



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. : 20/2022
Registered on : 11.07.2022
Date of order : 29.07.2022

In the matter of: -

Appeal against the order dated 03.06.2022 passed by CGRF, DHBVN, Gurugram in case No. DH/CGRF-4003/2022.

Sh. Pankaj Bhalotia, Flat No.1104, Gracious Tower, Imperial Estate, Sector 82, Faridabad.
Appellant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Pankaj Bhalotia.

Present on behalf of Respondents:

Sh. Vikas Yadav, SDO (OP), Sub Division, Kheri Kalan, DHBVN, Faridabad.

ORDER

1. Sh. Pankaj Bhalotia, Flat No.1104, Gracious Tower, Imperial Estate, Sector 82, Faridabad has filed an Appeal against the order dated 03.06.2022 passed by CGRF, DHBVN, Gurugram in case No. DH/CGRF-4003/2022. The Appellant submitted as under: -

1.1 I am a consumer of DHBVN under the provisions of Regulation 5.3 of the Single Point Supply Regulation 2020 and eligible to make this representation under the provisions of the Regulation 1.5(d) of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020.

1.2 The Electricity Account Number is 2202690000 for the housing society "Imperial Estate, Sector: 82, Faridabad – 121007, Haryana".

1.3 I had certain grievances and accordingly filed a complaint dated: 30-01-2022 before the Forum for Redressal of Consumer Grievances, DHBVN, Gurugram, Haryana for redressal of grievances and the complaint was registered as case number DH/CGRF- 4003/2022.

- 1.4 I am not satisfied with the decision and redressal of grievances by CGRF – DHBVN with respect to Serial No. 3 and 6 of my complaint dated: 30-01-2022 and now approaching to The Electricity Ombudsman, Haryana to hear and decide the grievances related to S. No. 3 and 6.
- 1.5 The CGRF - DHBVN has erred in its judgement for Serial No. 3 and 6 and gave the decision by deciding the matter at its own with pre-conceived state of mind. Poor Show and Judgement process followed by CGRF DHBVN in this case.
- 1.6 I would like the Electricity Ombudsman to declare the impugned order of the CGRF - DHBVN dated: 03.06.2022 as null and void with respect to Serial No. 3 and 6 and set aside the same and pass the judgement in my favor for redressal and resolution of the grievances.

Grounds of the Representation

- **Serial No. 6** – For payment of penal interest on the delay payment of Interest on ACD and Security Deposit for various years, the CGRF directed SDO to pay such penal interest as per **normal interest rate**, whereas HERC Regulation is very clear on this matter that such penal interest shall always be paid at the rate of 18%. So, to that extent, CGRF order is impugned in directing SDO to pay penal interest at normal rate and not at 18%, and consequently I request Electricity Ombudsman to direct the Respondent SDO to pay the penal interest @18% in terms of Regulation 5.8.2 of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations 2016, which says that -

“In case the interest accrued during the year is not adjusted in the consumer’s bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed.”

- Serial No. 3 – Though CGRF in its order said that the Respondent SDO has accepted my grievance and is ready to refund the Meter Service Charges collected till the month of August 2021, but I could not find any acknowledgement and acceptance from Respondent SDO in its Memo No. 116 dated: 18.04.2022 that it has acknowledged and accepted to refund the Meter Service Charge collected at the rate of Rs. 1,000 per month till August 2021, so to that extent CGRF order is impugned, and I request Electricity Ombudsman to direct the Respondent SDO to acknowledge as well as refund the erroneously collected Meter Service Charge since start of the connection and till the month of August 2021 because such Meter Service Charge was never applicable and payable by the Consumer. An acknowledgement from Respondent SDO shall ensure that it has accepted my complaint and consequently processing and refunding it.

Prayer and Relief Sought from the Electricity Ombudsman

- The representation, in its present form, may kindly be taken on record.
- Condone any inadvertent omissions/shortcomings and permit the Complainant to add/change/modify/alter and make further submissions as may be required at a future date.

- To set aside the order dated 03.06.2022 passed by CGRF DHBVN with respect to S. No. 3 and 6.
 - To review and examine the grievances as brought in and discussed in the foregoing paragraphs of this representation for Serial No. 3 and 6 and pass appropriate Order in accordance with the provisions of the Regulation of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 for redressal of my grievances for my complete satisfaction.
 - To award cost and compensation to me for the time and money spent by me on it.
 - Pass any such other order/s and/or direction/s, which the Electricity Ombudsman may deem fit and proper in the facts and circumstances of the case.
2. The appeal was registered on 11.07.2022 as an appeal No. 20/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 12.07.2022 for hearing the matter on 28.07.2022.
3. SDO (OP), Sub Division, Kheri Kalan, Faridabad vide email dated 22.07.2022 has submitted reply, which is as under: -
- Serial No. 6 – For payment of penal interest on the delay payment of Interest on ACD and Security Deposit for various years, the CGRF directed SDO to pay such penal interest as per normal interest rate, whereas HERC Regulation is very clear on this matter that such penal interest shall always be paid at the rate of 18%. So, to that extent, CGRF order is impugned in directing SDO to pay penal interest at normal rate and not at 18%, and consequently I request Electricity Ombudsman to direct the Respondent SDO to pay the penal interest @18% in terms of Regulation 5.8.2 of the HERC (Duty 2 to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations 2016, which says that - “In case the interest accrued during the year is not adjusted in the consumer’s bill for the first billing cycle of the ensuing financial year, the licensee shall be liable to pay interest at the rate of 18% for the period for which the payment of interest accrued is delayed.”
 - Reply Submitted by this office in CGRF under this point: -
Under this point it was submitted in the reply that the ACD interest was received late in the billing due to Covid-19 pandemic and interest on ACD was transferred to all consumer for FY-2019-20 & 2020-21.
As per our written submission, Hon’ble forum ordered to pay normal rate of interest on delayed payment interest on ACD. Hence, as per CGRF order, this office processed the same for normal rate of interest on delayed payments of interest, which will be reflected in next billing cycle.
 - Serial No. 3 – Though CGRF in its order said that the Respondent SDO has accepted my grievance and is ready to refund the Meter Service Charges collected till the month of August 2021, but I could not find any acknowledgement and acceptance from Respondent SDO in its Memo No. 116 dated: 18.04.2022 that it has acknowledged and accepted to refund the Meter Service Charge collected at the rate of Rs. 1,000 per month till August 2021, so to that extent CGRF order is impugned, and I request Electricity Ombudsman

to direct the Respondent SDO to acknowledge as well as refund the erroneously collected Meter Service Charge since start of the connection and till the month of August 2021 because such Meter Service Charge was never applicable and payable by the Consumer. An acknowledgement from Respondent SDO shall ensure that it has accepted my complaint and consequently processing and refunding it.

➤ Reply Submitted by this office in CGRF under this point: -

Under this point it was submitted in the reply that DHBVN has charged Rs.1000/- per month as meter service charges from electricity account no 2202690000 and stopped it from Sep-2021 onwards, but at the same time it has not refunded back erroneously by collected meter service charge of Rs 1000. It is true that consumer charged, meter service charge till the billing month of Aug-2021, But as per complaint it cannot be ascertained that the meter working at site was supplied by the consumer on 22.04.2019. This issue was already discussed by the Hon'ble Forum (CGRF) during proceedings for supplying the proof of meter purchase, but the same was denied by the applicant.

➤ As per our written submission, Hon'ble forum ordered to affect all the corrections. Hence, as per CGRF orders, this office made communication with the R-APDRP wing, as a result Rs. 5099.99 refunded in the billing month of Jun-22 for the period 01.03.2021 to 01.08.2021 and further the meter rent has been stopped by R-APDRP wing in the billing software as per Nigam instructions.

4. The hearing was held on 28.07.2022, as scheduled. Both the parties were present during hearing through video conferencing. At the outset the appellant briefed the appeal and submitted that payment of penal interest @18 % on the delayed payment of interest on ACD amount has not been refunded and the meter service rent already charged not refunded.
5. Per contra the respondent SDO submitted that the interest on ACD has already been transferred to all the consumers for FY 2019-20 and 2020-21. Since the payment of the interest delayed due to Covid Pandemic, so his office provided the interest on delayed payments of interest on ACD at normal rate, which would be reflected in next billing cycle. As far as the meter service charges are concerned, an amount of Rs. 5099.99/- has already been refunded for the period 01.03.2021 to 01.08.2021 and further the meter rent has been stopped by R-APDRP wing in the billing software as per Nigam instructions on the basis of amendment in the Supply Code Regulation. The refund of meter charges prior to 01.03.2021 can be made if the appellant provides the proof of the meter that it was supplied by the consumer.
6. After hearing both the parties and going through the record, it has been observed that the explanation given by the respondent SDO that delay in providing interest on ACD was attributable to Covid Pandemic which affected almost everyone across the world is justified. However, the interest on delayed payment interest on ACD has been processed by the respondent SDO on normal rate of interest and likely to be reflected

in next billing cycle. Further, in case the appellant is interested to get refund of meter service charges for a period before 01.03.2021, he may file in the office of respondent SDO the documentary evidence that the meter was supplied by the consumer.

7. In above terms the present appeal is disposed off.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 29th July, 2022.

Dated: 29th July, 2022

**(Virendra Singh)
Electricity Ombudsman, Haryana**

CC-

Memo. No. HERC/EO/Appeal No.20/2022/

Dated: -

1. Sh. Pankaj Bhalotia, Flat No.1104, Gracious Tower, Imperial Estate, Sector 82, Faridabad.
2. The Managing Director, DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar .125005 (E-Mail: - cmd@dhbvn.org.in)
3. L R, HPU, Shakti Bhawan, Sector -6, Panchkula
4. The Chief Engineer 'Op.', DHBVNL. Shakur Basti, Punjabi Bagh, New Delhi.110035. (E-Mail: - ceopdelhi@dhbvn.org.in)
5. The Superintending Engineer 'Op' Circle, Sector – 23, DHBVN, Faridabad
6. The Executive Engineer (Operations), XEN/OP, Greater Faridabad.
7. The SDO (OP), Sub Division, Kheri Kalan, DHBVN, Faridabad (sdoopkherikalan@dhbvn.org.in)