

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

**Case No. HERC/P. No. 13 of 2025**

**Date of Hearing : 16/12/2025**

**Date of Order : 04/02/2026**

**IN THE MATTER OF:**

**Application/ Representation/petition under Section 142 read with Section 146, Section 149 and section 150 of the Electricity Act 2003, read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of direction to the Respondents to comply with the order dated 15.10.2020 passed by the forum for Redressal of Consumer Grievances DHBVN, Hisar in case no. 3114/2020 in time bound manner.**

**Petitioner**

1. Anil Kumar Singh R/o.Flat No.F-116, Piyush Heights, Sector-89, Faridabad
2. Arvind Mukerjee R/o. Flat No. D-113, Piyush Heights, Sector-89, Faridabad

**VERSUS**

**Respondents:**

1. Dakshin Haryana Bijli Vitran Nigam Ltd, Vidyut Sadan, Vidyut Nagar, Hisar
2. SDO DHBVN Kherikalan, Faridabad.
3. Piyush Heights Resident Welfare Association-PHRWA, registered address: PHRWA office Piyush Heights Sector 89, Faridabad, 121002.
4. Piyush Buildwell India Limited; a16/b1 Mohan Co-Operative Industrial Estate Main Mathura Road New Delhi through its Director/Promoter Mr. Amit Goyal, M3M Merlin Society, Sector 67 Gurugram. and "Piyush Global-I", 1st floor, Plot No.-5, YMCA Chowk, NH-2, Main Mathura Road, Faridabad.
5. Piyush Facility Management Services Limited (PFMS) A16/B1 Mohan Co-Operative Industrial Estate Main Mathura Road New Delhi.

**Present**

**On behalf of the Petitioner**

Sh. Anurag Mohan, Rep. of petitioner

**On behalf of the Respondent**

1. Sh. Sunil Kr. Chawla, SDO, DHBVN
2. Sh. Bijender Singh, President, RWA.

**QUORUM**

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

## **ORDER**

### **1. Petition:**

The Petitioners respectfully submit as under:

- 1.1 That the Forum for Redressal of consumer Grievances, Hisar in case number 3114/2020 passed the final order dated 15.10.2020 deciding several issue raised by the complainant pertaining to electricity rate, meter calibration and audit of account related to electricity and directed the SDO (OP)S/Divn./k/ Kalan ,DHBVN Faridabad to take necessary action for implementation of the final order however, the concerned SDO has not even moved his little finger which I believe is complete disregard of the order of this Forum by the SDO. It is pertinent to refer the relevant paras of the aforesaid order which is reproduced as under for evidencing the conduct of the Concerned SDO:

*“It is observed by the Forum that the respondent SDO has not gone through the provisions of the “Single Point Supply to Employers’ Colonies Group Housing Societies, Residential Colonies, Office cum Residential Complexes and Commercial Complexes of Developers, and Industrial Estates/IT Park/SEZ Regulations 2020” dated April 22, 2020. Vide no. HERC/49/2020 issued by Haryana Electricity Regulatory Commission. The regulation contains detailed provisions w.r.t. the individual consumer’s protection in a single point supply regime (5.3) and most of the prayers made in the complaint are only those which are already covered under different provisions of the Regulation. So, it is wrong on the part of respondent SDO to say that they have no role to play in a single point connection supply. The respondent SDO has not understood the intent of these regulations. The Forum directs the respondent SDO to go through the provisions of the Regulation of April-2020 concerning single point supply connection and the rights given to the individual consumers of the Group Housing Societies (5.3). The respondent SDO is further directed to take all necessary measures provided as under the Regulations calling upon the RWA, who is maintaining the electricity supply within the Group Housing Society, to rectify all the misdeeds which are alleged in the complaint. The provisions of the Regulation clearly mention that the RWA or the builder maintaining the supply within the Group Housing Society in a single point supply regime cannot charge a tariff more than the tariff ordered by the Hon’ble Commission from time to time (General Terms & Conditions – (a) vii, viii, ix, x). Also, it is clearly mandated in the Regulation that all the energy meters which have been installed to record the individual energy consumption of the consumers have to be got tested from the testing laboratory of the licensee (6.1 c&d).*

*DHBVN is fully authorized by the Regulation to scrutinize the record of energy bills being delivered to the individual consumers by the RWA / Developer. The respondent SDO is directed that previous record of the energy bills delivered by the RWA to individual consumers may also be scrutinized in light of the relevant provision of the Regulation of April-2020. The respondent SDO is also directed to ensure that the electricity being consumed by the individual consumers and the common area is recorded separately and billed separately. SDO and RWA must ensure that the*

energy meter records the licensees' supply and DG set consumption separately and also, no one is authorized to make changes in the individual energy meter put up by RWA to account for any other charges other than electricity. In precise terms, it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses, charges whatsoever, to maintain complete transparency and to keep the electricity related records available for its scrutiny by the licensee. Respondent SDO is further directed to issue notices to the RWA / Developer maintaining the individual meters inside the society to comply with the directions as contained in the Regulation and ensure compliance of the notices so served under the provisions of relevant law".

Salient Points of the Order:

Non-Compliance with Regulations:

The Forum observed that the respondent SDO (Sub-Divisional Officer) did not follow or understand the provisions of the "Single Point Supply to Employers' Colonies Group Housing Societies, Residential Colonies, Office cum Residential Complexes and Commercial Complexes of Developers, and Industrial Estates/IT Park/SEZ Regulations 2020" issued by HERC (Haryana Electricity Regulatory Commission).

Consumer Protection Rights: The regulation (Section 5.3) explicitly protects individual consumers in a single point supply regime. Most grievances raised in the complaint are already covered under these provisions.

SDO's Role in Single Point Supply: The Forum clarified that the SDO does have a significant role under the 2020 Regulation, contrary to the SDO's claims. The SDO must understand and enforce the intent of the Regulation.

Rectification Measures:

The Forum directed the SDO to ensure the RWA (Resident Welfare Association) rectifies all alleged misdeeds in maintaining electricity supply.

RWAs or builders cannot charge more than the tariff set by the Commission.

Energy Meter Testing: All individual energy meters must be tested in the licensee's testing laboratory (Section 6.1 c&d).

Billing Records Scrutiny:

The SDO must scrutinize past energy bills issued by the RWA to individual consumers under the Regulation.

Separate Billing for Consumption:

Electricity consumed by individual consumers and common areas must be recorded and billed separately.

Energy meters must distinctly record supply from the licensee and the DG (Diesel Generator) set.

Transparency in Electricity Charges:

RWAs must ensure that:

Electricity-related charges are kept separate from other expenses.

No additional charges other than electricity are included in individual energy meters.

Complete transparency is maintained in electricity records.

Compliance Enforcement: The SDO is directed to:

Issue notices to the RWA/Developer to comply with the Regulation.

*Ensure strict compliance with the notices under the provisions of relevant law.*

*FEES SHALL BE CONDONED AS THE APPLICATION FOR EXECUTION OF CGRF ORDER IS FOR THE DOMESTIC CONNECTION.*

- 1.2 Bare perusal of the relevant part of the order clearly evidences the conduct of the concerned SDO and his intentions not to move against the Respondent RWA governing body for the reasons best known to him only. It is clearly an act of contempt on part of the concerned SDO and the Respondent Piyush Heights RWA governing body of the order dated 15.10.2020 passed by this Hon'ble Forum.
- 1.3 Even after passage of 4 years from the CGRF order dated 15.10.2020 and several emails requesting the authorities/officers of the DHBVN including SDO DHBVN have been sent for complete implementation of the CGRF order dated 15.10.2020 however, everything has fallen on the deaf ears without any single step by the officers of DHBVN including SDO DHBVN. Therefore, looking into the conduct of the Officers of DHBVN role of corruption by the SDO, DHBVN Kherikalan, Faridabad in failure to implement the CGRF order dated 15.10.2020 cannot be ruled out. A copy of several follow-up emails sent by the resident of Piyush heights sector 89 Faridabad for implementation of the CGRF order dated 15.10.2020 is annexed (colly)  
After passing of the CGRF order on 15.10.2020 following are the Illegal Actions for huge illegal gains by the Governing body members of Piyush heights resident welfare Association acting in collusion with SDO DHBVN Kheri Kalan, Faridabad which violated the aforesaid CGRF order.
- 1.4 A) It is submitted that Despite the CGRF order dated 15.10.2020 which the governing body members of Piyush heights residents welfare Association sector 89 Faridabad (PHRWA) miserably failed to comply till dated have in complete violation of the Electricity act 2003 and the CGRF order dated 15.10.2024 manipulated the software of the electricity meter several times without following the due process of Law for huge illegal gains. First electricity meter and software was ELMAX which was forcefully replaced by SUMERU meter and software and then the software of the Sumeru meter was changed with another software for few months and now the software of was Dwell Smart meter has been installed for which website password is not shared with the flat owner so that details of consumption and reduction of prepaid balance cannot be analyzed by the flat owners of Piyush heights sector 89 Faridabad. It is important to note that this software change is frequently done to delete the data of recharge of electricity by the flat owners and the consumption of electricity so that if complaint is made there is no data to make a calculation of the allegation of huge illegal gain. Therefore it is systematic scam committed by the governing body of PHRWA through electricity meter software.  
B) Accordingly Several flat owners have written email to the Governing body of PHRWA and the SDO DHBVN Kherikalan, Faridabad requesting for password of Dwell Smart Meter but neither the governing body of PHRWA respond nor any action is taken by the SDO DHBVN Kherikalan

evidencing illegal collusion for huge illegal gains. It can be clearly said that all the illegal activities regarding the electricity meter is being committed by the governing body members of PHRWA in support by the SDO DHBVN kherikalan, Faridabad who always keep mum or looks the other way to any complaint by the flat owner of Piyush heights sector 89 Faridabad. By way of illustration few copy of the emails to governing body of PHRWA with copy to SDODHBVN requesting for Dwell smart website password are Annexed (Colly)

C) Therefore, it is evidently clear that the Governing body members of PHRWA are making huge illegal gains by not providing the flat owners of Piyush heights sector 89 Faridabad the password of the existing Dwell smart meter website so that the flat owners cannot look into the details of the electricity consumption and reduction in the pre-paid balance in the electricity meter of each flat. Moreover, the electricity meter of each flat is under lock and key control of the governing body of PHRWA.

D) It is pertinent to note that the Governing body members of PHRWA use the tinkering with the software of the electricity prepaid meter as arm-twisting tool to disrupt electricity of any flat to settle score with the flat owner or compel him to pay the illegal demands. In this process the governing body members of PHRWA disrupt the electricity of any flat at their whims and fancies by tinkering with the software and reducing the load of the flat in Piyush heights to zero or other similar manipulation with the meter software to disrupt the electricity of the Flat are also in complete disregard to the CGRF order dated 15.10.2020. For illustration few complaints through email by the flat owners of Piyush heights sector 89 Faridabad in this regard are annexed.

E) The Governing body members embolden by the inaction of the DHBVN official who are acting in collusion with them to make huge illegal gains through electricity meter have now crossed all the illegal limits. It may be noted that in clear breach of the CGRF order dated 15.10.2020 the governing body members of PHRWA have passed an agenda no.3 in the AGM conducted on 22.12.2024 of the PHRWA to collect all charges including electricity charges through the single App which they are in process to implement from 1<sup>st</sup> February 2025. It may be noted this single App will allow the governing body members to illegally adjust any charges paid by the flat owner under any head even if it has been paid for electricity recharge thereby forcefully compelling each flat owner of Piyush heights to pay the illegal charges raised by the governing body of RWA. On the contrary the CGRF order dated 15.10.2020 has clearly specified to keep the electricity billing and collection absolutely separate.

F) It is pertinent to inform this commission that Piyush heights sector 89 Faridabad a residential project is still incomplete and the RWA is carrying out the common area maintenance on behalf of the Builder till the project is completed in all respect as per the Plan. It may be noted that since April 2018 an outsider Bijender Singh has been illegally and forcefully controlling the post of president of Piyush heights resident welfare association sector 89 Faridabad(PHRWA)who is an accused person charge sheeted by the court of Faridabad and is named accused in several FIR .It may also be noted that Bijender is shareholder/ partner

of the builder hence the builder has since 2018 managed to make him president of PHRWA to illegally complete the incomplete project by collection of money from the flat owners of Piyush heights sector 89 Faridabad. In the process the governing body members of PHRWA including outsider Bijender Singh are making huge illegal gains. Recently an order for arrest warrant has been passed against Bijender Singh.

- 1.5 Accordingly, it is relevant submit that Sections 142 and 146 read with sections 149 and 150 of the Electricity Act, 2003 speak of the powers of the Commission to take action against the persons for non-compliance of the ACT or the Regulations framed thereof. These are as under: -

*“Section 142. Punishment for non-compliance of directions by Appropriate Commission.*

*In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made there under, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for everyday during which the failure continues after contravention of the first such direction”.*

*“Section 146. Punishment for non-compliance of orders or directions.*

*Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made there under, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:*

*Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121”*

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

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

*(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager,*

*secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.*

*Explanation. - For the purposes of this section,-*

*(a) "company" means a body corporate and includes a firm or other association of individuals; and*

*(b) "director", in relation to a firm, means a partner in the firm.*

*Section 150. (Abetment): --- (1) Whoever abets an offence punishable under this Act, shall, notwithstanding anything contained in the Indian Penal Code, be punished with the punishment provided for the offence.*

*(2) Without prejudice to any penalty or fine which may be imposed or prosecution proceeding which may be initiated under this Act or any other law for the time being in force, if any officer or other employee of the Board or the licensee enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any theft of electricity is committed, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.*

*(3) Notwithstanding anything contained in sub-section (1) of section 135, subsection (1) of section 136, section 137 and section 138, the licence or certificate of competency or permit or such other authorization issued under the rules made or deemed to have been made under this Act to any person who acting as an electrical contractor, supervisor or worker abets the commission of an offence punishable under sub-section (1) of section 135, sub-section (1) of section 136, section 137, or section 138, on his conviction for such abetment, may also be cancelled by the licensing authority:*

*Provided that no order of such cancellation shall be made without giving such person an opportunity of being heard.*

*Explanation.- For the purposes of this sub-section, "licencing authority" means the officer who for the time being in force is issuing or renewing such licence or certificate of competency or permit or such other authorisation.]*

1.6 In view of the aforesaid it is humbly submitted that this Hon'ble Commission may pass appropriate order and directions for punitive action against the respondents to ensure compliance of the final order 15.10.2020 in time bound manner to avoid delaying tactic of the respondent RWA governing body, SDO DHBVN Kherikalan, Faridabad and the other respondents acting in collusion for ulterior motive of huge illegal gains.

1.7 Accordingly for reference two Judgments of this Hon'ble commission ensuring compliance of the order of the Forum is annexed (Colly).

That the petitioners pray for Relief as under:

I. The Petition, in its present form, may kindly be taken on record.

II. The Hon'ble Forum may pass appropriate order/directions to the concerned SDO, DHBVN KheriKalan, Faridabad and other respondent RWA governing body ensure compliance of the final order dated 15.10.2020 passed by this Hon'ble Forum in letter and spirit and in time bound manner without any further delay.

- III. Direction to the Managing Director, DHBVN to take punitive action against concerned SDO DHBVN Kherikalan, Faridabad and the respondent RWA governing body of PHRWA to ensure compliance of the final order dated 15.10.2020 in letter and spirit in accordance with the provisions of the Electricity Act 2003 and rules thereunder and Haryana Electricity Regulations 2020.
  - IV. Direction to the concerned Police station to register FIR against the governing body members of PHRWA for breach of electricity Act 2003.
  - V. Direct the respondents to immediately stay /reject/cancel the implementation of agenda no. 3 of the AGM of PHRWA conducted on 22.12.2024 regarding collection electricity charges and other charges from 1.2.2025 in Piyush heights through a single app which is clear violation of the CGRF order dated 15.10.2020.
  - IV. Any other order or direction which the Hon'ble Forum may deem fit to ensure immediate compliance of the final order dated 15.10.2020 and take punitive action against the respondents.
2. The case was heard on 07/05/2025, The SDO submitted that the concerned XEN could not appear in the court as he is on leave due to ill health. Sh. Anurag Mohan, representative of the petitioner, re-iterated the contents of the petition and submitted that the orders of the CGRF have not been complied since Oct, 2020. The Commission enquired why the petition has now been filed after lapse of about 5 years. It was intimated that the petitioners followed up the case with DHBVN authorities for long but to no avail. He further submitted that the President of the RWA and the builder are hand in glove in diversion of funds which are being collected illegally through the electricity bills. Sh. Nishant Sharma counsel for R-1 & R-2 requested for 3 weeks' time for filing the reply. To the query of the Commission regarding action taken by DHBVN for compliance of order, the concerned SDO intimated that notices were issued to the RWA for billing through UBS portal as well as not to disconnect supply for non-payment of charges other than electricity bill. The Counsel for R-4 also requested for some time to file the reply. The Commission adjourned the matter and directed Concerned SDO, XEN and president of RWA to be present in the court and respondents to file their replies on next date of hearing.
3. The case was heard on 14/05/2025, The XEN and SDO submitted that the orders of the CGRF have already been complied with. Sh. Anurag Mohan, representative of the petitioner, contested that the SDO has not complied the orders of CGRF and power supply is being disconnected by RWA for non-payment of other charges despite the fact that no one is residing in their flats. The counsel for the respondent-RWA submitted that the petitioners are mis-leading the court as they have raised these issues



at multiple forums and courts and the matter at present is pending before Hon'ble High court. The petitioners have concealed this fact before the Commission. The President RWA submitted that only about ten residents out of about one thousand residents are aggrieved with deduction of charges from the common wallet and automatic disconnection of power supply in case of default. The RWA is taking action against defaulters to ensure smooth working of common facilities in the societies.

Ms. Sonia Madan counsel for the respondent-DHBVN submitted that the issue pertaining to auto disconnection of power supply by RWAs on the default of deposit of other charges i.e. maintenance, common area electricity etc., is persisting in many other societies. The Commission, directs respondents to submit an affidavit containing a detailed report in following tabular form within 3 weeks with advance copies to the parties:

Directive of the CGRF	Compliance to be made by	Action taken and documentary evidence	Balance compliance if any till date

The petitioners may file rejoinder, if any, within 2 weeks thereafter. The Commission further directs the respondents not to disconnect the supply of the petitioners in the society except for non-deposit of electricity charges till next date.

With reference to DHBVN Sales Circular No. D-23/2022 dated 30.08.2022 regarding Unified Billing Software (UBS) facility for managing billing activities by Builder/Developer/Colonizer/Users Association inside the premises of their Single Point Supply to address billing complaints of the residents of the area, the Commission directs the respondent-DHBVN to submit an action taken report within 2 weeks' time.

#### 4. **Additional Submissions by Petitioner on 14/05/2025:**

The Petitioners respectfully submit as under:

- 4.1 At the outset it is submitted that the necessity to file these additional documents has arisen to highlight the ground reality and the actual status and conduct of the respondent no. 3 and 4 and the indifferent attitude coupled by dereliction of their duty by of the SDO DHBVN Kheri Kalan Faridabad and XEN DHBVN Gr. Faridabad. The president of respondent no. 3 association Bijender Singh a person who has been named accused in about 8 FIR and has been charge sheeted in two cases by district court of Faridabad is antisocial element and crime partner of the respondent no. 4 (Builder). Moreover, the District court of Faridabad has issued an arrest warrant against Bijender Singh for non-appearance in criminal case on the last two dates.
- 4.2 Similarly, there are several criminal cases against the Respondent no. 4 apart from other cases of claims and penalty. Here it is pertinent to place

on record the para 3 of the RERA court order dated 28.11.2024 wherein the Advocate of the respondent no.4 (builder) has admitted before the RERA Court that Income tax department has stopped the operation of the bank account of the Builder, Insolvency proceedings are pending against the Builder and the director of the Piyush Buildwell are involved in Criminal cases.

Furthermore, some of the FIR / criminal cases against the respondent no. 4, Builder have been annexed herewith in the following paras of the application for reference by this court.

- 4.3 The aforesaid fact clearly establishes that Bijender Singh the president of respondent no. 3 association and the Builder the respondent no. 4 have continuously committed breach of several laws for making huge illegal gains and thereby, clearly evidencing that respondent no. 4 and Bijender Singh the president of respondent no. 3 Association have no respect for the Laws of the country and orders of the courts and authorities. Accordingly, their tools for making huge illegal gains are deception, false and misleading statements and delaying the process in the courts so as to continue with their illegal activities of for huge illegal gains. Accordingly, this Hon'ble commission should not allow them to continue with the collection of all charges from prepaid meter billing platform (wave plus dwell smart meter platform) because for them every day is a gain of at least Rs. 200000.
- 4.4 Similarly, SDO DHBVN Kheri Kalan Faridabad and XEN DHBVN Gr. Faridabad will fail to take any action against the respondent no. 3 & 4 as they have failed to implement the order dated 15.10.2020 for last 5 years. Further the SDO even failed to ensure compliance of his own order dated 2.5.2025 wherein he has clearly directed the respondent no. 4 to stop collection of all charges from the prepaid electricity meter platform thereby highlighting their nexus and collusion with the Respondent no. 3 and respondent no. 4.
- 4.5 Therefore, this Hon'ble commission is humbly requested that it should not allow delaying tactics of respondent no. 3 and 4 to delay the proceedings of this commission by making false and misleading statement and continue their huge illegal gains by collecting all charges through the prepaid electricity meter platform. The order dated 20.5.2025 of the SDO DHBVN KheriKalan Faridabad has fully established the fact that the respondent no. 3 has been collecting all charges through the prepaid electricity meter platform. The collection of all charges is clear evidence of tampering of the prepaid electricity meter software for collecting all charges. Moreover, it also established that the software of the electricity meter is open for manipulation and therefore can be easily used for stealing the amount from the prepaid paid meter balance, collection of illegal charges through prepaid electricity meter platform resulting in extortion and organized crime under BNS 2023.
- 4.6 It is pertinent to highlight this Hon'ble commission the background of the respondent no. 3 and the respondent no. 4 to understand the criminal intent of diversion of the funds of the respondent no.3 association to complete the pending works of the respondent no. 4 (Builder) with the help of his crime partner Bijender Singh who is

president of the respondent no. 3 from the very beginning i.e 2018. It may be noted that 1.4.2018 date has been declared by the Builder to be the date of handing over the common area maintenance by the respondent no. 4(builder) to the respondent no. 3 association. It is pertinent to mention that there is no handing over letter dated 1.4.2018 issued by the respondent no. 4 neither there is any receiving letter/ acknowledgement dated 1.4.2018 by the respondent no. 3 regarding receiving of the common area maintenance from respondent no. 4.

- 4.7 Therefore; handing over of the common area maintenance to the respondent no.3 association is based on assumption because and the master stroke of the respondent no. 4 who has created respondent no. 3 and is indirectly controlling the respondent no. 3 association through his crime partner Bijender Singh. Respondent no. 3 Association has been created/ formed only to mislead the government authorities and systematically siphon the funds of the respondent no.3 to complete his pending works of Piyush heights sector 89 Faridabad. Hence the respondent no 3 is the front face of the respondent no. 4 for only to mislead the government authorities and systematically siphon the funds of the respondent n003 to complete his pending works of Piyush heights sector 89 Faridabad.
- 4.8 The relationship/ nexus between the respondent no. 4, and the Bijender Singh, president of respondent no. 3 association is evident from the FIR dated 31.12.2022 registered on the complaint of Punjab National Bank for diversion of funds to the tune of Rupees 180 crore from another project at BHIWADI, Rajasthan to other shell companies of the respondent no. 4 (builder).
- 4.9 It is pertinent to mention that Bijender Singh, the president of respondent no.3 association is the director of the shell company Shivalik education and placement services which is accused no. 7 in the FIR dated 31.12.2022. It may be noted that the case is being investigated by CBI.
- 4.10 Accordingly, the list of directors of the accused no. 7 Shivalik education and placement services is relevant to connect/ attach/ relate Bijender Singh, president of respondent no. 3 to the abovesaid FIR dated 31.12.2022.
- 4.11 The nexus between the respondent no. 3 and respondent no.4 is further evidenced and established by an email written by Mr. Anurag Mohan to the respondent no.4 asking him to provide the letter dated 1.4.2018 evidencing handing over the common area maintenance to the respondent no. 3 and systematic siphoning of the funds of the Respondent no. 3 for completion of the works of the Respondent no. 4 has remained unanswered till date thereby evidencing that the respondent no. 3 is the front face of the respondent no. 3 only to deceive the government authorities and systematically divert the funds of the respondent no. 3 association with the help of Bijender Singh who is charge sheeted crime partner of the respondent no. 4.
- 4.12 That the residential project of Piyush heights sector 89 Faridabad was launched in the year 2006 and till date it is incomplete because lot of work has to be completed by the Builder, Piyush Buildwell the

Respondent no. 4. The respondent no. 4 diverted the funds of Piyush heights project and therefore has not been able to complete the works of the project even after 20 years.

- 4.13 The respondent no. 4 (builder) in order to compensate the funds deficiency illegally raised double demand along-with the possession letter resulting in several residents challenging the said demand before the NCDRC, Delhi and other courts. In the meantime, the directors/promoters of Piyush Buildwell (respondent no.4) got embroiled in several criminal litigation and even went to jail for long period. Two of the directors of respondent no. 4 died in the Jail during Corona pandemic and only one Mr. Amit Goyal is surviving.
- 4.14 That the respondent no. 4 in a cleverly in a planned manner started to provide poor common area maintenance services to the residents of Piyush heights sector 89 Faridabad and thereafter asked the resident of Piyush heights to form Resident welfare Association (RWA) so that common area maintenance could be handed over to the RWA. Accordingly, Piyush heights resident welfare association sector 89 Faridabad (PHRWA) was registered. Sri Anil Kumar Singh (petitioner) the nominated president of respondent no. 3 during the formation and registration of PHRWA was immediately removed illegally by the respondent no. 4 just after 1.4.2018 and was replaced by Bijender Singh the crime partner of the respondent no. 4 who was pulling the string from behind the scenes.
- 4.15 It may be noted that as per the Haryana Apartment ownership Act the RWA for the residential project can be handed over the common area maintenance only after the completion certificate. This is also confirmed by the section 6(x) of the Haryana Registration and Regulation of the society Act 2012. Accordingly, the Piyush heights resident welfare association is not an RWA as per the aforesaid provisions of Haryana Apartment ownership Act and Haryana Registration and Regulation of the society Act 2012. There is no completion certificate for the Piyush heights project.
- 4.16 The nexus of the Respondent no. 3 controlled and operated by Bijender Singh and the Respondent no. 4 is clearly evident from the bare perusal of the agendas of all the AGM conducted by the respondent no. 4. It is evidently clear that the agendas of the AGM were and are the pending works of the respondent no. 4. The Nexus between the respondent no. 3 and respondent no. 4 is gradually helping the respondent no. 4 to divert the funds of respondent no. 3 association to complete the pending works of the respondent no. 4. Moreover, though the Builder, respondent no. 4 has miserably failed to complete the pending works of the Piyush heights sector 89 Faridabad even after 20 years but the respondent no. 3 the association for the flat owner has failed to file any case against the respondent no.4 or take any concrete step to ensure completion of the project thus highlighting the clear nexus.
- 4.17 The works which has already been completed from the diversion of the RWA funds through previous AGM are :
- construction of the of the swimming pool
  - construction of club,

- replacement of all the electricity meters,
- renovation of all the towers

Now in the last AGM on 22.12.2024 of respondent no. 3 all the remaining works of the builder have been passed as agenda of the AGM such as:

- replacement/ modernization of the lift,
- purchase of generators
- enhancement of the STP etc.

4.18 Accordingly, in order to collect such huge funds without any hinderance from the flat owners of Piyush heights sector 89 Faridabad the process of collection of all charges from the prepaid electricity meter platform has been started on 1 st April 2025 which is confirmed by the letter dated 30.3.2025 issued by the president of Respondent no. 3.

4.19 Since the respondent no. 4 has failed to complete the works of Piyush heights residential project and therefore the Director Town and country planner, Haryana has suspended the license of the Builder, respondent no. 4 vide letter dated 11.2.2025.

4.20 Since the Respondent no. 4 has failed to Complete his obligation regarding electricity for Residential project Piyush heights sector 89 Faridabad an FIR has been registered against the respondent no. 4 through its directors namely Sh. Amit Goel S/ o Late Sh. Anil Kumar Goel etc., C/o. Piyush Buildwell Pvt Ltd. on the direction of The Director, Town & Country Planning Haryana, Chandigarh for breaching with terms & conditions agreed upon by the respondent no.4 company under Section 3 of Act. The Haryana Development and Regulation of Urban Areas Act, 1975.

#### Current proceedings

4.21 That the respondents failed to comply with the CGRF order dated 15.10.2020 for about 5 years and therefore the application before the HERC (hereinafter referred to as "the commission") was filed to ensure compliance of the CGRF order dated 15.10.2020. That the Respondent 3 and 4 failed to comply with the CGRF order dated 15.10.2020 for 5 years due to their collusion of their SDO DHBVN Kheri Kalan, Faridabad and the XEN DHBVN greater Faridabad who failed to take any serious step against the respondent no. 3 & 4 to ensure the compliance of the CGRF order dated 15.10.2020.

4.22 That the collusion of the respondent no. 3 & 4 with the DHBVN officers embolden the respondent no. 3 & 4 to act in direct breach of the CGRF order dated 15.10.2020 and Haryana Electricity Regulations and several orders of HERC. The Respondent no. 3 passed an agenda no. 3 in the AGM dated 22.12.0224 of PHRWA regarding collection of all charges through the wave plus dwell smart meter thus highlighting their intention to clearly disrespect the Electricity Act 2003 the DHBVN authorities CGRF Court order and HREC orders. The final minutes of the meeting dated 14.1.2025 for the AGM conducted on 22.12.2024 glaring proof of nexus between respondent no. 3 and respondent No. 4

It may be noted that the AGM dated 22.12.2024 conducted by respondent no. 3 has been challenged before the concerned authority on several grounds of illegality under section 37 of the Haryana registration and Regulation of the society Act 2012 and absence desired quorum.

- 4.23 Accordingly to stop collection of all charges from the electricity meter the Petitioners and other flat owners of Piyush heights sector 89 Faridabad approached the SDO DHBVN KheriKalan, Faridabad and the XEN DHBVN greater Faridabad to ensure the compliance of the CGRF order dated 15.10.2020 but as usual no action on ground against the respondent no. 3 & 4 was taken by the SDO DHBVN Kheri Kalan, Faridabad and the XEN DHBVN greater Faridabad to ensure the compliance of the CGRF order dated 15.10.2020.
- 4.24 Therefore, the petitioners filed the application no. 13 of 2025 before this Hon'ble commission to stop the illegal collection of all charges from the electricity meter. The passed Hon'ble commission an order dated 24.3.2025 directing the respondents to file a compliance report for the CGRF order dated 15.10.2020 and directed the respondents be present in person" before the Hon 'ble commission on 7.5.2025.
- 4.25 Despite the clear order dated 24.3.2025 of the Hon'ble commission to file the compliance Report for the CGRF court order dated 15.10.2020 on the hearing date 7.5.2025, the outsider chargesheeted president Bijender Singh of respondent no. 3 association issued a letter dated 30.3.2025 informing the residents of Piyush heights sector 89 Faridabad about collection of all charges form the wave plus dwell smart • meter billing software platform billing software provide by Dwell SMART Pvt. Ltd. effective from 1<sup>st</sup> April 2025. This clearly show the complete disrespect by the respondent no. 3 to the order dated 24.3.2025 of the Hon'ble commission and also highlights the criminal intent of the respondent no. 3 to any how defraud the flat owners of Piyush heights sector 89 Faridabad for huge illegal gains.
- 4.26 That bare perusal of the letter dated 30.3.2025 issued by the chargesheetd president of the respondent no. 3 show the misleading intention by the respondent no. 3. Respondent no. 3 has deliberately the used the summarized word "Wave+" only to deceive and mislead the courts, government authorities and the resident of Piyush heights sector 89 Faridabad. They are trying to hide the words Dwell smart meter billing software platform thereby showing the criminal intent to defraud and deceive. Simple reading of the website of the Dwell SMART Pvt. Ltd shows "that it provides SMART Energy Metering & Billing System, It is the prepaid metering platform "A copy of the in website of the meter company explaining the services of the Dwell SMART Pvt. Ltd. Is annexed herewith. Therefore, the abovesaid action of the respondent no. 3 is clearly an intention to defraud the resident of Piyush heights sector 89 Faridabad for Huge illegal gains. It also establishes that respondent no. 3 has no fear of the CGRF court, HERC and laws of the Country.
- 4.27 Accordingly in complete breach of the CGRF order dated 15.10.2020, HERC order dated 24.3.2025 and the Haryana Electricity regulation the deduction of all charges was from the prepaid electricity meter platform was initiated by respondent no. 3 from 1<sup>st</sup> of April 2025. Therefore, if anyone refuses to pay any illegal charges imposed by respondent no. 3 he has to face disconnection of electricity of his flat. Therefore, it amounts to extortion and organized crime under BNS 2023. Moreover, it is tampering of the prepaid meter software which is an offence under the

electricity Act 2003. Accordingly, direction may be given by this hon'ble commission for registration of an FIR against the governing body members of respondent no. 3 and the respondent no. 4 the Builder.

- 4.28 That several emails were written to the SDO Kherikalan Faridabad, XEN DHBVN Gr. Faridabad and M.D DHBVN highlighting the collection of all charges from the electricity meter, but all remained mute spectator and allowed the illegal collection from the electricity meter. Only on 2.5.2025 the SDO DHBVN kherikalan Faridabad issued a notice dated 2.5.2025 which is near to the date of hearing on 7.5.2025 before this Hon'ble commission highlighting the misleading conduct of the SDO DHBVN Kherikalan. Moreover, SDO DHBVN Kherikalan only issue the notice / letter dated 2.5.2025 and remained completely silent and did take no action to ensure compliance of his own order thus highlighting his collusion with the respondent no. 3 & 40 The order/ notice dated 205.2025 issued by the SDO DHBVN Kherikalan, Faridabad establishes the offence committed by the respondent no.3 regarding collection of all charges from the prepaid electricity meter platform.
- 4.29 This is to bring to the notice of this Hon'ble commission that despite the CGRF court order dated 15.10.2020, HERC order dated 24.3.2025 the respondent started collection of all charges from the Electricity prepaid meter platform on 1.4.2025. It may be noted that after the hearing on 7.5.2025 Mr. Anurag Mohan the representative of the petitioner no. 1 was severely harassed by the respondent no. 3&4 by disrupting and disconnecting his electricity of flat no. NI 14 Piyush heights sector 89 Faridabad . The SDO DHBVN Kherikalan and the XEN DHBVN Gr. Faridabad refused to even receive the complaint.
- 4.30 Therefore Mr. Anurag Mohan finally wrote an email to the Minister of Power Sri Anil Vij highlighting the harassment at the hands of respondent no. 3&4 and inaction of the SDO DHBVN Kherikalan and the XEN DHBVN Gr. Faridabad.
- 4.31 Only after writing the email to the Minister of power the electricity of his flat could be restored. Further under the pressure of the HERC proceeding and the aforesaid email to the minister a bill was issued to Mr. Anurag Mohan in respect of the collection of all charges from the prepaid electricity meter for the Fat no. N-114 Piyush heights sector 89 Faridabad.
- Further the collection of charges from the meter is further certified by the messages received by the owner of N-712 Piyush heights sector 89 Faridabad wherein daily deduction of about Rs. 200 from the electricity meter balance is being made in a vacant flat. First the balance of the prepaid electricity meter of Rs. 2800 on 1<sup>st</sup> of April was reduced to zero and thereafter the balance of the prepaid electricity meter is showing balance is showing minus Rs04S000 The electricity of the flat has been disconnected once the balance of the prepaid electricity meter was ZERO.
- 4.32 In view of the facts and documents discussed above it is evidently clear that the respondent no. 4 acting in nexus with the president of the respondent of respondent no. 3 the chargesheeted. crime partner Bijender Singh and continuously siphoning the RWA funds to complete the pending works of the respondent no. 4 in Piyush heights sector 89

Faridabad residential project. This nexus between respondent no. 3 and respondent no. 4 becomes more evident if the agendas of all the AGM of respondent no. 3 association and the pending works of the Builder respondent no. 4 is looked together. The collection of all charges from the prepaid electricity meter platform is part of the process for Siphoning the RWA funds by the respondent no.4 with the help of president of respondent no.3 association.

4.33 Accordingly, it is evident that the president of respondent no. 3 and the respondent no.4 are habitual offender of financial fraud and will not stop the collection of all charges from the electricity meters till strict action is taken against respondent no. 3 and respondent no. 4. Both the respondent 3&4 will make all efforts to delay the proceedings before this hon'ble commission and continue to collect all charges from the prepaid electricity meter platform. It may be noted that the charges for lift, DG and STP etc passed in the last AGM on 22.12.2024 are completely illegal because all are pending works of the Builder but are being collected through prepaid electricity meter forcefully from 1<sup>st</sup> April 2025 . For explanation: On an average Rupees 200 extra collection through prepaid electricity meter platform from each flat is approx. Rupees 200000 per day and about Rupees 6000000 in a month. There are 1086 flat owner is Piyush heights sector 89 Faridabad.

4.34 Therefor it is humbly prayed. :

1. Direction to immediately stop collection of all charges from the prepaid wave plus dwell smart electricity meter platform.
2. Clear direction to the respondent no. 3 & 4 to immediately refund the amount deducted from the prepaid electricity meter platform from 1<sup>st</sup> April 2025.
3. Immediate compliance of the CGRF order dated 15.10.2020 without any further delay within a limited time frame.
4. Strict action against the respondent no. 3 and respondent no. 4 as per section 142 and 146 of the electricity Act 2003. Strict action against the SDO DHBVN KheriKalan Faridabad and the XEN DHBVN Gr. Faridabad for dereliction in their duty and failure to implement the CGRF court order dated 15.10.2020 for about 5 years.
5. Any other order this Hon'ble commission may deem fit under the given fact and circumstances.

**5. Reply of R1 & R2 submitted on 14/05/2025:**

- 5.1 The present reply is being filed through Pankaj Panwar, Executive Engineer, Greater Faridabad, DHBVN (hereinafter referred to as 'DHBVN/Respondents'), who is competent to file the present reply as well as fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record, on behalf of Respondents.
- 5.2 The Petitioners have filed the present petition seeking compliance of the directions issued by the Corporate Consumer Grievances Redressal Forum (CGRF), DHBVN vide Order dated 15.10.2020. In the said Order, the CGRF directed the Respondents to scrutinize the energy billing records issued by the RWA/Developer to individual consumers and ensure that electricity consumption by residents and for common areas



is metered and billed separately. The relevant portion of the Order reads as under:

*"DHBVN is fully authorized by the Regulation to scrutinize the record of energy bills being delivered to the individual consumers by the RWA / Developer. The respondent SDO is directed that previous record of the energy bills delivered by the RWA to individual consumers may also be scrutinized in light of the relevant provision of the Regulation of April-2020. The respondent SDO is also directed to ensure that the electricity being consumed by the individual consumers and the common area is recorded separately and billed separately. SDO and RWA must ensure that the energy meter records the licensees' supply and DG set consumption separately and also, no one is authorized to make changes in the individual energy meter put up by RWA to account for any other charges other than electricity. In precise terms, it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses, charges whatsoever, to maintain complete transparency and to keep the electricity related records available for its scrutiny by the licensee. Respondent SDO is further directed to issue notices to the RWA / Developer maintaining the individual meters inside the society to comply with the directions as contained in the Regulation and ensure compliance of the notices so served under the provisions of relevant law".*

- 5.3 In compliance with the said Order dated 15.10.2020, the then concerned SDO Op Sub-Division Kheri Kalan, DHBVN, visited the society in question and conducted a meeting with Resident Welfare Association (RWA) representatives. During the meeting, necessary directions were issued to ensure that billing to individual residents is done strictly as per the tariff determined by the Hon'ble Commission from time to time.
- 5.4 Thereafter, a detailed notice dated 23.12.2022 was issued to Respondent No. 3, i.e., the RWA, directing the mandatory implementation of the "Unified Billing Software" (UBS) in all Group Housing Societies (GHS)/Colonizers/Developers/RWAs having Single Point Supply, in accordance with Sales Circular No. D-23/2022 and in continuation of the HERC Order dated 09.10.2020. The notice emphasized that monthly electricity bills issued to individual residents must be in the format approved by the Commission and that the residents must be charged only as per the tariff determined for the relevant category of consumers. In order to facilitate this transition, a QR code was provided for joining a WhatsApp group created to offer technical assistance. Additionally, online training sessions via Google Meet/Zoom were scheduled to guide RWA representatives on the functioning and implementation of the UBS. The RWA was instructed to upload the consumer database in the specified format on the UBS portal within a stipulated timeframe. It was further clarified that the Employer/GHS/Developer/RWA must install energy meters as per DHBVN's standard specifications, duly tested and sealed by DHBVN's Test Lab/Accredited Test Laboratory, at their own cost for all common areas, residents, and other loads. Another notice dated 11.04.2025 was issued reiterating these directions. Copy of notices dated 23.12.2022 and 11.04.2025 are appended herewith marked as Annexure R-1 and Annexure R-2 respectively.

- 5.5 Subsequently, it came to the notice of the Respondents that Respondent No. 3 was unlawfully clubbing Common Area Maintenance (CAM) charges and Backup Supply charges with electricity charges in the bills issued to residents. Accordingly, the Respondents issued a notice dated 02.05.2025 to Respondent No. 4 wherein it was stated that clubbing of charges is in violation of the HERC Guidelines and Regulations. It was categorically directed that the CAM/Backup supply charges must not be clubbed with electricity charges, and that any disconnection of supply on the grounds of non-payment of CAM/Backup charges despite payment of electricity charges would attract strict action. Copy of notice dated 02.05.2025 is appended herewith marked as Annexure R-3.
- 5.6 Further, upon examining the billing data submitted by the RWA for FY 2024-25, it was observed that residents were being charged at the rate of Rs. 5.25 per unit along with Rs. 0.93 towards electricity duty and other applicable levies (including FSA, ED, M.Tax, and fixed charges). The billing is conducted through prepaid meters, and it was found that the aggregate billing amount raised by the RWA is not higher than that raised by DHBVN. Any difference between the DHBVN-raised bill and the amount collected from residents is met from the CAM fund. The RWA manages all such charges using the Wave+ mobile application, where residents recharge their digital wallets and corresponding deductions such as grid charges, DG charges, and CAM charges are made automatically. It is pertinent to mention here that prior to the order of CGRF the residents were charged at uniform rate of Rs. 7.25 per unit. However, pursuant to the order the tariff rate was revised and the residents were charged at the rate of Rs. 5.25 per unit.
- 5.7 It is submitted that the Respondent Nigam provides a Single Point Supply to the colony/society as per the applicable terms and conditions laid down by the Commission and governing regulations. Once such a Single Point Connection has been provided, the responsibility of distributing electricity to individual residents, installation and maintenance of sub-meters, billing, and recovery of electricity charges in accordance with the approved tariffs, falls squarely upon the Resident Welfare Association/Developer, in line with the framework stipulated under the HERC Regulations and DHBVN I s Circulars. Unfortunately, Nigam has no measures to ensure enforcement of the billing as per the regulations of the Hon'ble Commission except disconnection of power supply. Disconnection of power supply has wider repercussions and affects the larger interest of consumers.
- 5.8 It is therefore, submitted that there is no willful and deliberate disobedience by the Respondents as regards the Order dated 15.10.2020 passed by the CGRF and Nigam has taken appropriate steps, including issuance of repeated notices and conducting technical training for RWA officials, to ensure that billing practices within the society are transparent, lawful, and in conformity with the HERC-approved norms.
- PRAYER .

In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Commission may kindly:

- a) Take note of the compliance actions undertaken by the Respondents pursuant to the CGRF Order;
- b) Pass any other order(s) deemed fit and proper in the facts and circumstances of the case in the interest of justice.

**6. Reply of R3 submitted on 14/05/2025:**

- 6.1 It is submitted that no allegation has been leveled against the answering respondents and the baseless allegations have been leveled against the SDO by the complainant. It is humbly submitted that everything is in place and working as per the law and there is nothing illegal done by the RWA. As a matter of fact, the complainant was Ex-President of the Society, he has lost the support of the residents due to his management of the society in a bad manner. Now the complainant no. 1 is doing nothing but creating the hurdles in the smooth functioning of the society. With respect to the electricity cases he has approached various forums, which includes this Hon'ble Court, the District Court, Faridabad and even the High Court, the complainant just want to harass the RWA by making false and baseless allegations then especially when majority of the residents of the society are satisfied, content and happy with the functioning of the RWA in a fair, equitable and transparent manner. It is denied that there is any non compliance with regulation, everything has been done as per law and any government authority can securitize the functioning of the electricity meter as well as any other compliances if required to be done. As RWA has ensured beyond measures to maintain the transparency and fairness.
- 6.2 All the compliances have been made and there is no disregard of the order, therefore, the question of committing any contempt do not arise at all. The petition is misconceived and has been filed just to harass the RWA members.
- 6.3 It is submitted that the allegations are baseless and misconceived against the government authorities as all the compliances have been made. It is unfortunate that complainant is misusing the forum, the complainant is alleging corruption against the SDO without any proof and evidence disreputing the respected officer of the government.
- A. That in reply to the contents it is submitted that there is no manipulation done in the software of the electricity meter. It is submitted that with the orders of the Hon'ble High Court accounts have been re-audited. If there would be any illegal gain then that would resurface because the audit has been done by the independent agency. Further, it is vehemently denied that meter has been forcefully replaced. The change of meter has been approved in general body meeting and when all the residents in majority has expressed their wish to change the meter only then the meters have been changed from ELMAX to SUMERU as the society residents have reported PILFERAGE in ELMAX meters. Therefore, decision has been taken to change the same. Moreover, it was not the

part of any order passed by this Hon'ble Court that the meters cannot be changed even if decision is taken in the general body meeting. The complainant is raising unnecessary issues which are not part of the orders.

Further it is submitted that there is no change in the meeting, the SUMERU company has shut down its operations and now the software and the operation is taken care by DWELL. It is wrong that website password is not shared. The default password has been issued by the company which has to be reset by the individual consumer on their own, Further, it is submitted that even this issue is not the part of the main order.

- B-C. That in reply to the contents of para B and C, it is submitted that issue of password has unnecessarily been raised by complainant as stated above, it has to be reset on their own and the information in this regard has been given as and when demanded. It is submitted that meters have been installed within the society on their respective floors and the keys are available with the guard and if any resident want to see his meter then he can approach the guard in this regard. The complainants are well aware of this fact despite that they are making unnecessary complaint. Further, it is submitted that it is not the part of the main order.
- D. That the averments made in para D are misplaced and baseless. There is no proof of tinkering with the electricity meter. The Email referred to have been addressed and meters have been got checked through the electrician and nothing unusual has been found. It is submitted that both complainants are in fact using old meters of ELMEX as per the orders of the High Court their meters have never been changed therefore, all the allegations are baseless and even these meters are managed on their own and RWA has no interference in their meters.
- E. That the allegations are baseless and without any iota of evidence regarding illegal gains. It is further submitted that PHRWA has created a wallet from which the electricity charges are deducted as per the individual usages of the electricity. The allegations regarding illegal adjustment of charges are baseless, even the separate electricity bills are given to all the residents separately, there is no mixing of any charges with the electricity charges.
- F. That the averments made in this para are wrong, false and hence denied. Bijender Singh is member of the society and resident of the society he is the current President of RWA. None of the allegations in this para are related to the electricity issue, thus the allegations are baseless and are liable to be set aside.

- 6.4 That in reply to para 4 it is submitted that all the directions have duly been complied therefore, question of granting punishment for non-compliance under the relevant sections do not arise at all.
- 6.5 Para 5 is missing.
- 6.6 In light of the above said submission made there is no truth in the petition and it is liable to be dismissed as all the compliances on part of answering respondents have been made. The additional documents are annexed
- 6.7 The authorities attached with this petition are not applicable to the facts of present case, therefore, the petition is liable to be dismissed.  
It is therefore, respectfully prayed in view of the facts mentioned above, the petition may kindly be dismissed
7. The case was heard on 09/07/2025, Ms. Monika Chhiber Sharma, counsel for the petitioner submitted that the respondent SDO has not complied the orders of CGRF till date. The petitioners have approached the concerned SDO but the builder, RWA and SDO are hand in glove for non-compliance of the CGRF order dated 15/10/2020. Ms. Sonia Madan counsel for the respondent-DHBVN submitted that RWA has not provided complete data for the last five years till date and requested for directing the respondent RWA to provide complete data and further requested two weeks' time to file the reply after receipt of the data. The respondent RWA submitted that the data available in the system for last two years has already been provided to the respondent SDO. The counsel for the respondent-RWA requested for two weeks' time to provide complete data to respondent DHBVN.
- 8. Rejoinders to replies submitted on 09/07/2025:**
- 8.1 At the outset it is submitted that the respondent no. 1 and 2 have clearly admitted that the respondent no. 3 and respondent no. 4 have miserably failed to comply with the directions of CGRF court order dated 15.10.2020. Moreover, the respondent no. 1 and 2 have also admitted that despite their notices dated 23.12.2022, 11.4.2025 and 2.5.2025 sent by respondent no. 2, the respondent no. 3 and respondent no. 4 miserably failed to comply with the CGRF court order dated 15.10.2020 for last five years. Therefore, it is established that the respondent no. 3 and respondent no. 4 have no respect for the CGRF court order dated 15.10.2020, Electricity Act 2003, Haryana Electricity regulations, DHBVN and officers of DHBVN i.e respondent no. 1 & 2. Accordingly, only the strictest actions against the respondent no. 3 and respondent no. 4 can ensure compliance of the directions under CGRF court order dated 15.10.2020.
- 8.2 It is submitted that the respondent no. 1 and respondent no. 2 are trying to take shelter behind the bogus argument that they have sent notices dated 23.12.2022, 11.4.2025 and 2.5.2025 to the respondent no. 4

which is simply misleading the Hon'ble commission. Out of 3 notices only one notice dated 23.12.2022 was sent before filing the present execution petition thereby exposing the whole argument of the respondent no. 1 and 2. Moreover their intention to take no action is further exposed by the fact that after sending the aforesaid notices no steps to ensure the compliance of the notices were taken and nothing have been placed on record before this court in this regard. Therefore it is evident that the Notices sent by the respondent no. 1 and 2 to respondent no.3 and 4 is only an eyewash. No sincere efforts were made, or coercive action has been taken against the respondent no. 3 and 4 to ensure compliance thereby allowing the respondent no. 3 and respondent no. 4 to continue with the non-compliance of the CGRF court order dated 15.10.2020 for 5 years and make huge illegal gains.

- 8.3 Further it may be noted that one notice was sent on 23.12.2022 which is 2 years after the CGRF court order dated 15.10.2020 without any followup action and hence it is an eyewash. Thereafter notice dated 11.4.2025 was sent to the respondent no. 4 which is after the execution petition was filed by the petitioner before this commission therefore is a reactive action of respondent no. 1 and 2 without any intention to ensure compliance of the CGRF court order dated 15.10.2025. Therefore, the notice dated 23.12.2022 sent to respondent no. 3 & 4 without any follow up action is an eyewash action.

CGRF COURT	Order	15.10.2020
Notice issued by respondent no. 1 or 2 to ensure compliance	Follow up action	comments
23.12.2022	NIL. hence only eyewash	Notice issued after 2 years of the CGRF court order. No follow up action clearly shows No intention to ensure compliance
11.4.2025	NIL. hence only eyewash	Notice issued after 5 years of the CGRF court order sent under the pressure of the HERC petition. However as usual No follow up action clearly show No intention to ensure compliance
2.5.2025	NIL. hence only eyewash	Notice issued after 5 years of the CGRF court order after several complaints made to the respondent no. 1 and 2 regarding collection of all charges from the electricity meter billing platform. It seems the notice was by respondent no. 2 under the pressure of the pending petition before HERC. However as usual No

		follow up action clearly show No intention to ensure compliance
General Comment	<p>It is Highly surprising that the respondent no. 1 and 2 never <u>sent a notice giving ultimatum of taking action for disconnection of electricity in case of failure by the respondent no. 3 &amp; 4 to comply with the CGRF court order dated 15.10.2020 and the Haryana Electricity Regulations with a limited time period such as one week or two weeks.</u> In this manner the respondent no. land 2 remained mute spectator for last 5 years and now they have come up with bogus argument of LARGER INTEREST OF CONSUMERS. The larger interest of the consumer would have served if the compliance of the CGRF <u>court order dated 15.10.2020 and the Haryana Electricity Regulations</u> would have been ensured by the respondent no. land 2. Therefore, under the GARB of LARGER INTEREST OF CONSUMERS the respondent no. 1 and respondent no. 2 have clearly committed dereliction of their duties for 5 years and have acted in collusion with the respondent no. 3 &amp; 4 deliberately allowing them to indulge in every type of illegal activities by using the electricity supply and electricity meter as an arm-twisting tool for making huge illegal gains. If all the government officers do not take punitive action on such absurd argument, then how RULE OF LAW CAN BE ESTABLISHED IN THE COUNTRY. The NON-COMPLIANCE of LAW will continue endlessly. The Respondent no. 1 and 2 are losing sight of the fact that they have left the resident of Piyush heights to be harassed endlessly by the respondent no. 3 and 4 for last 5 years at will, so what good they have done to prove the point of larger interest of the consumers? Actually respondent no. land 2 have committed dereliction of their duty for last 5 years and now have come up with BOGUS argument of larger CONSUMER INTEREST only to hide their dereliction of duty. By way of illustration copies of few letters / orders of SDM / complaints by email highlighting the harassment caused by the respondent no. 3 to the flat owners of Piyush heights sector 89 Faridabad for collection of illegal charges by using electricity and meter as tool are annexed herewith as Annexure-P/ 1.</p> <p>(Colly)</p>	

- 8.4 The biased and collusive conduct of the respondent no. 1 and 2 is further established by the fact that even during the continuation of the non-compliance of the CGRF court order dated 15.10.2020 for 5 years the notice dated 2.5.2025 was sent by the respondent no. 2 to respondent no. 3 and 4 only after several complaints through email by the flat owners of Piyush heights regarding illegal collection of all types of charges from the DWELL SMART METER BILLING PLATFORM which is clear violation of Haryana electricity Regulations and CGRF Court order dated 15.10.2020. By way of illustration few emails complaining about



collection of all types of Charges by the respondent no.3 from the electricity meter Billing Platform is placed on record as Annexure- P/ 2 (colly)

- 8.5 It is pertinent to highlight, since the respondent no. 1 and respondent no. 2 miserably failed to take any coercive action against the respondent no. 3 and 4 for its failure to comply with the CGRF court order dated 15.10.2020 and Haryana electricity Regulations for last 5 years the respondent no. 3&4 went one step ahead and committed the direct violation of the CGRF court order dated 15.10.2020 and Haryana electricity Regulations and started collection of all types of charges from DWELL SMART METER BILLING PLATFORM from April 2025. Since the respondent no. 3 had no fear of the respondent no. 1 and 2 therefore the charge sheeted president of respondent no. 3 issued letter dated 30.3.2025 regarding collection of all charges through the DWELL SMART METER BILLING PLATFORM from April 2025. Master of illegal tactics to mislead cleverly the respondent no. 3 has camouflaged the collection of all types of Charges from the WAVE + DWELL SMART METER BILLING PLATFORM by using the short word WAVE + and WALLET in the said letter with clear intention to mislead. This was only possible because the respondent no. 3 and respondent no. 4 have no fear from the respondent no. 1 and respondent no. 2 which also highlights collusion between them.
- 8.6 As per the order dated 14.5.2025 the Hon'ble commission had directed to list out the pending compliances of the CGRF order in a tabular chart with the following heads for better understanding of the Commission.

Accordingly, the tabular chart with the desired details have been filed as per the information available with the petitioner.

Directive of the CGRF	Compliance to be made by	Action taken and documentary evidence	Balance if any till date
1. Take all necessary measures provide under the Electricity Regulations calling upon the RWA who is maintaining the supply within the group housing society to rectify all misdeeds which have been alleged in the complaint	Respondent no. 2 SDO DI-IBVN Kherikalan and the Respondent no. 3, (Piyush heights residents welfare Association sector 89 Faridabad.)	Except for reducing the higher electricity tariff from Rs. Rs. 7.25 to Rs. 5.50 no action has been taken. No confirmation of following due process in this regard.	Rest is all balance
2. The provision of the Regulation clearly mentions that the RWA or the Builder maintaining the supply within the Group housing society in a single point supply regime cannot	Respondent no. 2 SDO DHBVN Kherikalan, Respondent no. 3, (Piyush heights residents welfare Association	-Except for reducing the higher electricity tariff from Rs. Rs. 7.25 to Rs. 5.50 no action has been taken.	No confirmation of following due process established by the Regulation for changing



charge a tariff more than the tariff ordered by the Hon'ble commission from time to time (General terms and conditions (a) (vii), (viii), (ix) and (xi)	sector 89 Faridabad.) Respondent no. 4 (Builder)	-The letter dated 26.11.2020 issued by respondent no.3 but no confirmation document issued by respondent no. 2 SDO DHBVN till date.	the rate in the software of the electricity meter. Confirmation of following due process by respondent no.3 is yet to be confirmed by the respondent no. 2 SDO DHBVN.
3. It is clearly mandated in the regulation that all the energy meters which have been installed to record the individual energy consumption of the consumers have to be tested from the testing laboratory of the licensee (6.1 c & d)	Respondent no. 2 3 and 4	Nil action	All balance
4. DHBVN is fully authorized by the Regulation to scrutinize the record of the energy bills being delivered to individual consumers by RWA/Deve10per	Respondent no. 2, 3 and 4	Nil action	All balance
5. The respondent SDO is directed that previous record of energy bills delivered by the RWA to the individual consumers may also be scrutinized in the light of the relevant provisions of Regulation of April 2020	Respondent no. 2, 3 and 4	Nil Action	All balance
6. The respondent SDO is also directed to ensure that the electricity being consumed by the individual consumer and the common area is recorded separately and billed separately	Respondent no. 2, 3 and 4	Nil Action	All balance
7. SDO and the RWA must ensure that the energy meters the licensee supply and DG set consumption separately	Respondent no. 2 and 3	NIL Action	All balance
8. No one is authorized to make changes in the individual energy meter put	Respondent no. 2, 3 and 4	Violation of this direction of CGRF court by respondent	Violation to be rectified

up by the RWA to account any other charges other than electricity.		no. 3 by collection of all charges from the energy meter thereby tampering the software of the electricity meter. Accordingly notice/ order dated 2.5.2025 issued by respondent no.2 evidencing violation. -Letter date 30.3.2025 issued by the respondent no. 3 evidencing violation	
9. In precise term it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses charges whatsoever to maintain complete transparency	Respondent no. 2, 3 and 4	Same as above	Violation to be rectified
10.RWA to keep the electricity related record available for its scrutiny by the licensee	Respondent no. 3 and 4	NIL	All balance
11.Respondent SDO is further directed to issue notices to the RWA/ Developer maintaining the individual meters inside the society to comply with the directions contained in the Regulation and ensure compliance of the notices so served under the provisions of relevant law	Respondent no. 2, 3 and 4	NIL	All balance

8.7 For the purpose of clarity and understanding of all the parties it is relevant to place on record the DHBVN Sales Circular no. D 23 / 2022 dated 30.8.2022 so that unnecessary verbal claims cannot be made by the respondents regarding billing compliance with sole intention to divert the issue and mislead the Hon'ble commission regarding compliance related to unified Billing Software for managing activities by the Builder/ Developer / Colonizer / Users Association inside the premise of their single point Supply.

8.8 That it is very important to highlight that the respondent no. 1 and respondent no. 2 have shown their inability to take coercive action against the respondent no. 3 and respondent no.4 to ensure compliance of the CGRF Court order dated 15.10.2020 and Haryana electricity Regulations on the ground that only measure is disconnection of power supply which is completely false and misleading statement. This

statement is only an escape route to avoid any punitive action against the respondent no. 1 and respondent no.2 which has arisen due to their continuous failure to ensure the compliance of the CGRF court order dated 15.10.2020.

- 8.9 The submission by the Respondent no. 1 and respondent no. 2 that only coercive measure available with them is disconnection of power supply shows that they have not even read the CGRF court order dated 15.10.2020. It may be noted that the SDO DHBVN had made similar submission before the CGRF court. The relevant para of the CGRF court order dated 15.10.2020 is reproduced below for reference:

*"It is observed by the Forum that the respondent SDO has not gone through the provisions of the 'Single Point Supply to Employers' Colonies Group Housing Societies, Residential Colonies, Office cum Residential Complexes and Commercial Complexes of Developers, and Industrial Estates/ IT Park/SEZ Regulations 2020' dated April 22 2020. Vide no. HERC/49/2020 issued by Haryana Electricity Regulatory Commission. The regulation contains detailed provisions w.r.t. the individual consumer's protection in a single point supply regime (5.3) and most of the prayers made in the complaint are only those which are already covered under different provisions of the Regulation. So, it is wrong on the part of respondent SDO to say that they have no role to play in a single point connection supply. The respondent SDO has not understood the intent of these regulations. The Forum directs the respondent SDO to go through the provisions of the Regulation of April 2020 concerning single point supply connection and the rights given to the individual consumers of the Group Housing Societies (5.3). The respondent SDO is further directed to take all necessary measures provided as under the Regulations calling upon the RWA, who is maintaining the electricity supply within the Group Housing Society, to rectify all the misdeeds which are alleged in the complaint."*

- 8.10 In view of the above reproduced para of the CGRF court order dated 15.10.2020 it is very relevant to reproduce the Regulation 5.3 of the Haryana electricity Regulations 2020 which is as under:

*Regulation 5.3: The individual consumers in the GHS/Employer's Colonies/Residential cum Commercial/ Commercial Complexes/ shopping malls/ Industrial Estates/ IT Park where Single Point Supply has been provided shall be treated at par with the consumers of the distribution licensees and shall have the same rights and obligations as that of other consumers of distribution licensee. These consumers shall also be covered under all other relevant Regulations of the Commission including CGRF and Ombudsman Regulations, and tariff order issued by the Commission, provided that in case of the provision of section 126, 135 and 138 of the Act the distribution licensee shall be authorized to take necessary action as per these provisions of the Act in coordination with such Employer's Colony/ GHS/ RWAs/users Associations.*

Bare perusal of the Regulation 5.3 of the Haryana Electricity regulation proves that the submission of the respondent no. 1 and respondent no. 2 in para 7 of their reply is not only evasive but also bogus and

misleading as it is without any legal basis. It is expected from the officers of the DHBVN to have awareness about the Electricity Act 2003 and the Haryana Electricity Regulations and other Regulations issued by the Commission.

- 8.11 It is also relevant to reproduce the sections 126, 135 and 138 of the Electricity Act 2003 for further clarity regarding the power of the respondent no. land 2 to action to be taken for noncompliance of its provisions.

*Section 126 of the Electricity Act 2003 Falls under the chapter "INVESTIGATION AND ENFORCEMENT"*

*Section 135 of the Electricity Act 2003 falls under the chapter OFFENCES AND PENALTIES.*

*Section 138 of the Electricity Act 2003 falls under the chapter OFFENCES AND PENALTIES. A copy of the relevant pages of the electricity Act having section 135 is reproduced below for reference:*

*Section 138. (Interference with meters or works of Licensee):*

- (1) Whoever, -
- (a) *unauthorisedly connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line; or*
  - (b) *unauthorisedly reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected; or*
  - (c) *lays or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee; or*
  - (d) *maliciously injures any meter, indicator, or apparatus belonging to a licensee or willfully or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from duly registering, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees; and if it is proved that any means exist for making such connection as is referred to in clause (a) or such re-connection as is referred to in clause (b), or such communication as is referred to in clause (c), for causing such alteration or prevention as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, reconnection, communication, alteration, prevention or improper use, as the case may be, has been knowingly and willfully caused by such consumer."*

Bare Perusal of the above-mentioned sections as referred in Regulation 5.3 of the Haryana electricity Regulation provide enough power to DHBVN officers to take punitive actions to ensure compliance of the provisions of the Electricity Act 2003, Electricity Regulations and orders passed by the court of competent jurisdictions. Hence it is evident that there is lack of intent on part of the respondent no. land 2 to take any coercive action against the respondent no. 3 and 4.

- 8.12 It is clearly evident that the submission of the respondent no. 1 and 2 regarding having single coercive action available in single point connection is of disconnection of electricity is misleading because under the garb of larger interest for not disconnecting the electricity they are allowing the non-compliance of the Electricity Regulation and the CGRF court order dated 15.10.2020 for last 5 years which only highlights their collusion with the respondent no. 3 and respondent no. 4. In other words, the respondent no. 1 and 2 clearly submit that they will keep watching silently the continuous noncompliance by the respondent no. 3 and respondent no. 4 for endless period because they don't want to disconnect electricity in larger interest. What type of absurd submission they are making. The respondent no. 1 and respondent no. 2 are trying to fail the whole legislative intent behind the Electricity Act 2003. In this manner how will Rule of Law will be implemented? This absurd argument of the respondent no. 1 and respondent no.2 can be compared with a situation where a police officer refuses to arrest a criminal because the family of the said criminal will suffer.
- 8.13 It is evidently clear that the respondent no. 1 and respondent no. 2 knowingly and deliberately did not ensure compliance of the CGRF order dated 15.10.2020 and the Electricity regulations and thereby allowed the respondent no. 3 and respondent no. 4 to harass the flat owners of Piyush heights and make huge unlawful gains through abuse of open software meter and electricity meter which has not been sealed and certified by the respondent no. 1 and 2 and therefore is exposed to manipulation. It may also be noted that the respondent no. 3 and respondent no. 4 have history of series of criminal offences and therefore are habitual offenders of criminal offence.
- 8.14 In the backdrop of non-compliance of the CGRF court order dated 15.10.2020 and Electricity regulations for 5 years it is evidently clear that the meter billing software is open for manipulation by the respondent no. 3 and respondent no.4. Further the respondent no. 3 and respondent no. 4 have failed to provide any type of invoice/ bill and no separate DG Bill for electricity consumption for last 5 years. The BEST EVIDENCE METER SOFTWARE EXPOSED TO MANIPULATION IS COLLECTION OF ALL TYPES OF CHARGES FROM THE DWELL SMART METER BILLING PLATFORM. A copy of the bill generated from the DWELL SMART METER BILLING PLATFORM is placed on record as proof of collection of all types of charges from the prepaid meter billing platform evidencing manipulation. It may be noted this bill is the single in last 5 years provided after complaint to the power minister Mr. Anil Vij. A copy of the bill generated from the DWELL SMART METER BILLING PLATFORM as proof of collection of all types of charges and manipulation of the meter billing software is annexed herewith as Annexure- P/ 7.
- 8.15 Further the ID and Password of the DWELL SMART METER BILLING PLATFORM has been illegally changed by the respondent no. 3 and

respondent no. 4 from the backed to prevent the flat owners of Piyush heights from observing the electricity consumption visible on the said DWELL SMART METER BILLING PLATFORM. This is another example of the software open for manipulation because without such manipulation the ID and Password of the said platform initially provide by the DWELL SAMART Pvt Ltd. Cannot be changed. Moreover, it is breach of Information Technology Act. In this regard several complaints through emails were sent by the flat owners of Piyush heights to the respondent no. 1 and respondent no.2 but no relief has been granted till date thereby clearly showing that the respondent no. 1 and respondent no. 2 are openly supporting the respondent no. 3 and respondent no. 4 in making unlawful gains through prepaid meter. As illustration few complaints by the flat owners of Piyush heights regarding ID and Password of WAVE + DWELL SMART METER BILLING website is annexed.

8.16 It may further be noted that several times complaints to the respondent no. 1 and respondent no.2 were made by the flat owners of Piyush heights regarding disruption of electricity of the flat by the respondent no. 3 and 4 to compel the flat owners of Piyush heights to pay the illegal charges such as charges for renovation of towers but no action till date has been taken by the respondent no. 1 and respondent no.2 in this regard thereby highlighting collusion with the respondent no. 3 and respondent no.4. It will be relevant to place on record by way of illustration few such complaints by email/ letter regarding disruption of electricity of the flat by tampering with the load or refusal to recharge the prepaid electricity meter resulting in disruption of electricity of the flat. A copy of few complaints regarding disruption of electricity of flat of Piyush heights are annexed.

It is also noteworthy to inform that the tower renovation charges demanded as additional maintenance charges by the respondent no. 3 has been declared as against the society bye laws vide order dated 11.1.2021 passed by the district registrar of society Faridabad. Thereafter again in another order dated 28.4.2022 the district registrar of society declared the charges for renovation of tower outside the scope of the Haryana Registration and regulation of the society Act. Furthermore, the illegal demand of rupees Rs. 47551 plus interest as penalty for renovation of towers has never been passed in any AGM of the respondent no.3. since the charges are illegal therefore many flat owners refused to pay the renovation charges then the respondent no. 3 started using the electricity as arm twisting tool to compel the flat owners of Piyush heights sector 89 Faridabad. It is noteworthy to inform that the Jabbar contractor engaged by the respondent no. 3 for renovation of tower demanded Rupees 1.95 crore for the renovation works but the respondent no. 3 forcefully collected Rupees 4.5 to 5 crore from the flat owner by using "prepaid electricity meter recharge" as arm twisting tool thereby highlighting the fraudulent mindset of respondent no. 3 and 4 to make huge illegal gains. This fact has been apprised to the respondent

no. 1 and respondent no.2 by the flat owners of Piyush heights sector 89 Faridabad but till date no action against respondent no. 3 and 4 has been taken. Therefore, the respondent no. 3 continues to illegally collect the renovation charges from the Flat owners without any fear.

Average Calculation of amount collected in the name of illegal charges for renovation of towers:

Rs 47551 x 1086 (no. of flats) = Rupees 5,16,40,386

- 8.17 Since the respondent no. 1 and respondent no.2 failed to take any action against the respondent no. 3 & 4 therefore, even during the proceeding before the Hon'ble commission not only the respondent no. 3 and respondent no. 4 have failed to comply with the provisions of electricity regulations and the CGRF court order dated 15.10.2020 but in complete disregard of the Hon'ble commission started collection of all types of charges from the SMART meter BILLING PLATFORM from April 2025 so that the flat owners cannot oppose the collection of any illegal charges. Most of the illegal charges demanded by respondent no. 3 are for completing the pending works of the respondent no. 4 such as purchase of Generator, Modification and replacement Lift, Enhancement of the STP etc.. THE PROJECT HAS TO BE COMPLETED BY TH RESPONDENT NO. 4 FROM THE MONEY ALREADY PAID TO HIM BY THE FLAT OWNERS AND NOT BY THE RESPONDENT NO. 3 FROM THE FUNDS OF RWA AGAIN COLLECTED FROM THE FLAT OWNERS. If anyone will refuse payment of illegal charges the electricity of the flat will be disconnected. Hence electricity meter and its recharge has become an arm-twisting tool in the hands of the respondent no. 3 and 4 to compel the flat owners of Piyush heights to pay illegal charges without any opposition.

Para- wise Reply

- 8.18 The contents of para 1 of the reply filed by the respondent no. 1 and 2 is a matter of record hence does not require response.
- 8.19 Contents of para to 2 of the reply filed by the respondent no. land 2 are true to the extent that respondent no. 3 and 4 have miserably failed to comply with the CGRF court order dated 15.10.2020 and the Haryana Electricity Regulations for last 5 years. It is submitted that the total directions for compliance under CGRF Court Order dated 15.10.2020 have been enlisted in the tabular chart ad desired by the Hon'ble commission.
- 8.20 Content of the para 3 of the reply filed by the respondent no. 1 and 2 is false and misleading hence denied. It is submitted that no document has been placed on record by the respondent no. 1 and 2 to evidence that meeting was conducted by the respondent no. 1 and 2 with the respondent No. 3. There is no minutes of the meeting and no copy of the bill generated for each flat owner of Piyush heights sector 89 Faridabad in last 5 years. It may be noted that except for reducing the higher rate of electricity from Rs. 7.25 to Rs. 5.5 without following the due process the respondent no. 3 and 4 have failed to comply with the remaining several directions in the CGRF court order dated 15.10.2020. The answer

by the respondent no. 1 and 2 stating the word concerned SDO kheri kalan DHBVN is an attempt to separate the government office from the person occupying the said position of SDO. It is a clear attempt to divide the responsibility of non-compliance of the CGRF court order dated 15.10.2020 with the previous SDO. It may be noted that the Government officers are identified by the position and not by the person to maintain the continuity of the position. Further the current SDO who joined the position in 2022 has miserably failed to ensure compliance of the CGRF Court order dated 15.10.2020.

8.21 The content of para 4 of the reply filed by the respondent no. 1 and 2 is true to the extent of sending the notice dated 23.12.2022 for mandatory implementation of the unified Billing software and other compliances and issuance of notice 11.4.2025 reiteration the compliances under the notice dated 23.12.2022 and rest is denied. It is submitted that respondent no. 1 and 2 have failed to ensure not a single compliance of all the subject matters mentioned in the two notices dated 23.12.2022 and 11.4.2025 issued by the Respondent no. land 2. The Notices issued without any attempt and effort by the respondent no. land 2 to ensure compliance is not only BOGUS and eyewash but also exhibit the collusion of the respondent no. 1 and 2 with the respondent no. 3 and 4. Such eyewash notices dated 23.12.2022 and 11.4.2025 are just like Directive principle of state Policy which is not enforceable and are only for moral guidance which is not the legislative intention while passing the Electricity Act 2003 and the Haryana electricity Regulations. Further the Notice dated 11.4.2025 is meaningless because it was issued after filing the present execution petition to hide the dereliction of duty by the respondent no. land 2.

8.22 The content of para 5 of the reply filed by the respondent no. land 2 is true to the extent that the respondent no. 3 and 4 started clubbing common area maintenance charges and buck up supply with the electricity charges and the respondent nom land 2 issued the notice dated 2.5.2025 but is failed to ensure compliance of the said notice dated 2.5.2025 till date. Further the respondent no. 5 has failed to mention the illegal collection of lift modernization charges of Rs. 200 by respondent no. 3 on daily basis from the electricity meter billing platform. Further it is evidently proved by the notice dated 2.5.2025 that the respondent no. 3 has committed the offence of tampering with the electricity meter billing software by clubbing collection of all types of charges from the electricity Billing meter alongwith the electricity consumption. The notice dated 2.5.2025 establish the fact that the respondent no. 3 has no fear of the office of respondent no. land 2 and therefore forget about the compliance of the CGRF Court order dated 15.10.2020 the respondent no.3 directly violated the CGRF court order and the Haryana electricity regulations. It is surprising that the respondent no. land 2 remained silent after just sending the notice dated 2.5.2025, believing their paperwork is complete



and so is the legal responsibility. Hence all notices issued by the respondent no. land 2 were issued without any intention to ensure compliance but only to complete the paper works is evidencing collusion and dereliction of their duty for last 5 years. Moreover, the number of notices doesn't seem to be enough to install confidence that even the paper works of issuing appropriate number of notices has been done with diligence by the respondent no. 1 and 2 in last 5 years.

8.23 The content of para 6 of the reply filed by the respondent no. land 2 is a matter of record as far as reducing the higher rate of electricity from Rs. 7.25 per unit is concerned rest of the details of para 6 submitted in the of the reply filed by the respondent no. land 2 are denied in absence of any supporting document placed on record. It is submitted that the statement of the respondent no. land 2 is regarding the rate of electricity which was reduced by the Respondent no. 3 after the CGRF order dated 15.10.2020 is not correct. As per the letter dated 26.11.2020 issued by respondent no. 3 the rate of electricity which was reduced from Rs. 7.25 was Rs. 5.5 and not Rs. Rs.5.25 as claimed by the respondent no. 1 and 2. This clearly shows that the respondent no. land 2 don't have no idea even the basic information about what respondent no. 3 is doing. This is also established that the due legal process regarding reducing the rate of electricity has not been followed by respondent no. 3 and 4.

8.24 The content of para 7 of the reply filed by the respondent no. land 2 are false and misleading hence denied. The submission of the respondent no. 1 and 2 are not only giving evasive excuse for not ensuring the compliance of the CGRF Curt order dated 15.10.2020 and the Haryana Electricity Regulations for last 5 years but also against the whole system of establishing RULE OF LAW in the country. The submission of the respondent no. 1 and 2 stating that they failed to ensure compliance of the CGRF court order dated 15.10.2020 and the Electricity Regulations on the absurd ground of "LARGER INTEREST OF CONSUMER". It is submitted that the respondent no. land 2 doesn't have the choice to stop ensuring compliance of the laws because disconnection of electricity will affect the consumers because respondent no. land 2 are also bound by the Laws and the process established by Law. On the contrary the respondent no. land 2 are cleverly ignoring the fact that the same consumers are being continuously harassed by the respondent noo 3 and 4 for huge illegal gains due to failure respondent no. land 2 to ensure compliance of the CGRF Court order dated 15.10.2020 and the Haryana Electricity Regulations. Then which larges interest of consumer has been served.? Rather the personal interest of making huge illegal gains of the respondent no. 3 and 4 has been served for last 5 years. Meaning thereby if the bogus argument of respondent no. 1 and 2 is accepted, then no action can be taken against the respondent no. 3 and 4 and they can continue with the non-compliance for life. Then what is the purpose of the Electricity Act and the Electricity Regulation and the CGRF courts if

nothing can be enforced by the officers of DHBVN on the pretext of such absurd and bogus grounds. It may be noted that respondent no. 1 and 2 are not free to do whatever they want rather they are bound to take action as per as per the provisions of the Electricity Act, the Rules, and Regulations there under. Even the Notices issued by the respondent no. land 2 are only eyewash without any intent to ensure the compliance. The government officers are vested with coercive power for exercising the same to establish the RULE OF LAW otherwise there will be ANARCHY and CHAOS EVERYWHERE.

8.25 The content of Para 8 of the reply filed by the respondent no. land 2 are false and misleading hence vehemently denied. It is submitted that the complete inaction and indifferent attitude of the respondent no. land 2 allowed the respondent no 3 and 4 to continue with the noncompliance of the CGRF court order dated 15.10.2020 and the Haryana Electricity regulation but also embolden the respondent no. 3 and 4 to directly violated the CGRF court order dated 15.10.2020 and the Haryana electricity Regulations by clubbing collection of all charges with the electricity consumption and collecting them from the electricity meter billing platform from April 2025. Again, the respondent no. land 2 could not do anything except sending the notice dated 2.5.2025. Therefore, it is Clear the DERELICTION of DUTY ON PART OF THE RESPONDENT NO. 1 AND 2 WHO HAVE MISERABLY FAILED TO ENSURE THE COMPLAINT OF THE CGRF COURT ORDER DATED 15.10.2020 AND THE HARYANA ELECTRICITY REGULATION for last 5 years thereby deliberately allowing the respondent no. 3 and 4 to abuse the circumstances in for huge illegal gains by illegally using meter and electricity as arm twisting tool to threaten the flat owners of Piyush heights Sector 89 Faridabad. Therefore, NO effective ACTION WHATSOEVER has been taken by Respondent no. 1 and 2 to ensure compliance of the CGRF court order dated 15.10.2020 and the Haryana electricity Regulations.

#### PRAYER

In view of the above said submissions it is most respectfully prayed that the Hon'ble commission, may kindly:

1. Direct the respondent no. 1 and 2 to ensure compliance of the CGRF court order dated 15.10.2020 as provided in the tabular chart above within 7 days and submit the report before the Hon'ble commission with supporting documents.
2. Direct the respondent no. 1 and 2 to ensure immediate stoppage of collection of all types of charges from the wave plus dwell smart billing platform.
3. Direct the respondent no. land 2 to ensure refund of all the charges other than electricity consumption collected from the flat owners by the respondent no.3 through electricity meter billing platform wave plus dwell smart billing platform within 7 days.

4. Direct the respondent no. 1 and 2 to ensure that any delaying tactic adopted by respondent no. 3 and 4 to delay the compliance/ implementation of the order dated 15.10.2020 should not be allowed.
5. Take punitive action against the respondent no. 1 and 2 for active dereliction of their duties for last 5 years without any legal basis.
6. Any other order or direction which the hon'ble commission may deem fit.

**9. Rejoinder to the reply filed by the Respondent No. 03**

**Preliminary Objections:**

- 9.1 At the outset it is submitted that the reply filed by the respondent no. 3 is a bunch of lies for making a futile attempt to mislead this court on the basis of false and frivolous allegations against the petitioner because the respondent no. 3 has miserably failed to comply with the CGRF order dated 15.10.2020. This tactic has been adopted by the respondent no. 3 to divert the attention of the Hon'ble commission from their continuous non-compliance of the CGRF order dated 15.10.2020 with a sole objective to continue the illegal collection of all charges from the electricity meter by acting in clear violation of the CGRF order dated 15.10.2020, Haryana electricity regulations, HERC order dated 24.3.2025 and order dated 2.5.2025 of the SDO DHBVN.
- 9.2 It is pertinent to mention that since the respondent no. 3 miserably failed to comply with all the aforesaid CGRF order dated 15.10.2020 therefore they have not even whispered in their reply about how the respondent no. 3 has complied with CGRF order dated 15.10.2020. Moreover, not a single annexure or document has been placed on record before this commission which evidence about compliance of the CGRF order dated 15.10.2020. Accordingly the reply of the respondent no. 3 is a BOGUS and IRRELEVANT reply which has no relevance for the proceedings before this Hon 'ble commission.
- 9.3 The respondent no. 3 has to understand that they are not filing written statement to a suit filed before a district court where the submission in the petition/ suit is denied by the respondent. The respondent no. 3 has failed to understand that the present application before HERC is an execution petition to ensure over delayed compliance of the CGRF order dated 15.10.2020 and the reply of respondent no. 3 has to solely focus on the issue of compliance of CGRF order dated 15.10.2020.
- 9.4 It is submitted that the respondent no. 3 has made a false allegation in its reply that the petitioners have filed litigation before district court and High court. The petition filed before district court and the High court is against illegal replacement of fully functional electricity meter despite the existing CGRF court order dated 15.10.2020 clearly highlighting the mindset of respondent no. 3 and respondent no. 4 to breach / violate the laws and regulations for huge unlawful gains. It may be noted respondent no. 3 has conveniently concealed that a criminal complaint was also made against the respondent no.3 for forcefully changing the fully functional Elmax electricity meters. Bare perusal of the orders of

the district court/ High court annexed by the respondent no. 3 as annexure R3/1 & 2 evidence about the petition for injunction against changing the electricity meters by the respondent no.3. The criminal complaint was converted into FIR no. 32 after the order of the District Court Faridabad. It may be noteworthy to point out that the respondent no. 3 deliberately changed the fully functional Elmax electricity meters only to protect the respondent no. 4. The respondent no. 4 had misappropriated Rupees 52 lac collected from charging the prepaid Elmax electricity meter. Therefore Mr. Anurag Mohan filed a criminal complaint before DOW against the respondent no. 4 which is pending before District court Faridabad. In order to delete the data/ evidence regarding collection of Rupees 52 lac by the respondent no. 4 which was stored in the software of the Elmax meter the respondent no.3 changed all the Elmax meters with Sumeru meters. Thus, evidencing NEXUS between respondent no. 3 and respondent no.4.

- 9.5 Accordingly, the commission should note this interesting submission of the respondent no.3 wherein it is admitting that despite cases before district court and High Court the respondent no. 3 has failed to comply with the CGRF order dated 15.10.2020 and it also highlights the conduct of the respondent no. 3&4 who are casual about the breach of laws and orders of the court. It also indicates towards the fraudulent mindset of the respondent no. 3 & 4.
- 9.6 As per the order dated 14.5.2025 the Hon'ble commission had directed to list out the pending compliances of the CGRF order in a tabular chart with the following heads for better understanding of the Commission.
- 9.7 Accordingly, the tabular chart with the desired details have been filled as per the information available with the petitioner.

Directive of the CGRF	Compliance to be made by	Action taken and documentary evidence	Balance if any till date
1. Take all necessary measures provide under the Electricity Regulations calling upon the RWA who is maintaining the supply within the group housing society to rectify all misdeeds which have been alleged in the complaint	Respondent no. 2 SDO DHBVN Kheri kalan and the Respondent no. 3, (Piyush heights residents welfare Association sector 89 Faridabad.)	Except for reducing the higher electricity tariff from Rs. Rs. 7.25 to Rs. 5.50 no action has been taken. No confirmation of following due process in this regard.	Rest is all balance
2. The provision of the Regulation clearly mentions that the RWA or the Builder maintaining the supply within the Group housing society in a	Respondent no. 2 SDO DHBVN Kheri kalan, Respondent no. 3, (Piyush heights residents welfare Association sector	-Except for reducing the higher electricity tariff from Rs. Rs. 7.25 to Rs. 5.50 no action has been taken.	No confirmation of following due process established by the Regulation for changing the

single point supply regime cannot charge a tariff more than the tariff ordered by the Hon'ble commission from time to time (General terms and conditions (a) (vii), (viii), (ix) and (xi)	89 Faridabad.) Respondent no. 4 (Builder)	-The letter dated 26.11.2020 issued by respondent no. 3 but no confirmation document issued by respondent no. 2 SDO DHBVN till date.	rate in the software of the electricity meter. Confirmation of following due process by respondent no.3 is yet to be confirmed by the respondent no. 2 SDO DHBVN.
3. It is clearly mandated in the regulation that all the energy meters which have been installed to record the individual energy consumption of the consumers have to be tested from the testing laboratory of the licensee (6.1 c & d)	Respondent no. 2 3 and 4	Nil action	All balance
4. DHBVN is fully authorized by the Regulation to scrutinize the record of the energy bills being delivered to individual consumers by RWA/Developer	Respondent no. 2, 3 and 4	Nil action	All balance
5. The respondent SDO is directed that previous record of energy bills delivered by the RWA to the individual consumers may also be scrutinized in the light of the relevant provisions of Regulation of April 2020	Respondent no. 2, 3 and 4	Nil Action	All balance
6. The respondent SDO is also directed to ensure that the electricity being consumed by the individual consumer and the common area is recorded separately and billed separately	Respondent no. 2, 3 and 4	Nil Action	All balance
7. SDO and the RWA must ensure that the energy meters the licensee supply and DG set consumption separately	Respondent no. 2 and 3	NIL Action	All balance

8. No one is authorized to make changes in the individual energy meter put up by the RWA to account any other charges other than electricity.	Respondent no. 2, 3 and 4	Violation of this direction of CGRF court by respondent no. 3 by collection of all charges from the energy meter thereby tampering the software of the electricity meter. Accordingly notice/ order dated 2.5.2025 issued by respondent no.2 evidencing violation. -Letterdate 30.3.2025 issued by the respondent no. 3 evidencing violation	Violation to be rectified
9. In precise term it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses charges whatsoever to maintain complete transparency	Respondent no. 2, 3 and 4	Same as above	Violation to be rectified
10.RWA to keep the electricity related record available for its scrutiny by the licensee	Respondent no. 3 and 4	NIL	All balance
11.Respondent SDO is further directed to issue notices to the RWA/Developer maintaining the individual meters inside the society to comply with the directions contained in the Regulation and ensure compliance of the notices so served under the provisions of relevant law	Respondent no. 2, 3 and 4	NIL	All balance

It is pertinent to Highlight that the bare perusal of the above tabular chart proves the status of non-compliance of CGRF court order dated 15.10.2020 by the respondent no. 2, 3 and 4 for last 5 years. It also include and highlight the active violation of the CGRF court order dated 15.10.2020 by starting collection of all charges from the electric meter by tampering the software of the electricity meter. A copy of the letter dated 30.3.2025 issued by the President of respondent no. 3 Association

- informing about collection of all charges from prepaid electricity meter billing platform wave plus dwell smart meter billing platform is annexed.
- 9.8 It is important to mention that the respondent no. 4 (builder) who is one of the main respondents to ensure compliance of the CGRF order dated 15.10.2020 has not even filed its reply before this commission clearly highlighting the casual approach and non-compliant mindset of the respondent no. 4. It is reiterated that the project of Piyush heights sector 89 Faridabad is an incomplete project and respondent no. 3 i.e Piyush heights resident welfare association sector 89 Faridabad is false front face of respondent n004 to siphon the funds of the respondent no. 3 association to complete the pending works of the Respondent no. 4 (Piyush Buildwell) The respondent no. 4 has not completed the project of Piyush heights sector 89 Faridabad for last 20 years despite several follow up. Accordingly, director town and country planning suspended the license of respondent no. 4.

Moreover, since the respondent no. 4 failed to complete its obligation regarding electricity for Piyush heights project an FIR dated 22.10.2024 has been registered on the direction of DTCP Haryana.

- 9.9 To understand the root cause for the continuous non-compliance of the CGRF order dated 15.10.2020 by respondent no. 3 and respondent no.4 the Hon'ble commission needs to understand continuous indulgence in criminal activities by president of Respondent no. 3 and Respondent no. 4 including the ILLEGAL NEXUS between the Respondent no. 3 and Respondent no. 4 for completion of the pending works of the Piyush heights sector 89 Faridabad by siphoning/ diversion of the funds of respondent no. 3 RWA amounting to offence of extortion and Organized crime under BNS 2023. Therefore, the respondent no. 3 is a puppet RWA handled by the respondent no. 4 for his benefits and unlawful gains.
- 9.10 As an illustration for ILLEGAL NEXUS between the Respondent no. 3 and Respondent no. 4 it may be noted that Bijender Singh the president, of respondent no.3 is the business partner and crime partner of respondent no. 4 which is clearly established by the FIR dated 31.12.2022 registered against the Respondent no. 4 and Bijender Singh, president of respondent no. 3. Bijender Singh is the director of accused no. 7 company (Shivalik education and placement services) mentioned in the FIR dated 31.12.2022. The FIR has been registered by Punjab national bank for diversion of funds to the tune of 180 crore to the shell companies of the respondent no. 4. The case is being investigated by CBI.
- 9.11 It may further be noted that Bijender Singh, president of respondent no. 3 and respondent no. 4 are involved in several criminal cases. Bijender Singh has been twice charge sheeted by district court of Faridabad for assaulting the residents of Piyush heights sector 89 Faridabad. Moreover, Bijender Singh has been named accused in about eight FIR mostly related to assault of residents of Piyush heights sector 89 Faridabad. Due to these criminal activities of Bijender Singh the

Residents of Piyush heights sector 89 Faridabad are fearful of making complaint or opposing the illegal activities of Piyush heights residents welfare Association sector 89 Faridabad.

Further two orders for arrest warrants against Bijender Singh, president of respondent no. 3 have been passed by the District court Faridabad for non-appearance before the court on two consecutive dates of hearing.

9.12 As far as the respondent no. 4 is concerned apart from the abovesaid FIR dated 31.12.2022 and FIR dated 22.10.2024 it is involved in several other civil and criminal litigations. Moreover, the financial status of the respondent no. 4 is also in poor state. These facts have been admitted by the respondent no. 4 during the proceedings before RERA court. Para no. 3 of the RERA court order dated 28.11.2024 clearly highlights the aforesaid facts regarding respondent no. 4.

9.13 The Hon'ble commission vide its order dated 24.3.2025 had clearly mentioned to file compliance report which is reproduced as under:

*"The Respondent parties shall appear in person on the date so fixed and shall submit a compliance report on the CGRF order dated 15.10.2020."*

*It may be on the hearing dated 7th May 2025 no compliance report was submitted by any respondents and no respondent except the SDO DHBVN appeared in person. Therefore, the Hon'ble commission vide order dated 7.5.2025 directed the respondents to file their reply by next date of hearing i.e 14.5.2025. The relevant part of the HERC order dated 7.5.2025 is reproduced below for convenience:*

4. *"Sh. Nishant Sharma counsel for R-1 & R-2 requested for 3 weeks' time for filing the reply.*
5. *To the query of the Commission regarding action taken by DHBVN for compliance of order, the concerned SDO intimated that notices were issued to the RWA for billing through UBS portal as well as not to disconnect supply for non-payment of charges other than electricity bill.*
6. *The Counsel for R-4 also requested for some time to file the reply.*
7. *The Commission adjourned the matter and directed Concerned SDO, XEN and president of RWA to be present in the court and respondents to file their replies on next date of hearing.*
8. *The matter to come up next on 14/05/2025"*

9.14 It is evidently clear from the order dated 24.3.2025 and 7.5.2025 of the Hon'ble commission that the respondents were directed to file their reply regarding compliance of the CGRF order dated 15.10.2020 however, the reply filed by the Respondent no. 3 during the hearing dated 14.5.2025 was not report on compliance of CGRF order dated 15.10.2020 but reply of blame game against the petitioner clearly evidencing that the respondent no. 3 has nothing to say about the compliance of the CGRF order dated 15.10.2020 order. Therefore respondent no. 3 has filed a reply of denial without any supporting evidence only to mislead the Hon'ble Commission.



- 9.15 It is submitted that Bijender Singh president of respondent no. 3 appeared before the Hon'ble commission on the hearing dated 14.5.2025 and made a completely false and misleading statement- that only ten flat owners of Piyush heights have problem form the illegal collection of all charges form the wave plus dwell smart meter platform. Accordingly, to contradict his blatantly false assertion and misleading statement before this Hon'ble commission several residents have signed a letter highlighting their grievances against the illegal collection from the prepaid electricity meter platform. Therefore, by way of illustration few copies of the letters signed by the ...flat owners of Piyush heights sector: 89 Faridabad highlighting the objection against collection of all charges from the prepaid electricity meter platform are annexed.
- 9.16 It is further submitted that Bijender Singh admitted collection of all charges from the wave plus dwell smart meter billing wallet to reduce defaulters in the Piyush heights Housing society. Firstly, it is submitted that in the name of collection of charges an illegal process cannot be adopted to forcefully collect charges form the flat owners. Moreover, Bijender Singh has called the flat owners as "defaulter" which is completely false. The flat owner can be called defaulter for non payment of legal charges and not for non-payment of illegal charges. It may be noted that the district registrar of society Faridabad has passed two orders against collection of charges for renovation of towers but the respondent no. 3 is in complete violation of the two order of the district registrar of society Faridabad is continuously collecting illegal renovation charges of Rs 47551 plus interest as penalty for nonpayment of illegal charges. In the first interim order dated 11.1.2021 the district registrar declared the renovation charges as against the society Bye laws.
- 9.17 Thereafter in another order dated 28.4.2022 the district registrar of society Faridabad declared the renovation charges as outside the scope of the Haryana registration and regulation of society Act 2012(HRRS Act). Section 37 (4) of the Haryana Registration and Regulation of Societies Act, 2012, deals with the invalidity of resolutions passed by the Governing Body, General Body, or Collegium of a society. It specifies that any resolution passed during a meeting that is not consistent with the provisions of the Act, the rules framed thereunder, or the Byelaws, shall be deemed invalid. Therefore, the agenda of Renovation of towers is against the section 37 (4) of HRRS Act because, as per the order dated 11.1.2021 it is against the bye laws of the society and the in another order dated 28.4.2022 renovation of towers has been declared as outside the scope of the HRRS Act. Accordingly, the agenda for renovation of towers passed by the respondent no. 3 is invalid ab-initio. The relevant section 37 (4) of HRRS Act is reproduced below for reference by this Hon'ble commission:

*"Section 37(4) Any resolution passed by the Governing Body or the General Body or Collegium, as the case may be, during any of its meetings, which*

*is not consistent with the provisions of the Act or the rules framed thereunder or the Byelaws, shall be invalid. "*

Moreover, the illegal demand for an amount of Rs 47551/ forcefully demanded as renovation charges from the flat owners of Piyush heights sector 89 Faridabad has never been passed in any AGM of the respondent no. 3. It is pertinent to note that the interest is also imposed as penalty on the illegal demand for non-payment but the interest part imposed on penalty is not reflecting in the Invoice, but it is only reflecting on the website of no brokerhood. Interesting part is that if the payment is to be made it can only be made alongwith interest amount but there will be no account of interest amount paid to the Respondent no. 3 highlighting their intention to make unlawful gains. A copy of invoice for the illegal demand of Rs 47551/- alongwith the screen shot of no brokerhood showing the interest amount is annexed (colly).

Further illegally, legal fee of Rs. 1500 is being forcefully demanded and collected by respondent no.3 by way of penalty for legal expenses made by the respondent no.3 for contesting the cases filed by the flat owners against the illegal activities of the respondent no.3. This legal fee of Rs. 1500 has been imposed on the Flat owners to discourage them from filing case against the illegal activities of respondent no.3. This demand of legal fee is completely against the right to legal remedies granted by the constitution of India.

Accordingly, it is evidently clear how Bijender Singh the president of respondent no. 3 has tried to mislead the Hon'ble commission by using the word "defaulter" during the hearing on 14.15.2025 only to justify the illegal collection of all charges through the DWELL SMART METER BILLING PLATFORM.

- 9.18 It may be noted that the agendas of all the Annual general meetings of respondent no. 3 since 2018 have been the list of pending works of the respondent no. 4. Therefore since 2018 the pending works of the respondent no. 4 have been gradually completed by respondent no. 3 by siphoning the funds of respondent no. 3 association clearly evidencing CRIMINAL NEXUS. Bare perusal of Agendas mentioned in the Final minutes of the meeting dated 14.1.2025 for the AGM conducted on 22.12.2024 evidence the pending works of the respondent no. 4. Therefore, for easy collection of all illegal charges forcefully from the Flat owners without any hinderance the illegal process of collection of all charges from the electricity meter billing platform has been initiated from April 2025.
- 9.19 It is also noteworthy that the respondent no. 3 and respondent no. 4 did not stop the collection of all charges from the electricity meter despite the stay order dated 14.5.2025. Accordingly, only strict action against the respondent no. 3 and respondent no.4 can ensure compliance of CGRF order dated 15.10.2020 and any other order of this Hon'ble commission.

Para-wise reply

1. The contents of para 1 of the reply by respondent no. 3 is misleading and hence denied. It is submitted that the respondent no. 3 has cleverly tried to mix the Injunction proceedings against the respondent no. 3 before district court Faridabad which was for stopping the respondent no. 3 to change the fully functional Elmax electricity meter with Sumeru meter. Even the order of the district court annexed by the respondent 3 as annexure 1&2 of his reply evidence this fact. It may be noted that the respondent no. 3 in order to force the flat owners to change the electricity meter refused to recharge the prepaid electricity resulting in disconnection of electricity of the flat. Refusal of recharge of prepaid electricity meter by respondent no. 3 was done only to compel the Flat owners of Piyush heights sector 89 Faridabad to change the electricity meter resulting in huge illegal gains to respondent no.3. The respondent no. 3 wants to take benefit of his own mistake it does not want to comply with the provisions of law but cry foul if any case is file against them before any court. If they want no litigation they should company with the applicable provisions of laws. If they fail to comply with the provisions of applicable laws, definitely case will be filed against respondent no. 3 to ensure compliance. Moreover, if the stand of the respondent no. 3 was correct the High Court of Punjab and Haryana would not have granted stay against changing the electricity meter by respondent no.3. It is submitted that except for making tall and false claims of compliance with the Electricity regulations not a single page of evidence has been placed on record by respondent no. 3 to evidence compliance with the provisions of electricity Regulations and the CGRF court order dated 15.10.2020. Accordingly, this is a fit case for contempt proceedings against respondent no. 3 due to its blatant failure to comply with the CGRF order dated 15.10.2020. It may be noted that if the respondent no. 3 had complied with all the provisions of the electricity regulation because the notice dated 2.5.2025 directing respondent no.4 not to collect all charges form electricity meter was issued by the respondent no. 2 against the respondent no.4 because the electricity is in the name of Respondent no.4.
2. Content of para 2 of the reply filed by the respondent no. 3 is false and misleading hence denied. It is submitted that again no evidence has been placed on record to show that no manipulation of the meter software has been done. Moreover, the respondent no. 3 has given certificate of honesty to the respondent no. 2 who clearly supported respondent no.3 to continue the non-compliance of the CGRF order dated 15 10.2020 without any hurdle. Therefore, the respondent no.3 going overboard and giving clean cheat to respondent no.2 without any legal basis and evidence clearly show collusion between the respondent no. 2 and respondent no.3. The respondent no. 3 has not placed on record that they revised the rate in the electricity meter software from 7.25 to Rs. 5.5. by following the due process and letter of confirmation from respondent no.2. Further collection of all charges from the electricity from April 2025 is clear evidence of tampering of the meter software by respondent no.3. Moreover, the letter/ notice dated 2.5.2025 issued by

respondent no. 2 against collection of all charges from electricity meter prove the allegation of tampering of the meter software for to modify the meter software in such a manner so all types of charges can be collected from the electric meter billing software which the respondent no. 3 conveniently and in camouflaged manner called METER WALLET during the hearing on 1405.2025. The Dwell smart meter platform is a prepaid smart meter billing platform hence WALLET word is only a misleading statement. Actually, the wallet is associated with the Recharge amount of the prepaid meter which has been manipulated by the respondent no.3 to collect all charges from the electricity meter Billing platform. Bare perusal of the Dwell smart meter company website shows that it provides the services of smart meter billing platform hence wallet word is only disguise and hide the illegal collection of all charges from the prepaid meter WALLET.

Further proper scrutiny of the notice dated 2.5.2025 issued by the respondent no. 2 against collection of all charges from the electricity meter shows clear collusion between respondent no. 2 and respondent no. 3. It is fully known to the respondent no.2 that respondent no.3 is carrying out the common area maintenance and all the complaints by the flat owners regarding collection of all charges from electricity meter was made against respondent no.3. Despite such a situation the notice was issued in the name of the respondent no.4 without any mention of respondent no. 3. It is left to the understanding of the Hon 'ble commission to see the nefarious game of respondent no. 2 taking the shelter behind the technical ground that electricity is in the name of respondent no. 4. The respondent no. 2 could have issued notice to respondent no.3 also to stop such illegal collection process.

3. Content of para 3 A of the reply filed by the respondent no. is completely false and hence denied. The respondent no. 3 has made a serious attempt to mislead the commission by mentioning the writ petition no. 4464 of 2024 which has been filed by the respondent no. 3 but the respondent no. 3 has cleverly concealed fact that they filed the writ petition to stop the third party audit against the respondent no.3 process. However, the high court did not grant any stay against the third-party audit of all the accounts of respondent no.3. Further if the audit is complete then the respondent no.3 should have filed the final audit report alongwith the reply. It is submitted that the respondent no. 3 made all the attempt to stop the third-party audit of all the accounts of respondent no.3 at the instruction of the hon'ble chief Minister of Haryana. It may be noted that to stop the audit which they initially agreed before the district registrar, Faridabad, the respondent no.3 challenged the order for third party audit before the state registrar of society Haryana and registrar general of society Haryana. Since respondent no.3 failed to obtain any stay against the third-party audit, they filed writ petition 4464 of 2024 before High court of Punjab and Haryana which also did not grant any relief to respondent no. 3. Moreover, the CGRF court has ordered audit of account related to electricity and district registrar has ordered third party audit of all the accounts of respondent no.3. It may be noted that till date the petitioners

have not received any copy of the final audit report. In order to expose the false narrative of respondent no. 3 all the relevant order regarding the party audit of all the accounts of the Respondent no.3 is placed on record for understanding of this commission the misleading mindset of the respondent no. 3. A copy of relevant orders regarding third party audit of all the accounts of respondent no.3 is annexed herewith as Annexure- P/ 17 (colly).

Further the second para of the reply 3A of the respondent no.3 wherein respondent no.3 has made false & misleading submission regarding changing the electricity meter after passing the AGM which is a bogus claim because the respondent no. 3 acted beyond their power by changing fully functional electric meter of all flats (1086 number). Respondent no.3 cannot have agenda is AGM which is beyond their scope and power. Solely on this basis only the high court of Punjab and Haryana and district court has granted stay against changing of the electricity meter. Moreover, it is also against the section 37 (4) of HRRS Act 2012 referred above.

Further the respondent no.3 has claimed regarding complaints of PILFRAGE IN ELMAX meter but has failed to place on record any evidence regarding PILFRAGE which is certified by respondent no.2. Just making sweeping claims. Furthermore, assuming for a while that there is issue of PILFRAGE in one or two meter even then decision to change all the 1086 meters cannot be made on the basis of such one or two instances.

It may be noted that till date not a single certificate of sealing all the new replaced Sumeru meter issued by the respondent no.2 /DHBVN has not been shared with the flat owners thereby exposing the electricity meters to tampering at will by the respondent no.3. response to third para of para 3A it is submitted that the respondent no.3 had purchased SUMERU knowing fully well that the SUMERU company is in the process to be sold thereby clearly indicating the malafide intention of the respondent no.3. The respondent no. 3 has not placed on record any document to show that the new software obtained from DWELL has been changed in consultation and approval of the respondent no. 2/ DHBVN. In the absence of any approval / certification by respondent no.2/DHBVN regarding proper change of meter software only evidence that the meter software is open for tampering, and which has been proved by manipulation of meter software to collect all charges from the electricity meter software billing platform.

It is completely false statement on part of respondent no.3 to submit that ID and password of DWELL Smart Billing platform website is shared to all flat owners and is only half truth. The respondent no.3 has concealed the fact that the meter billing software is open for manipulation by the respondent no.3 acting in collusion with the DWELL smart meter billing platform company. The respondent no.3 with the help of DWELL smart meter billing platform company has changed the ID and password which was initially given by the DWELL smart company thereby preventing the access of targeted flat owners to the DWELL smart meter billing platform. It can be proven live before the court that the respondent no. 3 is making

blatantly false statement before the Hon'ble commission only to evade punishment and mislead the Hon'ble Commission. It may be noted that those flat owners who refused to pay the illegal renovation charges their ID and Password for the DWELL SMART METER BILLING PLATFORM was illegally changed from the backend by the respondent no.3. This is another evidence of software manipulation resulting in breach of Information technology Act 2000. It is submitted that from the above submissions it is evident that the respondent no.3 has Knack for indulging in several illegal activities for making huge illegal gains and the list is very long.

4. The content of para 3 B-C of the reply filed by respondent no.3 is completely false and is an attempt to mislead the Hon'ble commission. It is surprising that the respondent no.3 is not placing on record any document to show their innocence regarding not sharing of the ID password for the DWELL SMART METER BILLING PLATFORM but is making false and frivolous claims which is neither true nor relevant in respect of the ID and password. Further it may be noted that in absence of the ID and password the flat owner cannot check the detail of electricity consumption thereby exposing him to unnecessary deduction from the meter. Further without ID and Password the flat owner cannot recharge the electricity from the online DWELL SMART METER BILLING PLATFORM. The Flat owner are compelled to come to the maintenance office for electricity recharge where they are harassed by Naveen the maintenance manager of respondent no.3 who has been charge sheeted alongwith Bijender Singh, president of respondent no.3 for brutally assaulting a senior citizen in the maintenance office. Under such circumstance Several follow up to Naveen have to be made for recharging of electricity meter resulting in severe mental harassment to the Flat owners. The submission of the respondent no.3 clearly shows -that it is trying to run away from the allegation of not sharing the ID and password for DWELL SMART METER BILLING PLATFORM. The copy of the charge framing order against the maintenance manager Naveen by district court Faridabad has been annexed above. Moreover, if the commission wants several emails can be placed on record wherein the flat owners have been continuously requesting respondent no.3 for the ID and Password of DWELL SMART METER BILLING PLATFORM. A copy of few such emails requesting for ID and password have been annexed.
5. The content of para 3D of the reply filed by respondent no.3 is false and hence denied. It is submitted that Wallet is linked to the DWELL SMART METER BILLING PLATFORM wherein the recharged amount is deducted as per the rate fixed in the billing software. The greatest example of manipulation of electricity meter software is the modification of the DWELL SMART METER BILLING PLATFORM in such a way to collect all charges for which the respondent no.2 has already issued notice dated 2.5.2025 already annexed above as annexure. It is difficult to understand how the respondent no. 3 is making a futile attempt to segregate the meter Billing platform which has a wallet by simply using the word Wallet as if it is operating in isolation from the meter Billing Platform. To prove this, point a copy of the bill generated from DWEL

SMART Billing platform issued to Mr. Anurag Mohan after a complaint to the power Minister Mr. Anil Vij is relevant to be placed on record to expose the blatant false statement of respondent no.3. The bill generated from DWELL SMART METER BILLING PLATFORM clearly show that all charges are being deducted from the DWELL SMART METER BILLING PLATFORM from April 2025.

6. The content of Para 3D of the reply of the respondent no. 3 is false and misleading hence denied. It is pertinent to mention that in a clear attempt to mislead this Hon'ble commission the respondent no.3 has annexed such Bills as annexure 3 along with its reply which are for the month prior to April 2025. The respondent no.3 has deliberately avoided to place on record the Copy of Bill for the month of April when they manipulated the DWELL SMART METER BILLING PLATFORM software for collection of all charges from the DWELL SMART METER BILLING PLATFORM. No Bill for electricity consumption is provided by the respondent no.3. For the purpose of clarity and understanding of all the parties it is relevant to place on record the DHBVN Sales Circular no. D 23 / 2022 dated 30.08.2022 so that unnecessary verbal claims cannot be made by the respondents regarding billing compliance with sole intention to divert the issue and mislead the Hon'ble commission regarding compliance related to unified Billing Software for managing activities by the Builder/ Developer / Colonizer / Users Association inside the premise of their single point Supply.
7. The content of para 3 F of the reply filed by respondent no.3 is completely false and hence denied. The respondent no.3 wants the petitioners and this commission to believe its statement as gospel truth without any supporting evidence. If Bijender Singh is not an outsider, then the respondent no.3 should place on record the proof of ownership of Flat No. H-215 Piyush heights sector 89 Faridabad. Moreover, the respondent no. 3 also wants the petitioner and the commission to believe that it is of no relevance that the Bijender Singh, president of respondent no. 3 being an outsider who is chargesheeted in two criminal cases and named accused in about 8 FIR is quite normal. On the contrary it proves that that Bijender Singh is well capable enough to indulge in, series of non-compliance of the Electricity Regulation and the CGRF court order dated 15.10.2020 to make huge illegal gains. Aforesaid statement is proved by the letter dated 30.3.2025 issued by the President of respondent no. 3 Association informing about collection of all charges from prepaid electricity meter billing platform wave plus dwell smart meter billing platform. Moreover, said letter dated 30.3.2025 will become invalid if it is proved that Bijender Singh is an outsider and is not the owner of Flat no. H-215 sector 89 Faridabad in which some other person resides for last more than 2 years. It is relevant to place on record the copy of the Debt Recovery Tribunal, Chandigarh order wherein it is evidently clear that the Flat no. H -215 Piyush heights sector 89 Faridabad has been sold by the bank in settlement of home loan amount. Moreover, Bijender Singh is residing in I- 514 Piyush heights sector 89 Faridabad on rent and illegally controlling the respondent no-3 association with support of respondent no.4.

Moreover, if Charge sheeted criminals are president and maintenance Manager of respondent no. 3 and then it is more than certain that the main modus operandi will be to bully & harass the resident flat owners of Piyush heights who raise objection against the illegal activities of the respondent no.3. In this regard this commission is informed that after the hearing on 705.2025 the light of the flat No. N-114 Piyush heights of Mr. Anurag Mohan, representative of petitioner no. 1 was disrupted and could only be resumed after complaint to the Minister of Power Mr. Anil Vijo. Further after the hearing on 14.5.2025 the legally reserved car parking allotted to the petitioner no.2 was illegally and forcefully changed and given to a person who has not even purchased a parking from the Builder. Therefore, a criminal complaint was made by the petitioner n002 before the police and received a copy of the receipt in this regard.

We hope that the Commission understands as to how the respondent no. 3 operates/ functions within the housing society in bully manner without any hesitation and falsely claims that only 10 flat owners oppose illegal actions of respondent no.3.

8. The content of para 4 of the reply filed by the respondent no.3 is blatant false statement and hence denied. The respondent no. 3 wants the hon'ble commission and the petitioners to believe its statement only. The respondent no.3 has not made a single line submission as to what/ which direction of the CGRF court Order dated 15.10.2020 has been complied. Moreover, respondent no.3 failed to file a single piece of evidence to show the compliance. Just by making statement that they have complied with CGRF court order dated 15.10.2020 will not serve the purpose. Therefore, this is the most apt and fir case where the respondent no. 3 has not only blatantly failed to comply with CGRF court order dated 15.10.2020 but also went one step ahead and violated the CGRF court order and the Haryana Electricity Regulation by starting collection of all charges from the DWELL SMART METER BILLING PLATFORM from April 2025. Thus, the respondent no. 3 is fit to be punished with the most severe punishment provided under the electricity Act 2003.
9. Para 6 of the reply filed by the respondent no.3 is bogus and false hence denied. It is submitted that there is no submission made by the respondent no.3 which is true. From the very first line of the reply to the last line of the reply filed by the respondent no.3 all is only bunch of lies without any supporting evidence. Moreover, the additional documents annexed (Annexure R6/4) with the reply of the respondent no.3 is another attempt to mislead the Hon 'ble commission. On page 36-37 two-meter checking report dated 18.12.2020 has been placed on record without any head or tail to identify the same with Piyush heights flat. However, as per CGRF court order 15.10.2020 and the Electricity Regulation, certificate of checking of all the meter within the Piyush heights housing has to be provided by the respondent no.3 and 4. Moreover, the testing report does not specify ownership of meter to which flat number of Piyush heights sector 89 Faridabad has been tested. It can be testing report of any meter without any link to Piyush heights sector 89 Faridabad. In the absence of data to certify the identity of



attached meter testing reports dated 18.12.2020 is completely BOGUS and is an attempt to mislead the commission and hide the misdeeds of respondent no.3. Therefore, to be transparent and fair the Hon'ble commission is requested to ask meter testing report for randomly chosen flat number of all the towers to check the veracity of the claim which has been made by the respondent no.3 by only to mislead and hide its illegal activities.

Further the documents annexed by the respondent no.3 as annexure (AnnexureR6/4) with its reply from page 38-45 are irrelevant and BOGUS because all documents are dated prior to the date of the CGRF court order which is 15.10.2020. Bare perusal of the document shows that most of the documents are of the year 2016 and rest are of the year 2019. This clearly show the tendency of the respondent no. 3 to mislead this Hon'ble commission. How these bogus documents are even relevant to show compliance of order dated 15.10.2020.

Important Point on validity of Governing body of respondent no.3 after order dated 24.4.2025 of state registrar of society Haryana:

The election process through which of the current governing members of respondent no.3 were challenged on the ground of several discrepancies. The district registrar of society in biased and arbitrary manner passed an order dated 1.10.2024 without any hearing allowing the illegal election. The said order of the district registrar of society Faridabad was challenged before state registrar of society Haryana who was please pass the order dated 24.4.2025 thereby remanding the order dated 1.10.2024 of the District Registrar of society Faridabad on highlighting several serious discrepancies in the order dated 1.10.2024 passed by the District registrar of society Faridabad. It is general understanding that the order which is remanded back become ineffective. Since the election of the Respondent no.3 was conducted on the basis of the order of the district registrar Faridabad. Hence, the election of the respondent n003 has become invalid rendering the current governing body of respondent n003 invalid. It also highlights how Bijender Singh is illegally clinging to the post of president of respondent no.3. Accordingly, a complaint bearing 306/2023 against the district registrar of society Faridabad before Lokayukta Haryana has been registered for passing series of biased and illegal order in favour of respondent no.3.

Prayer:

Accordingly, it is prayed that the Hon'ble commission may:

1. Direct the respondent no. 3 and 4 to immediately stop collecting all charges from the DWELL SMART METER BILLING Platform.
2. Direct the respondent no. 3 & 4 to refund within 7 days all the amount collected apart from electricity from through DWELL SMART METER BILLING PLATFORM Wallet from April 2025 because respondent no. 3 has collected illegal charges also.
3. Direct the Respondent no. 3 & 4 to comply with all the direction of CGRF court order dated 15.10.2020 (1-11) as provided in the tabular chart above including order of this Court within 7 days.

4. Direct the respondent no. 3 & 4 to immediately provide the ID and password of the DWELL SMART METER BILLING PLATFORM through registered email of each flat owner of Piyush heights sector 89 Faridabad.
5. Direct the respondent no. 2 to ensure that all the compliance of all the direction in prayer no. 1 ,2 ,3 and 4.
6. Pass the order for severe punishment AGAINST RESPONDENT NO. 3 AND 4 as provided under section 142 AND 146 OF THE ELECTRICITY ACT 2003.
7. Pass any other order which the Hon'ble commission may deem fit under the given facts and circumstances.

**10. Report Submitted on 14/08/2025 by R-3:**

In compliance of the order passed by this Hon'ble Court on 14/05/2025.

Sr. No.	Direction	Compliance by	Remarks
1	SDO is directed that previous record of energy bills delivered by the RWA to individual consumers may be scrutinize in light of relevant provision of the regulation of April 2020	SDO	<p>The respondent no. 3 has submitted the below mentioned data to the XEN and SDO (receiving attached).</p> <ol style="list-style-type: none"> <li>1. Audited Balance Sheets (Including Third-Party Electricity Audits) for the Last 5 Financial Years i.e.2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024</li> <li>2. Electricity Bills Received from DHBVN: 30 bills submitted (monthly)</li> <li>3. Meter Test Report &amp; BIS. Certification</li> <li>4. Individual Electricity Bills of 60 Residents.</li> <li>5. Sumeru Verde Test Reports of Meters Note: Sumeru Verde was official vendor of the respondent no. 3 who installed the prepaid smart metering system in the society. The company has ceased operations in year 2022.</li> <li>6. Notices and Circulars issued to Residents Regarding Electricity Circular dated 20/10/2024 - Grid Revision Circular for Grid Revision dated 19/06/2025 Notice dated 26/11/20 ~Grd Revision</li> <li>7. Letters to SDO Regarding Tariff Revision and Prepaid Metering System: Letter dated 03/12/2020 regarding grid rate revision in accordance with CGRF order Letter dated 13/05/2025 tariff and meter related concerns</li> </ol>

			<p>8. Consolidated Resident Data from September 2023 to May 2025</p> <p>9. Comparison sheet of bill received from DHBVN and Recharge amount received from residents from April 24 to March 25 already submitted on 16/05/2025 at SDO office.</p> <p>Excel Sheet of consolidated resident data from September 2023 to March 2025 has been Emailed to DHBVN on their Email address.  <a href="mailto:xenopgreaterfaridabad@dhbvn.org.in">xenopgreaterfaridabad@dhbvn.org.in</a>  <a href="mailto:sdoopkherikalan@dhbnn.org.in">sdoopkherikalan@dhbnn.org.in</a></p> <p>As such the requisite information has been furnished to SDO for compliance of first direction.</p>
2.	SDO is directed to ensure that the electricity being consumed by the individual consumers and the common area is recorded separately and billed separately	SDO	<p>It is submitted that as of now the electricity charges of the common areas are being paid from CAM and no separate bills for common area electricity are combined with the electricity charges for the individual consumers. The individual bills have been furnished to SDO. More than 50 such bills of different residents have been given to the SDO. Also, open invitation has been extended to the electricity department to visit and inspect society and RWA would fully cooperate and provide necessary support. As such the requisite information has been furnished to SDO for compliance of first direction.</p>
3.	SDO and RWA must ensure that the energy meter records by licensees supply and DG set consumption separately and also no one is authorized to make changes in the individual energy meter put up by RWA to account for any other charges other than electricity. In precise terms, it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses, charges, whatsoever,	SDO and RWA	<p>RWA billed electricity charges and DG set expenses separately and there is no mix up in these two categories. Further it is submitted that there is no tampering with any electricity meter. The meters transmit data to the society app, and billing is done strictly as per DHBVN norms. The app is also used for managing CAM charges and lift maintenance charges. To our knowledge, there is no prohibition under HERC regulations against using a single app for multiple purposes. It is a non electricity issue and it is internal matter of the society.</p> <p>Residents receive daily and monthly electricity consumption records. Sample bills are attached for reference.</p> <p>Prepaid System in Compliance:</p>

	to maintain complete transparency and to keep the electricity related records available for its scrutiny by the licensee.		<p>The society follows a pre-paid electricity metering system. Meaning thereby a person recharges his Wallet with Rs. 100/-, if after usage his electricity bill is Rs. 85/- then Rs. 85/- will be deducted from his Wallet.</p> <p>If there are any specific HERC guidelines prohibiting multi-utility apps, we request that these be shared with us for review and compliance.</p> <p>Further it is submitted that RWA is keeping the electricity business separate from other expenses and there is no mixup. Further it is submitted that RWA also maintains the record of electricity to maintain complete transparency. In compliance of the order the audited balance sheet (including 3<sup>rd</sup> party electricity financial audits) for last 5 years from 2019-20 to 2023-24 have been handed over to the SDO.</p>
4.	SDO is directed to issue notice to RWA/Developer maintaining the individual meters inside the society to comply with the directions as contained in the regulation and ensure compliance of the notices so served under the provision of law.	SDO	<p>From the data given above it becomes evident that RWA is maintaining the individual meters inside the society and complying with the directions as contained in the regulations.</p>

**Additional points: -**

That the complainants namely Anil Kumar Sing and Arvind Mukharjee cannot maintain this execution by any stretch of an imagination as Mr. Anil Kumar Singh and Arvind Mukharjee are not using the society metering system, therefore, they are not aggrieved, if at all, by the system adopted by the society for the other residents. They have no locus standi to file the instant execution as they are not the affected party.

**10.1 Non-Usage of Society Electricity System:**

Mr. Anil Kumar Singh and Mr. Arvind Mukherjee are not utilizing the society's electricity distribution system. They have filed a case before the Hon'ble High Court against the RWA and DHBVN, wherein the Court has stayed the implementation of the Society Electricity Monitoring App and Billing System in their case.

#### **10.2 Unauthorized Recharge System:**

Both complainants are managing their own recharge system and maintenance independently, without any oversight from the RWA. Additionally, four other residents are using the old electricity system in a similar manner, making a total of six residents for whom the RWA has no consumption or billing data on record. RWA is recharging their electricity from the software they are providing.

#### **10.3 Chronic Defaulters:**

Mr. Anil Kumar Singh is among the largest defaulters since the builder's period. He has consistently failed to pay Common Area Electricity (CAE), Common Area Maintenance (CAM), and additional society maintenance charges. His only apparent objective is to defame society and destabilize the RWA. A detailed statement of his latest outstanding dues is attached

#### **10.4 Court Penalties for Malafide Intentions:**

On two occasions, the Civil Court has imposed penalties on Mr. Anil Kumar Singh for filing frivolous cases aimed at destabilizing the society. Relevant court orders are attached. The copy of the orders dated 11.01.2023 and 19.04.2021 are annexed

#### **10.5 Habitual Litigation and Misconduct:**

Mr. Singh has filed over 30 complaints against the society and has consistently lost in every instance, clearly establishing his malicious intent. He was removed from the post of President in 2018 due to misconduct and has since continuously dragged the society into unnecessary legal battles. He is also known for using abusive and inappropriate language against government officials.

10.6 That the answering respondent was never in contempt and has complied with the directions back in the year 2020 and the same has been intimated to the then SDO who has duly acknowledged the receipt of the record by giving the receiving of documents.

10.7 That it is submitted that RWA has provided the audited balance sheet of 5 years and complete data since 2023 as before that there was a fire incident occurred in the society on 13.11.2023, which is known to everyone, regarding the fire occurrence even the matter has been reported to police. In that fire occurrence the complete records have been destroyed, even the fire brigade could not save the loss at the spot. It is submitted that there is nothing to hide by the RWA and the balance sheets have already been furnished. Copy of the police report is annexed

#### **10.8 Responsibility for Internal Distribution:**

DHBVN has provisioned single point of supply to the society. The society bears all costs of internal distribution, electricity infrastructure maintenance along with running lifts, water supply, and other essential services. These costs are managed through CAM funds. Non-payment of CAM charges by certain individuals puts an undue burden on society, which must ensure timely payment of utility bills, employee salaries, and

operational expenses as the society doesn't have any kind of grant or subsidies from any external agency.

- 10.9 That it would be pertinent to state here that the XEN and SDO submitted that the orders of the CGRF have already been complied with by the answering respondent and for the ready reference of the order dated 14.05.2025 passed by this Hon'ble Commission, the order dated 14.05.2025 is annexed. The relevant portion of the order is reproduced herein under for the ready reference of this Hon'ble Commission:

*"At the outset, the XEN and SDO submitted that the orders of the CGRF have already been complied with."*

It is therefore, respectfully prayed that the filing of the execution is nothing but gross abuse of the process of law by the applicants and the execution petition may be dismissed with exemplary costs.

11. The case was heard on 20.08.2025, Sh. Adeep Sharma, counsel for the petitioner submitted that the reply has not been filed by R-3 in prescribed time frame of two weeks further there is no compliance of the orders of CGRF till date. Ms. Sonia Madan counsel for the respondent-DHBVN submitted that RWA has provided data for 3 years only till date and requested for directing the respondent RWA to provide complete data and further requested two weeks' time to file the reply after receipt of the data. Ms Madan also stated that she would share with petitioner data already received from the respondent No 3. The Counsel for the petitioner also requested to allow him to file the rejoinder to reply of RWA as well as after receipt of reply from DHBVN. Acceding to request of the parties, the Commission adjourned the matter and directed the respondent-RWA to submit complete data with advance copy to the parties within two weeks, the respondent-DHBVN to file its reply within two weeks of receipt of data with advance copy to the parties and petitioner to file its rejoinder within one week thereafter. Acceding to request of the parties, the Commission adjourned the matter and directed the respondent-RWA to submit complete data with advance copy to the parties within two weeks, the respondent-DHBVN to file its reply within two weeks of receipt of data with advance copy to the parties and petitioner to file its rejoinder along with any other submissions within one week thereafter.

**12. Compliance of orders Dt. 09.07.2025 by respondent no. 1 & 2:**

- 12.1 The Petitioner has filed the above titled petition under Section 142 read with Section 146, Section 149 and section 150 of the Electricity Act 2003, read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of direction to the Respondents to comply with the order dated 15.10.2020 passed by CGRF, DHBVN, Hisar in case no. 3114/2020.

- 12.2 The Hon'ble Commission, vide the interim order dated 09.07.2025, had directed the RWA (Respondent No. 3) to file the complete requisite data within 2 weeks, pursuant to which Respondent Nos. 1 & 2 were directed to file reply within 2 weeks of the receipt of the data. However, the data has been belatedly filed by the RWA through email dated 14.08.2025. In view thereof, the submissions after examining the data, are being set out as under.
- 12.3 The Respondent No. 3 i.e. RWA has submitted data for the last 5 years, comprising 2 years' data in month-wise Excel format and 3 years' data in year-wise balance sheet format. After going through the data submitted by RWA, it is observed that the RWA has not been raising energy bills to individual consumers as per Nigam's instructions. The RWA has not adopted the Unified Billing Software (UBS) till date for raising bills to residents.
- 12.4 That upon verification of the data furnished, it has been observed that the RWA has been raising energy charges to the residents at rates lower than the bills raised by DHBVN against the single-point connection, as is evident from the ledger copy enclosed herewith and marked as Annexure R-4. The resultant shortfall/difference of Rs. 77.72 lacs for the period from October 2023 to March 2025 has been met by the RWA out of the common funds of the society, as evidenced by the computation enclosed herewith and marked as Annexure R-5. It is further submitted that, upon scrutiny of the records furnished by the RWA, it was found the data pertaining to the Petitioner's flats, i.e., D-116 and F-115, has not been provided. However, it has been confirmed by the RWA that electricity dues of the said flats are being paid by them.
- 12.5 The Respondents respectfully submit that the Ld. CGRF had directed that the energy meters must record the licensee's supply and DG set consumption separately. In this regard, on examination of the bills furnished by the RWA, it has been observed that the said bills contain separate columns indicating DG set consumption and DHBVN supply consumption raised to the residents. In this regard, copies of the bills issued by the RWA are also enclosed.
- 12.6 In view of the foregoing facts and submissions, it is most respectfully prayed that this Hon'ble Commission may kindly be pleased to take on record the present submissions along with Annexure R-4 to Annexure R-6 and hold that the Respondent Nos. 1 and 2 has duly complied with the directions of this Hon'ble Commission and the Ld. CGRF to the extent applicable to it, and be pleased to pass such other or further orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case, in the interest of justice.
13. The case was heard on 09/10/2025, None appeared on behalf of respondent 4 and 5. Ms. Monika Chhibber, counsel for the petitioner submitted that the rejoinder has been filed and partial compliance has been made by the respondents. The proxy counsel for respondent 3 submitted that adjournment has already been sought vide email dated 08/10/2025. He further submitted that the rejoinder has been received

two days back only and some more time is required to file their replication. Ms. Sonia Madan counsel for the respondent-DHBVN submitted that RWA has provided data for 3 years only and audited balance sheets have been provided for remaining period. Based on the data provided DHBVN has submitted the reply indicating that although the billing is not being done through universal billing software (UBS) but there is no excessive charging by RWA as observed from the bills further copy of the rejoinder has not been received. Acceding to request of the respondents, the Commission adjourns the matter and directs the parties to appear for final arguments on next date of hearing. Further, respondent 3 to 5 are directed to provide the details of persons responsible for managing the affairs with in 4 days. The said persons will appear in the court on the next date of hearing.

**14. Rejoinder to Compliance report submitted on 09/10/2025:**

Respondents Rejoinder/ counter on behalf of petitioner to compliance report filed by respondent no. 3 dated 06.08.2025 pursuant to orders of this Hon'ble Court dated 09.07.2025.

RESPECTFULLY SHOWETH:

- 14.1 That the above captioned matter is posted before the Hon'ble Court and is listed for 09.10.2025.
- 14.2 That vide interim order dated 09.07.2025 this Hon'ble Court had directed respondent no. 3-RWA of Piyush Heights Sector 89, Faridabad to submit complete data with advance copies to the parties within two weeks with further directions that the respondent no. 1 and 2 i.e. DHBVNL shall file its reply within two weeks of the receipt of the data from respondent no. 3 with advance copies to the parties and petitioners who shall then file rejoinder along with other submissions within a period of one week thereafter. The matter was posted for 20.08.2025. In complete disregard to the directions of this Hon'ble Court directing respondent no. 3 to file compliance report of submission of complete data with DHBVNL the respondent no. 3 filed its compliance report on 06.08.2025 i.e. merely 14 days before the date fixed. When the matter was listed on 20.08.2025 the Hon 'ble Court was duly apprised of this fact. On the said date i.e. 20.08.2025 the counsel representing respondent no. 1 and 2 DHBVNL further apprised the Court that respondent no. 3 RWA has provided data for three years only till date and further directions were sought from the Court that respondent-RWA to provide complete data and the counsel for DHBVNL further sought two weeks time to file reply after receipt of the said data. The court also directed the petitioner counsel to file rejoinder to compliance report filed by RWA and also to reply filed by DI-IBVNL.
- 14.3 That the RWA was directed for due compliance with regard to submission of complete data within a period of two weeks and further two weeks were granted to DHBVNL to file its reply and petitioner was granted one week thereafter to file rejoinder. However, no steps have been taken by respondent no. 3 till date nor any reply has been received by the petitioners from DHBVNL which would facilitate petitioner to file rejoinder to reply of respondent no. 1 and 2 i.e. DHBVNL. Faced with the



situation petitioner has no choice but to file rejoinder to the limited compliance done by respondent no. 3 vide its compliance report dated 06.08.2025 which is being filed through present affidavit.

- 14.4 That the intentions of respondent no. 3-RWA are malicious which is writ large from the fact that despite orders of this Hon'ble Court dated 09.07.2025 only part compliance was done and incomplete data of three years was provided as against the complete data. Even otherwise the compliance report dated 06.08.2025 received from respondent no. 3-RWA is grossly inadequate and non compliance with the directions of this Hon'ble court. It merely contains a tabulated chart covering only three out of 7 compliances mandated by the Hon'ble Court vide its order dated 15.10.2020 in case no. 3114/2020 (CGRF DHBVN Hisar). Even these entries which are furnished are without any supporting evidence therefore the same are unauthentic and non reliable, rather the entire evidence being annexed appears to be fabricated. The delay in submission of the partial compliance report by respondent no. 3RWA indicates a deliberate attempt of respondent no. 3-RWA to buy time and avoid the contempt of the Hon'ble Courts order. It would be apt to submit here that the present proceedings filed by the petitioners are execution proceedings in nature which have been filed under section 142 read with 146, 149 and 150 of Electricity Act 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020, whereby petitioner is seeking directions to respondents for strict compliance of the orders dated 15.10.2020 passed by CGRG, DHBVNL Hisar.
- 14.5 That respondent no. 3-RWA has submitted data of last 5 years comprising two years data monthly wise Excel format and three years data year wise in balance sheet format. On perusal of the said data it is apparent that RWA has not been raising energy bills to individuals as per instructions of DHBVN. It is further necessary to mention that RWA has not adopted the Unified Billing Software (UBS) till date for raising electricity bills to the residents. The said excel sheet (converted into PDF form) is highly questionable and cannot be taken into consideration by this Hon 'ble Court. Even otherwise respondent no. 1 and 2 SDO and XEN concern cannot treat the same to be legitimate 5 years user-wise electricity usage record. Not only this in complete disregard to the directions of the Hon'ble CGRF in place of providing electricity audit and an unauthentic Excel/ PDF document and that too without any stamp, signature or certification is being projected as compliance as compliance report which raises questions and doubts so far authenticity of the same is concerned. Hence the same cannot be considered as valid. Even as on date the bills annexed as Annexure A/1 dated 01.05.2025 shows that the power consumption are not as per the DHBVNL guidelines. It is also apparent to mention here that the said bill was obtained under pressure through an Email to the power minister Haryana, the bill clearly depicts other charges being charged through electricity meter billing software and no description of DG consumption. Even the letter issued by respondent no. 3 dated 19.06.2025 Annexure A-2, shows that respondent no. 3 is charging higher rate of electricity than DHBVNL rates

by adding the fix charges to per unit rate of electricity which is reflected from the electricity bill of DHBVNL.

- 14.6 That furthermore the justification given by respondent no. 3 RWA for adopting new meters and billing system is baseless. It would be apt to mention that old meters were running and functional but were replaced under the guise of providing a future proof solution which even till date as acknowledged by DHBVNL remains unimplemented.
- 14.7 That in the compliance report RWA has asserted that they have been raising electricity charges to residents at lower rate than the bills raised by DHBVNL against single point connection (as reflected from ledger copy Annexure R-4). It is further asserted by respondent no. 3-RWA that the shortfall/ difference of Rs. 77.72 Lakh for the period October 2023 to March 2025 has been met by respondent no. 3-RWA out of common funds of the Society computation thereof annexed as Annexure R/ 5. Upon scrutiny of the record of the RWA it is reflected that data pertaining to petitioner's flat DI 16 and F1 15 has not been provided, however, the RWA confirms that electricity amount with respect to said flats have been paid by them. The entire assertions as mentioned above of respondent no. 3-RWA is only with the intention to mislead and confuse the Hon'ble Court. The common area electricity forms an integral part of common area maintenance and is already budgeted as component within the same. It is further submitted that petitioners flat i.e. DI 16 and F1 15 still continue to have old meters by virtue of directions of the Hon'ble Punjab and Haryana High Court (admitted by respondent no. 3 in para 3 of the respondents reply), However, respondent no. 3 RWA is till charging them as higher rate since April 2018 till date. It is therefore, requested that respondent no.3-RWA be bound to disclose an account for the surplus amount collected from the consumers and the said amount further be directed to deposited in the form of FD till their disposal of writ petition before the Hon'ble High Court. The fact that the electricity bill annexed by respondent no. 3 have not been received by the owners of the respective flat is apparent from Email dated 23.08.2025 (Annexure A-3) of Parveen Sikka (owner flat no. B 1016 which clearly shows that the bill at page no. 11 of the compliance report was never received by the owner of the flat and appears that this has been manufactured by RWA for the purpose to mislead this Hon'ble Court. It is also apparent to mention that the residents have been addressing mails to SDO concerned/DHBVNL regarding denial of excess to the Dwell smart meters of the by RWA respondent no. 3 by changing the ID and password for the respective flat owner from the back end without any authority. Such Emails dated 26.08.2025, 10.04.2025 and 23.07.2024 are annexed (Colly).
- 14.8 That further the stand of the respondent no. 3-RWA that the energy bills contains separate columns indicates DG set consumption and DHBVNL supplies consumption as raised to the residents reference to Annexure R-6. It is humbly submitted that in terms of the orders of the CGRG dated 15.10.2020, it is clearly mandatory that DG (Diesel Generator) billing must be raised separately through an independent bill therefore, contrary to the directions of CGRF respondent no. 3/ RWA has been continuously fabricating the bills by including DG charges on the same

line and in the same bill without any authentication of the calculation and without any relevant proof. Resultantly, consumer is compelled to pay the highest DG rates without any transparency or justification. This act and conduct of respondent no. 3 RWA is in clear violation of directions of Hon'ble CGRF and is also a deliberate attempt to mislead the Hon'ble Court.

- 14.9 That it is further submitted that there are numerous defects in the bills submitted by respondent no. 3-RWA as there is no bill for the period prior to September 2023 or after March 2025, the bills which have been attached are primarily of the persons who are either office bearers of RWA or their close associates, no bill has been attached with respect to the flats of the petitioner or other residents except those mentioned and were either Ex-official members of the RWA or the persons who are directly related to the builder.
- 14.10 The respondent no.3 with malafide intention to derail / divert the execution petition has tried to project the execution petition as the grievances of only two petitioners which is not only false and misleading but also injustice to 1086 flat owners of Piyush heights sector 89 Faridabad. The flat owners are suffering the high handedness of the respondent no. 3 who is fully supported by respondent no.4. In this attempt the respondent no. 3 has focused less on writing about the compliance report and has written more on the conduct of the petitioner no. 1 showing their malafide intention only to mislead this court. If the petitioner no. 1 has not paid any legal due the respondent no. 3 is well within its rights to file the recovery suit against him. The respondent no. 3 cannot illegally punish the 1086 flat owners for his claim against the petitioner no. 1. It is pertinent to point out that the petitioners have already annexed letters signed by 27 flat owners alongwith the rejoinder wherein 27 flat owners of Piyush heights have raised their grievances against the respondent no. 3 regarding non-compliance of the CGRF court order dated 15.10.2020.
- 14.11 It is surprising that the respondent no. 1, 2 and 3 have filed compliance report of CGRF court order but still the maintenance charges and the lift charges are being collected by the respondent no. 3 through the Dwell smart meter electricity billing software, meaning thereby if anyone objects to the payment of lift charges or the maintenance charges his electricity will be disconnected immediately forcing him to pay the said charges without any objection. Now collection of illegal charges without any objection from the flat owners has become easy.
- 14.12 Further the respondent no.3 is charging higher rate of electricity by adding the fixed charges per unit, which is illegal and arbitrary, hence compliance reports filed by respondent no. 1, 2 and 3 are completely false as it is without any legal and factual basis.
- 14.13 Moreover, no electricity bill is being provided by the respondent no.3 to the flat owners of Piyush heights on monthly basis. It may be noted that the bills which have been submitted alongwith the compliance report of the respondent no. 1 & 2 have been manufactured for the purpose of filing the compliance report before HERC. Moreover, the Bills provided are of the persons who are either the current member of Governing body

of respondent no.3 or are ex governing body member or their wife or close associates of RWA who have been directly supporting the illegal activities of the respondent no.3. Interestingly deliberately no electricity Bill for the months after March 2025 has been submitted alongwith the compliance report of the respondent no. 1 and 2 because from April 2025 the collection of all charges through the Dwell smart meter electricity billing platform was started by the respondent no. 3. Further the electricity bill of flat no. H-215 showing the ownership of Bijender Singh has been submitted whose ownership to flat no. H-215 Piyush heights sector 89 Faridabad is seriously doubtful after the order of DRT Chandigarh thereby proving that the electricity bill submitted with the compliance report of respondent no. land 2 is manufactured for filing the compliance report before HERC.

- 14.14 The respondent no. 1 and 2 have not left any stone unturned to anyhow support the continuous breach of the CGRF court order dated 15.10.2020 and the provisions of the electricity Act by not taking any action against the respondent no. 3 for the violation of the CGRF Court order and the Haryana electricity regulations despite giving notice. Furthermore respondent no. 1 and 2 have blindly supported the misleading and false compliance report of the respondent no. 3 blindly without even checking the authenticity of the bills and the documents provided by the respondent no. 3 clearly showing the nexus between the respondent no. 1, 2 and 3. Interestingly there is not even a whisper in the compliance report of the respondent no. 1 & 2 about the collection of other charges form the electricity meter by the respondent no. 3 despite giving notice dated 5.2.2025 to the respondent no.3. There is no question as to why the respondent no. 3 is collecting maintenance charges and the list modernization charges through Dwell smart meter electricity billing platform? Moreover, there is no question about the why the respondent no. 3 is charging higher rate of electricity by adding the fixed charges per unit resulting in huge illegal collection of money by respondent no.3? It is also important to point out that respondents no 1 and 2 failed to question respondent no. 3 as to why despite being notified the ID and password of the Dwell smart meter website is not being provided to the flat owners of Piyush Heights? It seems that the respondent no. 1 and 2 have selective amnesia in favour of the respondent no. 3 and 4. Therefore, it can safely be said that the compliance report submitted by respondent no. 1, 2 and 3 is evasive and is based on incorrect facts and hence cannot be taken into consideration. In view of aforesaid submissions it is therefore, respectfully prayed that:
- i. Respondent no. 3/ RWA has not fully complied the directions of CGRF DHBVN Hisar, order dated 15.10.2020, hence is in contravention of the directions of the Hon'ble Court and is amenable to punishment under section 142 read with section 146 of the electricity Act.
  - ii. The respondent no. 3 is guilty of fabricating defective audit report (reference Annexure R-5 and R-6), which is in complete violation to interim directions of the Hon'ble Court which directed a tabular compliance format, hence respondent no. 3-RWA is guilty of the contempt of the Courts directions.

15. The case was heard on 16/12/2025, Advocates abstained due to strike call by Bar Association, Punjab & Haryana High Court, Chandigarh. Sh. Anurag Mohan on behalf of petitioner submitted that no compliance has been made by the respondents till date. To the query of the Commission, Sh. Sunil Chawla SDO and Sh. Bijender Singh, President RWA submitted that the CGRF order has been complied with and referred compliance reports already submitted. After detailed deliberations by the parties, the Commission observed that the arguments advanced by the parties are not leading to any conclusion, thus directs the parties to submit their written submissions within four (4) weeks and reserves the order.

**Commission's view & order:**

1. The petition has been examined in detail along with the reply, additional submissions and rejoinder on record. The pleadings, written statements and oral submissions show that the core grievance of the petitioners is alleged non-compliance of the CGRF order dated 15.10.2020 and alleged illegal acts by the RWA and DHBVN officials, particularly the SDO, in relation to billing, metering and collection of electricity related charges in a single point supply regime.
2. The petitioners allege prolonged non-implementation of the CGRF order and raise multiple grievances concerning billing practices, segregation of electricity charges, alleged manipulation of prepaid metering systems, coercive recoveries, and alleged collusion between the Resident Welfare Association (RWA), the builder, and officials of Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN), particularly the concerned Sub-Divisional Officer (SDO).
3. As per clearly defined outlines of the Commission's jurisdiction, the Commission is not sitting in appeal over the CGRF order, nor is it adjudicating a fresh consumer dispute. The issue before the Commission is confined to examining:
  - 3.1 whether the statutory directions issued by the CGRF deriving authority under Section 42(5) of the Electricity Act, 2003 have been implemented in substance; and
  - 3.2 whether regulatory or supervisory intervention is warranted to secure compliance.
4. The Commission took notice of the following facts:
  - 4.1 That under the Electricity Act, 2003, regulatory orders issued either by the Commission or by statutory forums functioning under its

framework must be rendered effective. An order allowed to remain unimplemented for years undermines regulatory discipline and erodes consumer confidence in the statutory architecture.

- 4.2 That electricity supply to the subject premises is governed by the Electricity Act, 2003; tariff orders issued by this Commission from time to time; and the HERC (Single Point Supply) Regulations, 2020.
- 4.3 That under the Single Point Supply regime, while electricity is supplied at a single point by the distribution licensee, tariff discipline, segregation of charges, and consumer protection obligations continue to operate with full statutory force. The RWA functions only as an intermediary and does not acquire the status of a licensee or authority to override tariff orders, club non-electricity charges, or deploy disconnection as a coercive recovery mechanism.
5. The CGRF order dated 15.10.2020 is detailed, reasoned, and unambiguous. It records a categorical finding that the concerned SDO had failed to appreciate and enforce the provisions of the HERC (Single Point Supply) Regulations, 2020, particularly Regulation 5.3 (consumer protection) and Regulation 6.1(c) and (d) (metering and billing discipline).
6. The CGRF expressly held that:
  - 6.1 the SDO does have a substantive regulatory role under the SPS framework;
  - 6.2 RWAs or developers cannot charge electricity tariff in excess of that approved by the Commission;
  - 6.3 electricity billing must remain completely segregated from CAM, DG, maintenance or other non-electricity charges;
  - 6.4 individual and common area consumption must be separately metered and billed; and
  - 6.5 the distribution licensee is empowered and obligated to scrutinise past and present billing records issued by the RWA.
7. These directions are not advisory in nature. They are statutory guidelines flowing from the Electricity Act, 2003 and the Regulations framed thereunder, binding upon both the distribution licensee and the RWA.
8. From the material placed on record, it emerges that subsequent to the CGRF order:
  - 8.1 DHBVN issued a notice dated 23.12.2022 directing implementation of the Unified Billing Software (UBS) in terms of Sales Circular No. D-23/2022 dated 30.08.2022;

- 8.2 technical assistance and training were extended;
- 8.3 a further notice dated 11.04.2025 reiterated compliance requirements; and
- 8.4 upon noticing clubbing of CAM and backup power charges with electricity charges, a specific notice dated 02.05.2025 was issued prohibiting such practice and warning against disconnection for non-payment of non-electricity dues.
9. These measures demonstrate that the distribution licensee did not remain entirely passive. However, the Commission is constrained to observe that mere issuance of notices does not exhaust statutory responsibility, particularly when non-compliance or partial compliance persists over an extended period. The petitioners have levelled serious allegations of manipulation of prepaid meter software, denial of access to consumption data, extortion, criminal conspiracy, and collusion between the RWA, builder and DHBVN officials.
10. The Commission does not underestimate such allegations. However, regulatory adjudication under the Electricity Act must rest on cogent material establishing violation of statutory provisions. The allegations are largely founded on inference, suspicion and narrative assertions. No technical audit report, meter tampering report, forensic data, or authenticated documentary material demonstrating breach of the Act or Regulations by DHBVN officials has been placed on record.
11. The RWA has denied the allegations and asserted that accounts have been audited pursuant to directions of the Hon'ble High Court and that no manipulation has occurred. These disputed questions of fact cannot be conclusively adjudicated in execution-type proceedings before this Commission.
12. Several issues raised by the petitioners such as criminal antecedents of RWA office bearers, alleged siphoning of funds, validity of AGM resolutions, and builder-RWA nexus—fall outside the adjudicatory competence of this Commission and lie within the domain of civil courts, criminal courts, or authorities under other statutes. The prayers seeking registration of FIRs or criminal prosecution cannot be granted in proceedings under the Electricity Act, 2003. Regulatory discipline requires firmness without jurisdictional overreach.
13. The CGRF order dates back to 15.10.2020, whereas the present proceedings have been pursued after a lapse of nearly five years. Penal action under Sections 142 and 146 of the Electricity Act, 2003 requires

proof of wilful, deliberate and continuing non-compliance. On the material available, the Commission is unable to record a finding of contumacious disregard by respondents No. 1 and 2. The record reflects incremental, though imperfect, steps towards compliance in a complex SPS framework where enforcement tools are inherently limited.

14. The Commission reiterates that under the Single Point Supply Regulations, 2020, the RWA functions as an intermediary and not as an independent authority. Internal accounting mechanisms, common wallets, mobile applications or AGM resolutions cannot override statutory tariff, billing or disconnection norms. The Commission's regulatory concern is limited but firm:

14.1 electricity charges shall not exceed approved tariff;

14.2 electricity bills shall not be used to recover non-electricity dues; and

14.3 disconnection shall not be effected for non-payment of CAM, DG or other non-electricity charges.

15. In view of the foregoing analysis, the Commission holds that:

15.1 Wilful, deliberate and continuing non-compliance of the CGRF order dated 15.10.2020 by respondents No. 1 and 2 is not established to the degree required for penal action;

15.2 allegations, though serious, remain unsubstantiated to the evidentiary standard required for coercive directions; and

15.3 several grievances raised lie outside the jurisdiction of this Commission.

16. While declining punitive reliefs at this stage, the Commission deems it necessary to ensure regulatory discipline and future compliance. Accordingly, The commissions directs that:

16.1 The CGRF order dated 15.10.2020 shall be implemented in letter and spirit within 60 days from the date of this order.

16.2 The concerned SDO and XEN shall actively supervise compliance, including scrutiny of past and present billing records, segregation of electricity charges, and adherence to tariff orders.

16.3 The RWA shall strictly comply with the Single Point Supply Regulations, 2020 and DHBVN circulars. Electricity charges shall not be recovered through any mechanism permitting adjustment against non-electricity dues.



- 16.4 Disconnection of electricity supply shall not be effected for non-payment of non-electricity charges under any circumstances.
- 16.5 Any future violation relating to tariff, billing segregation or wrongful disconnection, if established, shall invite action under Section 142 of the Electricity Act, 2003 without further indulgence.
17. The petition is disposed of in the above terms. While punitive reliefs as prayed are declined at this stage, regulatory obligations are reaffirmed in unequivocal terms. Compliance is mandatory; regulatory tolerance is not indefinite.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 04/02/2026.

<b>Date: 04/02/2026</b>	Sd/- <b>(Shiv Kumar)</b>	Sd/- <b>(Mukesh Garg)</b>	Sd/- <b>(Nand Lal Sharma)</b>
<b>Place: Panchkula</b>	<b>Member</b>	<b>Member</b>	<b>Chairman</b>