



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. : **35/2021**
Received on : **14.12.2021**
Registered on : **27.12.2021**
Date of order : **28.01.2022**

In the matter of: -

Appeal against the order dated 30.11.2021 passed by CGRF, UHBVN, Kurukshetra in case no.154/2021.

Sh. Jagmohan S/o Sh. Krishan Lal House No. 425, Chadda Building New Phowara Chowk, Jagadhri Road, Yamuna Nagar.

Appellant/Complainant

Versus

UHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Jagmohan

Present on behalf of Respondents:

Sh. Kulwant Singh, The Executive Engineer (Operations), Yamuna Nagar.

Sh. Paramvir Singh, SDO S/D Model Town, Yamuna Nagar

ORDER

1. Sh. Jagmohan S/o Sh. Krishan Lal House No. 425, Chadda Building New Phowara Chowk, Jagadhri Road, Yamuna Nagar has filed an Appeal against the order dated 30.11.2021 passed by CGRF, UHBVN, Kurukshetra in case no.154/2021. The Appellant submitted as under: -

1.1 *With due respect, it is stated that I have filed an application to the Consumer Grievances Redressal Forum, Kurukshetra regarding billing problem but I am not satisfied with the order of CGRF. However, the department accepts their mistake and for this purpose, I met higher authorities to get my complaint resolved from 2018 to 2021 and prayed for making the payment (in small amount) in instalments but I have not heard resulting in increase in surcharge, which I am unable to pay. By profession, I am an auto driver and my son is 75% physically handicapped who is running a small shop to earn his livelihood for his family members and the said shop*

is on rented basis. My financial condition is not so good and I am unable to pay the electricity bill in lumpsum. So, I prayed to make payment (in small amount) in instalment and get me relief by waiving the surcharge thereof so that I can able to pay the bill easily.

2. The appeal was registered on 27.12.2021 as an appeal No. 35/2021 and accordingly, notice of motion to the appellant and the respondents was issued on 27.12.2021 for hearing the matter on 13.01.2022.
3. SDO Model Town, S/D, Yamuna Nagar vide his email on 12.01.2022 has submitted the reply to the appeal as under: -

In this regard, it is intimated that the amount of Rs. 29488/- was adjusted/refunded to the above said consumer wrongly in the month of Dec 2018 under Surcharge waiver scheme 2018. The total amount of Rs. 40640/- was outstanding in Dec 2018 and after refund of Rs. 29488/- (as per scheme), the payable amount was Rs. 11152/-. The consumer adopted to pay the amount in Six installment and paid Rs. 6733/- on dated 4/12/2018 as first installment. After that, no amount was paid by the consumer and as per point no. (iii) and (iv) of S.C No. 15/2018, the waived amount should be debited/charged to the consumer.

Further it is also informed that in Oct, 2019, this office rechecked all the record related to SWS-2018 and admitted our mistake. The whole amount which was wrongly refunded to above said consumer was debited in his account in same month in (i.e. OCT. 2019).

4. Hearing was held on 13.01.2022, as scheduled. At the outset, it was observed that there was no monthly consumption data attached with the reply by the respondent SDO. The respondent SDO submitted that he joined recently and sought some time to submit detailed reply. Acceding to the request of the respondent SDO, the matter was adjourned to 27.01.2022.
5. SDO S/D Model Town, Yamuna Nagar vide his email on 25.01.2022 has again submitted as under: -
 - That it is humbly submitted that the defaulted amount Rs. 28,630/- is less than re-calculated amount of Rs. 50,654/- which is not falls within the definition of Sale Circular No. U-15/2018 of the consumer/complainant.
 - That the respondent has inadvertently refunded the amount of Rs.29,488/- to the consumer/complainant under the said scheme. Then after checking the record in the month of October 2019 the aforesaid amount which was wrongly refunded to the consumer/complainant was charged from him.
 - That it is pertinent to mention here that the consumer/complainant is a regular defaulter in making the payment of electricity bills and is not paying the same regularly to the respondents.

The data related to bill and payment is as under: -

MONTH	DAYS	PAID AMT	PAYMENT DATE	OPENING BALANCE	UNITS	SUND RY	CURRENT BILL	NET BILL	S/C	CLOSING BALANCE
.07/15	61	0		9794	217		1638	11432	323	11755
.10/15	62	0		11755	61	99	1182	13036	371	13407
.12/15	61	0		13407	340	0	2689	16096	461	16557
.02/16	61	0		16557	124	0	1273	17830	513	18343
.04/16	60	0		18343	119	0	1247	19590	565	20155
.05/16	80	0		20155	367	0	2912	23067	668	23735
.07/16	61	0		23735	467	0	3679	27414	796	28210
.09/16	65	0		28210	295	0	2341	30551	889	31440
.12/16	62	0		31440	209	0	1592	33032	962	33994
.02/17	62	0		33994	160	0	1294	35288	1029	36317
.04/17	60	0		36317	140	0	1232	37549	1096	38645
.05/17	58	0		38645	195	0	1378	39980	1168	41148
.07/17	61	0		41148	207	0	1434	42582	1245	43827
.10/17	62	0		43827	173	-28	1230	45029	1318	46347
.11/17	56	0		46347	196	0	1384	47731	1398	49129
.01/18	49	0		49129	104	0	854	49984	1465	51449
.03/18	59	0		51449	166	0	1180	52628	1544	54172
.05/18	60	0		54172	395	0	2787	56959	1671	58630
.07/18	64	30000	29.05.18	28630	160	-21	1155	29764	880	30644
.09/18	64	0		30644	120	0	1123	31767	939	32706
.11/18	64	0		32706	230	0	1642	34348	1015	35363
.12/18	65	6733	04.12.18	27615	1936	-1642	13507	39480	1160	40640
.01/19	56	0		40640	15	0	939	41579	1222	42801
.03/19	73	0		42801	398	29488	2817	16130	456	16586
.06/19	70	0		16586	971	-43	6799	23342	665	24007
.07/19	46	0		24007	658	0	4607	28614	819	29433
.09/19	48	0		29433	700	0	4900	34333	986	35319
.11/19	71	0		35319	975	29488	6828	71634	2098	73732
.01/20	69	0		73732	604	0	4246	77979	2284	80263
.03/20	50	0		80263	689	0	4825	85088	2492	87580
.05/20	73	0		85088	659	0	4632	89719	2627	92346
.07/20	45	17000	29.06.20	75346	601	-43	4210	79513	2341	81854
.09/20	71	0		81854	1407	0	9832	91686	2697	94383
.11/20	63	15000	24.09.20	78947	707	0	4959	83906	2473	86379
.01/21	56	13000	01.12.20	72994	337	0	2381	75375	2219	77594
.03/21	53	12000	28.02.21	65594	338	0	2386	67980	1995	69975
.05/21	70	0		69975	964	0	6755	76729	2251	78980
.07/21	129	0		78980	1058	-6843	7444	79581	2336	81917
.09/21	67	0		81917	1327	-32	9770	91656	2688	94344
.11/21	62	0		94344	1228	0	8958	103302	3029	106331
.12/21	137	0		105637	780	18728	5712	92621	2722	95343
.01/22	45	0		95343	121	226	881	96450	2835	99285

- That is worthwhile to mention here that there is no provision under the Electricity Act to waive off the surcharge.
6. Hearing was held on 27.01.2022 as scheduled. Both the parties were present through video conferencing. The respondent XEN submitted that Rs.29,488/- were wrongly refunded to the appellant in December, 2018 under Waiver Scheme -2018 for settlement of pending electricity bills of defaulting connected & disconnected domestic consumers. The internal audit party, which visited the sub divisional office in the month of October, 2019, observed that the appellant does not fall under the Waiver Scheme -2018 because actual defaulting amount payable (Rs. 28630) by the appellant was less than calculated defaulting amount (Rs. 50654) under the scheme and therefore, the refunded amount was again debited in the consumer's account. The bill of the consumer has been accumulated due to non-payment of bill regularly. The appellant submitted that his son is handicap and he is poor person and unable to make the payment in one go. The appellant requested to wave off surcharge and to allow payment in installments. Per contra the respondent XEN stated that he was allowed to make payment in six installments but he stopped making payment after depositing first instalment.
7. After going through the documents placed on record and hearing both parties, it is observed that out of 40 billing cycles from 7/2015 to 11/2021, the appellant has made payment 6 times only as part payment and hence, the bill has been accumulated due to nonpayment of electricity bills regularly. Further, the consumer does not fall in the Waiver Scheme -2018 as the amount due on 30.06.2018 was less than that of calculated as per the scheme.
8. In light of the above, I am of considered view that there is no merit in the appeal. The same is, accordingly, dismissed as devoid of merit.

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

Given under my hand on this day of 28th January, 2022.

(Virendra Singh)

Dated: 28th January, 2022

Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No.35/2021/

Dated: -

1. Sh. Jagmohan S/o Sh. Krishan Lal House No. 425, Chadda Building New Phowara Chowk, Jagadhri Road, Yamuna Nagar.
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, Yamuna Nagar.
5. The Executive Engineer (Operations), 66KV S/Stn., Saharanpur Road, Yamuna Nagar.
6. SDO S/D Model Town Behind Khalsa collage, Azad Nagar, Yamuna Nagar.
(sdoopmodeltownnr@uhbvn.org.in)