

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

Case No. HERC/Petition No. 10 of 2023

Date of Hearing : 10.05.2023

Date of Order : 11.05.2023

In the Matter of :-

Representation under section 142 read with Section 146 and 149 of the Electricity Act, 2003 read with HERC (Forum and Ombudsman) Regulations 2020 for issuance of direction to the respondents to comply with the orders dated 30.07.2021 received on 02.12.2022 passed by the forum of redressal of CGRF DHBVN, Gurugram: Proceedings pursuant to report submitted by Electricity Ombudsman in Appeal No 02 of 2023.

Petitioner

Sh. Shiv Shankar C/o M/s O P Industries, Kanina Road, Charkhi Dadri, Bhiwani through Adv. Akshay Gupta

Vs.

Respondents:

1. Dakshin Haryana Bijli Vitran Nigam, Vidyut Nagar, Hisar through its Managing Director.
2. The Executive Engineer 'Op.' Division, DHBVNL, Charkhi Dadri.
3. The SDO/Op., City Sub Division, DHBVNL, Charkhi Dadri

Present:

On behalf of the Petitioner:

None

On behalf of the Respondents:

Sh. Hoshiyar Singh, SDO/'Op', City Sub-Division, DHBVNL, Charkhi Dadri.

QUORUM

**Shri R.K. Pachnanda, Chairman
Shri Naresh Sardana, Member**

ORDER

Background:

The instant petition has been arisen based upon the report of the Ombudsman in Appeal no 02/2022 dated 02.12.2022 preferred by the complainant for noncompliance of CGRF's order dated 30.07.2021 under section 142 read with Section 146 and 149 of the Electricity Act, 2003 read with the HERC (Forum and Ombudsman) Regulation, 2020 dated 06.04.2022.

The HERC (Forum & Ombudsman Regulation) 2020 (1st amendment) Regulation, 2022 dated 06.04.2022 regarding noncompliance of CGRF order at Clause 2.32 inter-alia provides as under: -

“in case of non-compliance of the Order of the Forum, the aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard. On the report of the Ombudsman, the Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”

A. CGRF ORDER dated 30.07.2021: -

Mr. Shiv Shankar (appellant/petitioner), owner of M/s OP Industries Kanina Road, Charkhi Dadri had earlier approached the CGRF/DHBVN, Gurugram vide complaint number DH/CGRF/3452/ 2021 dated 20.02.2021 for redressal of grievance related to non-allowing of Electricity Duty (ED) and ToU/ToD rebate as per Nigam's instruction (i.e. Sales Circular No D20-2018).

The CGRF DHBVN Gurugram after hearing both the parties disposed-off the case vide its order dated 30.07.2021 with directions to SDO to continue with the ED exemption as per instruction of the Nigam.

B. Complainant's representation before Ombudsman: -

The complainant in his appeal before the Ombudsman submitted as under: -

- i. *That the respondent SDO in spite of clear direction/ order passed by the Hon'ble Forum has not implemented the order in toto and still the following relief ordered by the CGRF is to be given to the appellant petitioner.*
- ii. *That the respondent SDO is charging Electricity duty from the petitioner from July-2021 onwards through energy bill*

Prayer:

- a. *Exemption of ED in current bill.*
- b. *Refund of ED charged so far has not refunded.*
- c. *Appropriate amount of penalty as deemed fit by the Hon'ble Ombudsman/ Commission be imposed on to the delinquent officials of the department to be paid to the petitioner.*
- d. *Compensation Rs.100/day for noncompliance of CGRF order.*
- e. *Pass any other or further order which this Hon'ble Ombudsman/ Commission may deem fit and proper in the facts and circumstances of the case in favour of appellant petitioner in the interest of justice.*

C. Ombudsman's observations: -

Upon hearing the parties and perusal of relevant records, it has been observed that

- i. CGRF order in case no. 3452/2021 dated 30.07.2021 was disposed-off with directions to SDO to continue with the ED exemption as per instruction of the Nigam.
- ii. In compliance of CGRF order, the respondent SDO intimated that the refund of ED from May 2021 to February 2022 amounting to Rs. 25,967/- has already been credited by the respondent SDO in the appellant account in May, 2022 in lieu of exemption of ED and reportedly, for refund of ED for the rest of period has been initiated vide sundry no. 324/163. However, the benefit of ED exemption is not being given regularly through monthly bill, for which the respondent SDO submitted that, to pass on the benefit of exemption of ED through monthly bill, vide memo no. 59 dated 12.01.2023, respondent SDO has already requested to XEN/R-APDRP to make provision in the system.
- iii. Per contra the counsel for the appellant argued that, since the bills are not being issued exempting ED, the CGRF order is not implemented by the respondent SDO and sought relief as per his prayer as above.

In view of the above, the respondent SDO has started to provide the benefit of ED through sundry after the CGRF order but the same is not being given in monthly bills/ through system.

D. Proceedings:

- i. The case initially came up for hearing before the Commission on 06.04.2023, as scheduled, in the court room.
- ii. Sh. Hoshiyar Singh, the respondent-SDO stated that the CGRF's order has been implemented since the refund of ED up to February, 2023 has already been credited in the consumer's account which is reflected in the consumer's bills. However, the refund of ED for the month of March, 2023 shall be reflected in the next bill of the consumer. Further, the benefit of exemption of ED is being done through sundry on monthly basis. However, the request has been made to XEN/RAPDRP to make the necessary change/updation in the system for passing on the exemption benefit through system.
- iii. The petitioner did not appear before the Commission.
- iv. To grant an opportunity of being heard to the petitioner, the Commission adjourned the hearing to 10th May, 2023.

E. Commission's Order:

1. The case finally came up for hearing before the Commission on 10.05.2023, as scheduled, in the court room. None appeared for the petitioner.
2. At the outset, Sh. Hosiyar Singh, the concerned SDO replied that refund of ED has been given and submitted that the Forum's order has been fully complied, as on date.
3. The Commission observes that petitioner neither appeared on 06.04.2023, nor today i.e. on 10.04.2023. However, as stated by the respondent SDO, the Forum's order dated 30.07.2021 has been duly complied with. Therefore, the Commission decides to dispose-off the matter without any further direction to the parties.
4. Accordingly, the present petition is disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 11/05/2023.

Date: 11.05.2023

(Naresh Sardana)

(R.K. Pachnanda)

Place: Panchkula

Member

Chairman