



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Haryana Electricity Regulatory Commission

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

Phone: 0172-2572299; Fax No. 0172-2572359

Website: - herc.gov.in E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 25/2018
Received on : 1.10.2018
Registered on : 3.10.2018
Date of Hearing : 25.10.2018
Date of Order : 26.10.2018

In the matter of:-

Appeal against the order of the CGRF, UHBVNL, Kurukshetra, dt. 30.08.2018, in case no. 3 of 2018.

Sh. Rajinder Kumar S/o Sh. Ram Kesar, H. No. 117 B, Ganesh Vihar, Ambala Cantt.

Appellant / Complainant

Versus

UHBVNL

Respondents

Before:

Er. R.C. Mahajan, Electricity Ombudsman

Present on behalf of Appellant

Sh. Devi Dyal S/o Sh. Rajinder Kumar

Present on behalf of Respondents

Sh. Priyank, SDO/Op Sub Divn No.II, UHBVN, Ambala Cantt.

ORDER

Sh. Rajinder Kumar, S/o Sh. Ram Kesar, H. No. 117 B, Ganesh Vihar, Ambala Cantt., has filed an appeal against the orders of the CGRF, Kurukshetra, dated 30.8.2018, passed in case no. 3/2018. A brief of the submissions made in the appeal are as under:-

The Appellant has a domestic connection bearing account no. 0054500000. During April 1999, the Department changed the category from DS to NDS on its own without any intimation to the Appellant. The matter was taken up with the SDO, XEN & SE in this regard. As no action was taken, a representation was made to the CM

window and the connection was converted into domestic category. But the Department issued the bill on commercial rate instead of domestic rates, which was paid about 16 years. The matter was taken up with the SDO & XEN to charge on domestic rate. As no heed was paid to the Appellant's request, the matter was taken up with the CGRF. The CGRF disposed of the appeal with the direction that the connection be treated as DS for last three years from the date of application of the Applicant by applying the law of limitation.

The Appellant has prayed that he is not satisfied with the decision of the Forum and he should be charged on domestic rate since 1999 and the excess amount should be paid along with 18% interest. He further requested that he should be paid Rs. 1 lakh damages for the monetary loss and the mental agony he had suffered the last 16 years.

The appeal was received on 1.10.2018, and the same was registered as Appeal no.25 of 2018. Notice of motion was issued on 4.10.2018 and the date of hearing was fixed for 25.10.2018. The respondent SDO was directed to submit the reply within 15 days.

The Respondent SDO submitted a reply to the appeal through mail dated 18.10.2018, and a copy of the same has been sent to the Appellant. The reply sent by the Respondent SDO has been taken on record.

The hearing was held on 25.10.2018, as scheduled. The Respondent SDO was present on behalf of the Nigam. Sh. Devi Dyal, appeared on behalf of the Appellant.

During the hearing, the Appellant confirmed that the reply given by the Respondent SDO has been received by him. He submitted that the DS connection, in the name of Sh. Rajinder Kumar, was taken during 1996 and the same was converted into NDS category during April, 1999, by the Nigam on their own, without giving any notice. The Respondent Department continued to bill on the NDS tariff from April 1999 to March 2017, which was paid by the Appellant. The Appellant submitted that a representation was made to the Consumer Forum and he is not satisfied with the Forum's decision. He requested that he should be charged on the DS category from April 1999 and the excess amount paid by him, on account of change of category by the Nigam, should be refunded with 18% interest along with

the damages for monetary loss and mental agony he had suffered the last 16 years. During the hearing, he submitted photocopy of the first application dated 16.09.2016, made to the Nigam, pointing out the wrong charging of the tariff and correcting the same to the DS category, since he was charged on the NDS category. The copy of the said application, submitted by the Appellant, was taken on record.

Per contra, the Respondent SDO submitted that the connection, in name of Sh. Rajinder Kumar, was running on the NDS category and the record is not available, as the connection was transferred from the Babyal Sub Division, Ambala Cantt, to the Operation Sub Division No. 2, Ambala Cantt, during 2004. After the submission of the representation dated 16.09.2016, by the Appellant, the said connection was changed to the DS category, after the verification of the site, during February 2017. The Appellant had been paying the energy bill on the NDS tariff for about 16 years without any representation to the Department in this regard. The energy bill itself is a notice to the Appellant regarding category of load. He stated that the first request regarding the change of category, from NDS to DS, was received on 16.09.2018. He further stated that the Appellant has been allowed the benefit of change of category from February 2017, for the previous three years. During the discussions, he submitted that, inadvertently, the Appellant had been allowed the benefit without interest from February 2017, instead of his first application i.e. 16.09.2016. He assured that the Appellant would be allowed the refund, with interest, of the previous three years, w.e.f 16.09.2016, keeping in view the Forum's orders, considering the connection as DS category w.e.f 16.09.2013. The Respondent SDO further submitted that the Appellant had never made any representation to the Nigam regarding the change of NDS to DS category prior to 16.09.2016. The Appellant admitted this fact. However, the Appellant insisted that he should be allowed benefit w.e.f April 1999.

The Appellant was given an opportunity to state additional facts or submit additional documents to support his claim, but he stated that he had nothing further to add.

After hearing both the parties, it is observed that the CGRF, vide its order dated 30.08.2018, has decided that "the consumer may be given the benefit of doubt and his contention be treated as DS for the last three years from the date of application by applying the law of limitation in this case." Further, the Appellant had

been paying the electricity bill on NDS tariff and had not made any representation to the Respondent Department, regarding change of category from NDS to DS, till 16.09.2016, which he admitted during the hearing.

Keeping in view the above, material available on record, written/oral submissions made by both the parties, the orders passed by the CGRF are modified to the extent that the Appellant be given benefit of previous 3 years w.e.f 16.09.2016, along with the interest, as per the Departmental instructions. Regarding the compensation, as claimed, the Appellant may take up the matter with the appropriate authority.

Both the parties to bear their own cost. The File may be consigned to the record.

Given under my hand on this day of 26th October, 2018.

Dated: 26th October, 2018

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

Endst. No. HERC/EO/Appeal No.25/2018/2451-58

Dated: - 26.10.2018

A copy of the above is forwarded to the following:

- 1. The Managing Director, UHBVNL, Vidyut Sadan, Sector - 6, Panchkula.**
- 2. The Legal Remembrancer, HVPNL, Shakti Bhawan, Sector-6, Panchkula.**
- 3. The Chief Engineer 'Op.' Circle,UHBVNL, SCO 89, Sector – 5, Panchkula.**
- 4. The Chairman, CGRF, UHBVNL, Vidyut Sadan, Near Gymkhana Club, Sector-8, Kurukshetra-136118 alongwith case file.**
- 5. The SE,'Operation Circle, Baldev Nagar, Near Over Bridge, UHBVNL, Ambala.**
- 6. The Executive Engineer, Operation Division, UHBVNL, Ambala Cantt.**
- 7. The SDO, Operation Sub Division no. 2, UHBVN, HVPNL Building Near Quality Restaurant, Ambala Cantt.**
- 8. Sh. Rajinder Kumar S/o Sh. Ram Kesar, H. No. 117 B, Ganesh Vihar, Ambala Cantt.**