



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. : 21/2022
Received on : 27.06.2022
Registered on: 19.07.2022
Date of order : 03.08.2022

In the matter of: -

Appeal against the order dated 25.06.2019 passed by CGRF, UHBVN, Kurukshetra in case No. UH/CGRF-175/2019

M/s Hindustan Tin Works Ltd, Dhatoori Road, VPO Bhigan, Tehsil Ganaur, Sonapat.

Complainant

Versus

UHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. R.P.Sharma

Present on behalf of Respondents:

Sh. Pankaj Dhawan, XEN(Op) Division, UHBVN, Sub-Urban Sonapat

Smt. Sunaina Kain, SDO (Op) Sub Division, UHBVN, Murthal

ORDER

1. Sh. Sh. R.P. Sharma, M/s Hindustan Tin Works Ltd, Dhatoori Road, VPO Bhigan, Tehsil Ganaur, Sonapat has filed a Complaint for non-compliance of the order dated 25.06.2019 passed by CGRF, UHBVN, Kurukshetra in case No. UH/CGRF-175/2019. The appellant submitted as under: -

- 1.1 *In 2019, CGRF had given the decision in our favour & direction to UHBVN to pay as per CGRF decision, directing UHBVN to comply the order.*
- 1.2 *UHBVN paid us Rs. 21,22,689, /- which was not as per above point no. 1.*
- 1.3 *We did not raise any objection whatever was paid to us.*
- 1.4 *In 2021, UHBVN issued us a notice demanding Rs.11,33,389/- & saying that you have been paid extra amount.*

2. The complainant further submitted vide mail dated 21.07.2022, that: -
“as explained before also, we don’t have any issue on CGRF decision. Our issue is non-compliance of CGRF order & UHBVN sales circulars on the subject by UHBVN.”
3. The appeal was registered on 19.07.2022 as an appeal No. 21/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 20.07.2022 for hearing the matter on 02.08.2022.
4. XEN (Op) Division, UHBVN, Sub-Urban Sonapat vide his email on 29.07.2022 has submitted reply which is as under: -
“In this context, it is submitted that subject cited appeal was filed by the M/s Hindustan Tin Works Ltd., Dhaturi Road, Bhigan, Sonapat in the office of the Electricity Ombudsman, Haryana which has been registered as appeal no. 21/2022 on dated 19.07.2022 in reply of this appeal humble submission of the undersigned is as under: -

“An order was passed by the CGRF UHBVNL on dated 25/06/2019 in the subject cited complaint. The Complainant has made complaint in the CGRF as the firm has not been paid interest on ACD deposit as per sale circular /instruction U-10/2016, U-35/2017 & U-08/2018.”

The forum heard both the parties and ordered that ACD interest as applicable and specified rates be given to the consumer since the release of his connection also as per HERC Regulation circulated vide sale instruction no U-10/2016 in clause 5.8.2 ‘in case the interest accrued during the year is not adjusted in the consumers 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’ and if in this case ACD interest has not been paid the 18% interest on the ACD interest be also paid to the consumer/ complainant and the payment paid for that period may be charged from the accounts of the officer/SDO concerned who had been working at that time in the sub division.

As connection of said consumer was released in 1994 and at that time there was no Nigam Instructions regarding interest on ACD deposited by the consumer. Nigam introduced the interest on ACD deposited by the consumer vide sale circular no U-43/2006.

As per decision of CGRF ACD interest on the applicable and specified rates be given to the consumer since the release of his connection but as per Nigam sale circular no U-43/2006 interest on ACD deposited will be applicable since 2006.

It is further submitted that ACD interest of Rs 21,22,689/- was already given to the consumer in Aug-2019 along with delay interest @18%. During the routine audit conducted by IAP-20/ Chief Auditor, UHBVN, Rohtak has raised half margin no.43 dt 05-07-21 regarding excess refund of ACD interest amounting to Rs 11,33,389/- given to the consumer, accordingly Rs.11,33,389/- has been charged to the consumer through SC&AR

LR HPU Panchkula has advised this office for compliance of CGRF order vide his office memo no. 21/SCU (7282) CGRF/2021 dt 07-12-2021 Consumer had made representation for 18% interest and review the total amount of interest.

Therefore, the case was reviewed and the ACD interest with 18% interest for delay is calculated which is got pre-audited by Divisional Accountant O/o Xen (OP) S/U Divn UHBVN Sonapat. The ACD interest amount Rs.18,48,764/- and 18% interest delay of amount Rs 1,47,6641/-, interest already given to consumer was Rs. 417366/-, so total ACD deposited with 18 % interest on delay of ACD interest will be Rs. 2908039/-. Income tax @ 20% on this ACD interest will be applicable and amount of income tax will be 5,81,607/-. So net ACD interest due as amount of Rs. 23,26,431/- but amount of Rs.21,22,689/- was already given to the consumer in 08/2019 as ACD interest vide SC&AR no.93/02 hence consumer has been given excess refund of Rs.20,37,42/- which is also refundable to the consumer.

Keeping in view of the above facts and submissions, it is requested to kindly consider the above interim reply as the memorandum is already submitted to CE Commercial UHBVN Panchkula for approval through proper channel and it shall take approximately one month to get finalized. The decision taken by the higher authorities shall be apprised to your good self.

Therefore, it is requested to kindly allow month time to submit final decision of the Nigam.”

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 UHBVN had paid the ACD interest of Rs. 21,22,689/- during 2019 in compliance of CGRF's order and the case was closed. In year 2021, the

respondent SDO issued a notice demanding Rs. 11,33,389/- mentioning that you have been paid in excess. Per contra, the respondent SDO submitted that the amount of Rs.21,22,689/- was already given to the consumer in 08/2019 as ACD interest. Further, a case of excess refund of Rs. 2,037,42/- and a memorandum to drop the HM no.43 dated 05.07.2021 has already been submitted to the office of the Chief Engineer commercial UHBVNL Panchkula for necessary approval and the action in the matter shall be taken accordingly. The appellant stated that he is satisfied with the submission of the respondent SDO.

6. In view of the above and after going through the record available, no case of non-compliance of the CGRF order is made out against the respondents since interest of Rs. 21,22,689/- on ACD was given to the consumer in August, 2019, in compliance of the order. Fresh issue arose on raising HM no. 43 dated 05.07.21 by Audit (IAP-20) regarding excess refund of ACD interest amounting Rs. 11,33,389/-. However, a memorandum to drop this Half Margin has already been submitted by the respondent SDO to the office of the Chief Engineer commercial UHBVNL Panchkula for necessary approval through proper channel.
7. On final decision of the Nigam, if the appellant is not satisfied with the calculations of the interest, he is at liberty to approach the CGRF with fresh complaint. The appeal is accordingly dismissed.

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

Given under my hand on 3rd August, 2022.

Dated: - 3rd August, 2022

(Virendra Singh)
Electricity Ombudsman, Haryana

CC-

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

Dated: -

1. M/s Hindustan Tin Works Ltd, Dhatoori Road, VPO Bhigan, Tehsil Ganaur, Distt. Sonapat.
2. The Managing Director, UHBVN, Vidyut Sadan, C-16, Sector – 6, Panchkula – 134109.
3. The Chief Engineer “Op”, Rajiv Gandhi Vidyut Bhawan, Medical Mod, Delhi Road, UHBVN, Rohtak.
4. The Superintending Engineer ‘Op’ Circle, Near ITI chowk, UHBVN, Sonapat,
5. The Executive Engineer (Operations), Sub Urban Division, 132 KV Sub-station, Fazilpur, UHBVN, Sonapat,
6. The SDO (OP), Sub Division, Near, Sector-15, Rajiv Colony, UHBVN, Murthal, Sonapat.