



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. : 34/2021
Received on : 03.12.2021
Registered on : 17.12.2021
Date of order : 29.03.2022

In the matter of: -

Appeal against the order dated 19.10.2021 passed by CGRF, DHBVN Gurugram in case No. 3725/2021.

Sh. Phool Singh, H. No. 926, Sector – 3, HUDA Rewari

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Phool Singh

Present on behalf of Respondents:

Sh. Amit Kumar, SDO/Op City S/Divn. No.2, Rewari.

Advocate Rubai J Singh

ORDER

1. Sh. Phool Singh, H. No. 926, Sector – 3, HUDA Rewari has filed an Appeal against the order dated 19.10.2021 passed by CGRF, DHBVN Gurugram in case No. 3725/2021. The Appellant submitted as under: -

“ निवेदन है कि मेरे मकान नं० 926, सेक्टर-3 रेवाडी जिसका घरेलू कनेक्शन नं० 1920700000 है जिस पर सिंगल फेस का 2 किलोवाट लोड था। मैं सरकार की सोलर पैनल योजना के तहत सोलर पैनल लगवाना चाहता था परन्तु इसके लिये 3 फेस कनेक्शन व 5 किलोवाट से अधिक लोड आवश्यक था। अतः मैंने अपने क्षेत्र के दक्षिणी हरियाणा बिजली विभाग रेवाडी सिटी-2 सब डिवीजन कार्यालय में अपना लोड 2 किलोवाट से 8 किलोवाट बढ़वाने हेतु दिनांक 21-06-2011 को SJO No. 51/42 के तहत आवेदन किया। जिसके लिए मुझे 10 वर्ष से अधिक समय तक निगम के रेवाडी सिटी-2 कार्यालय में अनगिनत चक्कर लगाये। जिसके लिए मैंने XEN, S.E, M.D ACS (Power) आदि को ई-मेल व पंजीकृत पत्र लिखे परन्तु किसी का जवाब नहीं मिला व मेरी इस समस्या का कोई समाधान नहीं हो पाया। इसके बाद सितम्बर 2021 में Right to Service Commission, CGRF and CM Window पर शिकायत दर्ज कराने उपरान्त दिनांक 09-09-2021 को स्वीकृत लोड 2 किलोवाट से 8 किलोवाट कर दिया गया।

CGRF ने अपने निर्णय दिनांक 19.10.2021 जो ई-मेल द्वारा दिनांक 11-11-2021 को प्राप्त हुआ जो एकतरफा है जिसमें यह नहीं लिखा कि उपभोक्ता को इस छोटे से कार्य के लिए 10 वर्ष से अधिक समय संघर्ष करना पड़ा तथा कितनी आर्थिक हानि तथा मानसिक उत्पीड़न का सामना करना पड़ा तथा यह भी निर्णय दिया गया कि SDO, City -2, Rewari ने कहा है कि अब लोड बढ़ गया है तथा अब उपभोक्ता संतुष्ट है। उन्होंने उपभोक्ता के संतुष्टि पत्र की जांच

किये बिना तथा बिना किसी Cost के दोशी अधिकारियों को क्लीन चिट देकर उपभोक्ता के साथ धोखा/अन्याय किया है तथा न्यायिक पद पर होने के कारण न्याय का गला घोंटा है।

में CGRF द्वारा दिये गये एकतरफा निर्णय से संतुष्ट नहीं हूँ। अतः दोशी अधिकारियों के विरुद्ध कार्यवाही की जाये और अगर निर्धारित समय सीमा में मेरे मकान का लोड बढ़ जाता तो मुझे लाखों रुपये बिजली के बिल का भुगतान ना करना पड़ता और अनावृष्ट मानसिक उत्पीड़न से भी बच सकता था।

अतः आपसे अपील है कि निगम द्वारा निर्धारित समय सीमा के उपरान्त मेरे द्वारा भरे गये बिजली बिलों की क्षतिपूर्ति कराई जाये तथा दोशी अधिकारियों के खिलाफ कार्यवाही की जावे तथा मानसिक उत्पीड़न का रुपया 50,000/- बतौर हर्जाना दिलाया जावे।

2. The appeal was registered on 17.12.2021 as an appeal No. 34/2021 and accordingly, notice of motion to the Appellant and the Respondents was issued on 20.12.2021 for hearing the matter on 04.01.2021.
3. The hearing was held on 04.01.2022, as scheduled. At the outset, the appellant submitted that he has not received the reply of the respondents till date. The counsel for the respondents requested to grant time for the submission of the reply. Acceding to the request of the counsel for the respondents, the matter was adjourned to 19.01.2022.
4. The SDO/Op City S/Divn. No.2, Rewari vide his email on 19.01.2022 has submitted reply which is as under: -
 - 4.1 That the Appellant is aggrieved against the Order dated 19.10.2021, passed by the Ld. Consumer Grievance Redressal Forum (hereinafter referred to as 'CGRF'), DHBVN, Gurugram in Case no. DH/CGRF-3725/2021. The primary grievance of the Appellant is that his extension load of 2 kW was not extended to 8 kW by the Respondent.
 - 4.2 That relevant part of the Order dated 19.10.2021 passed by the Ld. CGRF, Gurugram is being reproduced herein below for the kind perusal of this Hon'ble Authority-

“ ...
*Proceedings were held on 18.10.2021 at Rewari. Complainant as well as the SDO was present. The SDO submitted reply vide memo no. 2767 dated 21.09.2021 stating that the load has since been extended.
After going through record made available on file and hearing both the parties, the Forum decided to dispose of the case with no further direction to the SDO. Case is closed. No cost to either side.
...”*
 - 4.3 That it is being submitted that the present Appeal does not lie since the Ld. CGRF has already adjudicated the Appellant's grievance in detail and the grievance of the Appellant already stands resolved by the Respondent.
 - 4.4 That it is relevant to mention brief facts of the case to establish that no cause of action remains in favour of the Appellant as its issue stands resolved-
 - a. The Appellant having electricity connection no. 1920700000 applied for extension of load from 2 kW to 8 kW on 21.06.2011. The load was extended on 12.07.2011 and the same was reflected in the Appellant's bill for the consecutive months of 09/2011 and 11/2011.
 - b. Due to a technical glitch at the time of change in billing agency from HARTRON to ENZEN, the load of the Appellant was reverted to 2 kW. This was without the consent of the Respondent- Sub Division and officers of Respondent had no active or passive role to play in this change.
 - c. It is respectfully submitted that Appellant never objected to or complained about any issue till 2021 and continued to deposit the bills as per consumption. Thus, no prejudice has been caused to the Appellant. No complaint was filed with respect to enhancement or reduction of load by the Appellant for a long period of almost 10 years and it was only in 2021

that this fact was brought to the knowledge of the Respondent. Therefore, the case of the Appellant is barred by delay and laches on his part and more so the case is barred as he is himself guilty of acquiescence and waiver. Tickets acknowledging the same was raised, bearing no. SD-382535 dated 22.04.2021, SD-389005 dated 16.06.2021 and SD-402247 dated 07.09.2021.

d. Thereafter, the load of 8 kW was affected on 09.09.2021 by the Respondent. This fact was also brought to the knowledge of the consumer on 22.09.2021.

4.5 That it is clear from the above facts and circumstances that the issue of the Appellant was resolved by the Respondent in the most efficient manner. It is also being brought to the notice of this Hon'ble Authority that the Appellant filed its complaint after the onset of COVID-19, and it was only due to the restriction in place that there was some delay in resolving the issues of the Appellant.

4.6 That it is being reiterated that the Appellant's grievance was brought to the notice of the Respondent only in April 2021 and thereafter; active steps were taken to resolve the same by the Respondent-Department.

4.7 That it is also pertinent to mention that the case of the Appellant was also taken up at the Haryana Right to Service Commission (hereinafter referred to as 'Commission'), wherein the Ld. Commission vide Order dated 12.01.2022 observed that the Respondent and its officers were not responsible for any inconvenience caused to the Appellant and they had made sincere efforts in resolving the issue.

4.8 That it is being submitted that the Ld. CGRF has already taken into consideration the grievances of the Appellant and accordingly passed a well-reasoned Order dated 19.10.2021. Thus, the present Appeal is not maintainable.

Therefore, keeping in view the above submissions, it is being prayed, that the present Appeal may kindly be dismissed, in the interest of justice, with costs.

5. The hearing was held on 19.01.2022, as scheduled. At the outset, the appellant submitted that he has received the reply of the respondents a day before in the evening only and requested to grant time for the submission of rejoinder. Acceding to his request, the matter was adjourned to 03.02.2022.

6. The hearing was held on 03.02.2022, as scheduled. The appellant requested to grant time again for the submission of rejoinder. Acceding to his request, the matter was adjourned and the appellant was directed to provide the copy of rejoinder to the respondent within three days so that the matter could be argued on the next date of hearing on 24.02.2022.

7. The appellant vides his email on 04.02.2022 has submitted rejoinder which is as under: -

Para 1 That the contents contained in para 1 of the written statement is a matter of records, however admitted to this extent that the requisite load extended from 2 KW to 8 KW despite depositing ACD charges on 21.06.2011 after a long period of 10 years and 03 months.

Para 2 That Hon'ble Consumer Grievance Redressal Forum (herein after referred to as CGRF) vide impugned order dated 18.10.2021 has not mentioned the reasons of delay of 10 years and 03 months and has not held responsible for mental agony and financial loss to the appellant. Because appellant was deprived privilege of having solar system so that I could reduce my electrical consumption bill and saving energy i.e. equivalent to energy produced in the national interest.

Para 3 That the contents of Para 3 are wrong and not admitted. The appellant has to suffer irreparable financially loss and mentally agony due to negligence of respondents. Hon'ble CGRF neither mentioned the reasons of delay in extending the load nor held responsible for the same. Grievances of the appellant are not redressed and stand unresolved. Respondent was exonerated on the basis of that appellant could retain the copy of complaint which were made time and again only proof is structure made on my roof for installation of solar system by private contractor.

Para 4 contents contained in Para 4 of the written statement is denied and not admitted. Sufficient cause of action still remains in favour of appellant and has not even been resolved as described in sub-para as under:

- (a) Admitted to this extent that appellant had applied for extension of load from 2Kw to 8 KW on 21.06.2011. Rest part of this para is false and fabricated.
- (b) That, as admitted by the respondents, the load reverted to 2 KW due to a technically glitch while change in billing agency and without consent of Sub Division and officers of respondents, here, it is pertinent to mention that respondents are sole responsible for irreparable loss to the appellant. Billing agency is part and partial of the working system of service providers and works as per directions and data/ information supplied by respondents. Moreover, the appellant has no concern with billing agency hired by the respondents. If there was any error occurred by billing agency, why the same was not noticed well in time by the officers/officials of the respondents. The respondents should be barred to put off the responsibility to so called billing agency. The respondents have not imposed adequate penalty upon the billing agency for the error due to which appellant has to suffer irreparable loss as mention above.

Note: Billing agencies HRRTRON and ENZEN were never called to explain the reasons as to how they done such lapse and on what basis. Moreover, during this period, the respondents not checked the same. Further no penalty has ever been imposed upon the billing agencies for irreparable loss.

- (c) Contents of this Para are wrong and not admitted. The appellant visited many times in the office of the respondents where he was given always a prescribed form of complaint to be filled up by appellant and same was retained by the respondent's office. The appellant wanted to install solar panel for electric energy for which load of above 5KW & three phase connection is mandatory, and had tendered the works to local contractor, but the same was not executed due to non-extension of load resulting which the appellant has to suffer irreparable loss and has to pay at least Rs. 6,80,000/- extra for the delayed period. In addition to the above loss the appellant also has to bear loss due to (i) increase in price of solar panel and its installation from approximately Rs.1,00,000/- to Rs. 3,66,000/- and (ii) discontinuation of subsidy on solar panel amount of Rs. 1,00,700/- It is wrong to say that the appellant not made any complaint. The appellant regularly approached to the authorities concerned, made complained from time to time but all in vain. Aggrieved from the billing of DHBVN from march 2014 for Rs. 440098 and August 2014 of Rs 22,696/- and so on the appellant approached to the office of SDO(Op) City-2, Rewari for updating of load for installation of solar system and checking of Electric Meter an amount of Rs 300/ had been deposited vide Receipt No. 40 Book No 001572 on dated 24.07.2015. After installation of solar panel base in Nov-Dec 2020, the payment of Rs. 1,00,000/- (One Lakh) was made to contractor on 03.02.2021. Accordingly, DHBVN was applied for rooftop Solar PV System under Net Metering arrangement and amount deposited

Rs. 1,000/- on 17.03.2021, the same payment confirmed by DHBVN and the appellant successfully applied for Solar Net Metering Connection, but the connection could not be activated due to non-extension of load from 2KW to 8KW resulting which the contractor now has refused to install the same.

At last aggrieved from the reluctant behavior of the respondents, the appellant moved complaints to the different authorities. It is pertinent here to mention that no reply has been received from the any authorities till date except reply from SDO (Op) City-2 Rewari on 09.09.2021 only after complaint made to CGRF and Right to Service Commission.

(d) Admitted.

- Para 5 That the respondents totally failed to provide services to the appellant in time. The appellant had deposited fee amount of Rs. 3150/- of extension of load on dated 21.06.2011 and the load extended on date 09.09.2021 after expiry of 10 years and 3 months. This is not efficient manner.
- Para 6 That no active steps were taken by the respondents. The appellant submitted application for extension of load and accordingly required fee was deposited but no action taken during 10 years and 3 months. Earlier records could not be retained but after the fatigue made many times visit in SDO 'op' office, the appellant started maintaining records from April 2021 on ward and same is available.
- Para 7 The contents of this para are wrong and not admitted hence denied. The Hon'ble Haryana Right to Service Commission issued impugned order dated 12.01.2022, hence this appeal. It is matter of concerned that mere extension of load could not be extended for which appellant has to approach to Hon'ble Ombudsman. Respondents had not made sincere efforts in resolving the issue and are totally responsible for their negligence towards performing the work in time which caused irreparable loss to the appellant.
- Para 8 Para 8 of the written statement is wrong and not admitted. The appellant was struggling hither and thither for a long period of more than ten years but the work which was the duty of the respondents to complete within the stipulated period, can be completed only after the appellant approaches the Hon'ble CGRF. This appeal is lawfully maintainable and may kindly be decided in favor of appellant. It is cleared from the above scenario that how a consumer has to get his lawfully work done by approaching up to the Hon'ble Ombudsman. Therefore, the appellant humbly prays to kindly award compensation due to the negligence as mentioned above for the loss as:
- (i) Due to non-extension of load the appellant has to suffer irreparable loss and has to pay at least Rs. 6,80,000.00 extra for the delayed period
 - (ii) Due to increase in price of solar panel and its installation from approximately Rs.1,00,000/- to Rs. 3,66,000/- and
 - (iii) Due to discontinuation of subsidy by Govt. on installation of solar panel amounting Rs. 1,00,700/-
 - (iv) Due to mental agony to appellant amounting Rs. 1,00,000/-
 - (v) Any other compensation which Hon'ble Ombudsman deem fit may pass an order in favour of appellant.
8. The hearing was held on 24.02.2022, as scheduled. The counsel for the respondents stated that although, she has received the rejoinder, but she found it very different from the original appeal and therefore, required more time to study and respond. The matter was adjourned to 15.03.2022.
9. The SDO/Op City S/Divn. No.2, Rewari vide his email on 15.03.2022 has submitted reply to the rejoinder through his counsel which is as under: -

Preliminary Submissions

- *That the appellant is aggrieved against the order dated 19.10.2021, passed by the Ld. Consumer Grievance Redressal Forum (hereinafter referred to as "CGRF"), DHBVN, Gurugram in case No.DH/CGRF-3725/2021. The primary grievance of the Appellant is that his extension load of 2 KW was not extended upto 8 KW by the Respondent.*
- *That it is being submitted that the present Sur-Rejoinder is being filed in view of the new contentions and amendment in original prayer by the claimant in its rejoinder / reply, dated 03.02.2022 which require specific denial / explanation on part of the respondent. Further, the submissions / contentions made by the Respondent in its Reply, may be read as part and parcel of the present Sur-Rejoinder and the same are not being repeated her for the sake of brevity. At the outset, it is being submitted that the claimant has failed to establish any contravention by the Respondent and therefore, no claim / cause of action lies in the instant proceedings.*
- *That all the facts and submissions stated by the claimant in his rejoinder / reply, dated 03.02.2022, are denied except for the instances where the same have specifically been admitted hereinafter by the Respondent. Any specific denial not made by the respondent shall not be deemed as an admission to any fact or submission and may be deemed as denial. Further, the Respondent reserves the right to raise other grounds or produce other documents, during the course of the instant proceedings*

Para-wise Reply to Rejoinder / Reply

- 1-3 *That the contents of para No.1 to 3 which pertain to record of the case are admitted, however, the rest of the contents are denied*
- 4(a) *That the contents of Para No.4(a) need no reply*
- 4(b) *That the contents of para No.4(b) which pertain to record of the case are admitted, however, the rest of the contents are denied & 4(c) the claimant has claimed an amount of Rs.6,80,000/- for the first time in its rejoinder / reply. The claimant had originally sought compensation of bills and an amount of Rs.50,000 for undergoing mental harassment, in his complaint before the Ld. CGRF. It is being submitted that the claimant is barred & estoppels from amending its claim at such a belated stage. Further the amount of Rs.6,80,000/- is totally unjustified and exaggerated. Similarly, the amounts being sought for increase in amount of solar panel and discontinuation of subsidy on solar panel are not maintainable. Further the above claims are remote in nature and the claimant is not entitled to seek relief of the same.*

It is being denied that there was any contravention on behalf of the Respondent. On the other hand, the contents of this paragraph establish that it was the claimant which defaulted in following the proper procedure before installation of solar panels. From the documents annexed by the claimant, there is nothing to show that the photograph of installation of solar panels is from November-December, 2020 as claimed by the claimant. It is pertinent to point out that Annexure II states 09.03.2021 as the date. Further, the bank statement annexed by the claimant shows a payment being made on 03.02.2021. Further, the claimant approached the Respondent on 17.03.2021 i.e. after having the started the process of installation of solar panels. It is being submitted that the claimant was bound to intimate the Respondent before installation of solar panels. Thereafter, an inspection of the site would be undertaken by the Respondent – Department. Thus, it was only after following this process that the claimant ought to have installed the solar panels.

Further, although, the fact of the payment for solar panels is not being admitted, it is being submitted that it was only in 2021 that the claimant noticed any issue with respect to load. Thus, it was in 2021 that the

claimant approached the Respondent-Department and not before that. The claimant has annexed a list of representations allegedly, made to the Respondent, however it is being submitted that only one representation pertains to 2015 and the rest of the representations pertain to 2021. Further, the representation dated 2015 has not been annexed and the Respondent has no record of the same. As explained in detail, the reply submitted by the Respondent, tickets acknowledging the issue were raised bearing no.SD-381733 dated 16.4.2021, SD-382535 dated 22.04.2021, SD-389005 dated 16.06.2021 and SD-402247 dated 07.09.2021. Thereafter, the load of 8 KW was approved w.e.f. 09.09.2021 by the respondent without any delay. Further, it is being vehemently denied that the claimant approached the Respondent or the Respondent-Department for a period of 10 years and no action was taken on its grievance. Therefore, the complaint filed by claimant is nothing but an after-thought and a misuse of the legal remedies.

- 5-6 *That the contents of Para No.5 and 6 which pertain to record of the case are admitted, however, the rest of contents are denied.*
- 7 *That the contents of Para No.7 which pertain to record of the case are admitted, however the rest of the contents are denied. It is further being submitted that the claimant is barred from Challenging the Order dated 11.01.2022 passed by Haryana Right to Service Commission, by the way of the present Appeal.*
- 8 *That the contents of para No.8 which pertain to record of the case are admitted, however, the rest of the contents are denied. That, as explained above, it is being re-iterated that the reliefs being sought by the Claimant are not maintainable. The claimant is barred from amending its prayer at this stage.*

Therefore, keeping in view the above submissions, it is being prayed, that the present Appeal may kindly be dismissed, in the interest of justice, with costs.

10. The hearing was held on 15.03.2022, as scheduled. At the outset, the appellant submitted that he received the reply of the respondents that day only and requested to grant some time to respond. Acceding to his request, the matter was adjourned to 29.3.2022.
11. The hearing was held on 29.03.2022, as scheduled. Both the parties were present during hearing through video conferencing. The appellant briefed the contents of the appeal and argued that the respondent in his reply admitted that load reverted to 2 KW due to a technical glitch while change in billing agency and without consent of sub division and officers of respondents. As the respondents are sole responsible for loss to the appellant for non-installing solar system, so he should be compensated by the respondents.
12. Per contra the counsel for the respondents submitted that the new contentions and amendment in original prayer by the appellant in its rejoinder/reply dated 03.02.2022 cannot be considered at this stage. The appellant cannot make fresh prayer in the appeal as per settled law. The appellant approached DHBVN in 2021 for the issue with respect to the load explaining that his load was being reflected as 2 KW instead of 8 KW. In record of the respondent, there is no representation of the appellant prior to 2021. After coming in the notice of the respondent, tickets acknowledging the issue were raised on 16.04.2021, 22.04.2021, 16.06.2021 and 07.09.2021, and the load was approved on 09.09.2021. Further, regarding the bank statement annexed showing a payment made on 03.02.2021 (stating it for solar panels), the appellant approached the respondent SDO on 17.03.2021 after having started the process of installation of solar panels, whereas he is bound to intimate the respondent before installation of

the panels. Only after inspection of the respondent ought to have the appellant installed the solar panels.

Further, the case of the appellant was also taken up at the Hon'ble Haryana Right to service Commission. the Hon'ble Commission vide order dated 12.01.2022 observed that the respondent and its officers were not responsible for any in convenience caused to the appellant and they had made sincere efforts in resolving the issue.

13. In view of the foregoing facts and circumstances, it is observed that the load of consumer was extended from 2 KW to 8 KW on 12.07.2011 but the load of the 2 KW started appearing in bill due to some technical glitch in software at the time of change of billing agency from HARTRON to ENZEN in end of 2011.

The appellant approached the respondent in the month of March, 2021 and the load was corrected in the system on 09.09.2021. I am of considered opinion that delay in correction is on account of systemic fault and prevailing pandemic of covid 2019. Therefore, no intentional delay on part of the respondents is observed. further, the appellant has started the process of installation of solar panels without the inspection of the respondents and therefore, the respondents cannot be held responsible for loss on this account, if any.

14. 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 March, 2022.

Dated: 29th March, 2022

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

CC-

Memo. No. HERC/EO/Appeal No.34/2021/

Dated: -

1. Sh. Phool Singh, H. No. 926, Sector - 3, HUDA Rewari (E-mail: - phoolsinghnaharwal@gmail.com)
2. The Managing Director, DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar .125005 (E-Mail: - md@dhbvn.org.in)
3. The Chief Engineer 'Op.', DHBVNL. Delhi. (E-Mail: - ceopdelhi@dhbvn.org.in)
4. The Superintending Engineer 'Op', DHBVN, Rewari. (E-Mail: - seoprewari@dhbvn.org.in)
5. The Executive Engineer 'Op' DHBVNL, Rewari. (E-Mail: xenoprewari@dhbvn.org.in)
6. The SDO/Op City S/Divn. No.2, DHBVN, Rewari. (E-Mail: - sdoopcity2rewari@dhbvn.org.in)