

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

Case No. HERC/P. No. 41 of 2025

Date of Hearing : 03/02/2026

Date of Order : 05/03/2026

IN THE MATTER OF:

Complaint under Section 142, read with Section 146 & Section 149 of the Electricity Act, 2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulations, 2020 for imposing penalty u/s 142 and institution of complaint u/s 146 of the Electricity Act, 2003 on account of non compliance of the order/ direction passed by Ld. Corporate forum CGRF DHBVN for redressal of consumer grievances (CGRF) DHBVN Gurgaon as well as continuing failure to comply with the direction(s) of order number 4728/2024 dated 10-12-2024 by respondent(s) and for direction(s) to ensure strict compliance of the direction issued by the corporate CGRF DHBVN memo number 252/ CGRF /GGN , 4728-2024 dated 10.12.2024 and to impose the penalty as per HERC (Standard of Performance of Distribution Licensee and Determination of Compensation) Regulation 2020 Schedule – ii Sub Clause 2.

Petitioner

Amar Plastic, Plot Number 48A, Sector-21, Bhiwani through its proprietor Mr. Manoj Bansal.

VERSUS

Respondents:

1. SDO 'Op' Sub Division Sub Urban No-1, DHBVN, Railway Road, Old Power House, Bhiwani.
2. XEN 'Op' Division City, DHBVN, BTM Road, Circle Office, Bhiwani.

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate

On behalf of the Respondent

1. Sh. Raheel Kohli, Advocate
2. Sh. Tarsem Rana, Advocate
3. Sh. Sandeep Dalal, XEN, DHBVN
4. Sh. Ankit, SDO, DHBVN

QUORUM

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

ORDER

1. Petition:

- 1.1 That M/s Amar Plastic is a proprietorship firm situated at Plot Number 48A, Sector-21 Industrial Area Bhiwani (Haryana).
- 1.2 That Mr. Manoj Kumar (hereinafter referred to as complainant petitioner) is the proprietor of the firm. The firm is having an HT industrial connection bearing account number 055620000 in the name of Manoj Kumar Plot Number 48A, Sector 21, Industrial Area Bhiwani under the jurisdiction of SDO Op Sub Urban Subdivision Number 1, Bhiwani.
- 1.3 That the Complainant petitioner filed a complaint before Corporate CGRF, DHBVN Gurgaon on dated 10-07-2024 which was instituted on 11-07-2024 vide case number 4728-2024 and prayed:
 - i. Declare the action of the respondent for debiting ACD Rs. 382500 and not adjusting the same in the bill and not adjusting the interest on ACD in first billing cycle as illegal, arbitrary and unjustified and be quashed and:
 - ii. Direct respondent to refund the ACD amounting to Rs. 382500 debited from the account of complainant petitioner without any detail with 18% P/a interest from Nov-2018 till realization.
 - iii. Direct respondent to refund the surcharge Rs. 806511 (Rupee Eight Lac Six Thousand Five Hundred Eleven) with 18% interest from the date it was deposit till realization.
 - iv. Direct the respondent to pay the compensation of Rs 1,00,000 to complaint on account of harassment, mental agony, pain suffered by its functionaries and legal expenses incurred and;
 - v. Pass any other or further order which this Hon'ble Forum deems fit and proper in the facts and circumstances of the case in favor of complainant in the interest of Justice.
- 1.4 That the Corporate CGRF DHBVN Gurgaon vide order dated 10-12-2024 disposed the case and the order passed by the CGRF is held as under:

After considering all the observations mentioned above as well as considering the orders passed by the Hon'ble High Court and HERC, the forum is of the view that delayed payment surcharge cannot be charged on non-payment/ deposition of ACD. Simultaneously Nigam may not make payment of any interest on non-deposition of additional ACD, and consumer is not entitled to get the interest on that ACD. The forum directed the respondent SDO to refund/adjust ACD Rs. 382500 with interest and penal interest as per HERC regulations and the surcharge paid by complainant petitioner on account of ACD review with interest in compliance to HERC regulations, after verification of record of S/Divn.
- 1.5 The respondent should comply with the order passed by Corporate CGRF DHBVN within 21 days i.e. by 31-12-2024 but respondent failed to comply with the order and direction(s) given by the Corporate CGRF DHBVN Gurgaon.

- 1.6 That the Order dated 10-12-2025 was to be complied within 21 days i.e. by 31-12-2024 but it's been more than 4 months since passing of order dated 10-12-2024 by Ld. Corporate CGRF DHBVN Gurgaon and the same has not been complied with by the respondent SDO and the issues wise due refund as mentioned below are not adjusted so far in the electricity bills issued to complainant petitioner.
- i. ACD Rs. 382500 (which was reduced in the month of Nov-2018 without any adjustment in the bill of complainant) with interest and penal interest as per HERC regulation.
 - ii. Rs. 806511 paid by complainant as surcharge on account of non-deposition of ACD.
- 1.7 Despite the clear direction (s) from the Corporate CGRF DHBVN Gurgaon and the admission of respondent(s) before corporate CGRF during proceedings. The respondent SDO has failed to comply with the directions in the order dated 10-12-2024 and failed to adjust the due refund as per the order.
- 1.8 That the respondent has failed to comply with the order passed by Ld. Corporate CGRF DHBVN Gurgaon and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 10.12.2024.
- 1.9 Electricity Act, 2003- 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 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, thereunder; or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed One Lakh Rupees for each contravention and in case if a continuing failure with an additional penalty which may extend to Six Thousand rupees for every day during which the failure continues after contravention of the first 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 thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of 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 (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:

(2) 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.

(3) 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.

1.10 Regulation 2.32 of HERC (Corporate CGRF DBHVN and Ombudsman) Regulations, 2020 (Regulation 2.32):

“The decisions of the Corporate CGRF DBHVN will be recorded and duly supported by reasons. The Order of the Corporate CGRF DBHVN will be communicated to the complainant and the licensee in writing within 7 days of the passing of the Order. The licensee shall comply with the order of the Corporate CGRF UBHVN within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Corporate CGRF DHBVN, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. The aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard and decide the appeal.

In case of non-compliance of the order of the appropriate Corporate CGRF DBHVN, the aggrieved consumer may approach the Commission who will provide the consumer as well as the Licensee an opportunity of being heard. The Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”

1.11 That as per HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation, 2020 Schedule – II Sub Clause 20 provides that in case of compliance of CGRF is not made within the time framed defined in such order or the regulations specified by the commission in this regard, the compensation of Rs.100/- per day or part thereof is payable.

Prayer: -

It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon’ble Commission may kindly be pleased to:

- i. Institution of complaint under Section 142 RW Section 146 of Electricity Act, 2003 for failure to comply with the order / direction

- passed by the Ld. CGRF on dated 10.12.2024 as well as continuing failure to comply with the directions against the respondent(s).
- ii. Direct the respondent(s) to comply with the direction(s) given Corporate CGRF DHBVN vide order dated 10.12.2024 and adjust the due refund as per order.
 - iii. Direct the respondent to refund the ACD Rs. 382500 (which was reduced in the month of Nov-2018 without any adjustment in the bill of complainant) with interest and penal interest as per HERC regulation and Rs. 806511 paid by complainant as surcharge on account of non-deposition of ACD.
 - iv. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 10.12.2024 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.
 - v. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.
 - vi. To award the penalty imposed on respondent(s) in favor of the complainant- petitioner.
 - vii. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
2. The case was heard on 16/07/2025, Ms. Himangini Mehta counsel for the respondent submitted that the order of the CGRF has been challenged in Hon'ble Punjab and Haryana High Court and requested for one weeks' time for filing the reply. The counsel for the petitioner submitted that no stay orders have been issued by the Court till date. To the query of the Commission regarding the nonappearance of concerned XEN, the SDO intimated that there is an emergency due to disturbance of power supply owing to excessive rains in the region, the XEN could not make it to attend the hearing. The Commission expressed its displeasure and directed concerned XEN and SDO to ensure their presence on next date of hearing. Acceding to request of the respondent, the Commission adjourns the matter and directs respondents to file the reply with in one week.
3. The case was heard on 23/07/2025, The concerned XEN and SDO were present in the court as per directions of the Commission. To the query of the Commission regarding nonappearance of the XEN in the previous hearing, the XEN submitted that due to his bad health, farmers agitation and disturbance of supply, he could not attend the hearing. The XEN apologised and assured to be careful in future. The counsel for the respondent submitted that the CGRF order has been challenged in Hon'ble Punjab and Haryana High Court. However, the respondents neither produce any document in this regard nor stated about any

injunction passed by the Hon'ble High Court. The Counsel for the petitioner submitted that no notice of any hearing before the Hon'ble High Court is serviced. the orders have not been complied as yet and the concerned officers are not paying any heed to make the compliance as such action against them is required to be initiated under section 142. ; The CGRF order dated 10.12.2024 was to be implemented by the respondents within 21 days but same has not been implemented till date. So, the Commission expressed its displeasure for noncompliance of the order even after lapse of seven months. In light of the escalating number of similar instances MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF due to which the consumers are forced to run from pillar to post and ultimately, they have to approach the Commission for getting awards implemented. On 23.07.2025, single subdivision's four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF order by SDO Sub Urban No-1, Bhiwani and XEN 'Op' Division City Bhiwani were listed before the Commission. Many such cases have already been decided by the Commission and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should get DISCOM's Standard operating procedure for monitoring of CGRF/EO/HERC decisions (circulated vide CE /Commercial Hisar vide memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) implemented in true letter and spirit. The Commission observes that there is inordinate delay in implementation of the order of CGRF and decides to issue show cause notice to concerned XEN and SDO to explain their position within 15 days, as to why penal action should not be taken against them under section 142 read with Section 146 of the Electricity Act, 2003 for non-implementing the order in stipulated time. The Commission further directs respondents to submit the compliance report within four weeks and Concerned SE/OP to be present in the court on next date of hearing.

4. Compliance Report of DHBVN submitted on 29/08/2025:

- 4.1 The Compliance Report is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN"/"Answering Respondent") to apprise this Hon'ble Commission regarding the compliance of the order dated 10.12.2024 passed by the Forum for Redressal of Consumer Grievance, DHBVN, Gurgaon ("CGRF") in Case NO.4728/2024 ("CGRF Order").

4.2 That the CGRF Order had directed the Answering Respondent to:
“After considering all the observations mentioned above as well considering the orders passed by the Hon’ble High Court and HERC, the forum is of the view that delayed payment surcharge cannot be charged on non-payment/ deposition of ACD. Simultaneously Nigam may not make payment of any interest on non-deposition of additional ACD and consumer is not entitled to get the interest on that ACD. The forum directed the respondent SDO to refund/ adjust ACD Rs.382500 with interest and penal interest as per HERC regulations and the surcharge paid by complainant petitioner on account of ACD review with interest in compliance to HERC regulations, after verification of record of S/ Divn.
 ...”

4.3 It is submitted at the outset that the Answering Respondent has challenged the CGRF Order before the Hon’ble High Court of Punjab & Haryana, vide CWP No.20236 of 2025. Vide order dated 21.07.2025, the Hon’ble High Court has been pleased to stay the operation of the CGRF Order, qua payment of surcharge.

4.4 Accordingly, the Answering Respondent has initiated refund of reduced ACD to the Petitioner, with interest and penal interest as directed by the CGRF Order. The ACD amount was reduced by Rs. 3,82,500/- and the calculations for the period of FY 2018-19 till 2024-25 are as below:-

FY	ACD Amount	Rate of interest (in %)	ACD interest	Delayed period (in days)	Penal interest	Net Adjustable to complainant
2018-19	382500	6.25	23906.25	2324	27398.53	51304.78
2019-20	382500	6.25	26906.25	1958	23083.61	46989.86
2020-21	382500	6.25	17786.25	1593	13972.68	31758.93
2022-22	382500	6.25	16256.25	1228	9844.61	26100.86
2022-23	382500	6.25	16256.25	863	6918.48	23174.73
2023-24	382500	6.25	25818.75	497	6328.07	32146.82
2024-25	382500	6.25	25818.75	132	1680.69	27499.44
Total			149748.8		89226.676	238975.43

4.5 In light of the above, the net amount to be refunded is Rs.3,82,500+Rs.2,38,975.43= Rs.6,21,475.43.

4.6 The amount of Rs.6,21,475.43 has been posted as refund vide sundry no. SC&AR No. 275/215 dated 08/08/2025 and shall be reflected in the upcoming billing of September 2025.

4.7 It is most respectfully submitted that the Answering Respondent has utmost respect and regard for the directions issued by the CGRF accordingly has taken all necessary steps towards compliance of the CGRF Order. Therefore, this Hon’ble Commission may be pleased to consider that the Respondent has acted in a bona fide manner and has accordingly implemented the CGRF’s order based on the Petitioner’s entitlement under law.

In light of the above submissions, this Hon’ble Commission may be pleased to dismiss the present petition.

5. The case was heard on 03/09/2025, The Commission was apprised that the concerned SE, XEN and SDO has sought exemption on personal appearance due to emergent situation arisen due to heavy continuous rain in the region and all the officers have been directed by the district administration to maintain Head Quarter. To the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, it was apprised that no reply has been received in the registry till date. The Commission took a serious view of not filling reply to the show cause notice and decided to impose penalty of Rs. 25,000/ each. The counsel for the respondent submitted that the CGRF order has been complied with and the compliance report has been filed with late fee on 29/08/2025. Per contra, the Counsel for the petitioner submitted that the order of the CGRF has not been implemented in toto and even stated that respondent is misleading/misrepresenting the commission. The Commission directs the petitioner to submit its rejoinder by 17/09/2025 along with the details of the CGRF order regarding what is to be complied, what has been complied and pendency if any, with advance copy to respondent. The respondent XEN and SDO to file reply to the show cause notice along with penalty imposed above in the registry by 17/09/2025. Further, concerned SE/OP along with the respondent XEN and SDO to be present in the court on next date of hearing.

6. Rejoinder submitted on 17/09/2025:

6.1 The present petition is filled by the complainant under Section 142 RW Section 146 RW HERC Regulation for compliance with the order passed by the Ld. CGRF DHBVN Gurgaon on 10.12.2024. The Contents of the petition are not reiterated herein for the sake of the brevity.

6.2 The Hon'ble Commission, via an interim order dated 23rd July 2025, directed the respondent to submit the compliance report within 4 weeks. The interim order of the Commission is quoted as follows:

“In light of the escalating number of similar instances, MD, DHBVN is required to take cognizance of the delinquency of the officers/officials of the licensee in implementing the orders of CGRF, due to which the consumers are forced to run from pillar to post, and ultimately, they have to approach the Commission to get awards implemented. On 23.07.2025, four cases (P. No 40/2025, 41/2025, 42/2025 & 71/2024) of non-implementation of CGRF orders by SDO Sub Urban No-1, Bhiwani, and XEN 'Op' Division City, Bhiwani, were listed before the Commission. Many such cases have already been decided by the Commission, and many more are imminent. This apathy on the part of the officers/officials of the Licensee is resulting in avoidable

harassment of the consumer and wastage of precious time and resources of the licensee. MD, DHBVN should ensure that DISCOM's Standard Operating Procedure for monitoring CGRF/EO/HERC decisions (circulated by CE/Commercial Hisar via memo No Ch 63/CE/C/Misc/Vol II dated 18.02.2022) is implemented in true letter and spirit."

The Commission observes that there is an inordinate delay in the Implementation of the CGRF order and decides to issue a show-cause notice to the concerned XEN and SDO to explain their position within 15 days regarding why penal action should not be taken against them under Section 142 read with Section 146 of the Electricity Act, 2003, for non-implementation of the order in a stipulated time.

- 6.3 The respondent SDO submitted the compliance report on 29.08.2025.
- 6.4 That the compliance report submitted by the respondent is baseless, fallacious, flawed, misconceived and untenable.
- 6.5 At the outset, it is submitted that unless hereinafter specifically admitted, each averment in the respondent's reply shall be deemed to have been denied in its entirety as though specifically set forth and traversed herein. A bare perusal of the reply dated 29.08.2025 makes it clear that it is nothing but an abuse of the process of law and lacks merit.
- 6.6 The complainant reserves the right to file additional evidence, including, but not limited to, additional documents, witnesses, and expert opinions, should the same become necessary at any stage of the arbitral proceedings and/or arise from further submissions made by the respondents.
- 6.7 A bare perusal of the reply filed by the respondents shows that their submissions are totally vague, full of baseless denials and do not any specific answers to the issues raised in the complaint. The respondents have only presented a concocted story and have miserably failed to address the substantive points of the dispute in hand. It is evident that the respondents are only trying to escape from their liability through false, vague and baseless denials.
- 6.8 It is further submitted that complainant is not providing a paragraph-wise reply to the reply filed by the respondent (for the sake of brevity) and is setting out its submissions hereinbelow.
- 6.9 That the order of the CGRF held as under
"After considering all the observations mentioned above as well as considering the orders passed by the Hon'ble High Court and HERC, the forum is of the view that delayed payment surcharge cannot be charged on non-payment/ deposition of ACD. Simultaneously Nigam may not make payment of any interest on non-deposition of additional ACD, and consumer is not entitled to get the interest on that ACD. The forum directed the respondent SDO to refund/adjust ACD Rs. 382500 with interest and penal interest as per HERC regulations and the surcharge paid by complainant petitioner on account of ACD review

with interest in compliance to HERC regulations, after verification of record of S/Divn.

6.10 In para number 4 (a) of its reply, the respondent submitted:

4. Accordingly, The Answering Respondent has initiated the refund of the reduced ACD, along with the interest and penal interest, as directed by the CGRF Order. The ACD amount was reduced by Rs. 3,82,500/- and the calculations for the period of FY 2018-19 till 2024-25 are as below:-

FY	ACD Amount (Rs.)	Rate of Interest (%)	ACD Interest (Rs.)	Delayed Period (in days)	Penal Interest (Rs.)	Net Adjustable to Complainant (Rs.)
2018-19	3,82,500	6.25	23,906.25	2,324	27,398.53	51,304.78
2019-20	3,82,500	6.25	26,906.25	1,958	23,083.61	46,989.86
2020-21	3,82,500	6.25	17,786.25	1,593	13,972.68	31,758.93
2021-22	3,82,500	6.25	16,256.25	1,228	9,844.61	26,100.86
2022-23	3,82,500	6.25	16,256.25	863	6,918.48	23,174.73
2023-24	3,82,500	6.25	25,818.75	497	6,328.07	32,146.82
2024-25	3,82,500	6.25	25,818.75	132	1,680.69	27,499.44
Total			1,49,748.80		89,226.68	2,38,975.43

5. In light of the above, the net amount to be refunded is Rs. 3,82,500+Rs. 2,38,975.43 = Rs. 6,21,475.43.

6.11 The above submission of the respondent is not only false, but it also an attempt to mislead the Hon'ble Commission by providing incorrect calculation. For Fy-2020-2021, 2021-2022 and 2022-2023, the interest on ACD (ROI 6.25%) comes to Rs 23906, but the respondent has shown the amount Rs. 16256 only.

6.12 The compliance report submitted by the respondent is manifestly deficient. The calculation sheet annexed thereto understates the refund by more than Rs 2,00,000.

6.13 On one hand the respondent charged the surcharge on the ACD , although ACD is an interest paying liability of the Nigam and there is no provision of charging the surcharge on the ACD. On the other hand the respondent is not paying the interest on that ACD, despite knowing the that interest on the ACD is much lesser as compare to the surcharge on ACD charged from the complainant, this confirms the prejudicial and malicious approach of the respondent.

6.14 If this amount of ACD Rs. 382500 had not been deducted from complainant bill in Oct-2018, the surcharge imposed on complainant from January -2019 (at the time of revision of ACD) would not have been levied and the complainant would not have suffered any financial loss.

6.15 The complainant places reliance upon the judgement SCC OnLine P&H 5851 In the High Court of Punjab and Haryana at Chandigarh (BEFORE VINOD S. BHARDWAJ, J.) M.G. Stone Crusher ... Petitioner; *Versus* Punjab State Power Corporation Limited and Others ... Respondents. CWP-20035-2018 Decided on April 15, 2024

12. It is a well settled principle in law that “equity follows the law”. The above said legal maxim “*aequitas sequitur legem*” emphasizes that equity or fairness should be applied in accordance with law. Equity should thus compliment established legal principles. In legal terms, it would mean that if a contract or agreement includes clauses that establish liability or obligations for one party, those clauses could potentially extend benefits to that party; if circumstances arise where they are entitled to benefit under the agreement.”

6.16 That the total due refund as per CGRF order on grievance related to refund of ACD is Rs. 876403 (Rupees Twenty Six Lac Twenty Two Thousand Eight Hundred Forty Three Only) (ACD- 3,82,500 + interest / Penal interest – 493903)

(calculation sheet is as below)

Case-2 Maxim Aequitas sequitur legem'						
FY	ACD Amount	Rate of interest	ACD Interest	Delayed Period	Penal Interest	Net Adjustable Amount
2018-19	382500	11.00%	42075	2324	48221	90296
2019-20	382500	11.00%	42075	1958	40627	82702
2020-21	382500	11.00%	42075	1593	33053	75129
2021-22	382500	11.00%	42075	1228	25480	67555
2022-23	382500	11.00%	42075	863	17906	59982
2023-24	382500	11.00%	42075	497	10312	52387
2024-25	382500	11.00%	42075	132	2738	44814
2025-Sep-25	382500	11.00%	21038	0	0	21038
		Total	315563		178340	493903

6.17 As per section 142 of Electricity Act-2003, non-compliance with an order/ direction of the appropriate forum/ commission or any direction issued therein is actionable. The compliance must be faithful and in letter and spirit, not merely perfunctory. Any miscalculation or deliberate undervaluation undermines the obligation to comply.

6.18 The complainant places reliance upon the judgment passed by the Hon'ble Apex Court in the case titled as Rahul S. Shah Versus Jinender Kumar Gandhi and others, Civil Appeal Number 1659-60 of 2021 with Nos 1661-62 of 2021 and 1663-64 of 2021, decided on April 22, 2021, where the Court held as follows:

“42.12 The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

42.13 XXXX.

Further, in case an offense against a public servant while discharging his duties is brought to the knowledge of the court, it must be dealt with stringently in accordance with the law.”

- 6.19 In the matter of addressing wilful disobedience to court orders, the Supreme Court's judgment in Rama Narang v. Ramesh Narang & Ors., (2006) 11 SCC 114, serves as a significant precedent. In this case, the Court emphasized that such deliberate violation not only undermines the authority of the judiciary but also disrupts the lawful operations of businesses and affects the livelihoods of employees. Consequently, the Court imposed a sentence of two months of simple imprisonment and a fine on the respondents, underscoring the judiciary's commitment to upholding the rule of law and ensuring compliance with its directives. This case reinforces the principle that wilful disobedience to court orders cannot be tolerated and must be met with stringent punitive measures to maintain judicial integrity and public confidence in the legal system
- 6.20 Due to the negligence on the part of the respondent the avoidable harassment has been caused to complainant, wasting the time of the commission and imposing a huge financial burden on the Nigam in term of delayed payment interest
- 6.21 That the complainant places a reliance upon the judgement passed by Hon'ble Aptel in the matter Bihar State Electricity Board Versus CERC (Aptel, Appeal No 53 of 2009), wherein it was emphasized that the timely compliance with regulations is crucial and that any failure to do so warrant appropriate action.
- 6.22 That the complainant also relies on the judgement of Hon'ble DERC in Yogesh Vats Versus BRPL (DERC Petition No 31/2020, order dated 09.11.2022), wherein the court has held that:
“The Commission finds that the Distribution Licensee (BRPL) has willfully failed to comply with the provisions of the Delhi Electricity Supply Code and has harassed the consumer by failing to replace or rectify the defective meter in a timely manner. In exercise of its power under Section 142 of the Electricity Act, 2003, the Commission imposes a penalty upon BRPL and directs it to remedy the violation within 15 days.”

It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon'ble Commission may kindly be pleased to:

- i. Institution of complaint under Section 142 RW Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 26.12.2024 as well as continuing failure to comply with the directions against the respondent(s).
- ii. Direct the respondent(s) to comply with the direction(s) given Corporate CGRF DHBVN vide order dated 10.12.2024 and adjust total refund of Rs. 876403 (Rupees Twenty Six Lac Twenty Two Thousand Eight Hundred Forty Three Only) (ACD- 3,82,500 + interest / Penal interest – 493903)
- iii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction

passed by Ld. CGRF on 10.12.2024 as well as continuing failure to comply with the directions and adjust/ refund the dues to the complainant.

- iv. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.
 - v. To award the penalty imposed on respondent(s) in favor of the complainant- petitioner.
 - vi. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.
 - vii. To allow any other relief as deemed fit by the hon'ble Commission.
7. The case was heard on 24/09/2025, to the query of the Commission regarding submission of the reply to the show cause notice issued to concerned officers, the SE/OP submitted that the reply was submitted through email but the same was not accepted in registry for want of cost imposed during last hearing. The officers pleaded to waive off the cost imposed. 3. The Commission took a serious view of the casual approach of the respondents as the cases are not being defended properly before the CGRF and changing their stand on some points before the Commission. The respondents even not bothered to submit the reply to the show cause notice as per procedure laid down for filing documents with registry. The Commission, therefore, again directs the respondents to deposit the cost of Rs. 25,000/- each imposed vide interim order dated 03/09/2025 within one month. The Corporate Forum DHBVN Gurgaon vide order dated 10-12-2024 has held as under: "After considering all the observations mentioned above as well considering the orders passed by the Hon'ble High Court and HERC, the forum is of the view that delayed payment surcharge cannot be charged on non-payment/ deposition of ACD. Simultaneously Nigam may not make payment of any interest on non-deposition of additional ACD and consumer is not entitled to get the interest on that ACD. The forum directed the respondent SDO to refund/ adjust ACD Rs.3,82,500/- with interest and penal interest as per HERC regulations and the surcharge paid by complainant petitioner on account of ACD review with interest in compliance to HERC regulations, after verification of record of S/Divn. ..." The respondents in its compliance report claimed that the net amount to be refunded is Rs.6,21,475.43 which has been posted as refund vide sundry no. SC&AR No. 275/215 dated 08/08/2025 and shall be reflected in the upcoming billing of September 2025. The petitioner argued that the total due refund as per CGRF order on grievance related to refund of ACD is Rs. 8,76,403/- (ACD

Rs. 3,82,500 + interest / Penal interest Rs. 4,93,903/-). The Commission observes that prima facie the disagreement is on the ACD amount, rate of interest and calculation of interest amount and penal interest. After going through the order passed by the forum and hearing both parties, the Commission observes that the Forum has not concluded in its decision the exact amount of ACD, interest on ACD and from which date interest on ACD is payable, which ought have been decided by the Forum after thoroughly checking and verifying the data from supporting documents submitted by the parties. This matter is therefore, referred back to the CGRF, Gurugram for deciding issue of exact amount of ACD, interest on ACD and from which date interest on ACD is payable after giving proper opportunity of hearing to both parties and pass a speaking order in the case in a time bound manner preferably within 45 days and report the decision to the Commission. Till the receipt of report from CGRF, the present matter is adjourned sine die.

8. **CGRF Report dated 24/11/2025**

8.1 The submission of report WRT letter received from the Director Technical, HERC Panchkula vide Memo No 1573/HERC/Tech dated 09.10.2025 and stating that

In accordance to the order of the Hon'ble Commission dated 24.09.2025 in Petition No 41 of 2025, the matter is referred back to CGRF to decide on merit and submit the decision to the Hon'ble Commission Within In the stipulated period of time

"it is submitted that the forum in case no. 4728 directed the responded "to refund the ACD of Rs. 382500/- with interest and penal interest along with the surcharge paid by the complainant petitioner on account of ACD review with interest"

Hearings were held on 13.10.25, 30.10.25 and 13.11.25 both the parties argued their case and were given time to submit their Replies, arguments and Rejoinders as below

1 DHBVN XEN letter vide Memo No. 4255 on dated 24.10.2025 and vide Memo No. 4395 on dated 12.11.2025.

2 PETITIONER submits rejoinder as same as he submits in HERC in petition no. 41 of 2025 by hand on the date of hearing. 13.11.2025 After consideration of replies, Rejoinders and submissions made by both the parties, FORUM observed and decides as under.

HERC Vide interim order dated 24.09.2025 referred back the present matter, the order of the HERC is held as under

"After going through the order passed by the forum and hearing both parties, the Commission observes that the Forum has not concluded in its decision the exact amount of ACD, interest on ACD and from which date interest on ACD is payable, which ought to have been decided by the Forum after thoroughly checking and verifying the data from supporting documents submitted by the parties. This matter is therefore,

referred back to the CGRF, Gurugram for deciding issue of exact amount of ACD, interest on ACD and from which date interest on ACD is payable after giving proper opportunity of hearing to both parties and pass a speaking order in the case jn a time bound manner preferably within 45 days and report the decision to the Commission.”

Both the parties were further directed to file their respective written submissions in accordance with law

In compliance with the directions issued by the Hon'ble Haryana Electricity Regulatory Commission while remanding the matter to this Forum, and for the purpose of proper adjudication of the dispute, the following issues.

1. Issue No. 1. Amount of ACD and interest along with penal interest payable.
2. Issue No-2 Related with surcharge

The issue no -2 (related with surcharge) is stayed by Hon'ble Punjab and Haryana High Court so the forum cannot adjudicate upon the issue qua payment of surcharge.

Both parties were heard at length. The reply and submission were taken on record for consideration. The matter was thereafter reserved for further consideration and appropriate orders.

The forum observed that there is no dispute regarding the amount of ACD. It is clearly mentioned in the order as well as in the submissions made by both parties before the Forum that there is no issue with respect to the amount of ACD, and the ACD amount to be refunded is Rs.3,82,500/- (which was deducted in the month of oct-2018). The only issue involved is the rate of interest payable on the ACD amount. The complainant, during the hearing, submitted that the ACD amount of Rs 3,82,500/- was deducted from his account in the month of October 2018 and the respondent charged Rs. 17,76,913 as enhanced ACD in the month of Jan-2019 and charged Rs. 8,00,000/- (approx) as surcharge on the enhanced ACD. Had this ACD amount not been deducted in the bill for the month of October 2018 the surcharge imposed on the complainant from January 2019 on the enhanced ACD would not have been levied, and the complainant would not have suffered any financial loss.

The complainant places reliance upon the judgement P&H 5851 In the High Court of Punjab and Haryana at Chandigarh (BEFORE VINOD S. BHARDWAJ, J.) M G Stone Crusher Petitioner; Versus Punjab State Power Corporation Limited and Others Respondents. CWP-20035-2018 Decided on April 15, 2024

12. It is a well settled principle in law that "equity follows the law" The above said legal maxim "aequitas sequitur legem" emphasizes that equity or fairness should be applied in accordance with law. Equity should thus compliment established legal principles. In legal terms, it would mean that if a contract or agreement includes clauses that establish liability or obligations for one party, those clauses could potentially extend benefits to that party; if circumstances arise where they are entitled to benefit under the agreement..

The complainant further submitted that, in a similar matter (HERC Petition No 422025) pertaining to the same Sub-Division. the respondent had granted 18% interest on the ACD amount vide sundry number SC&R No 274/ 215 dated 08-08-2025 and the said matter had already been decided. The complainant also placed on record a copy of the relevant entry submitted by the respondent along with the compliance report before the Hon'ble Commission, on the basis of which the matter was decided by the Commission.

The Forum inquired from the respondent during the hearing as to whether 18% interest on the ACD amount had been granted in a similar matter. In response thereto, the respondent, during the course of the hearing, admitted and replied in the affirmative

Per contra, the Respondent, vide Office Memo No 4395 dated 12 November 2025 submitted his reply. He stated that the Petitioner, in his rejoinder, has sought interest at the rate of 11% along with 18% Penal Interest on the basis of the Law of Equity

The Respondent further submitted that, even after considering the Law of Equity and the calculations provided in Point No. 16 of the rejoinder filed by the Complainant, the total interest works out to 23.60%, which, according to him, is contrary to the very principle of equity and therefore requires consideration by the Forum on merits. It was contended that 11% interest is payable directly on the ACD amount, whereas 18% Penal is to be levied on the interest accrued and paid subsequently to the Petitioner. Consequently, the effective rate of interest comes to 23.60%, which on the higher side and excessive in comparison to the rate of interest claimed by the Complainant.

The Forum has minutely examined the pleadings, submissions of both parties, and the material placed on record.

It is not disputed that the ACD amount of Rs.3,82,500 stood deducted from the complainant's bill in October 2018. The submission of the complainant that, but for such illegal deduction, he would not have been burdened with surcharge on the enhanced ACD from January 2019, is found to be reasonable and borne out from the record. The financial prejudice caused to the complainant is therefore directly attributable to the premature and unjustified deduction of ACD by the respondent

At the same time, the contention of the respondent that grant of 11% interest along with 18% penal interest would mathematically result in an excessive cumulative rate of 23.60% is also noted. Such cumulative levy would indeed be inequitable and disproportionate

The Forum considers it appropriate to resolve this issue in light of the settled position adopted by the Hon'ble Haryana Electricity Regulatory Commission in similar matters

In Case No. HERC/P. No. 51 of 2024 (M/S Ram Oil Mill v. DHBVN), the Hon'ble Commission, while dealing with delayed refund of ACD, specifically directed grant of interest at 18% on delayed ACD refund, observing

“Therefore, Commission directs the respondent to provide ACD interest from 08/07/2024 to 26/09/2024 @ 18% as per provision of relevant regulations in addition to interest already provided by it.”

In view of the above, and in order to balance the equities between the parties while maintaining consistency with regulatory precedents, the Forum holds as under:

1. The respondent shall pay Interest at a flat rate of 18% per annum on the ACD amount of Rs. 3,82,500/-
 2. The said interest shall be calculated from the month in which the ACD amount was deducted from the complainant's bill (October 2018) till the date of actual realization.
 3. No penal interest or compound interest shall be levied on the interest component.
 4. The claim for cumulative interest resulting in an effective rate of 23.60% is rejected as disproportionate and contrary to settled principles of equity and regulatory practice
9. The case was heard on 03/02/2026, Sh. Raheel Kohli counsel for the respondents submitted that in compliance to the CGRF report dated 24/11/2025, the amount admissible to the petitioner has been refunded. The counsel for the petitioner conveyed his consensus to the same but submitted that due to delayed action of the respondents the petitioner has to knock the doors of CGRF and thereafter of the Commission to get the entitled refund and requested for compensation of litigation expenses. Sh. Raheel kohli requested for some time to file the written arguments to averments of the petitioner. The Commission reserves the order and acceding to request of the respondent allows both the parties to submit written submissions with in two (2) weeks.
- 10. Written submissions of petitioner received on 13/02/2026**
- 10.1 That the Respondents’ submission that the admissible amount “has been refunded” is deliberately incomplete and misleading, as it suppresses the material fact that such refund was effected after an unreasonable, unexplained and unlawful delay, and only after the Petitioner was compelled to invoke the jurisdiction of this Hon’ble Commission.
 - 10.2 The Respondents were never disputing the *entitlement* of the Petitioner. The issue was only of implementation, which was fully within the Respondents’ administrative control. The refund was record-based, arithmetical, and ministerial in nature, requiring no adjudication once the CGRF order attained finality.
 - 10.3 It is submitted that belated compliance after coercive proceedings cannot be projected as bona fide compliance. Acceptance of such a defence would render the CGRF mechanism otiose and would legitimise a practice where Distribution Licensees comply only when penal jurisdiction is invoked.

10.4 It is of utmost relevance to note that the Petitioner was constrained to file the consumer complaint before the learned CGRF as far back as July, 2024. After full adjudication, the learned CGRF passed a detailed and reasoned order on 10.12.2024, directing the Respondents to grant the due refund/adjustment strictly in accordance with law. However, despite the said order being fully executable, the Respondents deliberately failed to implement the same within the prescribed time and chose to sit over the matter. Ultimately, the said order was complied with only in January, 2026, i.e., after a lapse of more than eighteen months (18 months) from the date of filing of the complaint and over one year from the date of the CGRF order, and that too only after the Petitioner was compelled to invoke the penal jurisdiction of this Hon'ble Commission. Such belated compliance, obtained under judicial compulsion, is a textbook case of wilful regulatory default and cannot, by any stretch, be treated as bona fide or voluntary compliance.

I. DELAY IS NEITHER INNOCENT NOR EXCUSABLE

- 10.5 The Respondents had the full custody of ACD ledgers, billing history, And CGRF directions which were clear, reasoned and executable.
- 10.6 Despite this, the Respondents sat over the CGRF order for months, took no steps for timely implementation, and offered no explanation whatsoever for the delay.
- 10.7 The refund was adjusted not as a matter of regulatory duty, but as a direct consequence of these proceedings, which itself establishes:
- i. Deliberate inaction,
 - ii. Absence of administrative diligence, and
 - iii. Disregard for binding consumer redressal orders.
- 10.8 It is a settled principle that subsequent compliance does not cure earlier non-compliance, particularly where:
- i. The consumer has suffered financial prejudice,
 - ii. Statutory timelines have been breached, and
 - iii. Litigation has been forced upon the consumer.
- 10.9 If mere eventual compliance is accepted as a defence, then:
- i. Section 142 of the Electricity Act becomes redundant;
 - ii. CGRF orders become optional advisories;
 - iii. consumers are reduced to execution litigants.
- 10.10 Such an interpretation would strike at the root of regulatory discipline and accountability.
- 10.11 The Respondents' conduct demonstrates a systemic pattern where compliance is avoided till the matter escalates to this Hon'ble Commission.
- 10.12 The Petitioner was deprived of its own funds for a prolonged period, adversely impacting:
- i. Working capital,
 - ii. Operational planning, and
 - iii. Financial stability of an industrial unit.
- 10.13 The Respondents have neither:
- i. Tendered any explanation for the delay, nor
 - ii. Expressed any remorse or justification for non-compliance.

COSTS & COMPENSATION ARE NOT DISCRETIONARY IN THIS CASE

10.14 Award of costs in the present matter is not a matter of generosity, but a necessary regulatory consequence, for the following reasons:

- i. The delay was entirely attributable to the Respondents;
- ii. The entitlement was never in doubt;
- iii. The Petitioner was compelled to litigate solely for enforcement.

10.15 Denial of costs in such cases would effectively penalise the consumer for asserting statutory rights, while insulating erring officers from accountability.

10.16 This Hon'ble Commission, as a sectoral regulator, is not merely adjudicating a private dispute but enforcing regulatory discipline.

10.17 Failure to impose costs in cases of admitted but delayed compliance would send a message that:

- i. CGRF orders can be ignored with impunity;
- ii. compliance is optional until penal proceedings are initiated.

10.18 Such an approach would undermine consumer confidence in the regulatory framework.

PRAYER

In light of the above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

- i. Hold that the Respondents were in wilful and unjustified delay in implementing the CGRF order.
- ii. Award exemplary litigation costs in favour of the Petitioner;
- iii. Grant appropriate compensation for delayed adjustment/refund;
- iv. Pass such further orders as may be necessary to uphold regulatory discipline and consumer protection.

11. **Written submissions of respondent received on 18/02/2026**

11.1 The present Written Submission is being filed on behalf of Dakshin Haryana Bijli Vitran Nigam Limited ("DHBVN") in furtherance of its arguments advanced on 03.02.2026, wherein it was respectfully prayed that the Hon'ble Commission may graciously consider refraining from imposing any costs upon DHBVN, particularly in light of its observation that the CGRF has not determined the exact amount which it was required to decide.

11.2 At the outset, it is respectfully submitted that the present proceedings arise out of a Petition alleging non-compliance of the Order dated 10.12.2024 passed by the Consumer Grievance Redressal Forum ("**CGRF**"). It is a settled principle that an allegation of non-compliance can be sustained only where the directions contained in the order are clear, specific, and capable of implementation without ambiguity.

11.3 In the present case, as has already been observed by the Hon'ble Commission vide its order dated 24.09.2025, the CGRF, in its earlier Order, had not determined the exact amount to be refunded to the consumer. For ease of reference, the relevant portion of the order dated 24.09.2025 is reproduced below:

5. *The Commission observes that prima facie the disagreement is on the ACD amount, rate of interest and calculation of interest amount and penal interest.*

6. *After going through the order passed by the forum and hearing both parties, the Commission observes that the Forum has not concluded in its decision the exact amount of ACD, interest on ACD and from which date interest on ACD is payable, which ought have been decided by the Forum after thoroughly checking and verifying the data from supporting documents submitted by the parties. This matter is therefore, referred back to the CGRF, Gurugram for deciding issue of exact amount of ACD, interest on ACD and from which date interest on ACD is payable after giving proper opportunity of hearing to both parties and pass a speaking order in the case in a time bound manner preferably within 45 days and report the decision to the Commission. Emphasis Supplied*

- 11.4 It is most respectfully submitted that where the amount alleged to be refundable has not been ascertained or quantified by the CGRF, the aspect of compliance would necessarily remain subject to such determination. Compliance can only be meaningfully assessed with reference to a clear and executable direction. In the absence of such quantification, any allegation of non-compliance at that stage would be premature in law.
- 11.5 It is further submitted that pursuant to the directions passed by this Hon'ble Commission, as reproduced above, the CGRF thereafter passed a detailed Order, in the form of a report dated 24.11.2025 addressed to this Hon'ble Commission, determining the exact amount payable, if any, to the Petitioner. Upon such determination and crystallization of the amount by the CGRF, DHBVN acted expeditiously and duly further adjusted the amount of INR 2,20,197 so determined, in accordance with the CGRF's directions (*this fact was not disputed by the Petitioner's counsel*). The prompt action taken by DHBVN immediately upon determination of the quantified amount demonstrates its bona fide conduct.
- 11.6 It is, therefore, most respectfully submitted that DHBVN ought not to be viewed as being in non-compliance of the CGRF's earlier Order, which had not conclusively determined the amount payable to the Petitioner and was, therefore, not capable of definitive implementation at that stage. It is respectfully prayed that this Hon'ble Commission may be pleased to take a balanced and holistic view of the matter, particularly in light of the fact that, immediately upon the determination and crystallization of the amount by the CGRF pursuant to the directions of this Hon'ble Commission, DHBVN duly and without delay adjusted the requisite amount in favour of the Petitioner. This conduct clearly reflects DHBVN's bona fide intent and its earnest compliance with the applicable directions. It is, therefore, most humbly prayed that the Hon'ble Commission may be pleased to take the same on record and refrain from imposing any costs upon DHBVN.

11.7 Additionally, it is most humbly and respectfully submitted that this Hon'ble Commission had been pleased to impose costs of INR 25,000/- upon the concerned officials of DHBVN, which amount has already been deposited in compliance with the directions of this Hon'ble Commission. However, it is most respectfully and earnestly submitted that the said costs came to be imposed at a stage when the CGRF had not conclusively determined the exact amount payable to the Petitioner, and the operative directions were yet to attain finality. In these circumstances, and in light of the subsequent conclusive determination by the CGRF and the prompt adjustment of the requisite amount by DHBVN in faithful compliance thereof, it is most humbly prayed that this Hon'ble Commission may graciously be pleased to recall the aforesaid direction imposing costs of INR 25,000/- upon the officials of DHBVN. DHBVN respectfully seeks the indulgence of this Hon'ble Commission to take a compassionate and balanced view of the matter in the interest of justice, equity, and fairness.

Commission's Order:

1. The Commission considered the contents of the petition, replies, rejoinders, written submissions and the material placed on record, the dispute arises from persistent non-compliance of statutory orders relating ACD interest payable to petitioner M/s Amar Plastic, Bhiwani. The CGRF DHBVN Gurgaon vide order dated 10-12-2024 disposed the case and issued directions to refund / adjust the ACD with interest as applicable after verification of record.
2. The respondent failed to comply with the order passed by CGRF DHBVN Gurgaon which forced complainant petitioner to file the present petition under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 10.12.2024.
3. After going through the order passed by the forum and hearing both parties, the Commission observes that the Forum has not concluded in its decision the exact amount of ACD, interest on ACD and from which date interest on ACD is payable, which ought have been decided by the Forum after thoroughly checking and verifying the data from supporting documents submitted by the parties. This matter was referred back to the CGRF, Gurugram for deciding issue of exact amount of ACD, interest on ACD and from which date interest on ACD is payable after 4 giving proper opportunity of hearing to both parties and pass a speaking order in the case in a time bound manner preferably within 45 days and report the decision to the Commission.

4. The CGRF, DHBVN , Gurugram submitted its report dated 24/11/2025 and held that in order to balance the equities between the parties while maintaining consistency with regulatory precedents, the Forum holds as under:
 1. The respondent shall pay Interest at a flat rate of 18% per annum on the ACD amount of Rs. 3,82,500/-
 2. The said interest shall be calculated from the month in which the ACD amount was deducted from the complainant's bill (October 2018) till the date of actual realization.
 3. No penal interest or compound interest shall be levied on the interest component.
 4. The claim for cumulative interest resulting in an effective rate of 23.60% is rejected as disproportionate and contrary to settled principles of equity and regulatory practice
5. In view of the consensus conveyed by the petitioner during the hearing held on 03/02/2026, the respondent has now complied with the CGRF order and refunded /adjusted the interest payable to the petitioner. The respondent submitted that DHBVN should not be viewed as being in non-compliance of the CGRF's earlier Order, which had not conclusively determined the amount payable and prayed that a balanced and holistic view of the matter may be taken, in light of the fact that, upon determination of the amount by the CGRF, DHBVN without delay adjusted the requisite amount in favour of the Petitioner.
6. The Commission finds that the compliance of the CGRF order was delayed without reasonable justification. If the respondents were aggrieved by the said order, their remedy lay in challenging the same before the appropriate Forum or Court within the prescribed period of limitation. Instead, the Commission was compelled to intervene by referring the order back to the CGRF. Consequently, the Respondents' prolonged failure to implement the order warrants the initiation of proceedings under Section 142 of the Act for the duration of the default.
7. Since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition. However, the dispute was primarily pertaining to non-compliance of the CGRF orders in timely manner. The negligence on the part of officials/officers of Respondent Nigam cannot be ignored, due to which the consumer had to suffer and had to knock the doors of CGRF for relief in the first instance and then had to approach the Commission for implementation of CGRF orders. Nigam has been

burdened with interest and litigation charges in addition to wastage of valuable time of the officers/officials.

8. The Commission, therefore, directs the respondent DHBVN to make payment of ₹50,000/- Court Fee deposited by the petitioner along with ₹15,000/- towards litigation expenses to the petitioner within 30 days from the date of this order.
9. MD, DHBVN is directed to order an enquiry for the said lapses and take appropriate action on the delinquent officers/officials for causing harassment to the consumer and to recover the monetary loss caused to the Nigam from such officers/officials and enquiry report be submitted for information of the Commission with in 3 months.
10. The petition is disposed of, in above terms

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 05/03/2026.

Date: 05/03/2026	Sd/- (Shiv Kumar)	Sd/- (Mukesh Garg)	Sd/- (Nand Lal Sharma)
Place: Panchkula	Member	Member	Chairman