

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

**Case No. HERC/Petition No. 71 of 2023**

**Date of Hearing : 09/04/2024**

**Date of Order : 09/04/2024**

**In the Matter of**

**Complaint Under Section 142 and 146 of the Electricity Act 2003 for Non Compliance of the orders of the forum for redressal of Consumer Grievance, Dakshin Haryana Bijli Vitran Nigam Limited , SE-OP-1, Gurugram dated 31.10.2023 in case No. DH/CGRF-13/ 2023.**

**Petitioner:**

Sh. Nitin Nanda, Emaar Gurgaon Greens, Tower 16 Flat 201, Sector 102, Gurugram-HR 122506

**versus**

**Respondents:**

1. Sh. Jagdeep Kumar Sheoran, GGCA RWA Secretary, Emaar Gurgaon Greens, Tower 24 Flat 1102- Sector 102, Gurugram, Haryana-122506
2. SDO Sec-37, DHBVN, Gurugram-HR.
3. SDO Kadipur, DHBVN, Gurugram-HR.
4. Chairman/Managing Director, DHBVN, Haryana.

**Present:**

**On behalf of the Petitioner:**

Sh. Nitin Nanda, Petitioner.

**On behalf of the Respondents:**

1. Sh. Raheel Kohli, Advocate for DHBVN
2. Sh. Jagdeep Kumar Sheoran, Advocate (R-1 in person)
3. Sh. Vipin Yadav, SDO, DHBVN
4. Sh. Sandeep, President, RWA

**QUORUM**

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

## **ORDER**

1. This complaint was filed before the HERC regarding the non-compliance of orders issued by the Consumer Grievance Redressal Forum (CGRF) in the case of DH/CGRF-13/2023 and requesting execution of the said orders. The complainant has submitted:
  - 1.1. As per the speaking order dated 31.10.2023, issued by the forum for the redressal of consumer grievances under Dakshin Haryana Bijli Vitran Nigam Limited, SE-OP1, Gurugram-HR the necessary actions and rectifications were mandated to stop charging(delink) non electrical charges i.e. Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges from the pre-paid electricity meter. However, it has been observed that there has been a persistent failure to comply with these orders. The email reminders Dated: 10.11.2023, 13.11.2023 & 15.11.2023 to Mr. Jagdeep Kumar Sheoran-Secretary GGCA RWA, CGRF SP-OP1, SDO Kadipur, SDO Sec-37, Chairman & MD DHBVN resulted in no action from the competent authorities.
  - 1.2. The non-compliance is in direct violation of the provisions outlined in Section 142 and Section 146 of the Electricity Act 2003, which stipulate the obligations of parties to adhere to the orders issued by the CGRF.
  - 1.3. The specific details of the case are as follows:
    - Case No.: DH/CGRF-13/2023
    - Date of CGRF Orders: 31.10.2023
    - Nature of Orders (in brief): Immediately stop charging non electrical charges i.e. Common Area Maintenance (CAM) and Common Area Electricity Charges (CAE) from the pre-paid electricity meters.
  - 1.4. Failure to comply not only undermines the credibility of the redressal process but also raises legal implications as per the provisions of the Electricity Act.
  - 1.5. As a consumer, it is my expectation that the regulatory framework is upheld, and I am entitled to the rights and remedies provided by the Electricity Act 2003.
  - 1.6. PRAYER/RELIEF SOUGHT
    - 1.6.1. Pass orders to impose harsh penalty, award punishment and initiate action against the respondent number 1 for non-compliance of orders dated 31.10.2023; under section 142 and 146 of the Electricity Act 2003. It is prayed that the cost/penalty imposed on respondent may please be given to the harassed & aggrieved Appellant/Complainant.
    - 1.6.2. Give directions to Chief Electrical Inspector to take action on the complaint filed by Appellant/Complainant dated 4.11.2023 against respondent number 1 under Section 138(d) of Electricity Act 2003 for interfering with indicators of meters & works of licensee.
    - 1.6.3. Pass orders for immediate execution of the orders passed on 31.10.2023 by the CGRF-SE-OP1-Gurugram, DHBVN.
    - 1.6.4. Pass orders for the refund of amount deducted from pre-paid meter by respondent number 1.

- 1.6.5. Initiate Contempt proceedings against the respondents number 2 to 4; SDO Sec-37, SDO Kadipur Gurugram, Area In-charge, Chairman/Managing Director of DHBVN , for their failure to get the orders implemented .
  - 1.6.6. Pass any other order as the Hon'ble Commission may deem fit.
  - 1.7.  GROUNDS FOR RELIEF
    - 1.7.1. The act of the respondent no. 1 is against the norms and direction of the Haryana Electricity Regulatory Commission notification dated 22.04.2020, which under para (iii) states as follows:
    - 1.7.2. *“The Commission in its various orders has made it clear that common area maintenance charges , backup charges should not be clubbed with the licensee’s supply charges and the connection ought not be disconnected in case the consumer has paid the charges for grid supply.”*
    - 1.7.3. Also, in HERC/PRO-38 of 2018, it was ordered in para iv) that *“the disconnection of electricity should not normally be done on account of non-payment of charges other than Discom Supply charges i.e. on account of maintenance charges, backup charges and other miscellaneous charges etc.”*, indicating not to use the pre-paid meters for purposes other than electricity charges.
    - 1.7.4. According to the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 “Meter means a device suitable for measuring, indicating and recording the conveyance of electricity or any other quantity related with electrical system”, thereby limiting the role and use of a meter to electricity purposes only.
    - 1.7.5. As per the guidelines of HERC and Central Electricity Authority, the applicant filed a complaint with the Forum for Redressal of Consumer Grievances of Dakshin Haryana Bijli Vitran Nigam (CGRF SE-OP1, Gurugram) which passed an order dated 31.10.2023 in case no DH/CGRF – 13/2023 and the same was not complied by the respondent no. 1.
    - 1.7.6. The provisions under section 142 and 146 of the Electricity Act 2003 provides for imposing penalty and punishment for non-compliance of the orders of Forum for Redressal of Consumer Grievances. The respondent nos. 2 to 4 have failed to fulfil their statutory duties of getting the orders complied and uphold the dignity of Electricity Act,2003, therefore, the penalty/ punishment for non-compliance of CGRF’s order under section 142 and 146 of the Act is applicable to them.
  - 1.8. I am open to providing any additional information or clarification necessary for a speedy resolution of this matter.
  - 1.9. Your prompt attention to this issue is anticipated, and I look forward to a positive and expeditious resolution.
  - 1.10. Thank you for your understanding and cooperation in ensuring the effective functioning of the grievance redressal mechanism.
2. The case was heard on 10/01/2024. None appeared on behalf of petitioner. The petitioner vide email dated 10/01/2024 has sought adjournment post 28/01/2024 due to health issues of his father. Sh. Raheel Kohli, advocate for the respondent submitted that the reply is ready

and will be submitted shortly. Acceding to request of the petitioner, the Commission adjourned the matter.

3. The respondent Dakshin Haryana Bijli Vitran Limited (“DHBVN”) in response to the petition denied all allegations in totality and asserted that nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically:
  - 3.1. It is utmost relevant to mention that the present petition is not maintainable qua DHBVN, as DHBVN is not in violation of the order dated 31.10.2023 passed by the Consumer Grievance Redressal Forum (“CGRF”) and has in fact duly complied with the directions issued by CGRF. In terms of the above highlighted direction, DHBVN duly issued notice dated 09.11.2023 to Mr. Sandeep Fogaat, President RWA Emaar Gurgaon Greens Sector 103, Gurugram categorically asking him to stop ongoing of practice of deducting Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA) from the prepaid energy meter of the Petitioner. Therefore, DHBVN had duly complied with the direction passed by CGRF and hence the present petition is not maintainable qua DHBVN.
  - 3.2. Further, it is pertinent to mention that DHBVN is not charging Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA) from the residents of Emaar Gurgaon Greens, which is evident from the electricity bill being raised DHBVN for supply of electricity through single point.
  - 3.3. In light of the above submissions, this Hon’ble Commission may be pleased to dismiss the present petition in relation to DHBVN.
4. The case was heard on 14/03/2024. Sh. Nitin Nanda, petitioner reiterated the contents of the petition and submitted that the order passed by the CGRF has not been complied with till date. He further stated that the respondent SDO has issued notice to President RWA instead of Secretary RWA, who was actually required to implement the ibid order. Sh. Raheel Kohli, advocate for the respondent-DHBVN submitted that as far as the direction to DHBVN is concerned in the order dated 31/10/2023, the same have already been complied with. Since in the order the respondent SDO was directed to issue notice to RWA, the notice was issued to the President RWA. However, Secretary RWA acknowledged receipt of the notice. Sh. Jagdeep Kumar Sheoran, Advocate Secretary RWA (R-1) appeared in person and submitted that the directions issued vide CGRF’s order dated 31/10/2023 have been complied on 18/11/2023 but the petitioner stated that the directions have not been complied with. Upon hearing the parties, the Commission observes that the complaint is a result of the dispute between petitioner and RWA on inclusion of Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges in the electricity bills in contravention of Regulations in vogue. The CGRF vide order dated 31/10/2023 had directed to the RWA to stop ongoing of practice of deducting Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA) from the prepaid energy meter of the Complainant and respondent SDO to issue notice thereof. The commission directed the respondent SDO to submit report regarding implementation of the order of CGRF by the RWA within 15 days of this

order and to personally appear on the next date of hearing. Further Secretary RWA was directed to file an affidavit regarding implementation of the order passed by the CGRF on next date of hearing besides rendering assistance to the respondent SDO for verification of facts for report.

5. SDO DHBVN, Kadipur vide his affidavit dated 29/03/2024 submitted as under:
  - 5.1. That the Hon'ble Commission vide order dated 15.03.2024 directed the deponent to report the implementation of order dated 31.10.2023 passed by the Consumer Grievance Redressal.
  - 5.2. That in terms of direction issued by the Hon'ble Commission, the deponent vide letter dated 22.03.2024 informed the Secretary RWA Emaar Gurgaon Greens that he will be visiting the society on 27.03.2024 to ascertain the compliance of CGRF order. Accordingly, on 27.03.2024, the deponent visited the society wherein the Estate Manager informed him that deduction of CAM and CAE charges from Mr. Nitin Nanda (Flat No. 201, Tower 16) were delinked from smart device on 18.11.2023. To substantiate the same, the deponent was shown account ledger and electricity bills of September 2023 to February 2024.
6. Sh. Jagdeep Kumar, Secretary, Gurgaon Greens Condominium Association, Sector 102, Gurugram, Haryana, vide his affidavit dated 05/04/2024 submitted as under:
  - 6.1. That I am Secretary in the Gurgaon Greens Condominium Association, Gurgaon Greens, Sector 102, Gurugram, Haryana. I state that, I am filling the present affidavit in respectful compliance of the order of this Hon'ble Commission dated 15<sup>th</sup> March 2024 in Case no. 71 of 2023 along with the order of CGRF dated 31/10/2024 in Case No. 13 of Sh. Nitin Nanda. I state that, I'm well versed with the facts of the present case and I am authorized to file the present affidavit on behalf of the Gurgaon Greens Condominium Association.
  - 6.2. It is submitted that, I have instructed the CFM team of Gurgaon Greens Condominium Association through email dated 28<sup>th</sup> October 2023 to delink the CAM (Common Area Maintenance) & CAE (Common Area Electricity ) Charges, same was delinked by the Community Facility Management Team on 18<sup>th</sup> November 2023.
  - 6.3. It is further submitted that, the due reflection of delink of CAM (Common Area Maintenance) & CAE (Common Area Electricity) charges from the flat of Mr. Nitin Nanda is captured in Accounting ledger and smart device invoice of Flat No. 201, Tower-16, Gurgaon Greens, Sector 102, Gurugram.
  - 6.4. The present Affidavit is bona fide and in the interest of justice.

### **Proceedings & Commission's Analysis**

7. The case was heard on 09/04/2024, as scheduled, in the court room of the Commission.
8. At the outset Sh. Jagdeep Kumar Sheoran Secretary, Gurgaon Greens Condominium Association, Sector 102, Gurugram, Advocate (R-1 in person) reiterated the contents of his affidavit and contended that the

- orders of CGRF with respect to delinking Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges in the electricity bills of the complainant have been complied.
9. The petitioner Sh. Nitin Nanda submitted that SDO DHBVN has not complied with the directions of the Hon'ble commission regarding verification of bills for ascertaining compliance of CGRF orders. The Commission called the SDO, DHBVN to explain the status.
  10. The SDO intimated that the CAM & CAE charges from the bills of Complainant have been de-linked and the unified billing software is in place for RWA to generate bills after feeding consumer's data in the same but due to some technical glitches, presently the bills are not being generated through this software.
  11. The Secretary RWA also endorsed the statement of the SDO, DHBVN.
  12. The Commission took note of the following operative portion of the said order of the CGRF:  
*"After gone through the HERC order and record filed by complainant as well as respondent forum is satisfied that the RWA is not entitled to add the common maintenance charges, common area electricity in the account of prepaid meter of the complainant and the forum directed to RWA to immediately stop recovery of Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA) through the prepaid energy meter. The complainant will only pay the current consumption charges of prepaid meter. If the complainant continues to pay his electricity dues his electricity connection should not be disconnected on account of Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA). The SDO is directed to issue notice to the RWA to stop ongoing of practice of deducting Common Area Maintenance (CAM) and Common Area Electricity Charges (CEA) from the prepaid energy meter of the Complainant and the RWA is also directed to carry out billing of the residents of the society through the portal developed for unified billing as per sale circular no. D23/2022."*

### **Commission's Order**

13. Upon hearing the parties and examining carefully documents placed on record, the Commission observes that the orders of the CGRF with respect to stopping recovery of Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges through the electricity bills of the complainant have been complied with by delinking the ibid charges from Smart Device on 18.11.2023. Also, as confirmed by SDO DHBVN the unified billing software is in place for RWA to generate bills after feeding consumer's data but due to some technical glitches, presently the bills are not being generated through this software.
14. Since the CGRF order has been already been implemented, no case of non-compliance of the CGRF order under section 142 and 146 of the EA, 2003 is made out in the matter. As such, nothing remains to be adjudicated in the matter and the Commission disposes off the petition accordingly.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 09/04/2024.

**Date: 09/04/2024**  
**Place: Panchkula**

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

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

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

HERC