



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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(Regd. Post)

Appeal No. : 17/2022
Received on : 23.06.2022
Registered on : 05.07.2022
Date of order : 12.08.2022

In the matter of: -

Appeal against the order dated 17.05.2022 passed by CGRF, UHBVN, Kurukshetra in case No.100/2022.

M/s Mittal Spinner, 11 km. Mile Stone, Sanoli Road, Kurad, Opp. Diamond, Panipat.

Appellant/Complainant

Versus

UHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Akshay Mittal

Present on behalf of Respondents:

Sh. Mohit Dahiya, SDO (OP)), Bapoli, Samalkha

ORDER

1. M/s Mittal Spinner, 11 km. Mile Stone, Sanoli Road, Kurad, Opp. Diamond, Panipat has filed an Appeal against the order dated 17.05.2022 passed by CGRF, UHBVN, Kurukshetra in case No.100/2022. The Appellant submitted as under: -

1.1 It is submitted that I have an electric connection bearing account No.1001011000 in the name of the Mittal Spinners under operation Sub Division Bapoli, Panipat. Our meter was found running slow from 2.9.18 to 19.12.2018 by 33.3%. The slowness was not charged as per the tamper data but difference of substation and consumer and meter consumption Rs.3462343/- vide SCR No.839/166/187. When Sh. V.K. Sharma, S.O. Audit

charged half margin no.48 dated 10.7.2019. An amount of Rs.1519249/- was charged by the audit party by half margin No. 48. After that on submission on my request in the office regarding wrong charging of half margin but later-on corrected by SDO Chhajpur to the margin amount to Rs.1231038/- in the office. But on that particular time, I am not having the temper data with us. After receiving, the tamper data copy I get to know that our CT was found sometime running and sometime closed.

1.2 After this, the Electricity Board has got the audit of my account and it was found that an amount of Rs.3,85,396/- has been overcharged from me and the same is required to be refunded in this regard concerned SDO has written a letter vide memo no. 96 dated 10.7.2021 to Chief Engineer, Commercial UHBVN, Panchkula. In that letter, it has also been found mentioned that adjustment of Rs.3,85,396/- on occurrence of restoration for the period dated 2.9.2018, 19.9.2018, 5.10.2018, 9.10.2018 to 19.12.2018 has been found mentioned. Despite issuing letter by the SDO to Chief Engineer, Electricity Board no amount has been adjusted in my account. I have also filed a complaint before the Consumer Grievance Redressal Forum Kurukshetra. The same was decided by the learned forum vide order dated 17.5.2022. In which it has been held that the forum had observed that since the case is more than two years old and therefore, as per HREC Regulation 2020 clause 2.27(a), the same cannot be entertained. After hearing the case an affording an opportunity to the appellant, the complainant is hereby is dismissed so the application before CGRF was rejected because the matter of was more than two years old.

1.3 In the said application also concerned SDO has submitted their reply and mentioned that an amount of Rs.3,85,396/- is required to be adjusted in my account so I am going from pillar to post for the so many times and since long but the electricity board due indifferent behavior is not adjusting my account of Rs.3,85,396/- with malafide intention it is pertinent to mention here that at the relevant time. He made confusion and due to the malafide act of the said SDO the amount of Rs.385396/- has not been adjusted in my account so far. So, Sir, it is my genuine case and the number of rupees mentioned above is required to be adjusted along with the interest. There is no fault on my part I am going from here and there but no one was listening to me. It is clear cut injustice so kindly allowed my application and the electricity board with directed to adjust an amount of Rs.385396/- in my account when board have tampered data they can easily calculate amount.

2. The appeal was registered on 05.07.2021 as an appeal No. 17/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 06.07.2022 for hearing the matter on 19.07.2022.

3. SDO (OP), Bapoli, Samalkha vide his email on 19.07.2022 has submitted the reply to the appeal as under: -

3.1 That dispute of applicant is regarding charging of slowness of his connection regarding which a half margin no. 48 dt 10.07.2019 was issued by the audit party. In 2019, the applicant has filed a complaint no. 183/2019 before the

Hon'ble Consumer Grievance Redressal Forum (CGRF) UHBVN Kurukshetra. While disposing off the complaint vide Order dated 18.11.2019, the Hon'ble CGRF has ordered that "so far as the charges levied as per half margin no. 48 regarding slowness of the meter is concerned, the same are rightly chargeable".

3.2 Later On, the applicant has represented to the CE/Commercial UHBVN Panchkula. The CE/Comm UHBVN Panchkula vide his office memo no. Ch-Spl-1/CE/C-I dt 03.01.2020 directed to pursue the same and charge slowness etc. on the basis of Load Survey of that period. This office vide memo no. 96 dt 10.08.2021 sent detail of adjustable amount. Detail of adjustable amount bears signature of Commercial Assistant (CA) of this Office. Also, the then SDO(OP) Chhajpur has signed with remark "subject to preaudit". o/o the CE/Commercial UHBVN Panchkula vide memo no. Ch-66/TR-90/Settle of Billing Disp./2018/2/CE/C-I dated 24.09.2021 citing the Hon'ble CGRF Order & discussion with the Chief Auditor, desired to intimate whether the order of CGRF has attained finality or consumer filed appeal against the said order. Reply to that memo sent vide this office memo no. 599 dt 24.11.2021 wherein it was mentioned that "as per office record neither any amount is refunded as charged in half margin no. 48 regarding slowness of meter nor consumer filed appeal against the said order". No decision from Head Office Panchkula has been received yet.

3.3 It's worth mentioning here that the applicant has also filed a CM Window Complaint no. CMOFF/N/2022/011879 dated 03.02.2022. The applicant, Eminent person CM Window desired to get pre-Audit the Case, for which communication made with o/o the Chief Auditor UHBVN Rohtak vide this office memo no 2382 dt 31.03.2022. o/o the Chief Auditor UHBVN Rohtak, vide memo no. Ch-3/CA/RTK/IAR-374 dated 05.04.2022 advised to take up the issue with the XEN(OP) Samalkha Divn.to get pre-audit the same form Divisional Accountant/ SO posted at Division Office. Divisional Accountant vide memo no. NIL dated 02.05.2022 conveyed that matter has been already clearly decided by the Hon'ble CGRF so need to re-open the Case at any Stage.

3.4 Now the applicant approached the Hon'ble CGRF UHBVN Kurukshetra again during m/o 04/2022 (Complaint no. UH/CGRF -100/2022, Date of Institution: 06.04.2022, Date of Hearing: 04.05.2022). Vide Order dated 17.05.2022 the Hon'ble CGRF dismissed the Complaint being more than two years old Case. Hence this instant appeal made by the Applicant before the Hon'ble Electricity Ombudsman

4. Hearing was held on 19.07.2022, as scheduled. At the outset, the respondent submitted that the case of the appellant was dismissed by the CGRF being the matter of more than two years old. The appellant requested for short adjournment in the matter. Acceding to the request of the appellant, the matter was adjourned for 03.08.2022.

5. The appellant vide his email on 30.07.2022 has submitted rejoinder which is as under:

As Current SDO said that CGRF had charged the half margin correctly but in that case SDO, Ashok Sharma charged Rs.1232714/- on 18.11.2019 on electricity bill. In this bill Ashok Sharma said that both the amount of power factor and temper data were adjusted. But CGRF decision was given on 21.11.2019. No question was further asked against the decision. Earlier Sh. V.K. Sharma, Audit and found running slow by 33.33% and they charged Rs. 1519249 on half margin No. 48 dated 10/07/2019. Then we write a letter to SDO, Ashok Sharma dated 19/07/2019. In that we asked for a detail as how they have charged the amount. But still there is no response on repeatedly being asked and they have charged Rs. 12,32,714/- in electricity bill dated 18/11/2019. But the CGRF, decision was given on 21/11/2019. After CGRF decision, we got to know that the amount adjusted in bill dated 18.11.19 was only for power factor not against temper data. We complaint to Chief Engineer / Comml. In that complaint Chief Engineer had issued letter Memo no. Ch-Spl-I/CE/C-I. In that letter he clarified that amount should also be charged against temper data therewith. After that SDO, Ashok Sharma, Satbir CA, RA Chajipur created the calculation sheet in which the amount Rs. 385396/- was required to be refunded. The Calculation sheet was signed by Satbir CA, but SDO Ashok Sharma, called me and said for Pre-audit. After all this, 6 months was wasted and they said that your division is being changed from Chajipur to Bapoli and no CA and audit team was appointed in that division.

After this no action was taken. Then we mailed to MD, UHBVN Panchkula dated 16/06/2020 about no action was taken against correctly calculation. We waited for about complete 1 year but no response was given. After this, we mailed to chief Commercial Panchkula again on date 9/07/2021 therewith. SDO Narender Jaglan after calculation the amount mailed to Chief Commercial Panchkula that amount Rs. 385396/- need to be refunded to customer against memo no. – 96 dated 10/08/2021. in between, We also filed a CM window complaint no. CM/off/IN/2019/141609 which was closed because of the reason that office is ready to produce the record available with S/division and also provide the record at free of cost on the same time. But no record was provided after saying again and again.

Then I filed, another CM window with complaint no. CMOFF/N/2022/011879 in against of pre-audit but no response was given. Therefore, we are in urgent need of pre-audit. In this mail we are clarifying that how many times we complaint for the same to so many officials but still there is no response that's why 2 years span was already passed.

It is our humble request that the amount that was charged from us was above after calculating the temper data. Kindly see to it and do the needful.

6. Hearing was held on 03.08.2022, as scheduled. At the outset, the appellant explained the reason of delay in filling appeal, reiterating the submissions made through his email dated 30.07.2022 and requested to condone delay. The respondent SDO requested for short adjournment in the matter. Acceding to the request of the respondent SDO, the matter was adjourned for 12.08.2022.

7. SDO (OP), Bapoli, Samalkha vide his email on 09.08.2022 has submitted 2nd reply as under: -
In this connection it is submitted that the temper data sheet of the HT meter, calculation sheet prepared earlier under operation Chhajpur S/d, comments of the predecessor SDO/op has been gone through and undersigned is of opinion that the contention of the appellatant is maintainable.
8. Hearing was held on 12.08.2022, as scheduled. Both the parties were present through video conferencing. The appellatant argued and requested for charging as per temper data and to refund amount charged in excess. The respondent SDO stated that the contention of the appellatant is maintainable.
9. In view of the foregoing facts and discussions, the delay is condoned and appeal is admitted. Further, it is observed that CE/Comm1 UHBVN Panchkula vide his office memo no. Ch-Spl-1/CE/C-I dt 03.01.2020 requested to SE OP Circle Panipat to charge slowness etc. on the basis of Load Survey of that period and during dealing a CM Window Complaint no. CMOFF/N/2022/011879 dated 03.02.2022 made by the complainant, the then SDO prepared the adjustable amount on the basis of Load Survey of that period and vide its office memo no 2382 dt 31.03.2022 sent it to the Chief Auditor UHBVN Rohtak for preaudit who advised to take up the issue with the XEN(OP) Samalkha to get pre-audited the same form Divisional Accountant/ SO posted at Division Office. Divisional Accountant vide memo no. NIL dated 02.05.2022 conveyed that matter has been already clearly decided by the Hon'ble CGRF so there is no need to re-open the case at this stage. Further, the respondent SDO has also opined that the contention of the appellatant is maintainable.
10. Accordingly, it is decided that in the interest of justice the slowness of meter be charged to the consumer on the basis of Load Survey of that period as per the letter of the CE/Comm1 UHBVN Panchkula after getting pre-audited the adjustable amount form Divisional Accountant/ SO posted at Division Office as already has been advised by the Chief Auditor UHBVN Rohtak. The CGRF orders dated 18.11.2019 and 17.05.2022 issued in the matter are hereby set aside.
11. The present 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 12th August, 2022.

Dated: 12th August, 2022

(Virendra Singh)
Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No.17/2022/

Dated: -

1. M/s Mittal Spinner, 11 km. Mile Stone, Sanoli Road, Kurad, Opp. Diamond, Panipat.
(mittalcarding@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, 132 KV Sub Station, Gohana, Road Panipat.
5. The Executive Engineer (Operations), Near Jangra Dharamshala, Officers Colony, Samalkha. (xenopsamalkha@uhbvn.org.in)
6. The SDO (OP)), 33 KV S/Stn., Bapoli, Samalkha (sdoopbapoli@uhbvn.org.in)