



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. : 23/2022
Registered on : 05.08.2022
Date of order : 24.08.2022

In the matter of: -

Appeal against the order dated 03.01.2022 passed by CGRF, DHBVN, Gurugram in case No.3672/2021.

Sh. Sushil Kumar, Meham Road, Bhiwani, Distt. Bhiwani through Adv. Akshay Gupta

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Adv. Akshay Gupta

Present on behalf of Respondents:

Sh. Hoshiyar Singh, Executive Engineer 'Op' City Division, DHBVN, Bhiwani

Sh. Ankit Kumar, SDO 'Op' No.2 Sub Division, DHBVN, Bhiwani

ORDER

1. Sh. Sushil Kumar, Meham Road, Bhiwani, Distt. Bhiwani through Authorized Representative – Akshay Gupta has filed an Appeal against the order dated 03.01.2022 passed by CGRF, DHBVN, Gurugram in case No.3672/2021. The Appellant submitted as under: -

- 1.1 The appeal is being preferred in view of Regulation 2.49 (B) and 3.16 of Haryana Electricity Regulatory Commission Notification No HERC/48/2020 dated 24/Jan/2020.
- 1.2 The appellant petitioner filed this appeal against the order passed by CGRF.
- 1.3 Hon'ble Ombudsman may condone any inadvertent omissions/errors/shortcomings and permit to add/change/modify after this filing and make further submissions as may be required at future date.

Brief Facts: -

- The state Govt Power Department Notification No 23/24/2018-3P dated 21/12/2018 has decided to grant a subsidy of Rs.2/unit in the applicable tariff on consumption w.e.f 1st November 2018 to all industrial connection in 'C' and 'D' blocks of the state, having load of 20 Kw or less.

- As per the Haryana Government Power Department Notification, DHBVN issued Sales Circular D-7/2019 dated 6/3/2019 and D-43/2021 dated 10.12.2021
- The appellant petitioner is having an industrial unit of load 19.7 Kw under Lt Category bearing A/c No- B12CH310012 in Bhiwani (Distt- Bhiwani).
- As per the categorization of blocks made by the Haryana Government, Bhiwani Falls in block 'C'.
- The appellant petitioner made many a representation to the office of SDO 'op' Sub Division No-2 Bhiwani for allowing the power subsidy of Rs 2/unit but his complaint was not redressed by the respondent SDO.
- Aggrieved by in action on the part of respondent. The appellant petitioner filled the case with the Hon'ble CGRF (DHBVN) on dated 23-07-2021. The CGRF in proceedings held at Bhiwani on dated 31.08.2021, 30.09.2021, 29.10.2021, 29.11.2021 and 30.12.2021.
- Hon'ble CGRF heard the arguments of appellant petitioner and respondent SDO.
- The respondent SDO submitted his reply vide Memo no 4091 dated 29.12.2021 stating that "The refund of 257688 (from 1-Nov-2018 to Nov-2021) has been refunded. The respondent SDO further assured to give the benefit of the Subsidy in each bill to the petitioner as per provisions contained in Sales circular No-D-7/2019 and D-43/2021.
- But respondent SDO ignored the provisions and his own assurance the benefit of subsidy not adjusted in each bill from Jan-2022 onwards.
- The application of the petitioner was disposed off by the C.G.R.F vide its order dated 3-1-2022.

Prayer: -

It is therefore, respectfully prayed that Hon'ble Ombudsman may kindly be pleased to: -

- Accept the appeal of the appellant and the order dated 3-1-2022 passed by Hon'ble Consumer Grievance Redressal Forum, DHBVN, Gurgaon in complaint bearing No 3672/2021 may kindly be set aside and;
 - Direct the respondent to release subsidy benefit from 1/11/2018 to date and in full along with the interest as per Section 62(6) of Electricity Act 2003.
 - Adjust the subsidy in each current month bill.
 - Pass any other or further order which this Hon'ble ombudsman may deem fit and proper in the facts and circumstances of the case in favor of appellant in the interest of justice.
2. The appeal was registered on 05.08.2022 as an appeal No. 23/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 24.08.2022.
 3. SDO 'Op' No.2 Sub Division, DHBVN, Bhiwani vide his email on 22.08.2022 has submitted as under: -

In this connection, it is submitted that point wise reply of above appeal is as below: -

- 3.1 *Benefits of power subsidy @2/- per unit has been given to appellant from 01-11-18 to till date. i.e. up to 11/21 already given to appellant as mentioned in CGRF order & thereafter for the period 12/21 to 07/22, a sum of Rs. 58880/- has been credited to A/c No. CH31-0012 vide SC & AR no. 595/123.*
- 3.2 *Power subsidy has been adjusted in each current bill.*
- 3.3 *Now power subsidy will be adjusted in every bill as same has been implemented in billing system.*

4. The appellant vide his email dated 24.08.2022 has submitted rejoinder which is as under: -

- To promote industrialization in the backward area of state, the Government of Haryana vide gazette notification allowed incentive @ 2/unit to small scale industries. Accordingly, the Power Utility issued the Sales Circulars. Subsidy amount is compensated by the government of Haryana.
- Non-allowing of subsidy, discourages the small-scale industries in backward area and also defeat the purpose of government to promote the small-scale industries.

Reply on behalf of appellant petitioner (Para wise): -

4.1 The reply of the respondent regarding power subsidy for the period is not correct. Neither any amount has been credited to accounts of appellant petitioner moreover the amount of subsidy comes to be Rs. 79184/-, (Calculation given below) whereas the respondent SDO has calculated it to be Rs. 58880/-.

Month	Bill Period	KVAH (Unit)	Power Subsidy (Rs.)	Excess Charged (Rs.)	Total Amount to be refunded (Rs.)	Description of Sundry/Excess/Wrong Charges	Remark
Dec	1 month	4000	8000				Copy of bill attached
Jan	1 month	6216	12432				
Feb	1 month	3008	6016				
March	1 month	3544	7088				
April	1 month	0	0			Bill amounting to Rs. 17172 issued on average basis.	
May	2 months	7984	15968	17172		Bill issued for 2 months period. 17172 charged on previous bill not adjusted	
June	1 month	3416	6832				
July	1 month	5272	10544				
Aug	1 month	6152	12304				
Total		39592	79184	17172	96356.3		

4.2 The contents of Para No-2 are wrong and far from facts. The claim of the petitioner SDO about adjustment of power subsidy in each bill of the appellant petitioner is also incorrect.

4.3 The claim of the petitioner SDO about adjustment of power subsidy in each bill of the appellant petitioner is also not correct. It can be verified from the copy if bill attached that subsidy of current month is not implemented in billing system.

Prayer: -

It is therefore most respectfully prayed that the appellant petitioner is an honest consumer and is paying all the dues regularly. As such the act on the part of respondent SDO for not to allow legitimate benefit is an act of harassment to the petitioner for which Hon'ble Ombudsman is requested to consider about any further action against respondent.

Hon'ble Ombudsman may direct the respondent to refund/ adjust the subsidy amount as mentioned above and adjust the subsidy in each current bill.

5. Hearing was held on 24.08.2022, as scheduled. During the hearing, both the parties were present through video conferencing. At the outset, the respondent SDO has submitted that the benefits of subsidy @ 2/- per unit has already been given to appellant from 01-11-18 to 11/21 and this reference has also been given in CGRF order. Further, for the period from 12/21 to 07/22, a sum of Rs. 58880/- has been credited to A/c No. CH31-0012 vide SC & AR no. 595/123 and will reflect in next bill. Copy of current bill issued in August, 2022 is also provided by the respondent as evidence that benefit of subsidy has been given through bill itself.

The counsel for the appellant argued that the subsidy has been given for period from 01.01.2019 to 31.12.2021 whereas it was required to be given from 01.11.2018 to 31.12.2021 as per Sales Circular D-7/2019 dated 6/3/2019. The counsel further requested to direct the respondent to provide the detail of calculation of Subsidy so that any error in calculation could be checked.

6. Upon hearing both the parties and going through documents placed on record, the respondent SDO is directed to scrutinize the account of the appellant to ensure that the subsidy of Rs.2/unit is given to the appellant as per Nigam's Sales Circular D-7/2019 dated 6/3/2019 and D-43/2021 dated 10.12.2021 and arrear if any, be credited in its account in next billing cycle. The detail of the subsidy credited in appellant's account also be provided to appellant, as requested. The appeal is here by disposed off accordingly.

Both the parties to bear their own costs. File may be consigned to record.
Given under my hand on 24th August, 2022.

Dated: 24th August, 2022

(Virendra Singh)
Electricity Ombudsman, Haryana

CC-

Memo No. EO/HERC/Appeal No.23/2022/

Dated: -

1. Sh. Sushil Kumar, Meham Road, Bhiwani, Distt. Bhiwani
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar
3. The Chief Engineer "Op", PO Power House, Rohtak Road, Punjabi Bagh, Delhi - 110035.
4. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula - 134109.
5. The Superintending Engineer 'Op', BTM Chowk. DHBVN, Bhiwani
6. The Executive Engineer 'Op' City Division, BTM chowk, DHBVN, Bhiwani,
7. The SDO 'Op' No.2 Sub Division, Near Tosham flyover, DHBVN, Bhiwani,