

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

**Case No. HERC/Petition no. 11 of 2022**

**Date of Hearing : 18.05.2022**

**Date of Order : 26.05.2022**

**In the Matter of**

**Petition under Section 142 read with Section 146 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of directions to the Respondents to forthwith comply with the orders dated 28.11.2021 (DH-CGRF-3244/2020) of the Forum for Redressal of Consumer grievances DHBVNL Gurugram**

**Petitioner**

**Mr. R.P. Uniyal R/o Park Floors-2, Flat No. T-13/G004, Sector-76, Faridabad.  
and Ors.**

**Respondents**

1. Executive Engineer (OP) Division, DHBVN, Greater Faridabad.
2. SDO OP Subdivision, DHBVN Badrola, Faridabad
3. M/s Countrywide Promoters P. Ltd. at Next door mall, sector-76 Greater Faridabad through its Director
4. M/s BPTP Ltd, 28, ECE House, KG Marg, New Delhi-110001, through its MD, Sh. Kabul Chawla,
5. M/s BPMS Pvt Ltd at Next Door, Greater Faridabad-121004 through its MD, Sh. Sanjeev Saxena.

**Present:**

**On behalf of the Petitioner:**

Sh. Gaurav Gupta, Advocate

**On behalf of the Respondents:**

1. Sh. Hemant Saini, Advocate for respondent no. 3-5.
2. Ms. Nikita Choukse, Advocate for DHBVN.

**QUORUM**

**Shri R.K. Pachnanda, Chairman**

**Shri Naresh Sardana, Member**

**Interim Order**

1. The case was heard on 18.05.2022 as scheduled in the court room of the Commission.
2. At the outset, Sh. Gaurav Gupta, counsel for the petitioner submitted that, although reply has been filed by the respondent-developers no. 3-5 stating compliance of CGRF's order dated

28.11.2021 yet none of the directions of CGRF's order, have been complied with till date.

3. Ms. Nikita Choukse, counsel appearing on behalf of DHBVN submitted that in compliance of CGRF's directions, DHBVN has already issued demand notices dated 08.12.2021, 14.12.2021 and 31.12.2021 where the respondent-developers were directed to complete the formalities including renewal of the bank guarantee which expired on 20.02.2018.
4. Per contra Sh. Hemant Saini counsel for the respondent-developers submitted that developers have taken all the necessary steps to comply with CGRF's order and has applied for release of load for the said project and shall distribute the electricity to allottees as soon as the same is released by DHBVN. On the issue of bank guarantee, he submitted that a case relating to the issue of bank guarantee amount is pending for adjudication before the Hon'ble Punjab and Haryana High Court. On the query of the Hon'ble Commission, regarding stay on the bank guarantee by the Punjab and Haryana High Court, Mr. Saini requested to grant time to place on record the order of the Hon'ble Punjab and Haryana High Court in the matter. Ms Nikita stated that there is no stay on deposition of bank guarantee.
5. The Commission took notice with regard to the inordinate delay caused by the developers on one pretext or the other for compliance of CGRF's order dated 28.11.2021 and observes that none of the directions passed by CGRF has been implemented, which has resulted in unnecessary harassment to the occupants' dwelling units by not providing electricity which is an essential amenity. As requested, the respondent-developers were allowed to submit the order of the Hon'ble Punjab and Haryana High Court , if any, within 2 days. The respondent- developers have submitted their reply but no restraining order of the Hon'ble Punjab and Haryana High Court so far has been placed before the Commission regarding deposition of the bank guarantee by the respondent-developers to the Discom against the inadequacy in infrastructure.

Therefore, the Commission being satisfied that it is a prima facie case of non-compliance of the directions issued by the CGRF in its order dated 28.11.2021 and hence, issues a show cause notice to the respondents/developers no. 3-5, under Section 142 read with Section 146 of the Electricity Act, 2003.

The mater to come up again on 29<sup>th</sup> June,2022.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 26/05/2022.

**Date: 26.05.2022**  
**Place: Panchkula**

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

**(R.K. Pachnanda)**  
**Chairman**

HERC