



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Haryana Electricity Regulatory Commission

Bays No. 33 - 36, Sector - 4, Panchkula-134109

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(Regd. Post)

Appeal No. : 21/2018  
Received on : 24.08.2018  
Registered on : 27.08.2018  
Date of Hearing : 20.09.2018  
Date of Order : 21.09.2018

In the matter of:-

Appeal against the order of the CGRF, DHBVNL, Hisar, dated 27.07.2018, in case no. 2227 of 2018.

Sh. B.K.Aggarwal, S/o Late Sh. Ram Lal. D-503, Park View City-I, Sohna Road, Sector-48, Gurgaon.

Appellant / Complainant

Versus

DHBVNL

Respondents

Before:

Er. R.C. Mahajan, Electricity Ombudsman

Present on behalf of Appellant

1. Sh. B.K. Aggarwal
2. Sh. Sunil Kumar Nehra, Advocate

Present on behalf of Respondents

1. Smt. Shalini Pannu, SDO/Op, Sohna Road Sub/Divison, DHBVN, Gurugram
2. Sh. D.S. Mor, CA

**ORDER**

Sh. B.K. Aggarwal, on behalf of the Park View Condominium Association, has filed the instant appeal against the CGRF orders dated 27.07.2018, in case of 2227 of 2018.

The Appellant has submitted that the Park View City-I, Sector -28, Gurgaon, has an electric connection at 11 kv voltage level, bearing A/c No.6307821000 with 5510 kw

sanctioned load and 2000 kva contract demand. A brief of the submission made in the appeal is that the interest on the security deposit had not been paid as per the Departmental instructions/Regulations. Further, DHBVNL is not providing 4 % rebate on the fixed deposit (Recorded demand). He has requested that the CGRF orders may be set aside and relief as sought in the appeal be allowed.

The appeal was received on 24.08.2018, and the same was registered as Appeal no.21 of 2018. Notice of motion was issued on 29.08.2018 and the Respondent SDO was directed to submit the reply within 15 days.

The hearing was held on 20.09.2018, as scheduled. Both the parties were present. A copy of the reply submitted by the Respondent SDO was handed over to the Ld. Counsel for the Appellant and was also taken on record.

During the hearing, the Ld. Counsel for the Appellant raised the following issues:-

1. The Respondent Department has not given the 4% rebate on the fixed charges as per the HERC Single Point Regulations, 2013.
2. The Interest on ACD has not been given as per the prevailing HERC Regulations.

On this, the Respondent SDO submitted that a rebate of 4% on the energy consumption in the monthly bills has already been given to the consumer as per Instructions and HERC Regulations, 2013. As per the instructions/Regulations, rebate is to be given on the energy consumption only, not on the fixed charges. As far as the interest on ACD is concerned, she submitted that the interest on the ACD had already been allowed to the Appellant for the period 2012-13, as per the instructions no. 9/2012. She assured that the balance interest, if any, would be given as per the HERC Regulations 2009, after the verification of the record.

The Ld. Counsel for the Appellant stated that the interest on ACD should be paid as per the relevant Regulations applicable from time to time. He further stated that the RBI rates had been variable from time to time and the difference of interest on ACD should be as per RBI rates. He relied on the judgment of the Hon'ble Punjab & Haryana High

Court passed by division bench in LPA no. 671 of 2010, titled as DHBVNL, Hisar Vs Electricity Ombudsman, Haryana, decided on 28<sup>th</sup> April, 2011. In view of the judgment, the counsel claimed that the ACD was liable from the date the Electricity Act came into force. Therefore, ACD to the Appellant is liable to be given from the date of installation of connection. He further submitted that the municipal tax was not levied as per law, therefore, re-calculation is required to be done in respect of the previous bills in accordance with the law.

The matter was deliberated. The Respondent SDO stated that the Appellant has demanded the interest on ACD for the FY 2012-13 and the balance interest, if any, will be given to the Appellant as per the Regulations. She further stated that the municipal tax has been levied as per the instructions and she is willing to furnish the detailed calculations, indicating the Municipal tax, to the Ld. Counsel, through mail within a month.

Keeping in view the above, material available on record and the submissions made by both the parties, the appeal is disposed of with the following directions:-

1. 4% rebate on the energy consumption as per the HERC Single Point Regulation, 2013 is allowed.
2. Interest on ACD is allowed as per the HERC Regulations and amendments thereof.
3. The Respondent SDO is directed to overhaul the Appellant's account in terms of the above directions within one month and the detailed calculations, including the municipal tax in this regard, be provided to the Appellant and Ld. Counsel.

The File may be consigned to the record.

Given under my hand on this day of 21<sup>st</sup> September, 2018.

**Dated: 21<sup>st</sup> September, 2018**

sd/-  
**(R.C.Mahajan)**  
**Electricity Ombudsman, Haryana**

Endst. No. HERC/EO/Appeal No. 21/2018/1865-72

Dated: - 24.09.2018

**A copy of the above is forwarded to the following:**

- 1. The Managing Director, DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar.**
- 2. The Legal Remembrancer, HVPNL, Shakti Bhawan, Sector-6, Panchkula.**
- 3. The Chief Engineer, 'Operation' Circle, DHBVNL, PO Power House, Punjabi Bagh, New Delhi-110035.**
- 4. The Chairman, Forum for Redressal of Consumer Grievances, DHBVNL, Room No. 149-150, D-Block, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125005 alongwith case file.**
- 5. The General Manager, SE,'Op' Circle, DHBVNL, Mehrauli- Gurugram Road, Opposite Dev Cinema, Near Petrol Pump, Gurugram -122001.**
- 6. The Executive Engineer, Operation Sub Urban Division, DHBVNL, Sector 31 Market, Sohna, Gurugram.**
- 7. The SDO/Operation, Sohna Road, Sub Division, Opposite Park Hospital, South City-2, DHBVNL, Sector-49, Gurugram.**
- 8. Sh. B.K. Aggarwal S/o Late Sh. Ram Lal, D-503, Park View City -I, Sohna Road, Sector-48, Gurugram-122018.**