



**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](mailto:eo.herc@nic.in)**

**(Regd. Post)**

**Appeal No. : 31/2021**  
**Received on : 31.08.2021**  
**Registered on : 27.09.2021**  
**Date of order : 09.12.2021**

**In the matter of: -**

Appeal against the order dated 30.07.2021 passed by CGRF, UHBVN, Kurukshetra in case No.83/2021.

M/s Suncity Projects Private Limited through Sh. Sunil Kumar Srivastava Authorized Signatory, Sector-20, Panchkula.

**Appellant/Complainant**

Versus

1. Uttar Haryana Bijli Vitran Nigam Ltd. through its M.D., Vidyut Sadan, Vidyut Nagar, Plot No.C16, Sector-6, Panchkula.
2. The S.D.O, S/Division, Madanpur, UHBVNL, 66 K.V. Sub-Station, Power Colony, Industrial Area, Phase-II, Panchkula

**Respondents**

**Before:**

Sh. Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Sh. B. P. Aggarwal, Advocate

**Present on behalf of Respondents:**

Sh. Bhupender Singh XEN OP Division UHBVN Panchkula.  
Sh. Arun Goyal, SDO OP Subdivision UHBVN Madanpur

## ORDER

1. Sh. B. P. Aggarwal, Advocate for M/s Suncity Projects Private Limited, Sector-20, Panchkula. has filed an Appeal against the order dated 30.07.2021 passed by CGRF, UHBVN, Kurukshetra in case No.83/2021. The Appellant submitted as under: -

1.1 *That the present appeal is being filed against the order 30/07/2021 passed by Hon'ble Consumer Grievance Redressal Forum, Uttar Haryana Bijli Vitran Nigam, Kurukshetra, Haryana in case bearing C.G. NO. 83/2021 which was received on 03/08/2021 through email.*

1.2 *That the brief facts of the case are as given below: -*

- i) *That the Appellant is a Private Limited Company and Sh. Sunil Kumar Srivastava is authorized by board of directors by way of resolution to file the present complaint on behalf of the company.*
- ii) *That the Appellant has obtained an electricity connection through Account No- 59631110000 installed at Suncity Project (Parikarma), Sector-20, Panchkula, Haryana with Sub Division- Madanpur, Division- Panchkula under the category Tariff BULK SUPPLY – DOMESTIC with the Sanctioned Load of 1500 KW at 11 KV Supply Voltage and paid the Security deposit as demanded by the respondents.*
- iii) *That the electricity connection was sanctioned for the society "PARIKARMA" having 1321 apartments and they are using the electricity from the connection provided by respondent no.2 company.*
- iv) *That out of total flats of 1321, the complainant has given the possession to 330 flat owners in Feb.2016, again the complainant has offered the possession to 330 flat owners in January 2017 and thereafter the possession was given and in Oct.2017 it was 1200.*
- v) *That on 09.01.2013 a notification was issued by the HERC for Single Point Supply to Residential Colonies or Office cum Residential Complexes of Employers, Group Housing Societies and Commercial cum Residential Complexes of Developers, Regulations and as per aforesaid notification an energy difference up to 4%, in case of supply on 11 KV, 5% in case of supply on 33 KV shall be permissible towards transformation and/or LT losses. The units have to be billed after deducting the 4% or 5 % from the total units consumed during a particular month depending upon the supply obtained by the society but Respondent has failed to comply with the aforesaid notification which was applicable w.e.f. 09/01/2013 and did not deduct 4%*

units from the date of connection. However, the respondent has given rebate of 4% on SOP from 2018 and prior to that no rebate was given. However, no rebate was given for the period April 2020 to Sept./Oct. 2020.

vi) That as per Section 47(1) of Electricity Act, 2003, a distribution licensee may require from a person, who requires a supply of electricity in pursuance of section 43, to give reasonable security as Advance Consumption Deposit (ACD) and accordingly the complainant was asked to deposit for 1500 KW load and the same was paid by the complainant. Similarly, as per 47(4) of the said Act the distribution licensee shall pay interest equivalent to the bank rate or more, as may be specified by the concerned State Commission, on the security referred to in sub-section (1) but the respondent have failed to comply with this provision.

vii) That as per the Directive issued by HERC under clause 5.8.1 & 5.8.2 of Regulation No. 34/2016 i.e. 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, the respondent was required to pay the interest in the month of April of each year but the respondent failed to make the payment of the interest in the month of April of each year, if the respondent has paid the interest for some year then the respondent is required to make the payment of the interest of balance year at the penal interest. The relevant para is reiterated as under:

-  
"5.8.1: The licensee shall pay interest to the consumer at the Bank rate as determined by the Reserve Bank of India on 1st April of each year or more as specified by the Commission payable annually on the Consumer's security deposit. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year.

5.8.2: In case the interest accrued during the year is not adjusted in the consumer's bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed."

viii) That since the respondent has failed to pay the interest on the security/ACD deposited to the complainant in bill issued for the month of April each year and thus the respondent is liable to pay the penal interest @ 18 % to the complainant for the period entire period for which no interest was paid.

- ix) *That since the respondents fails to comply with the various regulation and hence the Appellant has issued a legal notice to the respondent on 24.03.2021 through the counsel to refund the excess amount paid by the Appellant along with the interest but the respondent has failed to respond to the legal.*
- x) *That since the respondent fails to comply with the Supply Code and various circular issued by the respondents and fails to give the slab benefit and hence the appellant was forced to file a complaint before the Consumer Grievances Redressal Forum, vide complaint No. 83/2021 but the respondent did not send any reply to the Appellant though the reply was filed before the Hon'ble Forum and no opportunity was given to the Appellant to file the rejoinder.*
- xi) *That the Appellant has also provided the details of the bills raised to all the flat owner but the said documents was neither considered nor discussed in the order.*

1.3 *That the matter was heard on 27.07.2021 the Hon'ble Forum and the order was passed by the Hon'ble Forum on 30.07.2021.*

*Aggrieved from the order the Appellant preferred the appeal on the following grounds amongst the others which may be read as under: -*

**GROUND S**

- i. *Because the Hon'ble Forum has failed to consider the fact that while raising the bill, the respondents have failed to follow the law, circular issued by the HERC and tariff orders and raised illegal bills causing huge loss to the appellant.*
- ii. *Because the Hon'ble Forum has failed to consider the facts that at the time of the sanction of the connection the Appellant has applied for the electrification of the entire project and partial load was sanctioned to the Appellant society.*
- iii. *Because the Hon'ble Forum has failed to consider the facts that though in the order it was mentioned that the respondent has filed the two reply i.e. on 22.06.2021 and 08.07.2021 but the copy of the said reply was never supplied to the Appellant by the respondent and thus no opportunity was given to the Appellant to file the rejoinder, even before the argument the Appellant was not aware about the stand of the respondents, whereas the respondents were aware about the dispute of the Appellant.*

iv. Because the Hon'ble Forum has failed to consider the facts that despite the respondent has admitted that they have not paid the interest for some year no penal interest was allowed for the delayed period i.e. for the period when no interest was paid which is against the Directive issued by HERC under clause 5.8.1 & 5.8.2 of Regulation No. 34/2016 i.e. 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, the respondent was required to pay the interest in the month of April of each year but the respondent failed to make the payment of the interest in the month of April of each year, if the respondent has paid the interest for some year then the respondent is required to make the payment of the interest of balance year at the penal interest. The relevant para is reiterated as under: -

"5.8.1: The licensee shall pay interest to the consumer at the Bank rate as determined by the Reserve Bank of India on 1st April of each year or more as specified by the Commission payable annually on the Consumer's security deposit. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year.

5.8.2: In case the interest accrued during the year is not adjusted in the consumer's bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed."

v. Because the Hon'ble Forum has failed to consider that despite the respondent fails to pay the rebate of 4% from the date of connection till 2018 and also for the April 2020 to Sept/Oct. 2020, the Hon'ble Forum allowed the rebate of 4% only for the period April 2020 to Sept 2020 that too without interest, whereas the respondent is required to pay the rebate for the entire period including April 2020 to Sept 2020 for which no rebate of 4% was allowed along with the interest as per Section 62(6) of Electricity Act, 2003.

vi. Because the Hon'ble Forum has failed to consider the facts that the Appellant has obtained the occupancy certificate from the Town Planner for 1321 flats and the Appellant has given the possession to 330 flat owners in Feb. 2016, again the complainant has offered the possession to 330 flat owners in January 2017 and thereafter possession was offered which was 1200 in Oct. 2017.

- vii. *Because the Hon'ble Forum has failed to consider the facts that as per the tariff provision and as per the Single Point Supply to Residential Colonies or Office cum Residential Complexes of Employers, Group Housing Societies and Commercial cum Residential Complexes of Developers, Regulations 2013 and 2020 the Appellant has to give the slab benefit while raising the bills to the occupants of the society and if the society will not get the slab benefit then it is not feasible to give the slab benefit to the occupants.*
- viii. *Because the Hon'ble Forum has failed to consider the facts that the Hon'ble Commission in the aforesaid matter on 10.10.2017 directed as under: -*
- ix. *"3. Per contra, Shri P.S. Mathew on behalf of Respondent No 1 submitted that they are having a single point bulk supply connection from the Distribution Licensee and charging the electricity bills from the 1200 flat owners through pre-paid metering system. As per the bills issued by UHBVN, Flat rate per unit is being charged from the individuals and the benefit of 4% rebate is also being passed on to the owners of the flat. He also submitted that despite best efforts, they are not able to recover all the electricity charges being paid to the UHBVN.*
- x. *4. On query, he admitted that they are charging at flat rate of Rs. 7.90 per unit from the consumers, however, no MMC is being charged from the unoccupied flat owners. He submitted that as far as electricity supply for construction work is concerned, they are having a separate connection for the same and no electricity charges are being recovered from the residents residing in the society on this account.*
- xi. *5. The Commission observed that the electricity charges are not being recovered by the developer from individual residents as per the HERC Regulations. The Commission directs the Respondent No. 1 to charge the consumers as per the tariff approved by the Commission and to file the written submission with the details of the last 2 bills paid to the UHBVN along with the recovery of the amounts from the consumers/owners. The representative of Respondent No. 1 requested to allow at-least 10 days' time in this regard."*
- xii. *After the direction issued by the Hon'ble Commission the Appellant was forced to give the slab benefit to all the 1200 consumers to whom the society was billing as per the tariff provision. Once the Appellant was directed to give the slab benefit to all the 1200 consumers then the Appellant is also entitled for the slab benefit for all the consumers.*

xiii. *Because the Hon'ble Forum has failed to consider the facts that in Petition No. 35 of 2017 titled as Amita Sharma & Ors. VS Suncity Project Pvt. Ltd., When the Appellant before the Hon'ble Commission that, "they are having a single point bulk supply connection from the Distribution Licensee and charging the electricity bills from the 1200 flat owners through pre-paid metering system. As per the bills issued by UHBVN, Flat rate per unit is being charged from the individuals and the benefit of 4% rebate is also being passed on to the owners of the flat. He also submitted that despite best efforts, they are not able to recover all the electricity charges being paid to the UHBVN" When the Appellant made the aforesaid statement before the Hon'ble Regulatory Commission the respondent never objected before the Hon'ble Commission regarding the connection was obtained for 100 flats and how the Appellant is supplying the electricity to 1200 dwelling units and billing them despite having 1500 KW sanctioned load which was obtained for 100 dwelling house and now before the CGRF it was argued that since the connection was applied for 100 houses and hence they are entitled for the slab benefit for 100 dwelling units only from the date of connection, the respondents are taking illegal stand in order to avoid making the payment which was charged excessively.*

xiv. *Because the Hon'ble Forum has failed to consider the facts that on 24.12.2018 the Hon'ble HERC in the Petition No. 35 of 2017 titled as Amita Sharma & Or's. VS Suncity Project Pvt. Ltd., ordered with respect to billing as under,*

*"5. The Respondent shall also charge the Monthly Minimum Charges as approved by the Commission to the Consumers who are supplied with the electricity and not consuming it up to their MMC threshold.*

*The Respondent No. 1 is directed to issue the next bill for the consumption by the residents / consumer strictly as per the tariff chargeable to domestic category of consumers/the relevant category of consumer as approved by the Commission and report compliance within 30 days of the issue of the Order along with the details as required by the Commission vide its earlier order dated 10.10.2017. In term of the above order, the case is disposed off."*

*Because the Hon'ble Forum has failed to consider the facts that the Appellant is neither producer of electricity nor seller of electricity but is supplying the electricity on behalf of the respondent company to its members on the basis of no loss no*

profit but if the slab benefit will not be allowed to the Appellant then the Appellant will suffer heavy loss and in that circumstances the Appellant will not be in a position to allow the slab benefit .

- i. Because the Hon'ble Forum has failed to consider the facts that in the tariff provision it is only mentioned that the respondent has to bill the consumer based on the consumption recorded per flat, if the consumption is more than 800 units then flat rate of Rs.6.20p will be charged and if it is less than 800 units then Rs.5.25p will be charged and the tariff provision does not say regarding the sanctioned load.
- ii. Because the Appellant has given the details and data of all the members of the society through email to whom the Appellant started billing from 2017 onwards and allowing the slab benefit as per tariff but this aspect was not considered by the Hon'ble Forum.
- iii. Because the Hon'ble Forum has did not discussed the judgment of HERC filed by the Appellant and intentionally ignored the judgment.

1.4 Because the respondents have allowed the rebate to 800 dwelling units though the sanctioned load was only 850 KW. That the appellant has not filed any other similar appeal either before this Hon'ble Commission or before any other Commission.

**P R A Y E R: -**

It is therefore, most respectfully prayed that this Hon'ble Commission may kindly be pleased to: -

- i. accept the appeal of the appellant and the order dated 30/07/2021 passed by Hon'ble Consumer Grievance Redressal Forum, Uttar Haryana Bijli Vitran Nigam, Kurukshetra, Haryana in complaint bearing No. 83 of 2021 may kindly be set aside and;
- ii. Direct the respondent to revised the bill with effect from the date of the connection as per the Regulation dated 09.01.2013 and deduct the 4% units from the total units consumed and thereafter allow the slab system benefit on the balance 96% units out of the total units consumed every month from the date of the connection or from 10.10.2017 when the Hon'ble HERC directed the Appellant to allowed the slab benefit to all the consumers as per the tariff provision and;

- iii. *Direct the respondent to pay the 4% rebate for the entire period for which no rebate was given along with the interest as per Section 62(6) of Electricity Act, 2003.*
  - iv. *direct the respondent to pay the interest on the ACD from the date of payment as per the Bank rates in terms of Section 47(4) of Electricity Act, 2003 and for delayed payment @ 18 % in terms of 5.8 of Sales Circular D-29/2016 issued on 12.09.2016 and;*
  - v. *pass any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of appellant in the interest of justice.*
2. The appeal was registered on 27.09.2021 as an appeal No. 31/2021 and accordingly, notice of motion to the appellant and the respondents was issued on 27.09.2021 for hearing the matter on 12.10.2021.
  3. Proceedings were held on 12.10.2021 as scheduled. The respondent SDO submitted that no copy of the appeal was received in his office. The appellant was directed to provide the copy of the appeal to the respondent SDO within two days and the respondent SDO was directed to submit the reply within ten days through the Executive Engineer/OP Panchkula with advance copy to the appellant. The matter was adjourned to 26.10.2021.
  4. Hearing was held on 26.10.2021 as scheduled. The respondent XEN submitted that due to hospitalization of respondent SDO's mother, he could not prepare and submit the reply and further requested to fix another date of hearing after 08.11.2021 vide his email dated 25.10. 2021. Accordingly, the matter was adjourned to 16.11.2021.
  5. SDO 'Op', Madanpur, UHBVN, Panchkula vide his email on 15.11.2021 has submitted the reply to the appeal as under: -

*It is submitted that the connection of M/s Santur Developers Pvt., Ltd Sector-20 Panchkula (Sun City residential Complex, Sector 20, Panchkula) Account No. 5963111000(Single point Bulk Supply), released with partial load during 12.11.2015 vide SCO No. 517 dated 30.10.2015 with 1500KW against Sanctioned load 8967 KW for partial completion as applied & submitted in related record/test report for 100 number flats with Rs. 15,00,000/- ACD deposit. The point wise reply is as under: -*

- Point no. 1, matter pertaining to applicant.
- Point No. 2, is a matter of record as submitted and accepted by the applicant/ consumer.
- Point No. 3, It is not true that the electricity connection Account No. 5963111000 sanctioned for 1321 apartments for the society Suncity "Parikarma", hence denied.

The said connection applied by the consumer/ M/s Sun City, only for 1500KW partial load and applicant submitted test report for 100 no. of Flats + utility services only whereas 8967 KW was sanctioned for the project for feeding the M/s SUNCITY Parikarma, Sector 20, Panchkula for 1321 no. of flats.

- Point No. 4, It is not true that the extension of load applied for possession of 330 flats for using electricity through connection Account No. 5963111000 sanctioned for 1321 apartments for the society Suncity 'Parikarma', hence denied.

Further, the matter pertaining to applicant/ M/s SUNCITY "Parikarma" Sector 20, Panchkula, colonizer of the estate. Further, the applicant/ M/s Suncity had applied for 100 flats for 1500KW (partial/ interim load, for first phase as per record) vide A&A form No. 66068/BS dated 01.08.2014 on 11KV level & same was released during 2015 and further any extension of load has never been applied till date through A&A form/ as ibid in instructions being further feeding other phases of the colony/ apartments.

- Point No. 5, the instructions issued by HERC are implemented in true spirit and 4% rebate on consumed units passed in monthly bills are given.

The monthly bills from April/2020 to Sep/2020 checked again and Rs. 737056/- calculated as per 4% rebate instructions and the same will be adjusted in the forthcoming bills. The instructions issued by HERC are implemented in true spirit and 4% rebate on consumed units passed in monthly bills.

- 6&7. Point No. 6 &7, That Rs. 588937/- ACD interest from 2014 to 2021 calculated and will be adjusted in the forthcoming bills.
- Point No. 8, as replied at Point No. 5 & 6 as the instructions issued by HERC are implemented in true spirit and consumed units passed in monthly bills.
- Point No. 9, the instructions issued by HERC are implemented in true spirit as applicable as per A&A form No. 66068/BS dated 01.08.2014 and as per the Nigam Circulars.

It is further submitted that directions as in Order dated 30.07.2021 issued by Hon'ble CGRF implemented in true spirit and point wise detail is: -

- i. As replied above the instructions issued by HERC are implemented in true spirit and 4% rebate on consumed units passed in monthly bills.

The monthly bills from April/2020 to Sep/2020 checked again and Rs. 737056/- calculated as per 4% rebate instructions. The instructions issued by HERC are implemented in true spirit and 4% rebate instructions and the same will be adjusted in the forthcoming bills.

- ii. Not related

- iii. That Rs. 588937/- ACD interest from 2014 to 2021 calculated and will be adjusted in the forthcoming bills.
  - iv. The number of dwelling units as applied vide A&A form No. 66068/BS dated 01.08.2014 i.e. 100 units, updated with consumer account. The instructions issued by HERC are implemented in true spirit.
6. Hearing was held on 16.11.2021, as scheduled. The appellant vides his email dated 16.11.2021 has submitted that he received the reply of the respondent yesterday only and, therefore, he needs 10 days' time to file rejoinder and also requested to fix date of hearing except 26 to 30 November, 2021.

Acceding to the request of the appellant, the matter was adjourned to 02.12.2021.

7. Proceedings could not be held 02.12.2021 as the respondent SDO vide his email dated 01.12.2021 requested to postpone the date of hearing due to death of the father of Sh. Bhupinder Singh XEN. The matter was adjourned to 08.12.2021.

8. The appellant vides his email on 07.12.2021 has submitted the rejoinder as under: -

- i. That the contents of the para no.1 of the reply filed by the respondent needs no reply.
- ii. That the contents of the para no.2 of the reply filed by the respondent needs no reply.
- iii. That the contents of the para no.3 of the reply filed by the respondent are wrong and denied except the connection was sanctioned with the partial load of 1500 KW out of the total load of 8967 KW. The corresponding paras of the appeal are reaffirmed.
- iv. That the contents of the para no.4 of the reply filed by the respondent are wrong and denied. It is submitted that extension of load has nothing to do with the slab benefit as the appellant is bound to give the slab benefit to all the residents. In Petition No. PRO35/2017 filed before HERC, in the interim order dated 10.10.2017 passed by Hon'ble HERC it was specifically mentioned that the Appellant is having single point connection and they are raising the bills to 1200 flat owners and thus at least from 10.10.2017 it was specifically in the knowledge of the respondents that the appellant is having 1200 dwelling units to which electricity is supplied by the appellant and thus it was the duty of the respondent to allow the slab benefit at least from 10.10.2017 . The Hon'ble Commission on 24.12.2018 directed the appellant to charge the flat owner strictly on the basis of Regulation 5.5 of the HERC Single point connection regulation, and thus the appellant was bound by the order to give the slab benefit to all the flat owner and hence the appellant is also entitled for the rebate. Regarding the sanctioned load the respondent has never taken the

objection before the Hon'ble Commission that the sanctioned load of the appellant is only 1500 KW and hence the appellant is not allowed to supply to 1200 dwelling units, having the sanctioned load of 1500 KW. Now the appellant has already deposited the security deposit to pending load also. It is further submitted that in maximum housing societies the respondent has allowed the slab benefit to the consumer, who has taken by the partial load, e.g. the respondent company in Rohtak with CA No. 2972260000 (bill is already enclosed with the appeal), is giving the slab benefit to the consumer with the sanctioned load of 850 KW load to 800 dwelling units and thus the respondent company is acting pick and choose basis.

- v. That regarding contents of para no. 5 of the reply it is submitted that the respondent has admitted that they have charged excess amount of Rs. 7,37,056/- from the appellant which will be reflected in the next bill. Since it is admitted by the respondent that they have charged the excess payment wrongly they are bound to give the interest @ 18 % on Rs. 7,37,056/-.
- vi. 8 & 7 That with regards to the contents of para no.6 and 7 of the reply it is submitted that the respondent has not considered the various circular issued by the HERC and UHBVN which says that the respondent is bound to give the 18% interest for the delayed period and in the present case despite the admission of the respondent that no interest was given for the period 2014 to 2021 they have not paid the interest for delayed period which is @ 18 % and the respondents are liable to pay the interest @ 18%.
- vii. 8 and 9 That the contents of point 8 and 9 of the reply are wrong and denied. It is denied that the respondent has implemented the instruction in true spirit, which is also evident from the facts that for the last 7 years no interest was paid on the security deposit and even after passing the order from the CGRF no interest was paid till date as per the HERC/Nigam instruction. It is further submitted that 4% rebate was withhold by the respondent company violating the HERC Single Point Regulation and tariff provision, now after direction given by the CGRF ready to adjust the money but without interest.

It is therefore prayed that the appeal of the appellant may kindly be decreed with cost.

9. Final Hearing was held on 08.12.2021, as scheduled. The counsel for the appellant and the respondent SDO & XEN were present through video conferencing. Both parties argued the matter in their favor reiterating their written submissions; the same are not repeated here for the sake of brevity.

10. After going through record placed on the file and hearing arguments/counter arguments of both parties, the appeal is decided as under:

- i. 4% rebate on the consumed units has been passed on to the consumer in monthly bills as per instructions issued by HERC by the respondent SDO except for period from April,2020 to Sept,2020; for the same the arrear of Rs. 737056/- has been calculated and will be adjusted in the fourth coming bill.
- ii. Regarding the interest on the rebate as per section 62(6) of the Electricity Act, 2003, It has been observed that the provision of a rebate of 4% in case of supply at 11 KV and 5% in case of supply at higher voltage in the energy consumption as recorded at single point supply meter was existing since the notification of the HERC Single Point Supply Regulations, 2013, notified on 09.01.2013 and the same was also specified in all the tariff orders issued thereafter till the tariff order issued on 07.03.2019. New HERC Single Point Regulations, 2020 was notified on 22.04.2020 repealing HERC Single Point Regulation, 2013 and the aforesaid provision of rebate was retained in it but the same was not specified in the tariff order issued on dated 01.06.2020. Resultantly, Haryana DISCOMs stopped to give benefit of the rebate and sought clarification from the HERC “whether the earlier rebate on Single Point Supply is applicable for FY 2019-20 and FY 2020-21, also or otherwise” so that necessary clarification can be issued in the field offices to avoid any litigation, harassment to the consumers and raising of half Margins etc. HERC clarified the same vide memo no. 592-93/HERC/Tariff dated 14.08.2020 that the rebate of 4% in case of supply at 11 KV and 5% in case of supply at higher Voltage, as per the HERC Regulation. DISCOMs started giving benefit of the rebate thereafter. As such, in view of the above facts, licensee has not deliberately over charged tariff in excess of what has been determined by the Regulatory Commission.

Hon'ble Supreme Court dated 28.09.2011 in case of NTPC Vs MP State Electricity Board & Ors, Civil Appeal No. 2451 of 2007 wherein it has been held that the question of interest under section 62(6) arises only when the Generating company or Licensee deliberately recovers or extracts from a person a price or charge in excess of what has been determined by the Regulatory Commission.

In view of the above discussions, the contention of the appellant to allow the interest on the rebate as per section 62(6) of the Electricity Act, 2003 is not justified.

- iii. The slab benefit of 330 flat owners from March,2016, 660 flat owners from Feb,2017 and to all 1321 dwelling units from Jan,2018 is not admissible since the appellant had applied for 1500 KW load for 100 flats and which was sanctioned in year 2015 for these flats only as per test report submitted by the appellant to the licensee at that time which was as under:

100 No. flats x 12 kw each = 1200 Kw  
Common area load = 300 Kw  
Total load = 1500 Kw

Further, no extension of load was applied by the appellant for load of flat owners exceeding in number more than 100.

- iv. Regarding ACD interest, the respondent SDO has submitted that Rs. 588937/- ACD interest from 2014 to 2021 has been calculated and will be adjusted in the fourth coming bill. since interest on ACD has not been paid as per timeline, the respondents are directed to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed in terms of *clause 5.8.1 & 5.8.2 of Regulation No. HERC/34/2016 i.e. 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.*
- v. The appeal is disposed of, in above terms.

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

Given under my hand on this day of **9<sup>th</sup> December, 2021.**

**Dated: 09<sup>th</sup> December, 2021**

**(Virendra Singh)  
Electricity Ombudsman, Haryana**

**Endst. No. HERC/EO/Appeal No.31/2021/**

**Dated: -**

1. Sh. B. P. Aggarwal, M/s Suncity Projects Private Limited through Sh. Sunil Kumar Srivastava Authorized Signatory, Sector-20, Panchkula. (bpagarwal57@gmail.com)
2. The Managing Director, UHBVN, Vidhut Sadan, C-16, Sector – 6, Panchkula – 134109
3. The Chief Engineer ‘Op’, UHBVN, SCO 89, Sector-5, Panchkula
4. The Superintending Engineer ‘Op’ Circle, UHBVNL, SCO 89, Sector-5, Panchkula.
5. The Executive Engineer ‘Op. Flat No-517 & 518, Power colony, Industrial Area Phase, Panchkula. (xenoppanchkula@uhbvn.org.in)
6. The SDO (OP) Sub Division, Near Kendriya Vihar, 2, Sector-25, Madanpur, UHBVN, Panchkula (sdoopmadanpur@uhbvn.org.in)