



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. : 07/2022
Received on : 31.01.2022
Registered on : 15.02.2022
Date of order : 15.04.2022

In the matter of: -

Appeal against the order dated 30.12.2021 passed by CGRF, UHBVN, Kurukshetra in case No.149/2021.

M/s Dandyan Enterprises Pvt. Ltd, SCO 17-P, Sector – 5, Panchkula

Appellant/Complainant

Versus

- 1) SDO/ Operation Sub-Urban Division UHBVN, Madanpur, PanchKula.
- 2) Xen (M&P) Division UHBVN, Ambala.

..... Opposite Parties/ Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. A. K. Viridi, counsel for appellant.

Present on behalf of Respondents:

1. Sh. B. S. Negi, counsel for respondent.
2. Sh. Surinder Kumar, SDO (OP), Sub Urban, Sub Division, UHBVN, Panchkula

ORDER

1. M/s Dandyan Enterprises Pvt. Ltd, SCO 17-P, Sector – 5, Panchkula has filed an Appeal against the order dated 30.12.2021 passed by CGRF, UHBVN, Kurukshetra in case No.149/2021. The appellant submitted as under: -
 - 1.1 That the complainant-appellant is the bonafide “consumer” of the Opposite Party (“OP”) no. 1, bearing account no. 1095865081.
 - 1.2 That the complainant-appellant was having sanctioned load of 6 KW which on his application dated 17-07-2019 for extension of load of his Hotel (NDS Category) in the titled premises was **extended from 6 KW to 150 KW by OP no.1 on 13-01-2020** and the **L&G make** meter bearing Sr. No. 80221036 installed. The above said CT/PT and energy meter were installed by the OP in the chambers/ meter cubicle which were duly sealed as per UHBVN instructions/rules/circulars.
 - 1.3 That albeit the presence and adverse effects of Pandemic-Covid-19 were felt during the end of year 2019 however due to the encountering with catastrophic effects of the same upto the mid of March -2020, the Janta Curfew/complete lockdown was clamped in whole Nation on 22-03-2020 and the hotel of the

- complainant in the said premises was also closed down however complainant-appellant used to pay/ paid the energy bills regularly whatever he used to receive/were raised or reflected in UHBVN portal.
- 1.4 That after the lockdown was partially lifted in August 2020, the hotel of the complainant became partially functional due to restrictions imposed by the Government in the operation of hotels, restaurant and banquet halls.
 - 1.5 That officers/officials of the OP no. 2 visited the above said premises of applicant-complainant on 04-09-2020 and replaced the L& G make meter bearing Sr. no. 80221036 which was installed by the OPs on 13-01-2020 at the time of affecting the EOL of the applicant -complainant.
 - 1.6 That after the meter was changed, as the complainant-appellant did not receive any bill, the complainant therefore filed a complaint dated 22.12.2020.
 - 1.7 That to the utter surprise of the complainant-appellant, he received a bill dated 13.03.2021 (for Rs.21,34,146/- wherein the amount of Rs.10,16,459.48/- were shown as current cycle charges and amounts of Rs.11,45,036/- in the name of Sundry Charges/ Allowances and Rs. 27349.89/- as provisional adjustments/BR Adj. raised and charged without any explanation/assigning any reason/justification therein.
 - 1.8 That the complainant -appellant further received bill dated 13.04.2021 of total Rs.23,40,327.00/- having current charges Rs.1,75,160.15, arrears of Rs.21,65,166.76/-and surcharge Rs.34035/-.
 - 1.9 That the complainant-appellant lodged a complaint to the opposite party no. 1 on 22.04.2021 and requested to issue fresh bill after rectifying the bill.
 - 1.10 That the complainant-appellant further received bill dated 10.05.2021 of total Rs. 34,46,988/- having current charges Rs. 2,01,455.80/-, arrears of Rs. 2374361.91 + 6189.00 and surcharge Rs. 50271/-.
 - 1.11 That the complainant-appellant on 08-06-2021 represented to the opposite party no. 1 to re-calculate his bill as the issue started with their old meter since January 2020 which was defective and all the meters of that company were ordered to be removed and his Hotel remained non-functional up to July 2020, but he has been charged 30,000 units per month which is not possible to be true. Pertinently the issue of charging the complainant with such an hefty amount of bill for the month of 03-2021 cropped up as the opposite party installed the L&G Make meter while extending the load of the complainant from 6KW to 150 KW on 13 January 2020 which company meters were found and declared to be defective by the WTD of UHBVN due to erratic behavior as is evident from its letter dated 19-12-2019 and were ordered to be replaced with other company meters vide UHBVN letter dated 26 December 2019.
 - 1.12 That similarly the complainant received bill dated 15.06.2021 of total Rs. 36,32,042.00/- having current charges Rs. 1,34,783.23 and arrears of Rs. 34,97,258.71/- and surcharge of Rs. 52987/-.
 - 1.13 That pertinently as there was no reply in the complaints dated 22-04-2021 and dated 08-06-2021 and to save the agony of disconnection of supply the complainant deposited Rs. 10,00,000/- under protest on dated 25-06-2021.
 - 1.14 That the complainant received the reply dated 29-06-2021 which was not based upon the facts and in accordance with rules/ instructions/natural justice as a mere glance at the figures shown under Previous Consumption Pattern of bill dated 13-03-2021 (Annexure-C/9) shall reveal that owing to the imposition of Janta Curfew followed by heavy restrictions imposed by the Govt. the consumption recorded were 611.75 Units for February 2020, 667.36 units for May 2020 and 90.13 units for June 2020 and as per Sales Circular no. U-18/2019 the complainant was liable to pay at the rate of the average of preceding six months or the fixed charges @ Rs. 160/KW against which the complainant represented to the OP no. 1 large number of times but all in dud.

- 1.15 That the complainant further received bill dated 13.07.2021 of total Rs. 29,62,047.00/- having current charges Rs. 1,80,097/- and arrears of Rs. 26,70,082/- and surcharge of Rs. 42815/-.
- 1.16 That to save the agony of disconnection the complainant deposited Rs. 2,50,000/- under protest on dated 23-07-2021, the receipt whereof is placed.
- 1.17. That the complainant received bill dated 10.08.2021 of total Rs. 2988508/- having current charges Rs. 2,43,088/- and arrears of Rs. 2751111.90/-, sundry charges/allowances Rs. 1423.18/-7115.90/- and surcharge of Rs. 43101/-.
- 1.18. That the complainant further deposited Rs. 5,00,000/- under protest on dated 16-08-2021.
- 1.19. That on dated 20-09-2021 the complainant- appellant filed the Complaint no. 149/2021 requesting therein:
that a mere glance of the averments made above and particularly para 7,11 and 14, and the annexure no. Annexures C-1 to C-3 , C-9, C-12 & C-18 it reveals that the EOL from 6KW to 150 KW of the complainant was carried out by opposite party No. 1 on 13-01-2020 by installing the L&G make meter which were found to be defective by the UHBVN due to their erratic behavior , as is evident from its letter dated 19-12-2019 and were ordered to be replaced with other company meters vide letter dated 26 December 2019, but based on the checking dated 04-09-2020 carried out by the OP No. 2 of above said company defective meter installed at the premises of the complainant, the complainant has been wrongly and illegally burdened with amounts to the tune of Rs.21,01,394/- for the period from 13-01-2020 to 04-09-2020 during which period there had been no or negligible consumption of electricity in the Hotel of the complainant due to ibid stated reasons and as such there is manifest deficiency in service at the hands of the OPs. Moreover, the OPs, despite the regular payments of the bills by the complainant and representation as well persuasion for correction of wrong bills containing the illegal amounts have not corrected and issued the revised/fresh bills thereof but the complainant was rather forced to pay the wrongly calculated amounts, the complainant has been subjected to harm and injury, for which the OPs liable to be fixed and saddled with heavy cost.
- 1.20 That the complaint -appellant in the ibid complaint prayed that the complaint of the complainant may kindly be entertained/ admitted and the Opposite Party be directed: -
- i) To correct the bill dated 13.03.2021 and subsequent bills raised/to be raised, by way of deleting amounts wrongly charged/likely to be charged in the name of Sundry Charges/Allowances/arrears for the period from 13-01-2020 to 04-09-2020 and issue fresh bills in lieu of the same to the complainant sans surcharge.
 - ii) For restraining the OPs from disconnecting the supply of the complainant-applicant till the pendency of this complaint as while complying with the mandate of Section-56 of The Electricity Act-2003, against the preceding six months average consumption of 259 units per month, the complainant has already deposited Rs. 17,80,812/- under protest against the bills for the period 03/2021 to 07/2021 and is further ready and willing to pay the current cycle charges.
 - iii) Any other relief which this respectable Forum deems fit and proper in the facts and circumstances of the present case.
- 1.21 That the Ld. CGRF passed the impugned order is against the law/rules/regulations and facts proved on record and is liable to be set aside/modified and the same is assailed on the following grounds.

GROUND OF APPEAL/REPRESENTATION

That the Ld. CGRF failed to consider and appreciate: -

- a) That as per the content of the Sr. No. 19 of the 2nd Reply of the SDO, the impugned meter was drawn from store on dated 07-09-2018 but the Ld. CGRF

failed to consider and take into account the facts regarding whether this meter was first time installed in appellant premises or after its removal from other consumer it was installed and what was the initial reading in the meter at the time its installation at the premises of the complainant-appellant, whether any modem was installed for transfer of data and in case the same was not installed whether any readings were taken through CMRI , MDI recorded which were otherwise sine qua none for the fairness and in the interest of justice.

- b) That though due to the imposing of the Janta curfew on 24th March 2020 to May 2020, the hotel of the complainant appellant remained closed and imposing of heavy restrictions by the government inter- alia on the Hotels including that of the complainant appellant there have been no/nil consumption of the electricity, the non-consideration of the documents (GST Returns) produced by the appellant in corroboration of the ibid facts of nil/no consumption and the copies of the bills of similarly situated consumer Hotel Palvi submitted by the SDO having sanctioned load of 199.7 KW whose consumption admittedly was less than that of the complainant appellant having connected load of 150 KW there was violation of the proviso under Regulation 6.9.1(ii) of the supply Code 2014.
- c) Once the behavior of the L& G make meters were found to be erratic by the highest authority of UHBVN i.e. WTD on 19-12-2019 and there were directions by the WTD dated 26-12-2019 to the extent that “in future no L&G make HT meter should be installed in any premises and all the existing L&G make meters should be replaced with HT meters of some other make available in Nigam’s store. The process of debarring the firm be also initiated by the CE/MM immediately.” there cannot be any authority including the M&P wing who could declare the readings/ consumption shown by L&G make meter to be correct and whose report could be relied upon. Moreover, the Regulation 5.5.1 unambiguously and unequivocally mandate that it shall be the responsibility of the licensee to satisfy itself regarding the accuracy of the meter before it is installed which the respondents miserably failed to discharge.
- d) That in the given special circumstances of installation of the banned meter of L&G make without checking its accuracy, clamping of Janta curfew and heavy restrictions on the Hotels resulting into no/negligible consumption, it was erroneous on the part of the CGRF not to consider the consumption of the similarly situated Hotel Palvi whose load was though more than that of the complainant appellant but consumption was lesser than that of complainant appellant connection.
- e) That it was erroneous on the part of the CGRF not to take the GST returns submitted by the appellant for the period from January 2020 to September 2020 in right prospectus which were otherwise to be considered in the light of the mandate in the proviso under regulation 6.9.1 of the electricity supply code-2014.

That in the light of above given facts and circumstances, in the interest of justice it is requested:

- A)
 - i) to get complainant -appellant provided the copies of all the documents/replies along with their annexures which were submitted by the OPs/respondents before the Ld. CGRF and considered by the CGRF and the matter was decided as the complainant-appellant was not provided the same during the proceedings before the Ld. CGRF.
 - ii) all the documents related to the impugned meter including the copies of CA-21 and CA-22 depicting the movement of the same since its drawl from the store on dated 07-09-2018, Legible /readable copies of connected SCO, SJO, M&P meter testing report/checking report at the time of EOL on 13-01-2020, ratings/particulars of the CTs/PTs installed therein, multiplying

factor arrived and used for raising the energy bills for the period from 13-01-2020 to 04-09-2020 along with the calculation sheets to arrive at that MF used therein.

iii) To get provided the copies of comprehensive calculation sheets based upon which the respondents arrived at the impugned amounts of arrears charged in the bills issued during 03/2021 and later on, particularly under the facts that in utter violation of the mandate of regulation 6.10.4 of Electricity Code-2014, the 15 days' notice was not served upon the complainant appellant and his valuable right to contest the demand denied.

B) It is further prayed that in the peculiar facts and circumstances of the matter the Ld. Ombudsman to pass any order considering the pro rata consumption based upon the consumption of the nearby similarly situated hotels namely Hotel Palvi and Hotel ATLANTIS to adjudicate the matter and further directions be passed to the respondents to overhaul the account of the complainant appellant to enable him to take further action accordingly.

C) It is further implored that the OPs/respondents be restrained from disconnecting the supply of the complainant appellant during the pendency of the instant appeal/representation as the complainant appellant is willing and ready to make the payments of the current energy bills.

2. The appeal was registered on 15.02.2022 as an appeal No. 07/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 18.02.2022 for hearing the matter on 17.03.2022.

3. SDO (OP), Sub Urban, Sub Division, UHBVN, Panchkula vide his email on 23.02.2022 has submitted reply which is as under: -

that as per decision on dated 30-12-2021 surcharge adjusted to consumer Rs. 133565/- from 9/2021 to 12/2021 Vide SCAR No. 122/63/665 and same was approved by CBO.

Copy of decision as per Secretary CGRF, Kurukshetra, sent to consumer Vide Memo no. 573/5U/CA dated 11-01-2022 to deposit the amount in 5 installments but consumer paid his current bill for the month of 11/21, 12/21 and 01/2022 Rs. 578980/- on dated 09-02-2022 after issuing the TDCO Vide Book No. 06/105 dated 08-02-2022.

Now notice given to consumer Vide Memo NO.651/5U/CA dated 21-02-2022 to deposit Rs. 725675/- current bill for the month of 2/2022 Rs. 132420 and 1st installment Rs. 593245/- i.e. Rs. 725675/- up to 28-02-2022.

4. SDO (OP), Sub Urban, Sub Division, UHBVN, Panchkula vide his email on 11.03.2022 has submitted reply which is as under: -

Reply in continuation of Memo No. 664/SU/CA dated 24.2.2022 the connection of consumer as per SCO released on dated 12.1.2020 and the same has been considered for billing purpose in ledger but consumer metering equipment was got installed on dated 23.12.2019 as per meter data retrieved from the meter. The connection practically released on dated 23.12.2019.

5. SDO (OP), Sub Urban, Sub Division, UHBVN, Panchkula vide his email on 16.03.2022 has submitted as under: -

➤ *that consumer applied extension of load from 6 KW to 150 KW on dated 07.07.2019 and effected on dated 12.01.2020.*

➤ *No intimation given to XEN, M&P to check the meter equipment that time from Sub Divisional Officer and connection regularize by Sh. Manjeet Singh, JE as per office record.*

➤ *In system on dated 17.07.2020 extension of load case Id generated and same was approved by CBO on dated 11.2.2021*

➤ *M&P team checked premises on dated 04.09.2020 vide MT-1 No.68126 and found 62.15% slow.*

- Difference of slowness from date of connection 12.01.2020 to 04.09.2020 charged to consumer as per Nigam instruction for Rs.11,45,036/-.
 - Rs.11,45,036/- charged vide SCAR No.120/70/588 to consumer and same was approved by CBO on dated 15.2.2021.
 - Delay of charged of this amount by CBO sundry not approved 5 months as extension of Load case was open in CCB and not approved upto 11.02.2021
 - Again 3/2021 as SJO not entered in system consumer account reviewed and a difference of amount charge to consumer for Rs.8,71,170/- vide SCAR No.122/05/54 and same was approved by CBO.
 - Hence amount charge to consumer on account of slowness of meter from 1/2020 to 09/2020 is correct and difference of units from 09/2020 to 03/2021 which was not charge by system for Rs.8,71,170/- is correct.
 - As per decision of Secretary, CGRF, Kurukshetra on dated 30.12.2021 surcharge adjusted to consumer Rs.133565 from 09/2021 to 12/2021 and sundry sent to CBO vide SCAR No.122/63/665 and same was approved by CBO.
 - Copy of decision as per Secretary, CGRF, Kurukshetra sent to consumer vide Memo No. 573/SU/CA dated 11.1.2022 to deposit the amount in 5 instalments.
 - First instalment plus current bill paid by consumer Rs.7,25,675/-
 - Reply in continuation of Memo No.664/SU/CA dated 24.2.2022 the connection of consumer as per SCO released on dated 12.01.2020 (Copy of SCO enclosed) and the same has been considered for billing purpose in ledger.
 - But consumer metering equipment was got installed on dated 23.12.2019 as per meter data retrieved from the meter.
 - The connection practically released on dated 23.12.2019.
6. The hearing was held on 17.03.2022, as scheduled. The counsel for the appellant briefed the appeal and submitted that the L&G make meter was installed in the premises of the appellant on 13.01.2020 against the decision of WTDs of UHBVN to ban the installing of L&G make HT meter. He further argued that exorbitant bill alleging the meter slow has been raised without issuing any notice to the consumer. On contra the respondent SDO rebutted the contentions of the counsel of the appellant and submitted that the meter of the appellant was actually installed on 23.12.2019 as per the load survey report of meter but the meter details were entered on the SJO on 13.01.2020 and the meter was found recording 62.15% less consumption by M&P wing in its checking on dated 04.09.2020 due to wrong phase association. After hearing both the parties, the respondent SDO was directed to submit the load survey report of the meter installed in appellant's premises along with the copy CA-21 in support that the meter has been issued to the appellant's premises first time and copy of notice issued to the appellant for charging of slowness of the meter, if any, with a copy to the appellant within 10 days. The matter was adjourned to 05.04.2022.
7. SDO (OP), Sub Urban, Sub Division, UHBVN, Panchkula vide his email on 31.03.2022 has submitted as under: -
- 7.1 The consumer meter was got installed on dated 13.12.2019 as per the meter load survey report. It has also been mentioned in the Chairman, CGRF, Kurukshetra, Order No. 149/2021 dated 30.12.2021. Moreover, in the reply submitted vide Memo No. 685/CU/CA dated 11.3.2022. Date of meter installation has been inadvertently mentioned as 23.12.2019 instead of 13.12.2019. However, the installation meter date be also read 13/12/2019 instead of 23/12/2019 in the interim order of Electricity Ombudsman HERC on dated 21.3.2022.
 - 7.2 As per interim order Load survey data submitted to your good office.
 - 7.3 Copy of CA-21 enclosed where the meter was issued for the consumer premises.
 - 7.4 No notice issued to the consumer for charging slowness of the meter by Sub Division.

7.5 During the arguments on dated 17.3.2022 the petitioners quoted WTD letter Memo No.2501/WTD/UH dated 19.12.2019. The agenda on which the above said letter was issued clearly indicates that L&G make meter lying the store should not be issued in field officers but this office had drawn these meters well before the issuing of this letter vide S.R. No.47/309 dated 07.09.2018.

The SJO of E.O.L. issued on dated 18.10.2019 on which meter was issued to Area In charge on dated 20.11.2019 as per CA-21 record

It is also pertinent to mention here that the M&P wing has not given any adverse comment on the meter working. However, the accuracy of metering equipment was found slow by 62.15% during the checking by M&P Wing on dated 4.9.2020.

8. The appellant vide his email on 05.04.2022 has submitted reply/submissions to the email received from SDO (OP), Sub Urban, Sub Division, Panchkula email dated 31.03.2022, which is as under: -

Preliminary Objections / Addl. submissions

- i) That in pursuance of the application of complainant/appellant for EOL from 6 KW to 150 KW , the OP no. 1 as per the instructions of the UHBVN was having the duty casted upon to get tested CT, PT and meter required for 11 KV supply from the authorized testing lab, install the same in the consumer premises , get the same checked from the M&P wing and sealed in the cubicles/kiosks , which the OPs failed to adhere and installed the L&G make meter which were found to having erratic behavior by the WTDs, an apex body, of UHBVN in their 198th meeting held on 26-11-2019 and 199th meeting held on 03-12-2019 and as such committed the manifest violation of the epoch making Regulation 5.5.1 of the HERC (Electricity Supply Code) Regulations, 2014 (in short "Regulations-2014") which mandate for installation of accurate meter. Similarly, there is utter violation of Regulation 5.2.7, 5.3.2 and 5.5.2 of the above said Regulations.
- ii) That the OPs were bound to obey the directions of their own WTDs dated 26-12-2019 for replacing all the existing L&G make meters with some other make healthy meter and the complainant-appellant cannot be burdened for the wrong committed/done by the OPs.
- iii) That the wrong bills for the month of 03/2021 and beyond 03/2021 containing the, sundry charges are raised in utter violation of the mandate under Regulation-6.10.4 of the Regulations, 2014 and as such liable to be quashed and set aside on this ground only.
- iv) That respectfully it is submitted that the perusal of the paras under final conclusions and decisions (Page-13,14) particularly para no. i), ii) and v) will show that the Ld. Chairman CGRF who happened to be a retired CE of UHBVN and other members who also happened to be associated with UHBVN have failed to apply independent judicial mind, may be due to the reason that in 2020 Sh. K.D. Bansal who happened to be the Chairman of CGRF in DHBVN was to face evil consequences in the matter of passing orders against the DHBVN.

Para wise reply: -

- 1) That a mere glance at the 1st reply of the SDO before the CGRF shall show that the date of effecting EOL is stated by him was to be 12-01-2020 which in no circumstances matter as there were unambiguous and unequivocal directions by the WTDs dated 26-12-2019 for replacing all the existing L&G make meters with some other healthy make which he failed to comply with.
- 2) The load survey data of any meter declared to be defective by the Apex WTD is of no consequences.
- 3) Needs no comments.
- 4) Non-issuance of mandatory 15 days' notice is utter violation of the mandate under Regulation-6.10.4 of the Regulations-2014 and as such the erroneous/ disputed

bills for the months of 03/2021, 05/2021 and 07/2021 are liable to be quashed and set aside on this ground only.

- 5) That there were unambiguous and unequivocal directions by the WTDs dated 26-12-2019 for replacing all the existing L&G make meters with some other healthy make which he failed to comply.

That no authority below the WTDs is competent to declare any make meters correct which were declared by the WTDs defective and passed the directions to replace.

It is therefore requested that the instant appeal/ representation be allowed in the light of ibid anecdotes and legal position.

9. The hearing was held on 05.04.2022, as scheduled. At the outset, counsel for the respondents being engaged recently requested to allow some time to go through the case. Acceding to his request, the matter is adjourned to 13.04.2022.
10. The hearing was held on 13.04.2022, as scheduled through video conferencing in the presence of both the parties. Both parties argued in their favour reiterating written submissions which are not reproduced here for the sake of brevity.
11. After going through documents placed on record and arguments/counter arguments of the parties, it is observed that:
- i) The load of M/s Dandyan Enterprise Pvt. Ltd. was extended by installing L&G make HT meter on 13.12.2019 (as per load survey report) vide SCO/SJO No. A27-719-117 SCO dated 12.10.2019, however the entry on the SJO was made on 13.01.2020. Being HT supply connection, after effecting the SJO, SDO OP was required to get the meter accuracy and correctness of connection of metering equipment checked from AEE/M&P at the earliest but the connection was checked by M&T team on 04.09.2020 after a period of more than 6 months. In checking, the meter was found recording 62.15% less consumption due to wrong connections (wrong/invalid phase association), the same is corroborated by the meter load survey report.
 - ii) The appellant contended that erratic behaviour L&G make HT meter is evident from UHBVN letter dated 19.12.2019 and all the meters were ordered to be replaced by other company meter vide letter dated 26.12.2019. whereas, the counsel of respondent argued that the meter issued to area in charge on dated 20.11.2019 as per CA-21 and installed on 13.12.2019. Further, as no defect in the meter was observed in checking by M&P team so no benefit can be given to the appellant on the ground that such meters are banned by Nigam. The similar meters are also existing in other connections cannot be charged on average basis or as pro rata consumption based upon the consumption of similar situated connection unless or until some defect is observed in the particular meter by the checking team.
 - iii) UHBVN WTDs has banned the L&G make HT meters due a potential threat of loss of revenue to the Nigam, as some L&G make HT meters were going to prolonged sleep mode, the meter does not record energy in this mode. But it is worth to note here that no defect in the meter installed in the appellant's premises was observed by the M&P at the time of checking its accuracy on 04.09.2020. The meter was recording 62.15% less due to wrong connections at the meter terminals and not due to any internal defect of the meter.
 - iv) Further, the appellant has also contended that GST and consumption of other similarly situated units be considered and he should be billed accordingly. There is necessity to consider alternate method to ascertain the consumption when the meter is found defective and period of defectiveness of meter is not known.
 - v) The Forum vide order dated 30.12.2021, keeping in view of raising bill after taking into account 62.15 % less recording without serving notice of 15 days the Forum has allowed consumer the benefit of surcharge waiver w.e.f. date of receipt of consumer complaint in CGRF i.e. 24.09.2021 to the date of decision/order passed

by the Forum, if consumer so desires. Also directed respondent SDO to accept the part payment as per provision of regulations in vogue. Also holds Sh. R.K. Rohila the then SDO/respondent, Sh. Manjeet Singh, JE responsible for gross negligence for the following omissions and commissions on their part:

- a) For installing L&G make meter otherwise banned by Nigam due to the erratic behaviour.
- b) For not replacing this L&G make meter with another make meter in compliance of WTDs decision circulated on 26.12.2019.
- c) For not intimating the M&P wing for checking the accuracy of the meter installed, immediately after its installation.
- d) For late entry of SCO/SJO dated 18.10.2019 effected on 13.12.2019 for extension of load from 6 KW to 150 KW but entered in the ledger in the month of March, 2021 i.e. after a period of approximately 15 months due to which the consumer was billed on the basis of sanctioned load of 6 KW instead of 150 KW and the consumer suffered a lot on this account.

CGRF directed respondents for initiating disciplinary action against above delinquent officials.

12. In view of above discussions and facts, it is concluded that in M&P checking on 04.09.2020, the meter connections were found wrong (Invalid phase association) due to which the meter was recording 62.15% less consumption. No defect in meter/metering equipment was observed at the time of M&P checking. By load survey report, the date of wrong connection has been established since the date of installation of meter in appellant's premises. The Nigam has charged the difference of consumption through sundry. The bill charged by the respondents is found in order and the appellant is bound to make payment for legitimate amount calculated as per consumption recorded in the meter considering 62.15% less recording due to wrong connections. However, some lapses like installing the L&G make meter banned by Nigam and not giving notice of 15 days before charging the sundry etc. were observed for which the Forum has already recommended to initiate disciplinary action against the delinquent officer/official. Therefore, I am of the considered view that there is no merit in the appeal and the Forum decision in the matter found to be in order and accordingly, the order of the CGRF, DHBVN dated 30.12.2021 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 15th April, 2022.

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: - 15th April, 2022

CC-

Memo. No. HERC/EO/Appeal No.07/2022/

Dated: -

1. M/s Dandyan Enterprises Pvt. Ltd, SCO 17-P, Sector – 5, Panchkula
2. The Managing Director, UHBVN, Vidyut Sadan, C-16, Sector – 6, Panchkula – 134109.
3. L R, HPU, Shakti Bhawan, Sector -6, Panchkula
4. The Chief Engineer 'Op', SCO 89, Sector-5, UHBVN, Panchkula.
5. The Superintending Engineer 'Op' Circle, SCO 89, Sector-5, UHBVN, Panchkula
6. The Executive Engineer 'Op.' Division, Flat No.517-518, Power Colony, Industrial Area, Phase – II, UHBVN, Panchkula
7. The SDO (OP), Sub Urban, Sub Division, 66 KV Sub Station, Power Colony, Industrial Area, Phase – II, UHBVN, Panchkula