

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

Case No. HERC/PRO- 21 of 2021

Date of Hearing : 15.09.2021

Date of Order : 15.09.2021

In the Matter of

Petition under section 142 and 146 of the Electricity Act, 2003 for non-compliance of the Regulation No 49/2020 of the HERC (Single Point Supply to Employers Colonies, Group Housing Societies and Residential or Residential cum Commercial/Commercial Complexes of Developers and Industrial Estates/IT Parks/SEZ) Regulations, 2020. Application Under Section 142 and 146 of the Electricity Act 2003 for Non Compliance of the orders of the forum for redressal of Consumer Grievance, Dakshin Haryana Bijli Vitran Nigam Limited , Hissar Vide Order dated 30.10.2020 in case No. DH/CGRF-3143/ 2020.

Petitioner

Naresh Kumar Jindal, Flat No. 402, Tower- C2, Uniworld Gardens-II, Sector-47, Gurugram – 122018

V/s

Respondents

1. Unitech Realty Pvt. Ltd. through its Chairman / Managing Director Sh. Yudhvir Singh Malik, C/O Unitech Ltd., 8th Floor, Block-B, Signature Tower, South City- 1, Gurugram- 122007.
2. The Uniworld Gardens II Apartment Owners Association through its President Sh. Gursimran Singh, R/O Flat No. 004, Tower- C1, Uniworld Gardens II, Sector – 47, Gurugram – 122018.
3. XEN 'OP' Division, DHBVN, Sohna, Pocket-H, Nirwana Country, Vikas Marg, Sector- 47, Gurugram- 122018.
4. SDO 'OP' Sub Division, DHBVN, Sohna Road, Pocket- H, Nirwana Country, Vikas Marg, Sector- 47, Gurugram -122018
5. The Nodal Officer, CGRF, DHBVN, Block, Ground Floor, Vidyut Sadan, Vidyat Nagar, Hissar- 125005.
6. Chairman / Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hissar – 125005.

Present

On behalf of the Petitioner

Sh. Naresh Kumar Jindal

On behalf of the Respondent

1. Ms. Nikita Chaukse, Advocate for R-3,4 & 6.
2. Sh. Dharm Singh, SDO OP S/D DHBVN Sohna Road, Gurugram.
3. Shri Sidharth Malhotra, Advocate for R-1

QUORUM

Shri R.K. Pachnanda, Chairman

Shri Naresh Sardana, Member

ORDER

1. BRIEF BACKGROUND OF THE CASE:

The main excerpts of the petition are as under:

- 1.1 That the applicant, Naresh Kumar Jindal, is a registered owner of Flat No. 402, Tower- C2, World Gardens II, Sector – 47, Gurugram- 122018, Haryana.
- 1.2 That the applicant has also filed a petition vide Case No. HERC/ PRO 08 of 2021, before this Hon'ble Commission under section 142 and 146 of the Electricity Act, 2003, for non-compliance of the orders of the Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam, Hisar; which had passed a speaking order dated 30.10.2020, vide case no. DH/CGRF-3143/2020, in the matter of Naresh Kumar Jindal versus XEN (OP) Division, DHBVN, Sohna and SDO (OP) Sub Division, DHBVN, Sohna Road, Gurugram and others .
- 1.3 That the applicant is seeking further relief from this Commission stating that he is aggrieved by the electricity bills being received for his apartment from respondent no. 1 (Unitech Realty Pvt. Ltd.) and 2. (Uniworld Gardens II Apartment Owners Association).
- 1.4 That the respondent no. 1 and 2 are raising electricity bills not as per the approved tariff plan but at Rs. 6.10 per unit under Mains Unit Rate, whereas DHBVN charges the licensee distributor at Rs. 5.25 per unit. That the respondent no. 1 and 2 were charging the petitioner at Rs. 7.28 per unit as 'Mains Unit Rate till December, 2020 and are also charging some 'Standing Charges per Day' at Rs. 139. The total sum charged under this head is Rs. 4309 which is much higher than the

actual electricity consumption charges for the month i.e. Rs. 1255.99.

- 1.5 That the applicant is being charged Rs. 42 per month as 'Fixed Charge – Vending/Month for the operation of pre-paid energy meter. As per the statement of account, respondent no. 1 has charged a high amount of Rs. 58,683 towards electricity, water and sewer connection charges. While connections for water and sewer come under the IDC / EDC expenses incurred for the project, there is no justification for charging Rs. 58,683/- for an electricity connection having a sanctioned load of 7.2 kW.
- 1.6 That respondent no. 2 has been communicating with respondent nos. 3, 4 and 6 for refund of Rs. 60 lakhs as per the document obtained through RTI from the office of respondent no. 4. SDO (OP) Sub Division, DHBVN and this amount belongs to the consumers of the group housing society Uniworld Gardens II and respondent nos. 1 and 2 have no rights to retain and grab this amount paid additionally by the consumers.

Prayer:

- i. Direct the respondents to charge the consumers as per provisions of the said Regulation and tariff plans and pass on all incentives, discounts, concessions subsidy, rebate to the consumers as applicable to a Domestic Supply (DS) category consumer from the retrospective effect with interest.
- ii. Direct the respondents to refund/reimburse the consumers excess tariff amount charged till date with interest including the amount of Rs. 60 lakhs as mentioned in A- 15.
- iii. Direct the respondents and Pass orders to penalize respondents in consonance with the provisions of Section 142 and Section 146 for non-compliance and violation of Regulation No. HERC / 49 / 2020 and other tariff guidelines.
- iv. Direct the Discom, the Dakshin Haryana Bijli Vitran Nigam to ensure compliance of HERC Notification dated 22nd April, 2020 in letter and spirit without fail in case of every distributor licensee along with a quarterly compliance report on a standard format in case of each and every distributor licensee after audit.

2. COMMISSION ANALYSIS AND ORDER:

2.1 The case was heard by the Commission on 15.09.2021, as scheduled, through video conferencing in view of the Covid-19 Pandemic.

2.2 At the outset, the Commission enquired whether the petitioner has approached the CGRF in the matter as per the Single Point Supply Regulations. The petitioner submitted that he has not approached the CGRF in the matter. The Commission observes that for grievance, if any, the consumer is required to approach the CGRF at the first instance to seek remedy as per the provisions stipulated in the Haryana Electricity Regulatory Commission (Single Point Supply to Employer's Colonies, Group Housing Societies and Residential or Commercial Cum Residential Complexes of Developers), Regulation, 2020 notified on 22.04.2020 along with other relevant regulations. As the consumer has not yet approached the CGRF in the matter as per the regulations, the petitioner is directed to take recourse as per the regulations in vogue.

Accordingly, the case is disposed of in the aforesaid terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 15/09/2021.

Date: 15.09.2021
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman