

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

Case No. HERC/P. No. 51 of 2025

Date of Hearing : 06/11/2025

Date of Order : 12/11/2025

IN THE MATTER OF:

Complaint Under Section 142, 146 and 149 of Electricity Act, 2003 for violating the order dated 24/05/2024 passed in DH/CGRF/4670/2024 by the Hon'ble Consumer Grievances Redressal Forum, DHBVN and for violating the sales circular no. D-7/2020 and Regulation passed by this Hon'ble Commission.

Petitioner

M/s Sapphire Land Craft Pvt. Ltd, Sector 83, Sihi, Manesar, Gurugram, through Sh. Piyush Gaur.

VERSUS

Respondent:

1. Dakshin Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, Vidyut Nagar, Hisar.
2. S.D.O. S/Division Kherki Daula, DHBVN Gurugram

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate proxy counsel

On behalf of the Respondent

1. Sh. Raheel Kohli, Advocate
2. Ms. Suman Kashyap, SDO, DHBVN

QUORUM

**Shri Nand Lal Sharma, Chairman
Shri Mukesh Garg, Member
Shri Shiv Kumar, Member**

ORDER

1. Petition:

- 1.1 That the present Complaint is being filed by the Complainant as the respondents have failed to comply with the order dated 24/05/2024 passed by Hon'ble Consumer Grievance Redressal Forum, Dakshin Haryana Bijli Vitran Nigam, Hisar, Haryana in case bearing DH/CGRF/4670/2024. Copy of Orders 24/05/2024 passed by CGRF in DH/CGRF/4670/2024 is enclosed.

That the brief facts of the case are as given below :-

- (i) That the Complainant i.e. M/S Sapphire Land Craft Pvt. Ltd. is a Private limited company registered under the companies Act and Sh. Piyush Gaur is the Authorized Signatory of the company, authorized by the board of directors of the company by way of the resolution to take any legal action and file the present complaint against respondents for the recovery of the excess payment made to the DHBVN.
- (ii) That the Complainant has obtained an electricity connection through its Account No. 2144043000, having the sanctioned load of 1000 KW under the category of HT-NDS in the name of M/S Sapphire Land Craft and paid the Security deposit amount of Rs.9,63,977/- as per the bill.
- (iii) That the Audit party of the respondents has issued a half margin vide its No. 74/182 dated 02/02/2024 vide sundry number 92/131R on the allegation of MDI penalty and an amount of Rs. 28,75,330/- was charged from the Complainant.
- (iv) That on the basis of the aforesaid allegation an amount of Rs. 28,75,330/- was charged and 25% penalty have been levied on the allegation of MDI exceeded during the period 07/2023 to 09/2024.
- (v) That after receiving the bill the Complainant has filed a complaint on 18/04/2024 before the Hon'ble CGRF for the Respondents Company with the prayer that the demand raised by the respondents to withdraw the demand which was raised under the wrong provision of the law and revised the bill as per the rules and regulation passed by this Hon'ble Commission.
- (vi) That in response to the Complaint filed by the Complainant the respondent SDO has filed a reply Vide Memo Dated 140 dated 25/04/2024 along with the details of the amount.
- (vii) That the Complainant thereafter filed the reply to the Memo filed by the respondent submitted that the provision under which MDI penalty was charged by the respondents are not applicable for the Complainant who has obtained the electricity connection under HTS-NDS connection category and the aforesaid provision was applicable to H.T. Industrial and Steel Furnace and not to the Complainant.
- (viii) That a sales Circular was issued vide its No. D-7/2020 by the respondent company and as per the aforesaid circular clause 9.2.3 was applicable in the present case and not clause 9.2.5 but the respondent has raised the bill as per clause 9.2.5 illegally and arbitrarily and the same needs to be corrected but no action was

taken by the respondent. The relevant clause are reproduced as under:-

9.3 Levy of penalty on account of unauthorized extension of load, in addition to action under Regulation 9.2 above.

9.3.1 In case of Domestic Supply connections / bulk domestic supply connections

In cases where the billing has been on minimum monthly charges for three consecutive billing cycles, if on physical checking or through MDI reading, the connected load is detected to be exceeding by more than 10% of the sanctioned load, a onetime penalty @ Rs. 400 per KW or as amended by the Commission from time to time shall be levied on excess load including 10%. The licensee shall issue a notice to the consumer intimating that he has exceeded his sanctioned load and his load is being enhanced based on physical checking. The consumer shall be given 30 days period to deposit the penalty amount and enhanced security deposit for such increase in sanctioned load. If the consumer fails to do so, the amount of penalty and enhanced security deposit shall be included in the next bill, indicating the reasons for such inclusion in the bill. The load of the consumer shall be considered as enhanced from the successive billing.

In all other cases where billing has not been on minimum monthly charges for three consecutive billing cycles there shall be no penalty if the load exceeds the sanctioned load and only the procedure under Regulation 9.2.1 (b) shall be followed.

Every consumer shall have the option to get the energy meter with MDI facility installed for his electrical connection.

9.3.2 In case of Non - Domestic Supply connections, Independent hoarding / decorative lighting connections, bulk supply connections and street lighting supply connections.

If on physical checking or through MDI reading, the connected load is detected to be exceeding by more than 10% of the sanctioned load, a onetime penalty @ ` 500 per KW or as amended by the Commission from time to time shall be levied on excess load including 10%. The licensee shall issue a notice to the consumer intimating that he has exceeded his sanctioned load and his load is being enhanced based on physical checking / MDI reading. The consumer shall be given 30 days period to deposit the penalty amount and enhanced security deposit for such increase in sanctioned load. If the consumer fails to do so, the amount of penalty and enhanced security deposit shall be included in the next bill, indicating the reasons for such inclusion in the bill. The load of the consumer shall be considered as enhanced from the successive billing.

In such cases, if the load of the consumer exceeds 20 KW, then the penalty shall be levied @ 130 per kW per month or as amended by the Commission from time to time on the excess load including 10%, for the preceding six months or for the period from the date of last checking or from the date of release of connection whichever is less.

9.3.3 In case of LT Industrial Power Supply.

If the connected load of a consumer is detected to be exceeding by more than 10% of the sanctioned load, the excess load shall be treated as unauthorized load. Wherever use of unauthorized load is detected by the licensee, the excess load shall be charged a penalty at the rate of 220/- per kW per month (or as amended by the Commission from time to time) for the preceding six months or for the period from the date of last checking or from the date of release of connection whichever is less. The consumer will have to submit the revised test report alongwith all relevant documents and additional advance consumption deposit. The penalty shall remain chargeable only upto one month after the date of submission of requisite documents. The competent authority shall sanction the revised load within one month of the receipt of complete documents from the consumer, failing which the consumer shall not be liable for any penalty for the additional period after one month.

9.3.4 Public water works supply

If the connected load of a consumer is detected to be exceeding by more than 10% of the sanctioned load, the excess load shall be treated as unauthorized load. Wherever use of unauthorized load is detected by the Licensee, the excess load including 10% shall be charged a penalty at the rate of ` 150/- per kW per month (or as amended by the Commission from time to time) for the preceding six months or for the period from the date of last checking or from the date of release of connection whichever is less. The consumer will have to submit the revised test report alongwith all relevant documents and additional advance consumption deposit. The penalty shall remain chargeable only upto one month after the date of submission of requisite documents. The competent authority shall sanction the revised load within one month of the receipt of complete documents from the consumer, failing which the consumer shall not be liable for any penalty for the additional period after one month.

9.3.5 H.T Industrial and steel furnace power supply

Under this category, the maximum load which can be drawn by a consumer is the contract demand declared by him which is referred to as the sanctioned contract demand.

In case the maximum demand of a consumer exceeds his sanctioned contract demand in any month by more than 5%, a surcharge of 25% (or as amended by the Commission from time to time) will be levied on the charges towards total sale of power during that month.

- 1.2 That after considering the submission of both the parties the Hon'ble Forum directed the respondents to dropped the bill raised under clause 9.2.5 of the Sales Circular and revised the bill under 9.2.2 of the sales Circular No. D-7/2020. The order was passed on 24/05/2024 but till date the bill was not revised and order was not complied by the respondents due to the reason best known to the respondent. The disputed amount is still showing under the head arrears in the bill along with the LPSC.

- 1.3 That since the connection is non domestic and hence the Complainant has annexed a bank draft of Rs. 50,000/- as required court fees as per the provision of law.
- 1.4 That as per Section 142 of the Electricity Act, 2003 if in case any person contravened the rules/regulation made under the Electricity Act, 2003 or order passed under the Act, then he is liable for action under Section 142 Read with Section 146 & Section 149 of The Electricity Act, 2003 and in the present case the respondents have violated the Rules/Regulation/Tariff Provision/Order passed by the Forum and hence this Complaint.

P R A Y E R :-

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

- a) Initiate an inquiry against the respondents for violating the order dated 24/05/2024 passed by the CGRF, in DH/CGRF/4670/2024, also for violating the Sales Circular No. D-7/2020 by raising the bill under clause 9.3.5 instead of clause 9.3.2. and take strict action against the guilty officers under section 142, 146 and 149 of Electricity Act, 2003 and;
 - b) Direct the Respondents to revised the bill under clause 9.3.2. of Sales Circular No. D-7/2020 and allow the Complainant to pay the revised demand at least in 6 monthly installments without surcharge and;
 - c) Award the compensation and costs of present proceedings including Rs.50,000/- paid as court fees, in favour of Complainant and against the Respondents and;
 - d) Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of the Complainant in the interest of justice.
2. The case was heard on 05/08/2025, Neither any one appeared on behalf of respondents nor filed any compliance report as per direction of earlier order dated 04/07/2025, the Commission took serious note of the absence of the respondents and decides to issue show cause notice to concerned SDO under section 142 read with Section 146 of the Electricity Act, 2003. The Commission adjourned the matter and directs the respondents to submit compliance report of the CGRF order dated 24/05/2024 within three (3) weeks with advance copy to petitioner. The concerned SDO, XEN and SE to be present in the court on next date of hearing.
3. The case was heard on 15/10/2025, The officers from DHBVN were present in the court in compliance to the previous orders of the Commission. Sh. Raheel Kohli Counsel for the respondent submitted that the orders of the CGRF will be complied within a weeks' time and requested for some time to file the compliance report. Acceding to request

of the respondents, the Commission adjourns the matter and directs the respondents to file the compliance report to the full satisfaction of the petitioner, within three (3) weeks.

4. Compliance Report of DHBVN submitted on 03/11/2025:

- 4.1 The present compliance is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN") in terms of the order dated 15.10.2024 passed by this Hon'ble Court in the captioned matter.
- 4.2 It is respectfully submitted that, without prejudice to its right to challenge the CGRF Order dated 24.05.2024 passed in DH/CGRF/4670/2024, DHBVN has duly effected the requisite adjustment/refund amounting to INR 35,36,951 (Rupees Thirty-Five Lakh Thirty-Six Thousand Nine Hundred Fifty-One only) in favour of the Petitioner, in compliance with the said CGRF Order. The aforesaid adjustment was carried out within the period prescribed by this Hon'ble Commission. In this regard, a copy of the relevant sundry is enclosed herewith and a copy of the corresponding invoice is enclosed herewith .
- 4.3 It is further respectfully submitted that the counsel for DHBVN has duly intimated the counsel for the Petitioner regarding the aforesaid compliance, both telephonically and through email. A copy of the said email communication is enclosed herewith. Accordingly, it is most respectfully prayed that this Hon'ble Commission may be pleased to take the aforesaid compliance on record and be pleased to dispose of the present matter without any order as to cost.

5. Commission's order.

- 5.1 The case was heard on 06/11/2025, as scheduled, in the court room of the Commission.
- 5.2 The CGRF DHBVN Gurgaon vide order dated 24/05/2024 directed the respondents to drop the bill raised under clause 9.2.5 of the Sales Circular and revise the bill under clause 9.2.2 of the sales Circular No. D-7/2020.

The respondents in its compliance report claimed that the DHBVN has duly effected the requisite adjustment/refund amounting to INR 35,36,951/- in favour of the Petitioner, in compliance with the said CGRF Order.

- 5.3 The counsel for the petitioner submitted that the refunds/settlements made by the respondents are acceptable to the petitioner.
- 5.4 The Commission observes that since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition.

5.5 The present petition is disposed of in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12/11/2025.

Date: 12/11/2025
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member

Sd/-
(Nand Lal Sharma)
Chairman

HERC