, I state that with reference to the orders dated 13.04.2023 and 07.06.2023 passed by this Hon'ble Commission, wherein the M/s Countrywide Promoters Pvt. Ltd. and M/s BPTP ("*Respondent Developer*") were directed to comply with the directions passed by Ld. CGRF by conducting an internal audit for charging excess electricity charge to the internal residents of the society and submit the audit report to DHBVN after refunding the excess charges to the internal residents of the society. In addition to this, the Hon'ble Commission had directed DHBVN to file a comprehensive report on the compliance of the CGRF order dated 28.11.2021 passed in case no. CGRF/3244/2020 titled as R.P Uniyal Vs DHBVN.

15.6. I state that the point wise report of compliance of the CGRF Order dated 28.11.2021 is as under:

- a. Forum had directed the builders M/s Countrywide Promoters Pvt. Ltd. and M/s BPTP to complete the formalities and requirements of the licensee DHBVN for sanctioning of total load:

In this context, it is intimated that independent single point connection in the name of M/s Countrywide Promoters Pvt. Ltd. with a partial load of 1000 KVA (Ultimate load 14419 KVA) for Park Floor II was released on 28.09.2022 after furnishing all the formalities. The ultimate load has been sanctioned on 33 kV level from 220/33 KV sector 78 sub-station. The creation of 33 KV switching station to cater the ultimate load is pending at the end of the Respondent developer. In this context the Developer has furnished a Bank guarantee amounting to 8.18 Crore in July 2022. Copy of the sanction letter and the MT-1 report of consumer end meter is annexed as Annexure -A.

- b. Forum had directed the builder to develop the adequate infrastructure within 45 days for providing the independent single point connection to Park floor -2:

As previously intimated that an independent single point connection have been released on 11 KV level for Park Floor-II society after furnishing all the formalities of Nigam.

- c. Forum had directed the builder that after obtaining a separate single point connection for Park floor 2, developer should transfer the connection in the name of RWA:

In this regard, I state that that no such information have been received in this office from the Respondent Developer regarding the transfer of connection in the name of RWA.

- d. Forum had directed that upon transferring, it will be the responsibility of RWA to run the internal affairs of the society:

As mentioned in previous point, no such transfer details in the name of RWA has been intimated by the Respondent Developer.

- e. Forum had directed the builders to get checked up and sealed the sub meter of society from M&P wing of the licensee DHBVN for its accuracy:

In this regard, I stated that no such intimation/ request from the Respondent Developer have been received by DHBVN regarding checking of accuracy of sub meters.

- f. Forum had directed the builders to issue the electricity bills to the internal residents of the society as per Annexure “A” and “B” of the single point regulations:

In this context, I state that that DHBVN have issued software namely “Unified Billing Software” to assist the builders to issue the bills as per the regulations. Respondent Developer has uploaded the consumer base data for the subject project on UBS portal and have started the billing as per the regulations.

- g. Forum had directed the builder to bill the residents strictly in accordance with in the tariff order of Hon’ble HERC:

As stated in previous point, Respondent Developer have uploaded the data on UBS and started the billing as per guidelines.

- h. Forum had directed the builder to not disconnect the electricity supply who pays the grid electricity bills: -

In this context, I state that a letter was written by DHBVN to the Respondent Developer to not to disconnect the electricity

supply of the residents who pays the grid bills as per the interim order, however nothing has been received from Respondent Developer in order to compliance of the order. Further no such complaint has been received from any consumer regarding disconnection of the electricity supply.

- i. Forum had directed the builder to put all the dual meter and reference meter in order within one month:

In this regard, I stated that nothing has been received from the Respondent Developer regarding compliance of the order on this point.

- j. Forum had directed the builder to not charge any non electricity charges through meter:

As previously submitted, the Respondent Developer is now billing as per regulation through UBS portal to internal residents.

- k. Forum had directed the Respondent Developer to get a comprehensive audit completed within a month of the last 2 years of the electricity accounts viz.-a-viz. bills received from DHBVN, bills issued to individual residents, common area consumption and DG set units booked, any interest on ACD received from DHBVN, any other incentives received, any penalties imposed on account of late payments or for any other reason, the tariff levied to domestic and commercial establishments within Park Floors 2 and to make the audit report public and to share it with the RWA / Users' Association and the licensee DHBVN for scrutiny:

In this regard, I state that Respondent Developer has submitted before the commission that they have conducted an internal audit and excess charges will be refunded. Same is recorded in order dated 13.04.2023 as under:

*"At the outset Sh. Hemant Saini, counsel for the respondent developers submitted that the requisite data of residents have already been uploaded on the Uniform Billing Software (UBS) portal developed by DHBVN and have also removed the billing discrepancies. He further submitted that respondent developers*

*have conducted the audit of electricity accounts of residents to access the actual excess amount collected from the residents and the same shall be refunded within next four weeks”*

In furtherance of the above, it stated that the Respondent Developer had submitted the report of refund/ adjustments of excess charges before Hon’ble HERC on 20.07.2023.

Re: the compliance of the order dated 21.07.2023

- 15.7. In terms of the order passed by this Hon’ble Commission on dt. 21.07.2023, DHBVN was directed to submit the observation report on the adjustments/ refund made by the Respondent Developer. Having analyzed the same, I state that insofar as the list provided by the Respondent Developer towards the refund of the excess charges is concerned, it is found that while Respondent Developer has merely submitted the details of the excess amount refunded to the consumers, the same has not been substantiated with a detailed calculation of the said amount (as is claimed to have been refunded by the Respondent Developer). Thus, I stated that DHBVN cannot provide any observations on the calculations of the excess refund to the consumers.
- 15.8. I further state that the ultimate load of 14419 KVA in the name of M/s Countrywide Promoters Pvt. Ltd. has been sanctioned on 33 KV level through a 33 KV switching station, Sector 79, which has to be developed by the Respondent Developer and currently the construction work of switching station is under process.
16. The case was heard on 07.06.2023. At the outset, Sh. Himanshu Monga, proxy counsel appearing for the respondent submitted that Sh. Hemant Saini, the main counsel for the respondent developer has already made a written request seeking adjournment on the basis that he is having personal difficulty on 07.06.2023 and has further requested for fixing the date of hearing in the month of July, 2023. The proxy counsel further submitted that opposite party has no objection to the same. The counsel for the petitioner submitted that the directions of CGRF have not been implemented by the respondents. He further submitted that the refund of the excess amount has also not been paid to them and nothing has been done till date by the respondent in the matter. Upon hearing the parties, the Commission observed that no compliance has been made by the respondents of the earlier directions passed by the

Commission vide its interim order dated 13.04.2023. Acceding to the request of the counsel for the respondent developer, the Commission adjourned the matter and directs the respondents to make compliance of order dated 13.04.2023 within two weeks.

17. The case was heard on 20.07.2023. At the outset, Hemant Saini counsel appearing for the respondent developer submitted that the calculation of amount which has been refunded stands done and handed over the copy of the same to the counsels appearing for the petitioner and respondent DHBVN respectively during the hearing. He further submitted to rectify the calculation of refund as per the observations of the petitioner and respondent DHBVN, if any, and ensured to comply with all the directions of CGRF/DHBVN. The counsel for the petitioner submitted that the directions of CGRF have not been implemented by the respondents as per the earlier directions of the Commission. Upon hearing the parties, the Commission directed the petitioner and DHBVN to point out their observations, if any, on the calculation of refund submitted by the respondent developer within a week and the respondent-developer to submit the compliance report of CGRF's directions within a week thereafter.
18. The case was heard on 05.10.2023. The counsel for the petitioner submitted that the directions of CGRF have not been implemented by the respondents as directed by the Commission. The counsel for the respondent-DHBVN submitted that bare figures of refund have been provided whereas calculation sheets are required for checking and submitting the report regarding tariff charged by the respondent-developer. Upon hearing the parties, the Commission directed the respondent-developer to provide the details required by the respondent-DHBVN and DHBVN to submit the report on the calculations of refund within a week thereafter.
19. The case was heard on 25.10.2023. None appeared on behalf of petitioner. The proxy counsel for the respondent No. 3 to 5 sought adjournment in view of holidays and non-availability of main counsel Sh. Hemant Saini. The Commission directed the parties to appear for final arguments on the next date.
20. The case was heard on 31/01/2024, as scheduled, in the court room of the Commission. The petitioner Sh. R. P. Uniyal submitted that no compliance of CGRF's order has been made till date. Only refunds of Rs. 7.0 lakh have been

made against total amount of Rs. 2.0 crores. Sh. Hemant Saini counsel for the respondent-developer submitted that the orders of CGRF have been complied. The construction of 33 kV sub-station is under progress. The details of the refunds have already been provided. The counsel for the DHBVN submitted that no detailed calculations have been provided till date to verify the amount of refund. The respondent developer requested to file written submissions. After hearing the parties, the Commission reserved the decision and allowed the respondent developer to file written submission if any, within 3 days.

21. Written Submission by the respondent (R-3 to R-5) on 05/02/2024:

21.1. That answering respondent, M/s Countrywide Promoters Pvt. Ltd., which is a wholly owned subsidiary of BPTB Limited, has taken all steps to create the internal as well external infrastructure as per the revised Electrification Plan which is pending with the DHBVN for approval. The answering respondent has always been diligently complying with all the rules, regulations as well as directions of this Hon'ble Commission. This Hon'ble Commission in Case No. HERC/P No.50 of 2023, had disposed of the petition with the observations that the Developer had complied with the requirements of DHBVN and there was nothing left to be adjudicated. The relevant portion is reproduced herein for the kind perusal of this Hon'ble Commission:-

*"6.11 The Commission observed that as the respondent-developer has complied to the requirements of the petitioner-DHBVN and is in the process of curing the inadequacies after submission of requisite BG as confirmed by DHBVN, there is nothing left to be adjudicated. Therefore, the present petition is disposed off in above terms.*

*This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 11.10.2023.*

*Date:11/10/2023 (Naresh Sardana) (R.K. Pachnanda)*

*Place: Panchkula Member Chairman."*

21.2. That it is humbly submitted that the answering respondent – M/s Countrywide Promoters Private Limited has not received the cost of Internal Infrastructure, to be freshly developed at 33 KV Level and the same would be charged to the consumers of Park Floors-2, after the approval of the revised Electrification Plan.

21.3. That it would also be pertinent to mention here that due to the technical error (IT issue) on the DHBVN Portal, the answering respondent - M/s



Countrywide Promoters Private Limited is unable to raise the unified bills to the customers through the DHBVN Portal. In this respect, the answering respondent has submitted various written requests with the DHBVN for the resolution of IT issues faced in the Unified Billing System of DHBVN. The DHBVN has also acknowledged the aforementioned issues faced by M/s Countrywide Promoters Private Limited, vide its letter dated 09.01.2024, which has been addressed by the Executive Engineer/IT, DHBVN, Hisar to the Executive Engineer (OP) Division, DHBVN, Greater Faridabad, the relevant portion whereof is reproduced herein below for the kind perusal of this Hon'ble Commission: -

*“The above is submitted for information, please. However, in case the said developer is still facing issue, in the utilization of Unified Billing system, the technical team of the developer along with the concern JSE/officials of your office, looking after the implementation of UBS in your Division, may be deputed to this office for further classification/training on the system.*

Sd/- 9.1.24

*Executive Engineer/IT  
DHBVNL, Hisar.”*

A perusal of the aforesaid extract clearly shows that it is the admitted position of the DHBVN, Hisar that some of the issues in the DHBVN Portal have reportedly been resolved, whereas others are still pending. The Executive Engineer, DHBVN, has admittedly observed that in case Developer was still facing the issue, then team from the DHBVN, Greater Faridabad may kindly be deputed to the office of the Executive Engineer/IT, DHBVN, Hisar “for further classification/training on the system”.

It is humbly submitted and reiterated once again that even now, the Unified Portal of the DHBVN is having IT issues and the data is not getting uploaded on the Unified Billing Portal, as a consequence to which, the bills are not getting generated through it.

Furthermore, the same problem is being faced by all other developers. Moreover, but such undue pressure is being created only on the answering respondent.

Thus, in view of the admitted difficulty being faced by the DHBVN in the Unified Billing Portal due to IT issues, as admitted by the Executive Engineer/IT, DHBVN, Hisar in its letter dated

09.01.2024, this Hon'ble Commission is humbly requested to kindly get the same resolved so that public interest is protected.

21.4. That vide order date 28.11.2022 directions were issued by the CGRF that the Developer should get a comprehensive Audit completed for the last 2 years. In this respect, it is humbly submitted that the Audit of the Electricity Accounts has already been done by the Third Party and duly placed before this Hon'ble Commission. The excess amount, which was charged inadvertently for that period, amounting to Rs.7,16,595/- stands already credited in the bills of the consumers for the month of June, 2023.

21.5. That the Answering Respondent -M/s Countrywide Promoters Pvt. Ltd. has complied with all the directions of the CGRF the details whereof are given as under:

i. *That the direction issued by the CGRF was as follows:*

*The developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP should complete within 45 days of issue of this order all the formalities and "requirement of the licensee DHBVN for sanctioning of the total load as per the approved electrification plan.*

In respect to this it is humbly submitted that revision for the existing scheme has applied by M/S Countrywide Promoters Pvt. Ltd. before DHBVN, vide application dated 15.11.2023.

ii. *That the direction issued by the CGRF was as follows:*

*The developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP should create adequate electrical infrastructure within 45 days of issue of this order either by themselves or by paying the cost to the licensee DHBVN for providing an independent Single Point Connection to Park Floors 2.*

In response to this it is humbly submitted that the answering respondent company M/s Countrywide Promoters Private Limited has taken all steps to create internal and external infrastructure as per the revised Electrical Plan, which is pending approved by the DHBVN, who has released 1 MVA Load at 11 KV level from existing feeder. The total ultimate load of the Group Housing Project admeasuring 55.724 Acres has been sanctioned at 14.419 MVA, out of which the answering respondent M/s Countrywide Promoters Pvt. Ltd. has Group Housing Park Floor 2 admeasuring 29.105 Acres, whereas the Development

rights of remaining 26.619 Acres is with M/s Era Adel Pvt. Ltd. Thus the total load of 14.419 MVA includes the share of M/s Era Adel Pvt. Ltd. also. The DHBVN is in the process of creating infrastructure for residents of M/s Era Adel colony. M/s Countrywide Promoters has only built approx. 600 odd units and for these units the ultimate load required is approx. 4 MVA, for which the revised electrification scheme has been submitted before the DHBVN for approval. The company has also furnished bank guarantees worth Rs. 8.18 crore towards the External Infrastructure.

iii. *That the direction issued by the CGRF was as follows:*

*The developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP after obtaining a separate independent Single Point Connection for Park Floors 2 should without any delay transfer the connection in the name of RWA/Users Association of Park Floors 2 for them to manage their internal affairs of electricity.*

In response to this it is humbly submitted that the answering respondent – M/S Countrywide Promoters Pvt. Ltd. shall transfer the independent connection in the name of the Residents' Welfare Association, once it is released by DHBVN. The matter is under process with the DHBVN, Hisar.

iv. *That the direction issued by the CGRF was as follows:*

*After transferring of the electricity connection in the name of RWA/Users' Association, it will be responsibility of the RWA/Users' Association to run the affairs within and serve the individual consumer strictly in accordance with the provisions of single point regulation of April 2020.*

In response to this it is humbly submitted that it is the responsibility of the RWA/User's Association, and pertains to the RWA.

v. *That the direction issued by the CGRF was as follows:*

*Till such time the above actions, as ordered in paras "1 to 4" above get completed, the developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP shall maintain the electrical system of Park Floors 2 as under:*

i) *The sub-meter of the main Single Point Meter, which has been installed for Park Floors 2, should be got checked up and sealed from M&P wing of the licensee DHBVN for its accuracy. Also, that this sub meter should be read every month in presence*

*of authorized representative of RWA/Users' Association of Park Floors 2.*

In response to this it is humbly submitted that the DHBVN M & P Department has refused to check these meters which are not installed by DHBVN. If permitted, the answering respondent - M/s Countrywide Promoters Private Limited can calibrate to check accuracy of these meters from other private lab.

ii) *Electricity bills to the residents of Park Floors 2 should be issued strictly as per Annexure "A" and "B" of the Single Point Regulation of April 2020.*

In response to this it is humbly submitted that the answering respondent – M/S Countrywide Promoters Pvt. Ltd. is raising the bills to the customers through DHBVN portal. But in that process there are humungous problems as a result of which the company is suffering heavy losses. It would be pertinent to mention here that the answering respondent - M/S Countrywide Promoters Pvt. Ltd. had submitted a request for resolution of issues faced in Unified billing system of DHBVN in the Residential Plotted colony in Sectors 80 to 89, Faridabad dated 03.07.2023 followed by another representation dated 31.08.2023. As a consequence to the aforesaid representations, the XEN (OP) Divn. DHBVN Greater Faridabad, was addressed a communication on 16.10.2023 by the SDO, OP Sub Division, DHBVN, Kheri Kalan, Faridabad, the response where to has been given by Executive Engineer/IT, DHBVN, Hisar on 09.01.2024.

That even today, when an attempt is made to upload this data, the same does not happen due to some difficulties with the software of the DHBVN.

iii) *Residents of Park Floors 2 should be billed strictly in accordance with the tariff order of the hon'ble HERC for different categories of consumers.*

In response to this it is humbly submitted that the answering respondent - M/S Countrywide Promoters Pvt. Ltd. is

already raising the bills as per the tariff circular/through DHBVN unified billing Portal.

*iv) Not to disconnect electricity supply of any consumer who pays the grid electricity supply bills honestly.*

In response to this it is humbly submitted that the answering respondent - M/S Countrywide Promoters Pvt. Ltd. is resorting to disconnection of the electricity, only in those instances where a person is not paying the electricity bill regularly.

*v) All the dual energy meters and reference meters installed for recording of DG units and common area consumption should be put in order within one month of issue of this order.*

In response to this it is humbly submitted that all the meters are working properly.

*vi) Not to charge any non-electricity maintenance charges through the meter meant for recording electricity consumption.*

In response to this it is humbly submitted that the answering respondent - M/S Countrywide Promoters Pvt. Ltd. is not charging any maintenance amount other than the electricity consumption.

vi. *That the direction issued by the CGRF was as follows:*

*The developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP should get a comprehensive audit completed within a month of issue of this order of the last 2 years of the electricity accounts viz-a-viz. bills received from DHBVN, bills issued to individual resident, common area consumption and DG set units booked, any interest on ACD received from DHBVN, any other incentives received, any penalties imposed on account of late payments or for any other reason, the tariff levied to domestic and commercial establishments within Park Floors 2 and to make the audit report public and to share it with the RWA/Users' Association and the licensee DHBVN for scrutiny.*

In response to this it is humbly submitted that the Audit of electricity accounts has already been done by the third Party and duly placed before this Hon'ble Commission. The excess amount charged by inadvertently, has already been credited in the bills of the consumer, which pertains to 2 years.

vii. *That the direction issued by the CGRF was as follows:*

*The prayer of the complainants that bills to the residents be raised every two months and that the common Area Electricity consumption should be charged in terms of electricity units instead of applying it in terms of sq. feet area of apartments is not tenable because it is against the provisions of Regulation and various orders passed by the hon'ble Commission in this regard.*

In response to this it is humbly submitted that as the DHBVN raises the monthly bills to the answering respondent - M/S Countrywide Promoters Pvt. Ltd., accordingly the bills are issued to the consumers through the DHBVN portal.

viii. *That the directions issued by the CGRF was as follows:*

*Regarding levy of Municipal Tax, Electricity Duty and GST on common area charges, it is a policy matter of the government and the complainants may separately represent to DHBVN for its refund, if permitted under the law.*

In response to this it is humbly submitted that the aforesaid observation pertains to the concerned Government Department.

ix. *That the directions issued by the CGRF was as follows:*

*The licensee DHBVN should serve notice to the developer M/S Countrywide Promoters Pvt. Ltd. and M/S BPTP within 15 days of issue of this order mentioning there in the formalities and requirements which they have to complete for release of an independent Single Point Connection for Park Floors 2.*

*However, complainant is at liberty to file appeal with electricity OMBUDSMAN, HERC, Sector-4, Panchkula if he is not satisfied with the decision of the CGRF.*

*As required under Haryana State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2020, the*

*implementation of this decision may be intimated to this office within 30 days from the date of its receipt.*

In response to this it is humbly submitted that the single point concerned has already been provided as mentioned in the preceding paragraphs.

- x. That the DHBVN has circulated an internal letter, asking for the Technical Feasibility Report with respect to the application for re-approval of the Electrification Plan by M/s Countrywide Promoters Pvt. Ltd. – the Answering Respondent. A letter dated 02.02.2024 written by SE/Commercial for CE/Commercial, DHBVN, Hisar, to SE/Operations, Circle, DHBVN, Faridabad regarding the request to examine and assess the Technical Feasibility Report is annexed alongwith. It is only after the completion of formalities inter se DHBVN that the revised Electrification Plan pending approval will be sanctioned. Thus the answering respondent –M/s Countrywide Promoters Pvt. Ltd. has complied with all the requisite compliances at its end.

**PRAYER**

- 21.6. In view of the submission made above it is most respectfully prayed that in view of the compliances done, the present petition may kindly be dismissed in the interest of justice.

**Commission's Order:**

22. The Commission observes that the directions issued to respondents in the CGRF order are mainly addressing the issues pertaining to inadequacies in the electrical infrastructure and overcharging in electricity bills by the developer in disguise of other charges of the society and non-refund of excess amount charged by the respondent.
23. After intervention of the Commission, the curing of inadequacies of electrical infrastructure is under process by the developer after submission of requisite BG which has been confirmed by the licensee DHBVN.
24. The Respondent No. 3-5 have submitted that the Audit of electricity accounts has already been done by the third Party and duly placed before this Hon'ble Commission and the excess amount charged has already been credited in the bills of the consumers whereas, the petitioner has submitted that refund of Rs. 7.0 lakh have been made against total claimed refund amount of Rs. 2.0 crores. Further, the counsel for the respondent-DHBVN stated that only

figures of refund of Rs. 7.0 lakh have been provided whereas calculation sheets are required for checking and submitting the report regarding correctness of tariff charged by the respondent-developer. Therefore, the Commission observes that the directions for refund of excess charges have not been complied by the respondent-developer inspite of directions issued by the Commission from time to time during the course of hearing and the details of calculation of the refund of excess amount to the residents, have not been provided to DHBVN for checking the correctness of amount refunded due to overcharging as per directions of the Commission. The respondent developer is not complying with the directions on one pretext or the other.

25. The petitioner insisted that bills are still not being raised as per regulations. The respondent developers submitted that due to the technical error on the DHBVN Portal, the answering respondent - M/s Countrywide Promoters Private Limited is unable to raise the bills to the customers through the DHBVN unified billing software Portal. For this, the answering respondent has submitted various written requests with the DHBVN for the resolution of IT issues faced in the Unified Billing System of DHBVN. The DHBVN has also acknowledged the aforementioned issues faced by M/s Countrywide Promoters Private Limited, vide its letter dated 09.01.2024, which has been addressed by the Executive Engineer/IT, DHBVN, Hisar to the Executive Engineer (OP) Division, DHBVN, Greater Faridabad. The commission observes that respondent developer is squarely responsible for raising correct bills as per tariff order and development of portal by DHBVN on 30.08.2022 post CGRF orders does not absolve respondent developer from duty of raising the bills as per tariff order and making refund of excess amount so charged. The residents cannot be overcharged on pretext of any glitch in billing software, which has now been provided by DHBVN vide Sales Circular No. D-23/2022 to facilitate the developer whereas issue of incorrect bills is being raised by the petitioner since 19.10.2020 i.e. date of filing a complaint before CGRF. The aforesaid portal was made available as a facility and any glitch therein cannot be the ground for not complying with the directions of CGRF. The respondent developer cannot hide behind any such technical glitch and evade compliance. These bills could have been raised as per tariff order notwithstanding the portal/ software.
26. In view of the above facts and discussions and in the wake of the provisions under section 142 of the Electricity Act, 2003, the commission observes that



the Respondent-developer has not implemented the order dated 28/11/2021 issued by the CGRF willfully regarding issue of correct bills to the residents and in providing refund calculations for excess amount charged by the developer for cross verification by Licensee DHBVN as per directions of Commission particularly when amount of refund for overcharging is being disputed by the petitioner. Ample opportunity was given to the respondent for compliance but the respondent developer has failed to comply with the orders, as such the commission holds the respondent developer punishable under Section 142 and directs that, without prejudice to any other penalty to which Respondent developer may be liable under the Act, Respondent developer shall pay one lakh rupees, by way of penalty for non-compliance of CGRF's Order dated 28/11/2021 regarding issue of correct bills and refund of excess amount charged. The penalty amount will be deposited by the respondent-developer within one month from the date of issue of this order. The respondent developer is further directed to furnish the details of bills chargeable from individual residents as per tariff order of HERC, amount charged by the developer, the amount due to be refunded consumer wise for each billing cycle to the respondent XEN/OP, DHBVN within 15 days. The respondent XEN is directed to check the calculations and correctness of the amount refunded within 15 days thereafter. It is further ordered that as per provisions of Electricity Act, the respondent developer is liable for additional penalty of six thousand rupees for every day till compliance of order is done in letter and spirit.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 13/03/2024.

**Date: 13/03/2024**  
**Place: Panchkula**

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