

**In the Matter of: -**

**Petition Under Section 142 read with Section 146 & Section 149 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of direction to the Respondents to fore with comply with the orders dated 31.08.2021 of the forum for Redressal of Consumer Grievances DHBVNL, Gurugram**

**Petitioner**

Mr. Ravijeet Singh Director M/s Groovie Motels Private Limited, Mehrauli Road, Gurugram

**Respondents**

1. Dakshin Haryana Bijli Vitran Nigam, Vidyut Nagar, Hisar through its Managing Director.
2. XEN Operation City Division DHBVNL, Gurugram.
3. SDO Operation Sub-Division DHBVNL, CCC IDC Gurugram.

**REPORT**

**Background:**

1. The HERC (Forum & Ombudsman Regulation) 2020 (1st amendment) Regulation, 2022 dated 06.04.2022 regarding noncompliance of CGRF order at Clause 2.32 inter-alia provides as under: -

*“in case of non-compliance of the Order of the Forum, the aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard. On the report of the Ombudsman, the Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”*

Accordingly, the case was heard on dated 26.07.2022 and the report is submitted as under:

**CGRF ORDER dated 31.08.2021:**

2. Sh. Ravijeet Singh, Director C/o Groove Hotel, Mehrauli Road had earlier approached the CGRF Gurugram vide complaint no DH/CGRF/3567/2021 dated 8.06.2021 for redressal of his grievance related to non-refund of ACD amount after disconnection (on request) wherein it was stated that he had requested the SDO Operation IDC, Sub-Division, DHBVNL, Gurugram for disconnection of his Non-Domestic Connection for motel business in Gurugram bearing ac no. 15010400000 on account of closure of business which was disconnected by the department on dated 20.06.2019. Subsequently, he applied for refund of ACD but failed to get the refund of ACD amount even after continuous pursuance with

DHBVN offices. Therefore, complainant ultimately filed a case with Forum for Redressal of Consumer Grievances, DHBVN, Gurugram.

3. The CGRF/Gurugram after hearing the parties, vide its order dated 31.08.2021 disposed off the complaint with a direction to the respondent SDO to overhaul the account of the consumer taking the actual date of disconnection as 20.06.2019 instead of 13.08.2019 and refund the ACD to complainant within next 30 days with interest as per prevailing instruction of the Nigam.

**Complainant's representation before Ombudsman:**

4. The complainant, subsequently, approached the Ombudsman for non-compliance of above CGRF order dated 31.08.2021 under S. 142 read with Section 146 and 149 of the Electricity Act, 2003 read with HERC (Forum and Ombudsman) Regulation, 2020 for issuance of directions to Respondent SDO of Licensee DHBVN for compliance of ibid CGRF order and prayed as under:
  - i. Refund of amount of ACD Rs.1,07,292/-
  - ii. Payment of Penal Interest @ 18% on the said amount from the date of disconnection i.e. 20.06.2019 in accordance with the HERC Notification Dated 24.04.2021 and Sales Circular No. D-19/2021 Dt.07/06/2021 of DHBVN
  - iii. Payment of Penal Interest @ 18% on the said ACD Amount for the year 2018/19 from 01.04.2018 to 20.06.2019 (Since Interest for the financial year 2018-2019 was not paid in the monthly bill of 04/2019.
  - iv. Compensation @ Rs.100/- Per Day for the period of delay in refund of ACD Amount.
  - v. Appropriate amount of penalty as deemed fit by the Hon'ble Commission be imposed on to the delinquent officials of the department to be paid to the petitioner.
  - vi. Any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of petitioner in the interest of justice.

**Response of Respondent DHBVN:**

5. The respondent XEN/OP City Division, Gurugram vide his email on 25.07.2022 has submitted that as per the directions of CGRF order, the ACD amount of Rs.95,704/- has been refunded to the complainant vide cheque no. 016007 dated 07.06.2022.
6. Further interest on the ACD amount has been calculated and submitted to the FA/HQ, DHBVN, Hisar for limit vide this office memo no. 7697 dated 25.07.2022 as per the following rate of interest: -

<b>ACD's Interest detail of M/s Groovie Motels Private Limited, Mehrauli Road, Gurugram bearing account no. 1501040000</b>				
<b>Date</b>	<b>Days</b>	<b>ACD</b>	<b>Rate</b>	<b>Interest payable</b>
01.04.2019 to 17.08.2019	141	107292	6.25%	2590.43
18.08.2019 to 31.03.2020	224	95704	6.25%	3651.20
01.04.2020 to 31.03.2021	365	95704	4.65%	4450.23
01.04.2021 to 31.03.2022	365	95704	4.65%	4450.23
01.04.2022 to 25.07.2022	115	95704	4.65%	1402.12
<b>Total payable amount</b>				<b>16544.21</b>

7. The refund of interest is in process and cheque against the same will be issued as soon as the limit is sanctioned from the office of FA/HQ, DHBVN, Hisar. The final order in the case dated 31.08.2021 of CGRF is hereby complied with.

**Ombudsman's observations:**

8. Upon hearing the parties and perusal of relevant records, it has been observed that the CGRF order dated 31.8.2021 has been partially implemented by the respondent by paying consumer, ACD amount of Rs.95704/- through cheque no. 016007 dated 07.06.2022 after a period of more than ten months of the order, without any interest, whereas, the order was to be implemented within 30 days.

9. The clause no. 5.8.2 of HERC (Duty to supply Electricity on request and Power to recover expenditure and power to recover security) Regulations, 2016 1<sup>st</sup> amendment Regulation, 2020 provides that: -

*“in case the interest accrued during the year is not adjusted in the consumer's bill for the 1<sup>st</sup> billing cycle of the ensuing financial year, the licensee shall be liable to **pay interest @ 18% for the period for which the payment of interest accrued is delayed.**”*

However, in this case the interest has been calculated by DHBVN at normal rates and forwarded to FA/ HQ, DHBVNL, Hisar vide memo no.7697 dated 25.07.2022 for granting the limit of payment.

10. The HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation, 2020 Schedule – II Sub Clause 20 provides that in case of compliance of CGRF is not made within the time framed defined in such order or the regulations specified by the commission in this regard, the compensation of Rs.100/- per day or part thereof is payable.

No justification has been furnished by respondents for non-implementation of the Forum's order.

11. In view of the above, the Hon'ble Commission may consider to initiate the proceedings against the respondent DHBVN for non-implementation of CGRF order dated 08.06.2021 and violation of the Regulations framed by the Hon'ble Commission under section 142 r/w section 146 of the Electricity Act, 2003.

Submitted please.

Electricity Ombudsman

Secretary