



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. : 24/2021
Received on : 24.05.2021
Registered on : 06.07.2021
Date of hearing : 02.09.2021
Date of order : 02.09.2021

In the matter of: -

Appeal against the order dated 08.03.2021 passed by CGRF, DHBVN, Gurugram in case No.3067/2020.

Pankaj Bhalotia, Flat No.1104, Gracious Tower, Imperial Estate, Sector-82, Faridabad,121007, Haryana

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Pankaj Bhalotia

Present on behalf of Respondents:

Sh. Sanjay Bansal, Counsel for Respondents

Sh. Ravinder Kumar, SDO, (OP), Sub Division, Kheri Kalan, Faridabad

ORDER

1. Pankaj Bhalotia, Flat No. 1104, Gracious Tower, Imperial Estate, Sector 82, Faridabad 121007, Haryana has filed an Appeal against the order dated 08.03.2021 passed by CGRF, DHBVN, Gurugram in case No.3067/2020. The Appellant submitted as under:

1.1 I am a consumer of DHBVN under the Regulation 5.3 of the Single Point Supply Regulation 2020 and eligible to make this representation under the provisions of the Regulation 3.16 and 3.17 of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020.

- 1.2 *The Electricity Account Number is 2202690000 (F15-BSHT-0004 and F15-BSHT-0015) for the housing society “Imperial Estate, Sector: 82, Faridabad – 121007, Haryana”.*
- 1.3 *I had certain grievances against DHBVN and accordingly filed below complaints before the Forum for Redressal of Consumer Grievances, DHBVN, Hisar, Haryana for redressal of the grievances-*
- *Dated: November 20, 2019 (Registered as case number 3067/2020)*
 - *Dated: September 7, 2020 (Registered as case number 3195/2020)*
 - *Dated: October 1, 2020 (became part of case number 3067/2020)*
- 1.4 *The Grievances included in the above mentioned three (3) complaints were as below-*
- *A list of instances/breakdowns were provided with date and time wherever was available, during which there was power outages to the housing society due to faults, break down, fuse off, no supply of power etc.*
 - *In all the reported cases/breakdowns, the maintenance of the power outages was carried out by the maintenance staffs of the housing society, whereas it was the duty of the DHBVN to carry out maintenance in terms of Regulation 4.10 of The Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016.*
 - *DHBVN did not paid/reimbursed the cost/expenses incurred by the housing society, which the housing society had borne while doing the maintenance of power outages in all the reported cases/breakdowns.*
 - *DHBVN also did not paid any compensation/penalty in the reported instances, despite not meeting the maximum timelines as prescribed under the Schedule – I of the HERC (Standards of Performance for the Distribution Licensee) Regulations, 2004 and under the provisions of the HERC (Standards of Performance of Distribution Licensees and Determination of Compensation) Regulations, 2020, respectively.*
 - *Adding two more electricity connections to the Independent Feeder of the Housing Society by contravening the provisions of the Regulation 4.8.2(i) to 4.8.2(ix) of the Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016.*

- *No passing of feeder loss in the monthly electricity bill of the housing society since the energization of Independent Feeder in the month of June/July 2004, in terms of the provisions of the Regulation 4.8.2(v) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016.*
- *No use of the call center of DHBVN because such call center has not been set up and design to deal to address and redress the cases of supply of electricity through Independent Feeder and also when the supply of electricity is through Single Point Supply.*
- *Blocking of my mobile No 9810985869 by the Power House A-4, Sector 18, Old Faridabad, Faridabad, Haryana at their contact number 7290025684 and by the XEN Greater Faridabad, DHBVN at his contact number 9718599180 and accordingly I was unable to talk both of them and enquire status of restoration of supply of power when there were power outages.*
- *Incorrect and improper continuous charge of Meter Service Rent per month.*
- *Levy of penalty and interest on DHBVN for not following the various Regulations issued by HERC and also awarding cost to me for the time and money spent by me on the filing of complaints and attending hearing.*

1.5 *It was decided by the CGRF DHBVN that they would hear all three complaints together because all these complaints were interconnected with each other and also the grievances were more or less of the similar nature.*

1.6 *The CGRF DHBVN after hearing the matter gave an Impugned Order in Case No. 3067/2020 on 08.03.2021, which was forwarded to me through email on 24.03.2021. The scan of the Order was incomplete and few pages of the order were missing when it was forwarded to me first on 24.03.2021. The same was brought to the notice of the CGRF and till date I have not received the complete order from CGRF DHBVN.*

1.7 *The CGRF DHBVN has yet to pass an Order in Case No. 3195/2020 for which the last hearing took place on 12.02.2021. I have not received copy of order in case no. 3195/2020.*

1.8 *I am not satisfied and aggrieved by the decision/No decision of CGRF DHBVN in Case No. 3067/2020 and in Case No. 3195/2020 respectively due to following reasons-*

- *My grievances remain as it. I am not happy and dissatisfied with the decision of CGRF DHBVN in case no. 3067/2020. The decision is unable to address and redress by grievances. The grievances remain as status quo.*
- *I have yet to receive copy of order in case no. 3195/2020 for which last hearing took place on 12.02.2021. The maximum time limit of 45 days has already been elapsed within which the forum needs to decide the grievance and pass order. (Regulation 2.39 of the HERC (Forum and Ombudsman) Regulations, 2020.)*
- *They wasted my time, money and energy on the Complaints and dragged it for 8 months for which they had no intention and inclination to redress my grievances since filing of the complaints. CGRF miserably failed to perform its duty and responsibility for which it has been set up and is in existence.*
- *The CGRF DHBVN had no knowledge of any Law, Rules and Regulation in place while dealing with my Complaints. In my view, their acts revealed that they were incapable in handling and performing as adjudicating authority on my complaints.*
- *They acted biased and favored the Respondent DHBVN while dealing with my complaints.*
- *At no point, their intention was to hear the complaints and follow principle of natural justice.*
- *Their approach was like asking for Mango and getting Orange from them. A bad and very poor show by CGRF DHBVN as an adjudicating authority.*
- *Looks like, they were incapable of handing and addressing my complaints and grievances.*
- *CGRF DHBVN did not provided any reasons, justification and findings in the order that how have they arrived at their decision with no direction on the complaint. A gross negligence on the part of CGRF DHBVN and this reflects that they do not know how to hear and decide grievances of a complaint.*
- *They mentioned my appearance as absent for 02.03.2021, whereas they neither informed nor called me to come and present on that day. Looks like it was done deliberately with an intention to favor Respondent DHBVN. I did make an enquiry that do I have to come on 02.03.2021, but since their intention was to favor DHBVN, they did not respond to my enquiry nor they called/informed me to come. A Poor Show and Judgement process followed by CGRF DHBVN in this case. I wish a better sense would prevail upon them when they act as an adjudicating authority.*

- *All of my submissions, rejoinders, reply, discussion, hearings, arguments etc. were overlooked by CGRF while dealing with the Complaints and pronouncement of the Order. Why they asked me to submit Rejoinder, Reply, Submissions etc. when their intention was not to refer and consider the same at any point while dealing and deciding the complaints.*
- *No Penalty, Interest were levied by the CGRF DHBVN on DHBVN despite not following various Regulations of HERC as in place.*
- *No cost and compensation were awarded to me for spending time, energy and money on filing complaints and attending hearing, which I could have saved had DHBVN followed the Regulations in place.*

1.9 *I, therefore, request Electricity Ombudsman to declare the Impugned Order of the CGRF - DHBVN dated: 08.03.2021 in Case No. 3067/2020 as null and void and set aside the same and pass the judgement in my favor to address and redress the grievances.*

1.10 *Since the forum failed to give, an order in Case No. 3195/2020 within 45 days from last hearing on dated: 12.02.2021 in terms of Regulation 2.39 of the HERC (Forum and Ombudsman) Regulations, 2020, I request Electricity Ombudsman to hear and decide the case no. 3195/2020 in my favor.*

1.11 *I hereby confirm that the representation filed, is not in respect of same grievances and is not pending in any proceedings before any court, tribunal or arbitrator or any other authority. No decree or award or a final order has been passed by any such court, tribunal, arbitrator or authority in respect of Representation filed.*

Grounds of the Representation

(a) *Maintenance of Power Supply is carried out by the maintenance staff of the housing society and not by DHBVN and no reimbursement of expenses/cost by DHBVN incurred by the housing society on doing all such maintenances.*

- *Looks like only submissions and discussions were recorded by CGRF in the form of Order under Allegation – 1, with no findings and direction by them on the Grievance.*
- *The CGRF DHBVN had mentioned in the order that Respondent SDO in his submissions said that “it was DHBVN who have been maintaining the supply cable and supply and had been incurring the expenditure on the maintenance.” I don’t know what was the evidence submitted by the Respondent SDO in support of his statement that DHBVN is doing the*

maintenance and accordingly incurring the expenditure on the maintenance, which made CGRF DHBVN to rely and believe that YES, DHBVN has actually done the maintenances and incurred expenditure in all the reported instances/breakdowns and accordingly my grievance was denied by CGRF, because I being a complainant has not been supplied with such evidences/submission made by the Respondent SDO to CGRF DHBVN.

- The CGRF DHBVN while denying to my grievance did not give any reasons, justifications and findings that how they arrived at their decision of rejecting my grievance. What they saw and found and how they satisfied themselves that YES, Respondent SDO is correct in saying that all the maintenances were actually carried out by DHBVN and I am wrong in saying that housing society has actually done all the maintenances. The CGRF did not mention this in their order while rejecting my grievance, which is a must requirement to have in the order while dealing with a complaint.*
- One point is clear that between me and the Respondent SDO, one is lying and not telling truth and I would like Electricity Ombudsman to unearth the same and address this once for all because this is still an ongoing grievance and even exist today also.*
- I would also like Electricity Ombudsman to go through my rejoinders and submission dated: 01.09.2020, 03.10.2020, 13.12.2020 and 16.02.2021 provided to CGRF during course of hearing and attached with this Representation for better insight of the grievance and my point of view and to unearth the truth.*

(b) No Payment of Compensation for not meeting the timelines as prescribed under the 2004 and 2020 Standard of Performance Regulations.

- Let us first decide that a connection under Single point supply and that too on Independent Feeder, falls under Urban Area or Rural Area for applicability and payment of Compensation for not meeting the timelines for various nature of services as prescribed under the HERC (Standard of Performance) Regulations 2004 and 2020 respectively.*
- In support of my claim that the connection falls under Urban area, I have following two Submissions-*

Regulation 6.1 (e) of the Single Point Supply Regulation 2020 says that an electricity connection given under the Single Point Supply shall be covered under the urban supply category for all purposes.

*There was no definition provided for an Urban area or Rural area in the erstwhile 2004 Standard of Performance Regulation, however Regulation 2.1 (III) of the 2020 Standard of Performance Regulation says that an Urban Area means **“the areas covered by all Municipal Corporations and other Municipalities including the areas falling under the various Urban Development Authorities, Cantonment Authorities and Industrial Estate and Townships including those specified by the Haryana Government”***

Accordingly based on above submissions, the connection very much falls within an Urban Area Connection because it is a Single Point Connection and/or also falls under the area of Urban Development Authorities and Township scheme specified by the Haryana Government.

- In all of the reported cases, the time taken to restore the supply was beyond the prescribed timelines and accordingly compensation is very much applicable and payable by DHBVN. There is no basis provided by Respondent SDO to defend his statement except some records of Power House, which I as a consumer does not rely, trust and accept. The records are totally manually maintained and I don't know who and what they are maintaining at Power House and what all is written there. How do I trust upon and how that manual record relevant for the complaint? The records of Power house are not an evidence to trust upon. The timeline I mentioned on my complaint is as noted and observed by me during which there was no supply of electricity and accordingly I stand with the timelines I mentioned on the Complaints and demand for the Compensation.*
- The Respondent SDO did not provide the nature and types of outages for each individual reported case and he tried to cover all of them under major outages as breakdowns and that too under timelines prescribed for Rural Area whereas timeline as per Urban Area shall be applicable for payment of Compensation. Also, note that for cases reported till April 23, 2020, the timelines as per 2004 Standard of Performance would be applicable and for cases reported on or after April 24, 2020 the timelines as per 2020 Standard of Performance Regulation would be applicable.*
- Further, CGRF in its order said that the Respondent SDO had accepted that in one instance, the outages exceeded the timelines prescribed under Standard of Performance, but there was no direction given by CGRF that which that one instance had exceeded the timelines from my all reported*

cases and also no direction was given for payment of compensation for that one instance noted by CGRF/SDO. The compensation is still awaited from SDO for that one single instance.

(c) Replacement of Bad Shape of Electricity Wire from power house to the housing society.

- I have not been supplied any documents and evidence to support the claim of the Respondent SDO that faulty and bad shape of cable from power house to the housing society has been replaced by DHBVN.*
- Since no documents were submitted to me and accordingly how do, I know that what they replaced and what not? Have they replaced all the faulty cable or still some are still to get replaced?*
- How submission of estimate from DHBVN proves that, all the needed replacement of faulty and bad shape of wire has actually been completed/replaced by DHBVN.*

(d) Adding Two more connections to the Independent Feeder of the housing society by contravening the provisions of Regulations of HERC as prescribed in same regard.

- The CGRF DHBVN did not give any order under Allegation – 5, despite knowing the contraventions committed by Respondent SDO by adding two more connections to the Independent Feeder of the housing society. They recorded submission and discussion but failed to give an Order in respect of this grievance. There are no findings, reasons provided by CGRF in its order for this grievance.*
- The Respondent SDO added a connection of Princess Park housing society to the Independent Feeder of the housing society in the month of June/July 2019 by contravening the Regulation 4.8.2 (i) to 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016. (Please see the copy of RWA circular dated: July 26, 2020 attached as Annexure – 9). How come everyone is incorrect that another connection was added and Respondent SDO is correct that only VCB was added. What is this VCB and why it was added to the Independent Feeder of the Housing Society and which Rules and Regulations of HERC permits adding of such VCB to an Independent Feeder. Neither SDO explained it nor CGRF mentioned it in its order and accordingly my grievance still remain as it is.*

- *One more connection was added (VRP Buildwell P. Ltd., Sector 85, Faridabad) by the Respondent SDO to the Independent Feeder of the housing society and this addition of connection is again by contravening the provisions contained in Regulation 4.8.2 (i) to 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016. The CGRF DHBVN order is totally silent in this regard and that is why I said the Intention of CGRF was biased and they were lacking willingness to hear the appeal.*
- *There are certain procedure, rules and regulation to follow, before adding a connection to the Independent Feeder of the housing society, which are mentioned under Regulation 4.8.2 (i) to 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016, however DHBVN added both the connections by contravening and without following the said Regulations in place.*
- *The Regulation 4.8.2 (iii) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 says that a connection can be added to the independent feeder of the housing society only when if there is right of way or other similar problems. No documents/evidences were produced by the Respondent SDO, in support was there any right of way or other similar problems existed before adding both the connection to the independent feeder of the housing society.*
- *There are many other compliances to make, before adding a connection to Independent Feeder and those are clearly mentioned under Regulation 4.8.2 (i) to 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016, but the Respondent SDO did not made any compliances to any of these regulations before adding both the connections to the independent feeder of the housing society. Please refer my complaint dated: November 20, 2019 for detailed non-compliances by the Respondent SDO for adding connections to the independent Feeder of the housing society.*
 - *Addition of a connection only when there is right of way or other similar problems.*

- *Billing to be done as per meter installed at consumer premises.*
 - *Reading to take place simultaneously at sub-station and at consumer premises.*
 - *Ceiling of 250 ampere load to be maintain on 11kv feeder*
 - *Consent of consumer if feeder is utilized more than 70% of its rated capacity.*
 - *Adjustment of differential cost to the original consumer.*
 - *No apportionment of feeder loss*
 - *Credit of shared cost of original cost of common portion of Independent Feeder.*
 - *Misuse by DHBVN to be dealt strictly under the provisions of the Electricity Act.*
- *Regulation 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016, says that In case an independent feeder has been laid on common poles/structures or otherwise and any case of misuse for abstraction of power or unauthorized use of the independent feeder for connecting any other load by the line staff is noted, the same shall be dealt under Section 142 of the Electricity Act for action against the defaulting employee/person notwithstanding any actions, that may be taken against such employee/person under Section 138 of the Electricity Act by the appropriate authority. Regulation 4.8.2 (ix) further says that in case the connivance of the consumer is proved, the issue will be dealt under Section 135 of the Electricity Act for dishonestly using electricity for the purpose other than for which the usage of electricity was authorized. Since, the second connection was added by DHBVN without following the provisions of the Regulation 4.8.2 of the Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016, is DHBVN not liable to get prosecuted under the provisions of section 135 and section 138 and section 142 of the Electricity Act, 2003.*
 - *I would Like Electricity Ombudsman to pass an order of compliances of Regulations 4.8.2 (i) to 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and*

Power to require security) Regulations, 2016 and an order for Immediate removal of both the connection from the Independent Feeder of the Housing society and whoever has added both the connection should not be left spared and should be levied with hefty penalty and interest in terms of Regulation 4.8.2 (ix) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 so that such person does not do such activity again.

(e) No apportionment of feeder loss for the Independent Feeder of the Society.

- There has been no apportionment of feeder loss for the Independent Feeder of the housing society. The billing continue to be done as per reading taken at power house/sub-station ever since energization took place, however there should be apportionment of feeder loss as well while taking reading at power house in terms of Regulation 4.8.2 (v) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 and till date there is no such apportionment of feeder loss since energization of feeder in June/July 2014.
- How come where there is more than once connection added to an Independent Feeder, the feeder loss is allowed, but when there is only one connection, no feeder loss is allowed. This is not the intention of the Regulation in place and feeder loss shall be provided whether or not there is single connection or more than single connection added to an Independent Feeder.
- I would Like Electricity Ombudsman to pass an order for passing of Feeder Loss, since the energization of Independent Feeder from June/ July 2014.

(f) Non-applicability of Meter Service Rent and refund of the same incorrectly charged till date.

- The CGRF DHBVN failed to give an order/direction in respect of this grievance, so requesting Electricity Ombudsman to address and redress this grievance.
- Neither the charges have stopped, nor the refund has been given collected erroneously till date in the name of meter service rent.

- *The Regulation 4.8.2 (i) of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 says that “In case the applicant requests for supply of electricity through an independent feeder and the same is technically feasible as per Regulation 3.11, the charges of controlling equipment including Circuit Breaker, Bay (if to be erected), CTs & PTs, Isolators, Line and Earth switch, Meter required at the feeding sub-station, Electric Line up to the consumer end and the meter at consumer end shall be borne by the applicant.*

Therefore, it is clear from Regulation 4.8.2 (i) as supra that the cost for all the meter/metering requirement shall be borne by the consumer, if the supply is through independent feeder. So, what is this H.T tri vector meter, for which Respondent SDO is charging meter service charge of Rs. 1,000 per month, when cost of the same is already borne by the consumer?

Also, no reasons provided by SDO that why the licensee has installed the meter and not the consumer?

- *Further the charging section of monthly meter service charge says that it shall be levied only when if the meter has been supplied by the licensee and also that the meter is installed inside the consumer premises or on pole outside the consumer premises. So, neither the meter is installed inside the consumer premises nor on the pole outside the consumer premises. As per SDO it is installed at Power House and accordingly no meter service rent is applicable and payable.*

(g) No cost and compensation were awarded to me for filing complaints and spending time and money on attending hearings.

- *The CGRF DHBVN did not awarded any cost and compensation to me for my time and money spent on filing the complaints and attending hearing. Had DHVBN followed the Rules and Regulations in place, I would have not needed to spend time and money on the complaints and hearings in terms of Regulations 2.42 of the HERC (Forum and Ombudsman) Regulations, 2020.*
- *No reasons were provided by the CGRF DHBVN that why DHBVN was not penalized to pay cost and compensation to me in terms of Regulations 2.42 of the HERC (Forum and Ombudsman) Regulations, 2020, when it was part of my grievances of complaints filed.*

(h) No Order in respect of Call Center of DHBVN for consumer on Single Point Supply

- The call center of DHBVN if of no use because such call center has not been set up and design to deal with and to address and redress the grievance of supply of electricity through Independent Feeder and also the supply of electricity is through Single Point Supply.
- The CGRF DHBVN did not give any order for this grievance so requesting Electricity Ombudsman to address and redress this grievance.

(i) No Order and no Penalty levied on Power House staff and XEN Greater Faridabad for blocking my mobile number on their respective phone number.

- How can Power House personnel and XEN Greater Faridabad block my number when the phone number provided by the Licensee and is for general public to contact. They misused it and for that, they need to be penalized so that they don't do it again in future. Also, pass an order to both of them to immediately unblock my number and confirm the same to me.
- The CGRF DHBVN did not give any order for this grievance so requesting Electricity Ombudsman to address and redress this grievance.

Prayer and Relief Sought from the Electricity Ombudsman

- The representation, in its present form, may kindly be taken on record.
- Condone any inadvertent omissions/shortcomings and permit the Complainant to add/change/modify/alter and make further submissions as may be required at a future date.
- To set aside the order dated 08.03.2021 passed by CGRF DHBVN in case no 3067/2020 and declared the same as null and void.
- To pass an order in case no 3195/2020, for which CGRF DHBVN was failed to pass an Order within timelines of 45 days as prescribed under Regulation 2.39 of the HERC (Forum and Ombudsman) Regulations, 2020.
- To review and examine the matters for redressal as brought in through this representation and as discussed above in foregoing paragraphs and take appropriate action in accordance with the provisions of the Regulation of the Haryana Electricity Regulatory Commission (Forum and Ombudsman)

Regulations, 2020 including payment of compensation in accordance with Regulation 9 of the "Haryana Electricity Regulatory Commission (Standards of Performance of Distribution Licensees and Determination of Compensation) Regulations, 2020".

- *To award cost to me for the time and money spent by me on it.*
- *Pass any such other order/s and/or direction/s, which the Electricity Ombudsman may deem fit and proper in the facts and circumstances of the case.*

2. The appeal was registered on 06.07.2021 as an appeal No. 24/2021 and accordingly, notice of motion to the Appellant and the Respondents was issued on 07.07.2021 for hearing the matter on 20.07.2021.
3. The hearing was held on 20.07.2021, as scheduled. During the hearing, the Appellant and the Respondent SDO were present via video conferencing. The Respondent SDO submitted that he would require some time to submit the point wise reply of the Appeal. Accordingly, the matter was adjourned to 02.08.2021, with direction to the Respondent SDO to ensure that the copy of his reply be received to the Appellant within ten days.
4. The Hearing was held again on 02.08.2021, as scheduled. During the hearing, the Appellant and the representative of the Respondent SDO were present via video conferencing. The representative of the Respondent SDO submitted that the SDO was busy in the hospital as one of the employees of their office got injured in accident, and requested some time to submit the reply of the Appeal. Accordingly, the matter was adjourned to 16.08.2021.
5. The Hearing was held on 16.08.2021, as scheduled. During the hearing, both parties were present via video conferencing. The counsel for the Respondents submitted that he had received engagement letter two days before and could not prepare reply in short span of time and requests some time to submit the point wise reply of the Appeal. Accordingly, the matter was adjourned for hearing on dated 02.09.2021 with direction to the Respondent SDO to ensure that the copy of his reply be received to the Appellant within ten days.
6. The Respondent SDO, (OP) DHBVN, Sub Division, Kheri Kalan, Faridabad vide email dated 30.08.2021 has submitted as under: -
 - 6.1 *That the appeal filed by the appellant is nothing but a blatant abuse of the process of law and same has been filed with ulterior motives to harass .and humiliate the respondent. The appellant has put bare allegations on the respondent department without any evidence. As appellant could not produce the list of breakdowns in the hearings of CGRF and he accepted before the learned CGRF that his complaint was on the basis of his general observations. (Last para of page 4 of CGRF order).*

Whereas the respondent SDO has submitted the list of breakdowns. It is well settled law that the complainant has to prove his complaint by producing the relevant evidence. The complainant has not given any evidence regarding his complaints and has not proved anything in his complaint dated 20-11-2019, complaint dated. 07-09-2020, complaint dated 01-10-2020, and further Rejoinder dated 01-09-2020, Rejoinder dated 03-10-2020, Rejoinder dated 13-12-2020, Submission dated 16-02-2021 and Appeal dated 19-07-2021. So, the appeal is not maintainable in the eyes of law and same is liable to be summarily dismissed.

6.2 That the appellant has not come to the Ld. Commission with clean hands and he is not entitled to any relief from this Hon'ble Commission. The appellant is devoid of true and correct facts and has concocted false stories just to get favorable orders from this Commission. As he has admitted before the Ld. CGRF that he has no proof of any expenditure having been incurred by him or by his society on the maintenance of their supply feeder (Para 2 of page 5 of CGRF order). The onus to prove his claim lies upon the complainant. So, there is no merit in any of the issues raised by him in his complaint.

Para wise reply

- That the contents of para no. 1 of Appeal are a matter of record and needs no reply.
- That the content of para no. 2 is a matter of record.
- That the contents of para no. 3 are matter of record. However, it is submitted that all three complaints have been filed by the complainant without having locus standi and only to harass and humiliate the respondent without any reason.
- That the contents of para no. 4 along with sub paras of the appeal are wrong and incorrect, hence denied.

Reply of Sub Paras:

- That the contents are given in this sub para (i) are wrong and denied. The duration of power outages (in hours) to the housing society due to faults, break down, fuse. off, no supply of power etc. which is mentioned by the Appellant/ Complainant in his 3 complaints are not correct. However, it is submitted that the details of break down period, and the same had been rectified within the specified period as prescribed in Haryana Electricity Regulatory Commission (Standards of Performance for the Distribution Licensee) Regulations 2004, has been mentioned in para 6 of page 4, 5 &6 of Reply to Rejoinder (Dt, 13-12-2020)

before the Chairperson, Consumer Grievances Redressal Forum, DHBVN, Hissar.

- That the contents of sub para (ii) is denied that faults, break down, fuse off, no supply of power etc. were attended by the housing society maintenance staff. However, it is submitted that the sub division staff is maintaining the line and all the, breakdowns and complaints are being got attended by the sub divisional staff.
- That the contents of sub para (iii) are wrong and denied. The respondent department has got replaced the faulty AB cable and under Ground XLPE cable on 11 KV SPR feeder which used to cause the breakdown and was in very bad condition. This proves that Nigam has taken over the maintenance and is complying with all the instructions and regulations of HERC. All the permits and supervision are being done by the sub division staff. Hence, there is no question to pay any amount as alleged by the appellant/complainant.
- That the contents of sub para (iv) is denied. When the sub division staff is maintaining the. line and all the breakdowns and complaints are being got attended and rectified by the sub division staff. Hence, there is no question to pay any compensation/penalty, as alleged by the appellant/complainant. And it is also submitted that such break down have been rectified/removed as early as possible within the prescribed period under the schedule of the HERC (Standards of Performance for" the Distribution Licensee) Regulations,2004.
- That the contents of sub para (v) are also wrong and denied. It is submitted that one no. of connection of M/s VRP Buildtech Pvt. Ltd., sector-8S, Faridabad has been connected with this feeder due to ROW (Right of way) as per "Regulation 4.8.2 (iii) of the HERC (Duty to supply electricity on request, power to recover expenditure incurred in providing supply and power to require security) Regulations 2016." It is further denied that the said electricity connection has been released in contravention' of 4.8.2(i) & 4.8.2(ix) of said regulation.
- That the billing of this consumer is being done as per the meter reading.
- That the contents of sub para (vii) are wrong and denied. The call center of DHBVN are functioning smoothly and are providing services accordingly as per procedure laid down. The allegation of the appellant/complainant is false and baseless. Hence/ it is denied that the call center of DHBVN is of no use.
- That the contents of sub para (viii) are also wrong and denied. The allegation of the appellant/complainant is false and baseless.
- That sub para (ix) is replied in this way that the H.T. Tri vector meter has been installed for the consumer electricity connection hence} as per Part B(l) of

schedule of General and Miscellaneous charges as approved by the Hon'ble SE/Commercial DHBVN Hissar vide Sales Circular No. D-27/2019/ Rs. 1000/- are being charged per month. As per said circular/ the charges will remain continue till the meter is installed at the site of the consumer.

- That sub para (x) is denied. However, it is submitted that all three complaints have been filed by the appellant/complainant without having locus standi 'and only to harass and humiliate the respondent without any reason. So, levy of penalty and interest should be on the appellant/complainant for filing false and baseless complaints.
- That the contents of para no. 5 are correct that all' three complaints filed by the appellant/complainant are of similar nature.
- That the contents of para no. 6 are wrong and denied.
- That the contents of para no. 7 are wrong and denied.
- That the' contents of para no. 8 along with sub para of the appeal are wrong and incorrect.

Reply of sub paras: -

- That the contents of sub para (i) are wrong and incorrect. hence it is denied.
- That the contents of sub para (ii) are wrong and denied.
- That the contents of sub para (iii) are wrong and denied. However, it is submitted that the appellant/complainant wasted the precious time of Hon'ble Commission and department (DHBVN) by filed the false and baseless complaints. And further it is submitted that Hon'ble CGRF has fulfilled its duty and responsibility.
- That the contents of sub para (iv) are totally wrong and denied. The Learned Forum applied its mind with open eyes while adjudicating the complaints 'and reply submitted before him by both the parties and they have not traveled beyond their jurisdiction and evidence recorded before them. Thus, the decision of CGRF DHBVN in case no. 3067/2020 and in case' no. 3195/2020 is lawful and valid.
- That the contents of sub para (v) is denied being wrong and incorrect.
- That the contents of sub para (vi) is denied being wrong and incorrect.
- That the contents of sub para (vii) are totally Wrong, hence denied.
- That the contents of sub para (viii) are baseless and wrong, hence it is denied.
- That the contents of sub para (ix) is denied being wrong and incorrect.
- That the contents of sub para (x) is denied being wrong and incorrect. The Learned Forum does not have any personal interest in the respondent. Furthermore, this issue was never agitated before the Forum.

- That the contents of sub para (xi) is denied being wrong and incorrect. '
- That the contents of sub para (xii) is denied.
- That the contents of sub para (xiii) is denied.
- That the contents of para 9 are wrong and incorrect, hence it is denied. The, order of CGRF-DHBVN dated 08-03-2021 is according to various Regulations of HERC and it may not be set aside.
- That the contents of para 10 is denied.
- That the contents of para 11 is a matter of record.
- That the contents of para 12 is a matter of record.
- That the contents of para 13 is a matter of record.
- That the contents of para no. 14 are correct to' the extent that order of the CGRF dated 08-03-2021 is attached as Annexure'-4 but rest of the contents are denied that it is an impugned order.
- That the contents of para no. 15 are matter of record.
- That the contents of para no. 16 are matter of record.
- That the contents of para no. 17 are matter of record.
- That the contents of para no. 18 are matter of record.
- That the contents of para no. 19 are matter of record.

Reply of Grounds of the Representation: -

- That the contents of para no. 1 and sub paras (i) to (v) are totally wrong and baseless, hence' it is denied because it is the duty of complainant to produce evidence not the respondent. However, it is submitted that "It is well settled law that the complainant has to prove his claim/ or the complainant has to stand on his own legs", The onus to prove his claim lies upon the complainant.
- That the contents of para no. 2 and sub paras (i) to (v) are wrong and denied. However, it is submitted that all the breakdowns have been attended by the officials of the respondent as per the standards of performance then there is no question to make the payment to the said society.
- (i) to (v) In reply to the contents of these sub paras, it is submitted that the rural and Urban areas have already been specified by the Municipal Corporations, Municipalities, Urban Development authorities, Cantonment Authorities, Industrial Estate and Townships and Haryana Government. According, the Imperial Estate Society is situated outside the Urban areas as well as Municipal area. Moreover, it is also evident that the appellant/complainant himself sought the information under RTI Act regarding this matter and furnished the same to the office of respondent. The contents of Single Point Supply Regulation 2020

are not disputed. However, the Urban area and Urban Supply are two different concepts. The society is lying outside the limits of Urban area.

- That the contents of para no. 3 along with sub para (i) to (iii) is denied being wrong and incorrect. The contents of this para are repeated one. However, 'the reply of the same has already been given in the reply of sub para (iii) of para no. 4 of appeal which be read as part and parcel to the reply of this para of grounds of representation.
- That the contents of para no. 4 along with sub para (i) to (viii) is denied being wrong and incorrect. The contents of this para are repeated one. However, the reply of the same has already been given in the reply of sub para (v) of para no. 4 of appeal which be read as part and parcel to the, reply of this para of grounds of representation.
- That the billing of this consumer is being done as per the meter reading. That the contents of prayer clause are wrong and incorrect hence not admitted. It is, therefore, prayed that the appeal of the appellant may kindly be dismissed with cost. Any other relief to which this Hon'ble Commission deems just and proper may also be an awarded in the interest of justice.

7. Hearing was held on 02.09.2021 through video conferencing in the presence of both parties. The appellant argued reiterating points raised in his appeal that the maintenance of feeder in case of power outage due to various reasons, has been carried out by the maintenance staff of the society whereas it was the duty of the respondent Nigam as per the Regulations. DHBVN didn't pay/reimburse the cost/expenses incurred by the society for the purpose. Two connections have also been released on their independent feeder.

Per contra the counsel for respondents submitted that all the outages of the feeder have been attended by the respondent Nigam within time lines stipulated in HERC Regulations. All the maintenance work has also been carried out by the staff of the Nigam. The counsel also submitted that none other than the Licensee (DHBVN) is authorized to work on the feeder and to take PTW on it from the substation from where feeder is emanating. Since all the maintenance work has been carried out by DHBVN, then question of re-imburement does not arise. one additional connection of M/s VRP Buildtech Pvt. Ltd. has been released on the Independent feeder due to ROW as per Regulation 4.8.2 (iii) of the HERC (Duty to supply electricity on request) Regulations, 2016 without contravention of any regulations.

Further, the counsel for the respondents enquired the appellant whether he has documentary proof of expenditure incurred by the Society for the maintenance of the feeder, he replied that he did not have any proof for that.

8. After going through the appeal, reply of the respondents and arguments/counter arguments of the parties during hearings, it is observed that the appeal has been filed on the basis on premises and conjectures instead of documentary evidence. Hence, I am of considered view that there is no merit in the present appeal which warrants interference with the CGRF order dated 08.03.2021.

In view of the above, the appeal is dismissed being devoid of merit.

Both the parties to bear their own cost. The file may be consigned to the record. Given under my hand on this day of 2nd September,2021.

(Virendra Singh)

Dated: 2nd, September, 2021

Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No.24/2021/

Dated: -

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