



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 : 02/2019
Received on : 31.01.2019
Registered on : 07.02.2019
Date of Hearing : 15.04.2019
Date of Order : 15.04.2019

In the matter of: -

Appeal against the order of the CGRF, UHBVNL, Kurukshetra in case no. 31 of 2018 dated 31.12.2018.

M/s Indus Towers Limited, Bestech Business Phase – 9, Sector – 66, Mohali, Punjab (Village Kalsora under Operation Sub Division), Garhi Birbal, Karnal A/c No.GD-19/1917.

Appellant/Complainant

Versus

UHBVNL

Respondents

Before:

Mrs. Surbhi Jain, Electricity Ombudsman

Present on behalf of Appellant

Sh. G.K. Nandan, Consultant

Present on behalf of Respondents

Sh. Paramjeet Singh, SDO / Op., S/D, Garhi Birbal

ORDER

The matter was heard today, as scheduled. During the hearing, the appellant submitted the replication on the basis of the para-wise comments dated 19/3/2019, submitted by the respondent SDO.

Sh. G. K. Nandan of M/S Indus Tower limited Mohali, has appeared against the order dated 31.12.2018 of CGRF, Kurukshetra, passed in case No.31/2018.

Brief background of the case:

The appellant has submitted that he has an electricity connection bearing A/C No. L25-GD19-1917 at village Kalsora, under Operation Sub Division, UHBVNL, Garhi Birbal, Karnal MDI reading recorded by the Meter reader is found as 18.6 kw on 22/01/2017. The sanctioned load of the connection was 12.0 kw. The MDI reading was not reset to zero, after it was found exceeded beyond the sanctioned load, as per the requirement of the SMI 4.17. The MDI reading on 22/03/2017 and on 20/5/2017 is recorded as 12.0 KW. The MDI reading so recorded by the Meter Reader are not reliable and should have been verified before taking any action against the consumer. The load is considered to be extended as 18.6 KW on 22/01/2017 and penalty of unauthorized extension in load is assessed as Rs.5,460/- at the rate of Rs.130/- per KW per month for six months. The assessment is wrong as the penalty rates are applicable if the load is extended beyond 20 KW. In the instant case. The penalty assessment should have been Rs.500/-Per KW, lump sum one time only because the extended load if any was less than 20 KW. Further, the assessment of Rs.14,000/- is also made as the service connection charges for the alleged extended 7 KW load. These charges are not prescribed under the HERC Regulation 29/2014. The assessment is debited in the account in 8/2017 without following the procedure prescribed under the HERC Regulation.

Further, they had received the memo no.1955 dated 20/12/2017 and memo no.1956 dated 20/12/2017 from SDO Operation Sub Division vide which the notice of the demand is issued for Rs.12,000/- On HM No.14 dated 13/12/2017 and Rs.25,200/- on HM No.13 dated 13/12/2017.

The report of Sh. Siya Ram, AFM, which is undated, is not on the prescribed LL-1 performa. The checking report is prepared on a simple paper without any authority of the site checking of the connection. The MDI reading "d" is observed as 22.5 KW. The value of "c" and "n" are not recorded. The load is considered to be extended as $22.5 - 18.6 = 4\text{KW}$. The audit framed the Half Margin no.14 dated 13/12/2017 for assessing the ACD as Rs.4,000/- and Service Connection Charges as

Rs.8,000/-. In another Half Margin the penalty of extension in load of 4 KW is assessed as Rs.3,120/-. The fix charges of 23 KW are assessed for the last 6 months as Rs.22,080/-. There is no provision of charging the service connection charges and the fix charges for the last 6 months in the HERC Regulation 29/2014. The MDI is reset now on 27/12/2017 vide SJO No. 64/137 dated 19/12/2017. The value of "c" of MDI is not recorded on SJO, before and after resetting the MDI, to justify the claim of the Nigam.

It is prayed to direct the Nigam to withdraw the charges based on the unauthorized checking report and the assessment is made against the provision of the HERC Regulation 29/2014. The fix charges are the part of the tariff rates. The fix charges are to be billed where the SOP charges are calculated and billed on actual recorded KVAH consumption on the relevant tariff rates.

Reply on behalf of respondents in the shape of affidavit is as under: -

1. In the reply of Para No.1 is the matter of record.
2. In the reply of Para No.2, it is submitted that the bearing A/c no. L25GD19/1917 is in the name of M/s Indus Tower Limited, at village Kalsora, Tehsil Indri, Karnal. The sanctioned load of connection was 18.6 KW and as per MDI exceed, it was found 22.5 KW and the charges for difference of 4 KW load (Extended MDI) penalty Rs.3,120+22,080/- was charged, as earlier there was no clarification regarding the charges of amount irrespective period, in the case of excess MDI. Now Rs.22,080/- has been adjusted in the account of complainant/Appellant.
3. In the reply of Para No.3, it is submitted that the notice memo no.1955 dated 20.12.2017 for demand of Rs.12,000/- was only served after re-setting the MDI. It was not charged by this office. This amount was for ACD Rs.4,000/-and service connection charges Rs.8,000/- for 4 KW extended load and issued notice vide memo no.1956 dated 20.12.2017 for demand of Rs.25,200/-on account of penalty charges Rs.3,120 + fix charges penalty Rs.22,080/- was charged for difference of extended load 4 KW for the period of six month, as earlier there was no clear instruction regarding charges of irrespective in case of MDI exceeds. Now Rs.22,080/- has been adjusted in the account of complainant/Appellant.

4. In the reply of Para No.4, the reply submitted in para No.3.
5. In the reply of Para No.5, it is submitted that the representation was heard but there was no instruction earlier regarding irrespective period charges of MDI excess case.
6. In the reply of para no.6, the charged amount Rs.22,080/- has been adjusted in the account of complainant/Appellant, as per instruction of the Nigam.

On perusal of the reply of the respondent, as above, the appellant has submitted as under vide his statement, dated 15.04.2019

It is stated that in view of the affidavit dated 19.03.2019, produced by Sh. Paramjeet Singh, SDO 'OP', Sub Division, UHBVNL, Garhi Birbal Karnal, during the hearing today, I do not want to pursue the present appeal and withdraw the same.

ORDER

Keeping in view the above, material available on record and the submissions made by the appellant, the appeal is disposed of as "Settlement by Conciliation" in terms of HERC Regulations HERC/42/2019 dated 29.03.2019.

File may be consigned to record.

Given under my hand, on this day of 15th April, 2019.

Sd/-

(Surbhi Jain)

Electricity Ombudsman, Haryana

Dated: 15.04.2019

Endst. No. HERC/EO/Appeal No. 02/2019/5505-11

Dated: - 22.4.2019

A copy of the above is forwarded to the following:

1. The Managing Director, UHBVNL, Sector – 6, Shakti Bhawan, Panchkula.
2. The Chief Engineer 'Op.' UHBVNL, Sector – 5, Panchkula.
3. The Chairman, Forum for Redressal of Consumer Grievances, UHBVNL, Vidyut Sadan, Sector – 8, Kurukshetra.
4. The SE, 'Op' Circle, UHBVNL, Sector – 12, Karnal.
5. The Executive Engineer, Operation, Division No.1, UHBVNL, Sector 12, Karnal.
6. The SDO/Operation, S/ Divn, Garhi Birbal, Karnal.
7. M/s Indus Towers Limited, Bestech Business, Phase – 9, Sector – 66, Mohali, Punjab