



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
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 26/2021
Received on : 04.08.2021
Registered on : 13.08.2021
Date of order : 29.09.2021

In the matter of: -

Appeal against the order dated 17.03.2021 of CGRF, DHBVN Gurugram in case No. DH/CGRF/3239/2020.

Smt. Sarla Rani, W/o Brij Mohan Gupta, R/o Main Road, Near Rly crossing, Charkhi Dadri.

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Sashi Gupta, S/o Smt. Sarla Rani

Present on behalf of Respondents:

Sh. Rajesh Kumar, SDO/Op., City Sub Division, DHBVNL, Charkhi Dadri

ORDER

1. Smt. Sarla Rani, W/o Brij Mohan Gupta, R/o Main Road, Near Rly crossing, Charkhi Dadri has filed an Appeal against the order dated 17.03.2021 of CGRF, DHBVN Gurugram in case No. DH/CGRF/3239/2020. The Appellant submitted as under: -

“

मेरे केस के संदर्भ पत्रों का फ़ैसला **DH/CGRF Gurguram** ने 17.03.2021 को सुनाया। मैं इस केस की अपील आपके यहां निम्न प्रकार कर रही हूँ :-

- 1- मेरा पत्र दिनांक 29.09.2020 के पहरा नं० 1,2,3 का उपमण्डल शहर के पत्र क्रमांक **CGRF No. 2/C** दिनांक 29.10.2020 की राशि 457000/- रुपये वापिस कर देवे, तब मेरा कोई एतराज नहीं है। पेज 1 से 9 संलग्न है।
- 2- मेरा पत्र दिनांक 29.09.2020 का पहरा नं० 4 के अनुसार **Avon Make Meter** में **KVAH** का सही कार्य न करने बाबत बिजली विभाग **KWH** के हिसाब से रूपया चार्ज कर लेवे। तब मुझे कोई एतराज नहीं है।
- 3- मेरा पत्र दिनांक 29.09.2020 के पहरा नं० 05 का **DH/CGRF** ने कोई फ़ैसला नहीं किया। इस खाते में महीने वाईज भुगतान जमा ना कर, विभाग ने इकटठा जमा कर दिया। विभाग के अनुसार भुगतान समय पर ना होने के कारण गलत सरचार्ज चार्ज कर दिया गया। उपभोक्ता ने महीने वाईज सही भुगतान दिया है। इसलिए जो गलत सरचार्ज किया है वह सरचार्ज पर सरचार्ज वापिस करवाया जावे।
- 4- मेरा पत्र दिनांक 29.09.2020 के पहरा नं० 6 का **DH/CGRF** के फ़ैसले पर एतराज है। इस बारे आपके यहां अपील की जाती है कि बिजली विभाग **MDI**, फिक्स चार्जिज, मीटर किराया, **PF** का सही कार्य ना करने की राशि लगी हुई थी। तब उस समय के चालू माह का सही भुगतान बैंक के द्वारा अदा किया गया था। विभाग ने कई बैंकों को बैंक मे ना लगाकर काफी महीने इकटठा कर वापिस मुझे भेज दिए। इन बैंकों का भुगतान ना लेने के कारण सरचार्ज पर सरचार्ज विभाग लगाता रहा। उपमण्डल, दादरी के पत्र क्रमांक **CGRF No. 2/C** दिनांक 29.10.2020 द्वारा गलत राशि चार्जिज की हैं, लेकिन अब विभाग वह राशि उक्त पत्र द्वारा वापिस कर रहा है। इससे पहले भी काफी समय से विभाग चालू माह के बिल का भुगतान स्वीकार करता आ रहा था। इस बारे संबंधित कागजात की कॉपी केस के साथ संलग्न कर रहे हैं। उपभोक्ता की कोई गलती नहीं है। अतः आपसे निवेदन है कि सरचार्ज पर सरचार्ज विभाग बैंक ना लेने के कारण लगाया है, वह हटवाया जाये। पेज नं० 10 से 17 संलग्न है।
- 5- **DH/CGRF** ने मानसिक व आर्थिक नुकसान की कोई राशि नहीं दी। इस बाबत एतराज है कि मैं एक 68 वर्ष वृद्ध महिला हूँ। विभाग को काफी समय से लिखित व मौखिक जानकारी देकर अवगत करवाते आ रहे थे। परन्तु विभाग ने किसी बिल को ठीक नहीं किया। अब विभाग **DH/CGRF** आकार मेरे एतराजों का रूपया वापिस कर रहा। अतः आपसे अनुरोध है कि मुझे मानसिक व वित्तीय नुकसान की भरपाई के लिए विभाग से 10 लाख रुपये का मुआवजा दिलाया जाये।

2. The appeal was registered on 13.08.2021 as an appeal No. 26/2021 and accordingly, notice of motion to the Appellant and the Respondents was issued on 13.08.2021 for hearing the matter on 01.09.2021.
3. SDO/Op, City Sub Division, DHBVNL, Charkhi Dadri vide his email on 31.08.2021 has submitted pointwise reply which is as under: -
 - Point No.1: - The wrong MDI, Fix Charge meter rent w.e.f. Jun -2014 to Aug-2017 amounting to Rs. 457000/- has been refunded vide this office SC/AR No. 101/153 and same has been adjusted in account of consumer in the month of Jan. 2021 through BR. Therefore point no. 1 of the complaint stand redressed.
 - Point No.2: - Hon'ble CGRF decided the case no. DH/CGRF/3239/2020 on dated 07.03.2021 wherein it was directed to overhaul consumer account as per J (VAH reading by following the procedure circulated vide SE/Commercial

memo no. Ch-16/SE/CE/318/F2018/Vol-2 dated 19.02.2020. As per above circular, account can be overhauled on the basis of formula $KVAh = \sqrt{KWH^2 \div KV Arh^2 Iag}$. As per, above formula, it is clear that reading of KVArh is also needed to overhaul the account of consumer on KV Ah basis. But it is pertinent to mention here that KVArh reading never recorded by meter reader due to which above formula could not be applied in account overhauling. Meter removed from consumer premises has already been returned to lab. This office already made necessary correspondence with Nodal officer CGRF vide this office memo no. 414 dated 29.07.2021 & memo no. 9511 dated 31.03.2021 to revise the order passed by CGRF on dated 17.03.2021 but no revised order received in this office so far. Based on above it is not possible for this office to implement the order passed by CGRF.

- Point No.3 & 4: - Consumer paid bill payment through cheque sent through Post office registered post. The amount shown in cheque and that of bill differ up to lacks. Therefore, SDO concerned has to mark the same to cashier or HESL staff to accept part payment of the bill. This proceeding sometimes takes longer time due to which there was always probability of lapse of last date .as registered post received close to last date. It is admitted that cheques were returned to consumer as cheques were neither as per total bill nor current bill amount. Moreover, there was no order of any competent authority to accept cheques having amount less than current bill. as account of consumer overhauled by the office of Chief Auditor DHBVN Hisar in 2012, therefore bills raised to consumer were as per overhauling done by Audit. But Cheques submitted by consumer were not according bill issued to consumer. Consumer already intimated vide this office memo's no. 364 dated 15.02.2017 and memo No. 1440 dated 05.07.2017 under which, it is clear mentioned that "As amount mentioned in Cheque is less that original bill amount, so these cheques cannot be deposited in Nigam for payment of, electricity bill. If you have any order from competent authority for paying fewer amounts than mentioned in bill, you are requested to produce, it' to undersigned at the time of payment of bill".
- The case has been decided by CGRF as pet merits where complainant was found ineligible for compensation.

4. The hearing was held on 01.09.2021, as scheduled. The appellant requested to submit the detail of his account of his electricity connection. The respondent SDO was directed to submit the information sought by the applicant along with the reading sheet for the last 2 years with a copy to the appellant within seven days. The

appellant also directed to submit under taking that there is no case is pending in any court of law in the matter. The matter was adjourned to 15.09.2021.

5. SDO/Op, City Sub Division, DHBVNL, Charkhi Dadri vide his email on 01.09.2021 has submitted detail sheet of readings -recorded for the last 2 years against account no. 3994470000 in compliance to verbal directions imparted during hearing through video conferencing on dated 01.09.2021 which is as under: -

Sr. No.	MASTER DATA RELATING TO			DETAILS OF CURRENT BILL	
	CURRENT BILL MONTH	CURRENT BILL YEAR	SANCTIONED LOAD	UNITS BILLED(KWH)	UNITS BILLED (KVAH)
1	JUN	2019	13.7	85.7	93.3
2	JUN	2019	13.7	4075.4	5611.9
3	JAN	2019	13.7	1333	2621
4	JAN	2019	13.7	2	2
5	JAN	2019	13.7	1394	2498
6	DEC	2018	13.7	1243	2270
7	NOV	2018	13.7	1568	3170
8	OCT	2018	13.7	970	1941
9	SEP	2018	13.7	529	5879
10	AUG	2018	13.7	2080	2564
11	JUL	2018	13.7	1546	2456
12	JUN	2018	13.7	4575	4842
13	MAY	2018	13.7	773	1645
14	APR	2018	13.7	660	6252
15	MAR	2018	13.7	0	0
16	FEB	2018	13.7	1134	1093
17	JAN	2018	13.7	2744	590
18	JAN	2018	13.7	1010	1659
19	DEC	2017	13.7	909	1605
20	NOV	2017	13.7	1024	2320
21	OCT	2017	13.7	861	2089.8
22	SEP	2017	13.7	220	243.8
23	AUG	2017	13.7	1872	2224.42
24	AUG	2017	13.7	815	905.55
25	JUL	2017	13.7	619	687.78
26	JUN	2017	13.7	504	560
27	MAY	2017	13.7	567	630
28	APR	2017	13.7	767	852.22
29	MAR	2017	13.7	888	986.67
30	FEB	2017	13.7	1010	1122.22
31	JAN	2017	13.7	653	725.56

6. The Appellant vide his email on 13.09.2021 has also submitted undertaking that there is no case pending in any court of law in the matter.
7. The hearing was held on 15.09.2021, as scheduled through video conferencing in the presence of both parties. At the outset, the respondent SDO was enquired whether he has provided consumption data of two years prior to disconnection of supply and proof of reversal of Rs. 4,57000/- wrongly charged through sundry. He could not reply satisfactorily. The respondent is directed to furnish the aforesaid

information within seven days to this office with a copy to the appellant. The matter was adjourned to 29.09.2021.

8. SDO/Op, City Sub Division, DHBVNL, Charkhi Dadri vide his email on 21.09.2021 has submitted which is as under: -

In compliance to interim order dated 15/09/2021, consumption sheet for the last 2 years against account no. 3994470000 duly signed by undersigned is attached herewith for taking further necessary action please. An amount of Rs, 4,57,0000/- has been refunded to consumer account on dated 30/01/2021 and RAPDRP web page showing credit of this amount to consumer account. As discussed during hearing on dated 15/09/2021, Avon make meter removed from consumer premises and entered in CA-22 register on page no. 08, item no. 139, has been returned and disposed to M&T Lab Ch. Dadri vide this office challan memo no. 4379 dated 28/06/2019 which is placed at Sr. No. 135 of challan.

9. The hearing was held on 29.09.2021, as scheduled through video conferencing in the presence of both the parties. The respondent SDO submitted that the document showing the refund of an amount of Rs. 4,57,700/- in the consumer account has been provided to the appellant and the meter removed from the premises of the appellant has been returned to M&T Lab. The appellant expressed his satisfaction with the action taken by the respondent SDO as far as the refund is concerned. However, he argued that he is not liable to pay surcharge on late payment as the cheques sent by them were not accepted and returned by the respondent SDO after retaining long period. Per contra the respondent SDO argued that the appellant sent cheques of part payment without getting approved part payment which can be allowed by the Nigam's officers as their competence after examining reason, so the same were not accepted by his office and hence no benefit of surcharge waiver can be given to the appellant.

Keeping in view of the appeal, reply submitted by the respondent SDO, arguments /counter arguments by both the parties, I am of the considered view that there is no merit in the appeal and Forum decision in the matter found to be in order and accordingly, the order of the CGRF, DHBVN dated 17.03.2021 is up-held.

The appeal is disposed of accordingly, in above terms.

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

Given under my hand on 29th September, 2021.

(Virendra Singh)

Dated: 29th September, 2021

Electricity Ombudsman, Haryana

CC-

Memo. No. HERC/EO/Appeal No.26/2021/

Dated: -

1. Smt. Sarla Rani, W/o Brij Mohan Gupta, R/o Main Road, Near Rly crossing, Charkhi Dadri. (E-mail: - atulpipe2@gmail.com, atulpipe16@gmail.com)
2. The Managing Director, DHBVNL, Vidyut Sadan, Hisar.125005
3. The Chief Engineer 'Op.', DHBVNL. Hisar.125005
4. The Superintending Engineer 'Op' Circle, DHBVNL, Bhiwni 127021
5. The Executive Engineer 'Op.' Division, DHBVNL, Charkhi Dadri 127306
6. The SDO/Op., City Sub Division, DHBVNL, Charkhi Dadri 127306 (agmtcitydadri2@gmail.com)