



(Regd.Post)

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
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Appeal No. :15/2022
Received on :09.06.2022
Registered on :22.06.2022
Date of order :12.08.2022

In the matter of: -

Appeal against the order dated 31.05.2022 passed by CGRF, UHBVN, Kurukshetra in case No.147/2022.

Sh. Raj Kumar, M/s Indus Towers Ltd, H. No. 58/4, R.K. Puram, Karnal

Appellant/Complainant

Versus
UHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. M. S. Chauhan

Present on behalf of Respondents:

Sh. Yatendra Katara, SDO (Op) Sub Division, UHBVN, Chhajpur

ORDER

1. Sh. Raj Kumar, M/s Indus Towers Ltd, H.No. 58/4, R.K. Puram, Karnal has filed an Appeal against the order dated 31.05.2022 passed by CGRF, UHBVN, Kurukshetra in case No.147/2022. The appellant submitted as under: -

- 1.1 It is submitted that M/S Indus Towers Limited is a registered company registered under the Companies Act having its registered office at Bharati Crescent Nelson Mendela Road Vasant Kunj, Phase-2, New Delhi and Circle Office at Bestech Business Tower, Tower-A, Industrial Plot No.1, Phase-9, Sector-66, SAS Nagar(Mohali)-160059 and we are engaged in the business of establishment, maintenance and provision of Telecom infrastructure which

inter alia include mobile communication towers and other allied equipment to various mobile telecom service providers viz Bharti Infratel Ltd (earlier known as Bharti Mobile Ltd. Bharti Cellular Ltd, Bharti Televenture Ltd and Bharti Airtel Ltd), Vodafone Essar South Ltd (earlier known as Hutchison Essar South Ltd) and Idea Cellular Ltd. Now by virtue of joint Venture Company of the said operators, we are taking care of the existing and upcoming power connections of the above said operator companies.

- 1.2 We have a permanent connection bearing A/C No. P15PD321974F in the name of M/S Indus Towers Ltd. at Behind Community Centre, Village Rajakheri, Panipat-132104. We had applied for the extension of the Sanctioned Load from 12.000 KW to 24.000 KW vide Application No. P15-1021-151 Dated 08/10/2021. The additional ACD of Rs.12000/- was deposited for the extended load. The load is released on 17/12/2021. The defendant SDO submitted the advice to the billing in the month of 01/2022 for the change of the Sanctioned Load and the Change of the meter. No advice of the change of the ACD was given to the Billing Agency. The bill was issued on 15/01/2022 where the Sanctioned Load was displayed as 24.000KW, the MCO was updated as per the Advice. The ACD remained Rs.12000/- because no advice of updating the ACD to Rs.24000/- was given. The defendant SDO has now come up with an Advice where the entry of Rs.12000/- is inserted by tampering with the original advice of 01/2022.
- 1.3 It is further submitted that the bill issued in 03/2022 for the account is in the name of Sh. Ram Karan Malik, Rajakheri in place of M/S Indus Towers Ltd. Rajakheri. The change of name has been affected without any application or the request from the consumer. The Change of Name was specifically done by submitting the advice to the billing in 03/2022. The Advice of the updating of the ACD to Rs.12000/- was also given instead of Rs.24000/-. Now both the changes were deliberate to cause unnecessary harassment to the consumer.
- 1.4 The ACD and the Load which was required to be updated in the next billing cycle after the release of the load. The ACD was not updated in the billing system despite our repeated requests. We had submitted the representations latest of which is submitted vide our no. SPL-218/EB-03/KCS/BILLS/22 Dated 04/04/2022. There was no response from the Nigam.
- 1.5 We had filed the complaint before the CGRF which was Registered as Complaint No. UH/CGRF-147/2022 Dated 09/05/2022. The complaint was heard on 31/05/2022 and decided on the same day on 31/05/2022. The order was communicated vide memo no. Ch-13/UH/CGRF-147/2022 Dated 31/05/2022 which has been received by us on email on dated 08/06/2022.

1.6 It is observed by the CGRF in his order that the SDO/Defendant submitted his reply vide which he had submitted the copy of the corrected bill, copy of which was provided on the spot to the representative of the Firm. The observation is not correct. The defendant SDO did not furnish any reply to the complaint. He had provided only the incomplete copy of the bill of the connection issued on 13/05/2021 where the total ACD of Rs.24000/- was not updated. In the order it was observed that the change of name is corrected from Sh. Ram Karan Malik to Indus Towers Ltd. The CGRF did not take note of the fact as to why the name of the consumer was changed to Sh. Ram Karan Malik in the first instance through a specific advice to the billing agency. The CGRF observed that the advice of updating of additional ACD amount of Rs.12000/- was given in the month of 03/2022, but the same could not be updated due to unintentional omission on the part of the billing agency. The above clean chit was given to the defendant and the billing agency without any material evidence on record. The CGRF failed to notice the unnecessary harassment being caused to the consumer by the defendant SDO. The advice does not mention that Rs.12000/- is the additional ACD besides the ACD of Rs.12000/- already existing against the connection. It is also observed by the Forum that the defendant has taken up the issue with the billing agency and the total ACD shall be updated in next billing cycle in 07/2022. The observation of the CGRF is without any record or material evidence put up by the defendant SDO during the hearing. The advice is for the month of 03/2022 which may be ignored by the billing agency and the same is not valid for the billing of 05/2022 and 07/2022. The ACD cannot be updated to Rs.24000/- unless the clear-cut advice of total ACD of Rs.24000/- is not given to the billing agency in 07/2022 for the billing of 07/2022. The order of the CGRF has been given in haste without giving us the opportunity to defend our complaint. The action so reported on behalf of the defendant are oral and without any material on record. We have not been given any opportunity to contest the claim of the defendant SDO.

1.7 It is prayed that the order of the CGRF Dated 31/05/2022 may please be set aside. It is further prayed that to look into the fact that the total ACD was not updated in 01/2022, 03/2022 and 05/2022. It is also needed to be looked into as to why the billing advice of 01/2022 was tampered and why the clear-cut advice of updating the ACD to Rs.24000/- has not been given so far. The Nigam may be directed to feed the correct advice of the updating of the ACD to Rs.24000/- and submit the fresh advice to the billing in 07/2022. It is further prayed that the issue of the change of the name deliberately be looked into. It is also prayed that the Nigam Authorities be apprised of the level of the harassment caused to the consumer by the defendant SDO in the last 6 months.

2. The appeal was registered on 22.06.2022 as an appeal No. 15/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 27.06.2022 for hearing the matter on 12.07.2022.
3. The hearing was held on 12.07.2022, as scheduled. At the outset, the appellant submitted that the reply has not been received from the respondent. When asked, the respondent SDO submitted that he would furnish reply within a week time. He also ensured to initiate departmental disciplinary action against the official(s) responsible for effecting EOL in the name of wrong person. The matter was adjourned to 02.08.2022.
4. SDO (Op) Sub Division, UHBVN, Chhajpur vide his email on 22.07.2022 has submitted reply which is as under: -

Preliminary Objections: -

- 4.1 That the present appeal of order dated 31/05/2022 passed by Consumer Grievances Redressal Forum, (CGRF) Uttar Haryana Bijli Vitran Nigarm Ltd. Vidyut Sadan, Sector-8, District Kurukshetra under reply is not legally maintainable in the present form, because in the CGRF respondent filed his written reply and all the ins and outs were minutely considered by the CGRF and an appropriate order was passed by the CGRF.
- 4.2 That in the previous complaint which was moved to Hon'ble Consumer Grievances Redressal Forum, Panchkula by the complainant/consumer raised the issue regarding the three accounts which are reads as under: -
 - a. **Account no. P15PD652405N (old Account NO. P15PD223261A)**
All the issues were resolved by the respondent regarding the above said account and in this regard a fresh bill was issue on dated 23/05/2022 in which the sanctioned load was updated for 12K.W. and updated ACD of Rs. 20,000/- were reflected in the billing system and a copy of bill was also given to the representative of the firm during the proceeding which was going in the CGRF.
 - b. **Account no. P15PD671882K (old account No. P15PD412241W)**
All the issues were also resolved by the concerned S.D.O. regarding the above said and a fresh bill against above said account was also issued on dated 24/05/2022 in which the sanctioned load updated for 15.5K.W. and updated ACD of Rs. 16,000/- were reflected and both issues solved by the department and bill was also given to the representative of firm during the proceeding which was going on CGRF on dated 31/05/2022.

c. **Account No. P15PD321974F**

A fresh bill against above said account was also issued on dated 12/05/2022 in which name of the consumer was rectified by the respondent and name was updated as M/s Indus Tower Limited, instead of Shri Ram Karan Malik & explanation of concerned ledger keeper has been called for this misconduct and sanction load was also updated for 24K.W. from 12K.W. and as per as the updating of ACD is concerned ACD was updated from 12,000/- to 24,000/- and same will be reflected in the next billing cycle which was also updated after taking necessary advice. In this regard a letter in the month of March 2022 was sent to billing agency i.e. Hartron by the respondent no. 3 and after that billing agency. M/s Hartron replied that the same could not be updated due to unintentional omission on the part of billing agency M/s Hartron for which he has taken up the matter and assured that the same will be reflected in the next billing cycle which shall be issued in the month of July 2022.

- 4.3 That the respondent no. 3 was directed by the CGRF that needful was to be done within two months and this grievance of the consumer should be redressed in the prescribed period and till now two months has not been passed and a new bill has not been issued by the billing agency and the updating of additional ACD of rupees 12,000/- to 24,000/- shall be reflected in the next billing cycle which will be issued in the month of August 2022 due to migration of data from Non R-APDRP to RAPDRP Sub Division and grievance of the consumer has already been redressed but remaining to be reflected in the billing but it is to be reflected in the upcoming billing cycle.
- 4.4 That the appellant has no any financially loss regarding the updating and rectify the power electricity bills.
- 4.5 That there are no any grounds in the present appeal, so the present appeal is liable to be dismissed on this ground alone.

ON MERITS: -

- That the para no.1 of the appeal is admitted till the extent of name and business of the company M/s Indus Tower Ltd.
- That the para no. 2 of the appeal is wrong and hence denied by the respondent.
- That the para no. 3 of the appeal is wrong and hence denied and name was Sh. Ram Karan Malik instead of M/s Indus Tower Ltd. was mentioned by the mistake of billing agency and the same was rectified by the department and a bill in which the name of the firm was updated

was given to the appellant at the time of proceeding which was going in the CGRF Panchkula on dated 23-05-2022.

- That the para no. 4 of the appeal is wrong and hence denied and updating of ACD was send to the billing agency and same shall be updated in the next billing cycle which will be issued in the month August, 2022.
- That the para no. 5 of the appeal is true and correct and admitted by the respondent and appropriate decision was given by the CGRF from the complaint which was registered as complaint no. UH/CGRF-147/2022 dated 09/05/2022 on dated 31/05/2022.
- That the para no. 6 of the appeal are wrong and hence denied reason being the concerned SDO furnished his reply in the CGRF and their in mentioned all the reasons why the name was mentioned as Ram Karan Malik instead M/s Indus Tower Ltd. and he also mentioned in his reply of ACD of the consumer shall be reflected in the next billing cycle and also mentioned that same has been updated as per procedure and necessary advice also received regarding the updating of the additional ACD. Hon'ble Consumer Grievance redressal forum Judged the matter on merits and a sufficient opportunity of being heard was provided to the complainant at the time of proceeding which was going in the CGRF and the case was properly defended by the complainant.
- That the prayer of the appellant is wrong and hence denied by the appellant and there is no any reasonable ground in the appeal which is filed by the appellant before the present Electricity Ombudsman Haryana and there is no any tampering in the billing advice of 1/2022 and the same was updated as per the procedure of the UHBVNL and the issue of the change of name was not done deliberately instead of it was unintentional mistake of ledger keeper and the present issue has been raised by the complainant only for harassing, humiliating the respondent and for wasting precious time of Ld. Electricity Ombudsman Haryana and there was no any harassment caused by the SDO.

It is, therefore prayed that the appeal of the appellant be kindly dismissed with heavy costs.

Any other relief which this Hon'ble Court deems fit and proper may kindly be passed in favour of respondent and against the plaintiff.

5. The hearing was held on 02.08.2022, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant submitted that no reply has been received from the respondent. The respondent SDO was directed to furnish reply within two days. The matter was adjourned for 12.08.2022.

6. The Applicant has submitted rejoinder vide his email dated 08.08.2022 in response to the Reply/Written Statement on behalf of Respondent No.3 which is as under: -

Reply to the Preliminary Objections: -

- 6.1 It has wrongly been submitted by the defendant that the defendant had filed the written statement before the CGRF. No such reply to our complaint was submitted by the defendant SDO. He has provided only the copy of the latest energy bills only and not the reply to the whole of the complaint which was much beyond the updated bills of the connection. The bills so provided were also not updated.
- 6.2 The account number P15PD652405N & P15PD671882K are unnecessarily discussed because they are not the part of the present Appeal. It has been reported that the name of the consumer is rectified from Sh. Ram Karan Malik to M/S Indus Towers Ltd. The defendant has not answered as to why the name was changed from M/S Indus Towers Ltd to Sh. Ram Karan without any request from the consumer. We are not concerned as to which employee of the Nigam is responsible and what action is being taken against him. Our grievance is that we have been unnecessary harassed by the consumer. The load was up dated in 01/2022 but why not the ACD was updated in 01/2022 itself. The billing agency is not responsible because it was advised only to update the load. Further the advice was tempered by the defendant for blaming the billing agency for not updating the ACD in the account. No advice as such and as on today is provided by the defendant to any billing agency. It is not likely to be updated in 08/2022 as suggested on the objection.
- 6.3 The Reply so given on merits
- 6.4 We had submitted under Para 2 that we have a permanent connection bearing A/C No. P15PD321974F in the name of M/S Indus Towers Ltd. at Behind Community Centre, Village Rajakheri, Panipat-132104. We had applied for the extension of the Sanctioned Load from 12.000 KW to 24.000 KW vide Application No. P15-1021-151 Dated 08/10/2021. The additional ACD of Rs.12000/- was deposited for the extended load.
- 6.5 The load was released on 17/12/2021. The defendant SDO submitted the advice to the billing in the month of 01/2022 for the change of the Sanctioned Load and the Change of the meter. No advice of the change of the ACD was given to the Billing Agency. The bill was issued on 15/01/2022 where the Sanctioned Load was displayed as 24.000KW, the MCO was updated as per the Advice. The ACD remained Rs.12000/- because no advice of updating the ACD to Rs.24000/- was given. The defendant SDO had come up with an Advice where the entry of Rs.12000/- is inserted by tampering with the original advice of 01/2022. The defendant SDO has denied the facts of his own records which are attached with the Appeal.
- 6.6 We had submitted under Para 3 that the bill issued in 03/2022 for the account is in the Sh. Ram Karan Malik, Rajakheri in place of M/S Indus

Towers Ltd. Rajakheri. The change of name was affected without any application or the request from the consumer. The Change of name was specifically done by submitting the advice to the billing in 03/2022. The Advice of the updating of the ACD to Rs.12000/- was also given instead of Rs.24000/-. Now both the changes were deliberate to cause unnecessary harassment to the consumer. The defendant in his reply is blaming the billing agency which is not correct and is against the facts on record. The change of name to Shri Ram Karan Malik is affected against the specific advice which was with malafide intentions and ulterior motives.

- 6.7 We had submitted under Para 4 that the ACD and the Load which was required to be updated in the next billing cycle after the release of the load. The ACD was not updated in the billing system despite our repeated requests. We had submitted the representations latest of which is submitted vide our no. SPL-218/EB-03/KCS/BILLS/22 Dated 04/04/2022, The was no response from the Nigam. The defendant SDO has replied that the advice of updating the ACD has been sent to the billing agency. It is absolutely wrong submission on the part of the defendant SDO. There is no such advice on the records till the filing of the reply by the defendant. The defendant is misleading on the issue.
- 6.8 We had filed the complaint before the CGRF which was Registered as Complaint No. UH/CGRF-147/2022 Dated 09/05/2022. The complaint was heard on 31/05/2022 and decided on the same day on 31/05/2022. The order was communicated vide memo no. Ch-13/UH/CGRF-147/2022 Dated 31/05/2022 which has been received by us on email on dated 08/06/2022.
- 6.9 We had submitted under Para No.6 that it is observed by the CGRF in his order that the SDO/Defendant submitted his reply vide which he had submitted the copy of the corrected bill, copy of which was provided on the spot to the representative of the Firm. The observation was not correct. The defendant SDO did not furnish any reply to the complaint. He had provided only the incomplete copy of the bill of the connection issued on 13/05/2021 where the total ACD of Rs.24000/- was not updated. In the order it was observed that the change of name is corrected from Sh. Ram Karan Malik to Indus Towers Ltd. The CGRF did took no note of the fact as to why the name of the consumer was changed to Sh. Ram Karan Malik in the first instance through a specific advice to the billing agency. The CGRF observed that the advice of updating of additional ACD amount of Rs.12000/- was given in the month of 03/2022 but the same could not be updated due to unintentional omission on the part of the billing agency. The above clean chit was given to the defendant and the billing agency without any material evidence on record. The CGRF failed to notice the unnecessary harassment being caused to the consumer by the defendant SDO. The advice does not mention that Rs.12000/- is the additional ACD besides the ACD of Rs.12000/- already existing against the connection. It is also observed by the Forum that the defendant has taken up the issue with the billing agency and the total ACD

shall be updated in next billing cycle in 07/2022. The observation of the CGRF was without any record or material evidence put up by the defendant SDO during the hearing. The advice is for the month of 03/2022 which may be ignored by the billing agency and the same is not valid for the billing of 05/2022 and 07/2022. The ACD cannot be updated to Rs.24000/- unless the clear-cut advice of total ACD of Rs.24000/- is not given to the billing agency in 07/2022 for the billing of 07/2022. The order of the CGRF has been given in haste without giving us the opportunity to defend our complaint. The action so reported on behalf of the defendant were oral and without any material on record. We were given any opportunity to contest the claim of the defendant SDO. We deny the reply given by the defendant which is against the facts on record. The ACD is not updated by the Nigam despite the undertaking given by the defendant to be done in 07/2022.

- 6.10 The defendant SDO replied Para No.7 that the Advice of 01/2022 was not tempered. He further replied that the change was unintentional and mistake of the Ledger Clerk. The defendant SDO replied that it was unintentional omission. The submission of the SDO is not correct. The change of name was affected under specific advice and not the unintentional omission and for this the ledger clerk alone is not responsible. There are lapses on the part of the defendant SDO also. It is again prayed that the order of the CGRF Dated 31/05/2022 may please be set aside. It was further prayed that to look in to the fact that the total ACD was not updated in 01/2022, 03/2022 and 05/2022. It is also needing to be looked into as to why the billing advice of 01/2022 was tampered and why the clear-cut advice of updating the ACD to Rs.24000/- has not been given so far. The Nigam may be directed to feed the correct advice of the updating of the ACD to Rs.24000/- and submit the fresh advice to the billing in 08/2022. It is further prayed that the issue of the change of the name deliberately be looked into. It is also prayed that the Nigam Authorities be apprised of the level of the harassment caused to the consumer by the defendant SDO in the last 8 months and which is still continuing. The defendant SDO has so far, no plans to redress the grievance of the consumer.
7. The hearing was held on 12.08.2022, as scheduled through video conferencing in the presence of both the parties. The respondent SDO has submitted that the advice for updating ACD from Rs. 12000/- to Rs. 24000/- had already been submitted. But updating of ACD shall be reflected in next billing in the month of August, 2022 since at present data migration from non-RAPDRP to RAPDRP is under process and during this process no change in system data can be done. The appellant argued that ACD was not updated in 01/2022, 03/2022 and 05/2022 and advice of 01/2022 was tampered to harass the consumer.

8. In view of the foregoing facts and discussions, it is decided that the respondent SDO shall ensure the updating of ACD in next billing cycle. Further, the respondent SDO is directed to enquire into the reason why the ACD was not updated in the bill of 01/2022, 03/2022 and 05/2022, and why the billing advice of 01/2022 was tampered (as alleged) and accordingly, to initiate disciplinary action against delinquent official(s).
9. 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 12th August, 2022.

Dated: - 12th August, 2022

(Virendra Singh)
Electricity Ombudsman, Haryana

CC-

Memo. No. HERC/EO/Appeal No.15/2022/

Dated: -

1. Sh. Raj Kumar, M/s Indus Towers Ltd, H.No. 58/4, R.K. Puram, Karnal
2. The Managing Director, UHBVN, Vidyut Sadan, C-16, Sector – 6, Panchkula – 134109.
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109.
4. The Chief Engineer 'Op', SCO 89 (First Floor), Sector-5, Panchkula
5. The Superintending Engineer 'Op' Circle, 132 KV Sub Station, Gohana Road, UHBVN, Panipat
6. The Executive Engineer 'Op.' Division, Near Jangra Dharamshala, Officers Colony, UHBVNL, Samalkha, Panipat.
7. The SDO 'Op' Sub Division, 132KV Sub Station, UHBVNL, Chhajpur, Panipat.