



**BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA**  
**Haryana Electricity Regulatory Commission**  
**Bays No. 33 - 36, Sector – 4, Panchkula-134109**  
**Telephone No. 0172-2572299; Website: - herc.nic.in**  
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**(Regd. Post)**

**Appeal No. : 22/2021**  
**Received on : 26.05.2021**  
**Registered on : 05.07.2021**  
**Date of order : 07.09.2021**

**In the matter of: -**

Appeal against the order dated 22.4.2021 passed by CGRF, UHBVN, Kurukshetra in case No.52/2021.

Sh. Dharminder Kumar S/o Sh. Raghbir Singh, Resident of Lahori, Distt. Jhajjar.

**Appellant/Complainant**

Versus

UHBVNL

**Respondents**

**Before:**

Sh. Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Sh. Dharminder Kumar

**Present on behalf of Respondents:**

Ms. Monika Kumari, SDO/Op., Sub Division, Machhrauli, Distt. Jhajjar.

Sh. Sanjay Bansal, Advocate

**ORDER**

1. Sh. Dharminder Kumar S/o Sh. Raghbir Singh, Resident of Lahori, Distt. Jhajjar has filed an Appeal against the order dated 22.4.2021 passed by CGRF, UHBVN, Kurukshetra in case No.52/2021. The Appellant submitted as under: -

*"I Can't Agree with order dated 22/4/21 copy attached because order is on bases of false statements given by defendant and on intensely given false & fabricated documents in the shape of evidence by defendant at the time of hearing on records at Forum. Hence in favor of Justice this Appeal."*

2. The appeal was registered on 05.07.2021 as an appeal No. 22/2021 and accordingly, notice of motion to the Appellant and the Respondents was issued on 07.07.2021 for hearing the matter on 19.07.2021.
3. Hearing was held on 19.07.2021, as scheduled. The counsel for the respondents submitted that he could receive the engagement letter from L.R., HPU, Panchkula that day only and would require some time to prepare the reply of the appeal. Acceding his request, the matter was adjourned to 29.07.2021.
4. The SDO/Op., Sub Division, Machhrauli, Distt. Jhajjar vide his email on 28.07.2021 has submitted the reply to the appeal as under: -

- **Regarding change of mode of supply:** That Point 1 is replied in this way that the estimate was framed on consumer/complainant's request for change of mode of supply of Luhari Dhani, from 11 KV Luhari AP Feeder to 11 KV Patauda RDS feeder. Now vide estimate no. JMSD-146/2021-22 amounting to Rs.17,725/- for connecting the RDS electricity supply, respondent informed the complainant to deposit the estimate cost of Rs. 17725/-, vide Memo No. 7257 dated 27-04-2021 which is annexed as Annexure R-1. The complainant deposited the estimated cost vide BA-16 No. 362/123184 dated 02-06-2021. After that the SJO issued to concerned JE Sh. Jogender Singh, vide SJO No. 55/1305 dated 02-06-2021, to get 4 No. PCC Poles withdrawn according to the estimate, from Divisional Store which is annexed as Annexure R-2. But the PCC Poles were not available in Divisional Store Jhajjar at that time due to which delay in work occurred. Now, connection work has been completed on dated 18.7.2021 and 19.7.2021 as per Nigam rules and regulations as informed by area incharge Sh. Jogender Singh JE.
- **Regarding Electricity Bill Problem:** That Point 2 is replied in this way that the consumer account H13HC112471N has been verified and found that the consumer had no outstanding amount till 28-06-2017. After that the consumer bill was being issued on average basis reason being faulty meter. Consumer had applied for MCO and paid the MCO fees vide BA-16 No. 329/111028 dated 22-05-2017, but due to misplace of MCO, the meter could not be changed timely and consumer bill still came on average basis in 15-07-2018. The consumer again intimated to this office vide registered complaint no. 300 dated 06-03-2019 in which the complainant raised the matter of not effecting of MCO and disconnected the supply for 19 months. The respondent department checked the complaint register, whether the supply was disconnected for 19 months or not for the period of 7/2017 to 3/2019, but no complaint found written in this regard. Only one complaint found with complaint no. 300 dated

06-03-2019, in which the consumer raised the matter of not effecting MCO and disconnecting the supply for 19 months. This complaint is of dated 06-03-2019 which has been filed by the complainant after passing of 19 months. After that the MCO got effected vide MCO No. 10/412 dated 07-03-2019, but due to some clerical mistake, the MCO got effected in H13HC110247 instead of H13HC112471, due to which consumer bill continued on average basis. Now, after looking the complete detail of consumer account from 8/2017 to 2/2021, the overall bill of consumer has been corrected by charged on MMC. The new meter reading from 09-08-2019 to 20-01-2021 is only 628 units i.e. 26.16 units per months. So, considering as a base consumer bill has been rectified by taking minimum monthly consumption of Rs. 533/- (SOP 460/FSA10/ED3/MR 60 (Rs. 30/- per month) which comes out to Rs. 11726/- for 22 bills. The details of this description are mentioned in the consumer cash receipt book which is annexed as Annexure R-3. During above said period consumer paid Rs.737/-which has been deducted with surcharge and total payable bill at 1/2021 is Rs. 10878/-.

- It is, therefore, respectfully prayed that keeping in view the submission made in this reply the appeal of the Appellant/ Complainant may kindly be dismissed with exemplary costs in the interest of justice. As the complainant did not file any complaint regarding disconnection of power supply from the period of 7/2017 to 3/ 2019. So, there is no question of disconnection of power for 19 months. Now complainant has been charged on MMC for those 19 months, which he is denying to pay by saying he has not used power supply for such period. Whereas consumer has not proved that he has not used electricity for these 19 months. So, the demand of complainant is wrong, unlawful and a sheer wastage of valuable time of this Hon'ble Commission. So, this office requests to the Commission to dismiss the appeal and give the direction to consumer for paying the MMC charges.
- Any other relief which this Hon'ble Commission deems just and proper in the circumstances of the case may also be granted to replying respondent.

5. Hearing was held on 29.07.2021, as scheduled, through video-conferencing in presence of both parties. The appellant informed that he received the reply of the appeal two days ago and will require some time to prepare the rejoinder of the reply. Acceding his request, the matter was adjourned to 12.08.2021.

6. **The Appellant vide email dated 12.08.2021 has submitted as under: -**

- On dated 26.05.2021 complaint to HERC, Panchkula through email eo.herc@nic.in. That complainant cannot agree with order dated 24.04.2021

passed by Hon'ble HERC (copy attached) because order is on basis of false statements given by defendants and on intensely given false and fabricated documents in the shape of evidence by defendants at the time of hearing on records at Hon'ble CGRF hence in favour of justice this appeal.

- On the basis of contents reply by Respondents on dated 28.07.2021 Para 1 to 2-point wise reply in hindi language.
- 1. Regarding change of mode of supply :- यह कि शिकायतकर्ता/उपभोक्ता का घरेलु श्रेणी (D.S) का बिजली मीटर लगभग 15 साल से लगातार कृषी श्रेणी (A.P) बिजली लाईन से बिजली विभाग झज्जर द्वारा बिजली उपलब्ध कराई जा रही थी क्योंकि उस समय उपभोक्ता के घरेलु श्रेणी कनेक्शन के पास LT लाईन घरेलु श्रेणी की बिजली लाईन थी । अब जब कुछ सालो से घरेलु लाईन शिकायतकर्ता/उपभोक्ता की साईट से 10 कदम की दुरी से गुजर रही है तो शिकायतकर्ता/उपभोक्ता को बगैर किसी अन्य शुल्क के AP लाईन से DS बिजली लाईन पर कनेक्शन स्थानांतरित किये जाने की अपील की गई थी । किंतु दिनांक 15.03.2021 को एस. डी. ओ./ रिस्पोंडेंट ने माननिय CGRF के समक्ष सुनवाई के दौरान अपने पहले रिप्लाइ में अपने कार्यालय पर ही बैठकर Tented रिप्लाइ लिखित रूप से दिया गया जिसमें नियमो का हवाला दे झुठा कथन अंकित करते हुए शिकायतकर्ता/उपभोक्ता की साईट को नजदीक गांव की फिरनी से दुरी 1500 मीटर से ज्यादा दिखाये जाने के कारण शिकायतकर्ता/उपभोक्ता का घरेलु श्रेणी का पुराना बिजली कनेक्शन पास ही से गुजर रही घरेलु बिजली लाईन से कनेक्ट नही किया जा सकता दर्शाया ।
- दिनांक 05.04.2021 मेमो न0 7054 द्वारा SDO/Respondent ने अपने दुसरे रिप्लाइ में माननिय CGRF द्वारा दिशानिर्देशो आर्डर न0 38/OFFICE दिनांक 24.03.2021 की पालना में जोईट कमेटी की रिपोर्ट के आधार पर बिजली निगम के नियमो अनुसार शिकायतकर्ता/उपभोक्ता की साईट सभी मापदंड पुरे करते है का लिखित रिप्लाइ दिया गया ।
- उपभोक्ता ने सिर्फ नियम अनुसार अपने लगभग 15 साल पुराने घरेलु कनेक्शन को जो कि AP सर्विस से कनेक्ट था जिसके बिजली बिल की अदायगी समय पर लगातार घरेलु सर्विस के अनुसार दी गई एवम बिजली AP सर्विस होने के कारण कम समय बिजली की ही पूर्ती हो पाई थी उसे बगैर अन्य शुल्क के बिजली निगम के नियमो के अनुसार AP सप्लाइ फीडर से डीसकनेक्ट कर RDS फीडर पर निशुल्क कनेक्ट कर केबल कनेक्शन दिया जाना था ।

- यह कि शिकायतकर्ता/उपभोक्ता पर जबरन Estimate no. JMDS – 146/2021-22 Amt. Rs. 17,725/- थोपा गया है। शिकायतकर्ता/उपभोक्ता ने ना चाहते हुए माननिय CGRF के आदेशो अनुसार दिनांक 02.06.2021 को उक्त Estimated Cost जमा कराई गई परंतु रिस्पॉडेंटस ने आदेशो कि पालना ना कर शिकायतकर्ता/उपभोक्ता को नियमित समय पर भी RDS बिजली सप्लाई ना दी उपरांत दिनांक 18.07.2021 व 19.07.2021 को आनन फानन में लगभग 1 घंटे में 4 PCC बिजली पोल की जगह 2 बिजली पोल PCC के लगा केबल कनेक्शन RDS फीडर से चालु किया गया जिसमे भारी लापरवाही पोल लगाने व उपयुक्त सामान में बरती गई नियम/आदेशो की समयबध जान बुझकर पालना ना कर गलत झुठे रिप्लाई देकर मामले सम्बंधित अधिकारियो ने ना केवल लापरवाही की बल्कि शिकायतकर्ता/उपभोक्ता एवम सरकारी राजकोश को आर्थिक हानि पहुंचाए जाने का कार्य अपनी शक्तियो का दुरुपयोग किया।
- 2. Regarding Electric Bill Problem :- यह कि शिकायतकर्ता/उपभोक्ता की बिजली केबल व मीटर (DS) दोनो जल जाने/क्षतिग्रस्त हो जाने पर दिनांक 22.05.2017-BA-16NO-329/111028 को MCO फीस अदा कर सवयम दवारा बाजार से नया बिजली मीटर खरिद कर बिजली विभाग में नियमानुसार जमा कराने उपरांत क्षतिग्रस्त केबल को ठीक करने बिजली शिकायत रजिस्टर ग्राम लुहारी में शिकायत कई बार दर्ज की गई व नया मीटर लगाये जाने बारे भी शिकायत दर्ज की गई। परंतु लगभग 19 महिने तक सम्बंधित बिजली विभाग के संबधित अधिकारियो ने अनुचित लाभ के चलते जान बुझकर बिजली की सप्लाई चालु नही कराई उपरांत शिकायतकर्ता/उपभोक्ता ने अपनी साईट पर लगभग 2 किलोवाट सोलर पैनल सिस्टम मजबुरन लगवाना पडा उपरांत दिनांक 15.07.2018 व 06.03.2019 को SDO माछरौली झज्जर को शिकायत करने उपरांत दिनांक 09.03.2019 को MCO न0 10/412 Effectuated हुआ किंतु MCO 10/412 Effectuated Date 09.03.2019 को किसी अन्य व्यक्ति के खाते से काटा गया एवम शिकायतकर्ता/उपभोक्ता से किसी अन्य के खाते में ही बिजली बिल की राशी ठीक कर रुपये 737/- जमा कराये गये उपरांत जान बुझकर शिकायतकर्ता/उपभोक्ता को मानसिक, शारीरिक एवम आर्थिक तौर पर हानि पहुंचाने कि नियत से गलत MCO Effectuated Dated 09.03.2019 को अप्रैल 2021 तक लगभग 2 साल तक ठीक नही किया गया।

- अतः लगभग 19 महिने शिकायतकर्ता/उपभोक्ता को बिजली सप्लाई नहीं कि गई जिस बारे शिकायत रजिस्टर ग्राम लुहारी में शिकायत दर्ज होने उपरांत भी मामले संबन्धित बिजली अधिकारियों ने माननीय CGRF के समक्ष दौराने जांच झुठे ब्यान अंकित कराये गये जो की शिकायत रजिस्टर ग्राम लुहारी दिनांक 25.05.2017 से 09.03.2019 तक बिजली विभाग झज्जर के कबजे में ही है ।
- माननीय चैयरपर्सन CGRF के बार बार निर्देश के बावजूद शिकायतकर्ता/उपभोक्ता का MCO ठीक नहीं किया गया बल्कि SDO/Respondent आदि बिजली विभाग झज्जर मामले सन्बन्धित अधिकारियों ने एक राय होकर मामले का गलत तरिके से निपटान कराने की बुरी नियत, चालाकी, फर्जी एवम धोखधडी कर दिनांक 19.04.2021 मेमो न0 7214 के रिप्लाई में झुठा कथन अंकित कर माननिय CGRF के समक्ष एक फर्जी, झुठा बिजली बिल शिकायतकर्ता/उपभोक्ता के नाम व बिजली खाते का निर्माण (पीले रंग का बिजली बिल) निर्माण कर उसमे MCO ठीक किये जाने की झुठी पुष्टी तथा झुठी अदायगी रकम दर्शा झुठा व फर्जी बिजली बिल सबुत के तौर पर पेश कर दिया जो की Annexure 1/ P9 है । सही बिल, बिल आधार- (MIN/Meter Burn on Average Basis No JCO 62647/2808) बिल राशि 18502 (रंग लाल बिजली बिल) dated 28.04.2021 व बिल न0 2150 जो की Annexure 1/P19 है ।
- It is therefore respectfully prayer that keeping in view the submission made in this reply of the respondents may kindly be dismissed with take contingence against respondents and kindly order to file criminal case against culprits/Respondents with exemplary compensation in favour of appellant/complainant in the interest of justice.
- Any other relief this Hon'ble commission deems fit and proper in the circumstances in the case may also be granted to replying appellant/complainant.

7. Hearing was held on 12.08.2021, as scheduled. During the hearing, the respondent informed that her counsel could not present due to some urgent work and requested for adjournment. Acceding her request, the matter was adjourned to 26.08.2021.

8. Hearing was held on 26.08.2021, as scheduled, through videoconferencing, but the Appellant delinked due to some unknown reasons and could not be contacted on his mobile number. The matter was adjourned to 7.9.2021.

9. Final hearing was held on 07.09.2021 through video conferencing in the presence of both the parties. Both parties argued in detail reiterating their written submissions.

- After going through documents put on record and hearing arguments/counter arguments of parties, it has come forth that the appellant had raised two issues before CGRF. First issue was regarding non-shifting his DS connection from AP feeder to DS feeder because there were less supply hours on AP feeder. The DS connection has been shifted on RDS feeder on 19.07.2021 and the respondent SDO has attributed the delay in shifting to non-availability of poles in the departmental store.
- Second issue was non-replacement of defective meter and non-issuing correct bill. MCO was issued by the office of the respondent SDO to replace the defective meter on 22.05.2017. but the same has misplaced in the office of respondent SDO and new MCO was issued and effected on 07.03.2019 on the complaint of the appellant dated 06.03.2019.
- The appellant further pleaded that his connection remained disconnected for period from 07/2017 to 03/2019 (19 months) and not liable to pay any bill for the period. Per contra the respondent SDO submitted that no such issue was brought by consumer in her notice earlier. Moreover, the appellant could not submit any record which proves that Nigam's supply to his premises has been disconnected during the aforesaid period. The consumer filed complaint on dated 06.03.2019 only and thereafter appropriate action has been taken in the matter. The appellant has been billed on MMC for those 19 months and is being charged on the basis of actual consumption for another period. The consumer has not deposited payment of the electricity after 28.06.2017 to the date.

In view of the above, the contention of the appellant that the respondent should not charge any bill for period from 07/2017 to 03/2019 (19 months) cannot be considered for the want of documentary evidence and hence, no merit is found in the appeal. Accordingly, the appeal is disposed of.

Both the parties to bear their own cost. The file may be consigned to the record.  
Given under my hand on this day of 7<sup>th</sup> September, 2021.

**(Virendra Singh)**

**Dated: 7<sup>th</sup> September, 2021**

**Electricity Ombudsman, Haryana**

**Endst. No. HERC/EO/Appeal No.22/2021/**

**Dated: -**

1. Sh. Dharminder Kumar S/o Sh. Raghbir Singh, Resident of Lahori, Distt. Jhajjar. (dharamchauhan007@gmail.com)

2. The Managing Director, UHBVN, Vidhut Sadan, C-16, Sector – 6, Panchkula – 134109
3. The Chief Engineer 'Op.' (Zone – 2), Old Power House, Circular Road, Rohtak.
4. The Superintending Engineer 'Op' Circle, UHBVN Complex, 33 KV Power House Jhajjar. (seopjhajjar@uhbvn.org.in)
5. The Executive Engineer 'Op.' Division, UHBVN, 33KV Power House, Jhajjar. (xenopjhajjar@uhbvn.org.in)
6. The SDO/Op., Sub Division, Machhrauli, UHBVN, 33 KV Power House, Machhrauli, Distt. Jhajjar. (sdoopmachhrouli@uhbvn.org.in)