

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

Case No. HERC/PRO – 37 of 2013

**Date of Hearing: 08/07/2014
Date of Order: 21/07/2014**

**Lalit Lamba, A 01 / 601 Sahara Grace,
Behind Sahara Mall, Mehrauli Gurgaon Road,
Sector – 28, Gurgaon & Ten Others** **Petitioners**

Versus

**Sahara India Commercial Corporation Limited,
3rd Floor, Sahara Mall, Mehrauli, Gurgaon Road,
Sector – 28, Gurgaon & Others.** **Respondents**

In the matter of petition filed by Sahara Grace Condominium, Gurgaon Apartment's owners regarding electricity over billing and violation of (1) Clause 5.5 of the Notification dated January, 9th, 2013 issued by the HERC, Panchkula for "Single Point Supply to Residential Colonies or Office cum Residential Complexes of Employers, Group Housing Societies and Commercial cum Residential Complexes of Developers, Regulations" and (2) Section 14 & 62 of the Electricity Act, 2003 by Sahara India Commercial Corporation Limited (SICCL).

Present:

1. Shri Lalit Lamba,
on behalf of the Petitioners .
1. Shri Abhinav Kansal, Advocate
2. Shri Surjeet Bhadu, Advocate (for Sahara)
3. Shri Rajkumar Rakesh, Advocate (for Sahara)
4. Shri J.K. Gupta, SICL
5. Shri Divyesh Singh, Legal Advisor, SICCL
6. Shri Manoj Garg, XEN / UHBVNL

Quorum:

**Shri R. N. Prasher, Chairman
Shri Jagjeet Singh, Member
Shri M.S. Puri, Member**

ORDER

1. The Petitioners in the present case are apartment owners in the Condominium i.e. Sahara Grace Group Housing Complex, Sector – 28, Gurgaon. The

Petitioners have submitted that the Respondent i.e. Sahara India Commercial Corporation Limited (hereinafter referred to as SICCL) is the Colonizer, Builder and Developer of the said complex who continues to maintain the Complex since April 2008. Hence SICCL is responsible to provide all the basic utility services i.e. electricity supply sourced from DHBVNL and electricity generated within the Complex by Diesel Generating sets installed for use as a back – up facility.

2. The Petitioners have further submitted that apart from paying SICCL for the electricity consumed in their own apartments, they are also separately paying to SICCL for the Common Areas & Maintenance and other services.
3. It was submitted by the Petitioner that SICCL is a consumer of DHBVNL and DHBVNL supplies electricity to SICCL at Bulk Supply (Domestic) rates determined by HERC at a single point i.e. the main gate of the Complex at 11 kV, for the use of the residents (DS) including the Petitioners as well as the designated areas of the Complex. It was further submitted that the electricity consumed in the designated common area of the complex is separately metered and paid for by the residents to SICCL, who recovers this cost through Common Area Maintenance Charges billed separately to each resident of the Complex every month @ Rs. 2.55 / Sq. ft per month of the super area of each apartment. It was also submitted that the billing cycle of DHBVNL and SICCL are also not the same and hence, at times, SICCL does not even know the details of the DHBVNL bills which also includes lump sum charges (fixed charges on the basis of recorded demand and Sundry Charges) at times, varies from month to month. Instead of equitably distributing these charges billed by DHBVNL in proportion to the Electricity Consumption of each apartment on a pro – rata basis, SICCL bills the Petitioners at rates different from DHBVNL rates with varying methodology in different months.
4. The Respondent (SICCL) was asked to submit their reply but the same was not filed by them. The Commission, therefore, issued notice to both the parties for hearing to be held on 17.04.2014. The hearing was attended by both the parties and the Respondent filed reply to the petition during the hearing. The Petitioner

sought adjournment in order to file rejoinder to the reply which was granted and the case was accordingly adjourned to 09.05.2014 and again, on the request of petitioner, to 08.07.2014.

5. The Commission held the hearing on 08.07.2014 which was attended by both the parties. During the hearing, the Petitioner Shri Lalit Lamba informed that the distribution system is not being maintained by the Resident Welfare Association (RWA) but by the SICCL. The Petitioner also informed that two welfare associations have been created, one by the residents of the society and another by Sahara Parivar. Both the welfare associations have been registered by the Registrar, Haryana, but Registrar, Haryana had issued annulment order to annul the formation of the welfare association of Sahara Parivar.
6. The Petitioner further informed that the issue related to billing cycle, tariff charged from the residents and FSA have been addressed by the Respondents and only the issue with regard to Monthly Minimum Charges (MMC) remained and requested that the Commission may adjudicate on this issue only.
7. In reply, the Ld. Counsel of the Respondents, submitted that the Petitioners and the residents of the society are in fact enjoying a lower tariff, the respondent is charging less than the domestic tariff approved by the Commission and the Respondent is entitled for adjusting the less charged amount from the Petitioners/residents of the society from their electricity bills.

8. Commission's Order:

The Commission has carefully considered the written submissions of the parties as well as submissions made during the hearing held on 08.07.2014.

The Commission observes that the Respondent was not earlier charging the Petitioners/ residents of the society for electricity supplied by the Distribution Licensee as per the provisions of regulation 5 of HERC (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013 but as admitted by

both Petitioner as well Respondent, the Respondent has started charging in line with the ibid Regulations.

With regard to MMC, the Commission notes that the MMC becomes leviable only when the billed amount is lower than the MMC fixed by the Commission. The Commission clarifies that if the Respondents have charged more than the prescribed MMC as per the tariff approved by the Commission from time to time; the Respondents should either refund or adjust the same in the next bill.

The Commission further directs the Respondents to charge the Petitioner/ residents of the society for electricity supplied by the Distribution Licensee strictly as per the Domestic Supply tariff determined by the Commission in relevant Tariff Orders. The Commission further orders that the Respondents should not recover any amount/charges through the electricity meter, other than those relating to supply of electricity and the charges for supply of electricity should only be recovered at the rates determined by the Commission.

The Petition is disposed of accordingly without any cost to the Parties.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on July 21, 2014.

Date: July 21, 2014

Place: Panchkula.

(M. S. Puri)
Member

(Jagjeet Singh)
Member

(R. N. Prasher)
Chairman