



(Regd. Post)

**Appeal No** : 07/2023  
**Registered on** : 19.04.2023  
**Date of order** : 04.05.2023

**In the matter of: -**

Appeal against the order dated 27.12.2022 passed by CGRF, DHBVN, Gurugram in case No.3923/2021.

M/s Bajaj Motors Ltd., Plot No.127, Sector-6, IGC, Bawal, Rewari.

**Appellant / Complainant**

Versus

DHBVNL

**Respondents**

**Before:**

Sh. Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Adv. Vishal Sharma

**Present on behalf of Respondents**

Adv. Sanjay Bansal

SDO 'Op' Bawal Sub Division, DHBVN, Rewari

## **ORDER**

1. M/s Bajaj Motors Ltd., Plot No.127, Sector-6, IGC, Bawal, Rewari has filed an Appeal against the order dated 27.12.2022 passed by CGRF, UHBVN, Kurukshetra in case No. DH/CGRF-3923/2021. The Appellant submitted as under: -

- 1.1 *That the respondent raised the demand on account of short assessment vide a special audit of Rs. 57,09,086/- Pg. no. 67 dated 21.09.2016 with a specific address, in case amount is not paid within 7 days of receipt of letter the connection will be disconnected given by SDO (OP) S/Divn.*
- 1.2 *That respondent immediately vide email dated 26.09.2016 demanded for the details of the said amount subsequently after going to the office of the respondent with all the details and data respondent reduced the said demand to Rs. 35,62,095/- but had not enclosed revised calculation sheet then subsequently vide memo no. 4382 the respondent accepted that the final amount was Rs. 35,62,095/- out of which Rs. 18,49,616/- was the*

*principal amount and rest amount was surcharge that was Rs. 17,12,479/- admitted fact in their own admission against which the reply was filed and again demanded for the information of the data evident.*

- 1.3 *But neither the data was provided nor any explanation was given how the sum of Rs. 57,09,086/- was demanded.*
- 1.4 *And then on 21.11.2021 again a letter was given of Rs. 56,02,519/- instead of Rs. 57,09,086/- on dated 26.11.2021 without giving any explanation or any data even with the said demand not appreciating the fact that the demand evident from letter dated 23.11.2016. it is admitted fact that the demand was reduced to Rs. 35,62,095/ - and out of which Rs. 18,49,616/- was paid with the current bill of 10/2016 in 11/2016 and the remaining demand i.e. of Rs. 17,12,479/- which was a component of late surcharge on the demand was illegal because as per settled law and provisions of Haryana Electricity Supply Code, 2014 the late surcharge can only be levied from the date demand is raised and not retrospectively even Hon'ble Supreme Court is clear with the said facts. Judgments already annexed with the petition.*
- 1.5 *That subsequently applicant filed an appeal to Hon'ble CGRF, CGRF demanded the data from Discom and heard the appeal of the industrial Consumer on following grounds:*
  - a. *That the consumer apprised to the court that as per their own sales circular dated 10.09.2013 which is still law of land it is clear that no recovery can be made beyond the two years not shown as arrear in the subsequent bills and in case there is lack of following the said procedure then same shall be charged from the concerned officer and even has settled the procedure of recover in the said circular which respondent has to follow for recovery of any dues or arrears.*
  - b. *That consumer apprise to the forum that as per the provisions of section 53(2) of the Electricity Act read with the above said circular clears that no demand of arrears can be raised beyond the period of two years and by following the procedures prescribed in the above said sales circular that says any notice of recovery of arrear has to be signed by competent authority under section 2(E) of Haryana Electrical Dues Recovery, 1970 i.e. XEN/OP and not SDO. Hence, both letters dated 26.11.2021 and 21.09.2016 are void and illegal as when the procedure law is settled no party has a right to divert from the same and has to follow as it is where there is case of financial implication and imposition of charges.*

- c. *Even consumer apprise that even as per the judgment of HERC recently given in the case of Jindal Steels Vs. Dhbnl which is annexed as Annexure A-6 Hon'ble Forum has denied the refund to the consumers of UI Charges stating that the claim of the consumer is barred by limitation and settled that no recovery can be made after it is barred by limitation and where they say after expiry of 3 years from the date of right to sue-acruise specified in Article 113 of the Schedule of the Limitation Act 1963 which is relevant.*
- d. *Even forum has observed in their own observation accepted all these contentions in the order, but also ignored the fact that the false representation of the respondents that notice was given on 21.09.2016 and details were explained to the representative in the month of November 2016, which admits the fact that the detail of the demand was never communicated in the exact data to the consumer which is a crucial requirement of their own sales circular dated 10.09.2013 and section 53(2) and Provisions and Regulations Clause 6 of the Haryana Electricity Supply Code, 2014 and even where recovery of any arrears has to be done has to give all the details to the consumer as per the settled procedure given under Haryana Electrical Dues and Recovery Act, 1970 that proves no notice of demand and bifurcation of amount was given until the letter dated 23.11.2016 and memo no. 4382 that proves that the demand was reduced to Rs. 35,62,095/- and out of which Rs. 18,49,616/- was paid in month of Nov. 2016 and reset amount of Rs. 17,12,479/- which was an amount of late surcharge was not legally liable to be payable was the only remaining dispute in the said case.*
- e. *And after paying in 2016 the said amount respondent never demanded any other dues and accepted any other amount and arbitrary without checking their ledger and data in an utmost manner of blackmailing and sheer abuse of process of law raised a demand on 26.11.2021 without giving any data since 2016 till 2021 even when the consumer demanded the same from day one hence the entire act of respondent is nothing but a violation of provisions of Electricity Act, 2003, their own sales circular dated 10.09.2013 and regulations called as Haryana Electricity Supply Code, 2014 and Haryana Electrical Dues and Recovery Act, 1970 which are still law of land in Haryana and binding on the DHBVNL.*

1.6 *It is submitted that all these contentions with records shown to the CGRF in course of proceedings which they agreed there was discrepancies, but in*

*utmost non application of mind clear case of discrimination and utmost arbitrariness ignored all the said records and law points the sales circulars, Regulations which are framed by the respondent itself after approval from HERC, and in terms to section 86(F)(I) by filing necessary petition in HERC and getting approval of regulation became applicable on the consumers in Haryana in terms to section and 181 of the Electricity Act and ignoring all these aspects order was passed on 27.12.2022 communicated on the site on 31.12.2022.*

- 1.7 On the same day respondents disconnect the connection of the consumer with a threat either to pay the amount which is added in monthly average bill which is added in the current bill vide the letter dated 31.12.2022.*
- 1.8 Against which consumer on same day give a reply that they are filing an appeal in Ombudsman against the said order in terms to section 12 of the Regulations 2004 which is the statutory right of the consumer and should be given a fair chance to contest the matter on merits till that time respondent should allow to deposit current monthly average bill by not demanding the belated demand allowed by CGRF on 31.12.2022 by not demanding the same with the current monthly average bill.*
- 1.9 That respondent illegally just to put a pressure on the consumer added the said demand in the current monthly average bill even when certain procedure is been defined for raising a supplementary demand under Haryana Electricity Supply Code, 2014 where it is approved by the HERC that in case of any supplementary demand a separate bill should be raised for the said demand and should not be added in the current monthly average bill still they have added in the bill which has to be paid on or before 18.01.2023 otherwise they are giving threat to disconnect the connection which is illegal/ arbitrary/ and unconstitutional and sheer abuse of process of law by the state instrumentalities in the behest of threat to disconnection.*
- 1.10 Therefore the appeal was filed on 05.01.2023 against the said order with request to be heard on merits on or before 18.01.2023 but the matter is not listed till date due to paucity of timing but it is requested to the Hon'ble Appellant Forum in all exceptions it is a duty of the State Instrumentalities or Forum created for consumers as well as for respondents to protect and safeguard the rights of the consumers in fair manner and by remaining transparent to both parties without any discrimination and to safeguard the rights of the consumers also by using their inherent powers denied in Section 61(d) read with 85(3) of the Electricity Act.*

*By hearing the present petition on urgent basis on or before 18.01.2023 otherwise it would be a travesty of injustice and victimization and exploitation of the consumer from the hands of State Instrumentalities which will be unconstitutional and nothing but an act of unjust enrichment and same can be safeguard if matter is heard on merits and issuing appropriate notices to the respondent and simultaneously safeguarding the rights of the consumer through Virtual Hearing.*

2. The appeal was registered on 19.01.2023 as an appeal No. 07/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 08.02.2023.

3. SDO 'Op' Bawal Sub Division, Rewari vide email dated 07.02.2023 has submitted reply which is as under: -

*Initially an amount of Rs. 5709086/- was charged on the name of short assessment after pointed out by Audit party vide Half Margin no. 75-76 & 77/3 on dated 05.09.2016 copy enclosed at Annexure-I with details contained in Half Margin as under:*

1. *Consumer not billed on S/Str. end meter.*
2. *Wrong refund allowed in the month of Jan-2015 Rs.956927/- & Feb-2015 Rs. 956914 without details mentioned in SC&AR 'wrong BF by computer and Rs. 959914/- already pointed out by audit.*
3. *Excess refund in the month of April-2014.*
4. *Billing only made through manual ledger from July-2015 to March-2017 instead of computer ledger.*
5. *MF wrongly billed by Computer for the period 29.12.2012 to 08.07.2013.*
6. *Rs.2231984/- credited vide Item No. 74/84 in the M/o Jan-2016 but item not traceable by special audit team.*

*Then upon received of object on above charging Nigam has forwarded the request with case to SE/Commercial DHBVN Hisar for further adjustment with mentioned the details where O/o of S.E./Commercial has approved the case for adjustment vide their office memo no. Ch-14/Loose/318/HM/R-2021 dated 09.09.2021 with remark that only an amount of Rs.106567/- may be withdrawn out of Rs.5709086/- and declared balance amount of Rs. 5602519/- as recoverable.*

*Then said consumer M/S. Bajaj Motors Ltd. Nigam has filed the complaint regarding this wrong charging vide appeal no. DH/CGRF/3923/2023 dated 27.12.2023 where Hon'ble Forum has disposed of their case with direction that the amount of Rs.5709086/- the demand for which raised in 2016 and which was subsequently revised to Rs.5602519/- in 2021 is rightly payable by the complainant along with the surcharge from the date it was first raised in 2016.*

*Now said consumer again represented to Nigam's Higher Authority and challenged the above charged amount which is under Re-Auditing, so it is requested to kindly allow for the next date for this under consideration case please.*

4. The Hearing was held on 08.02.2023, as scheduled. At the outset, the respondent SDO vide his office memo. No. 4353 dated 07.02.2023 submitted that M/S Bajaj Motors Ltd also repented to the management of DHBVN and accordingly the charged amount is being re-auditing. He requested to grant 20 days to file reply. The counsel for the appellant has submitted that he has no objection to grant time but their supply should not be disconnected till final resolution of the case. Acceding to the request of the respondent, he is allowed to file reply within 20 days. In the meantime, connection of the appellant may not be disconnected till next date of hearing. However, the appellant will continue to deposit the monthly bills. The matter to come up again on 01.03.2023.

5. SDO 'Op' Bawal Sub Division, Rewari vide email dated 28.02.2023 has submitted reply which is as under: -

*With reference to directions imparted in hearing dated 08.02.2023 of the subject cited case regarding filing of the point wise reply it is submitted that detailed point wise reply has been prepared as per record and submitted as under: -*

5.1 *That in present matter an amount of Rs. 5709086/- was charged after pointed out by Audit Party against short assessment for the period from Nov-2012 to June-2016 during special audit occurred vide Half Margin no. 75-76 & 77/3 dated 05.09.2016 with pointed out / suggested details by audit party as under:*

- a. *Consumer not billed on S/Stn end meter*
- b. *Wrong refund allowed in the month of Jan-2015 Rs.956927/- & Feb-2015 Rs. 956914 without details mentioned in SC&AR 'wrong BF by computer and Rs.959914/- already pointed out by audit.*
- c. *Excess refund in the month of April-2014.*
- d. *Billing only made through manual ledger from July-2015 to March-2017 instead of computer ledger.*
- e. *MF wrongly billed by Computer for the period 29.12.2012 to 08.07.2013.*
- f. *Rs.2231984/- credited vide Item No. 74/84in the M/o Jan-2016 but item not traceable by special audit team.*

*Abstract of re-casted ledger against charged amount if defined as under:*

- A. *Amount to be Billed for the period 11/2012 to 06/2016 = Rs. 316902819/-*
- B. *LPSC for late made payment to be levied for the M/o of 05 & 06/2014 = Rs. 357530/-.*
- C. *LPSC to be levied for the period 11/2012 to 06/2016 for billed amount at sr. no. A = 2474523/-.*
- D. *Payment made for the the period 11/2012 to 06/2016 = Rs.314025786/*

*Then total recoverable amount pointed out was Rs. 5709086/-*

*Then this office forwarded the above case with re-casted ledger to SE/Commercial Hisar for further adjustment with details where O/o of S.E. / Commercial has approved the case for adjustment vide their office memo no. Ch-14/Loose/318/HM/R-2021 dated 09.09.2021 with remark that only an amount of Rs.106567/- may be withdrawn out of Rs.5709086/- and balance amount of Rs. 5602519/- is recoverable.*

- 5.2 *It is correct that appellant is a consumer of Nigam since the year 2012.*
- 5.3 *This is correct that this office raised a demand of Rs. 57, 09,086/- vide letter dated 21.09.2016 against Half Margin no. 75-76 & 77/3 dated 05.09.2016 to the consumer.*
- 5.4 *It is correct that an amount of Rs. 57,09,086/- was demanded by this office on 21.09.2016. Detail of the same has been provided by this office time to time the consumer under complaint. It is also correct that on dated 25.11.2016 this office has recalculated an amount of Rs. 35,62,095/- (18,49,616+ 17,16,179/- as S O P & Surcharge amount respectively against an amount of Rs.57,09,086/-. It is also correct that said consumer has deposited an amount of Rs.18, 49,616/- under protest in M/o 11/2016 and the case was filed by M/S. Bajaj with Hon'ble CGRF which was decided in favor of Nigam.*
- 5.5 *It is incorrect and denied as detailed reply was submitted to Hon'ble Forum.*
- 5.6 *It is matter of record and every time complete detail about audit report was provided to the consumers as per record available in this office.*
- 5.7 *It is denied as every time detail has been provided to the said consumer time to time.*
- 5.8 *It is matter of record and correct that Hon'ble form have decided the case in favor of Nigam and directed to consumer to deposit the charged amount.*
- 5.9 *It is matter of record and every time all compliance was made during the hearing in Hon'ble forum.*
- 5.10 *It is matter of record and every time Nigam has provided the required report to the said consumer time to time whenever sought from Nigam.*
- 5.11 *It is matter of record.*
- 5.12 *It is matter of record and every time Nigam has provided the required report to the said consumer time to time whenever sought from Nigam.*
- 5.13 *It is matter of record and no any violation was made by this office.*
- 5.14 *It is matter of record and it is correct the notice was given timely i.e. immediately for recovery of short assessment after pointed out by the audit party during special audit carried out in the office.*
- 5.15 *It is matter of record and denied.*
- 5.16 *It is matter of record.*
- 5.17 *It is matter of record and denied.*
- 5.18 *It is matter or record.*
- 5.19 *It is matter or record.*
- 5.20 *It is matter of record.*

- 5.21 *It is correct that Hon'ble Forum passed the order in favor in Nigam and copy of the order was provided the said consumer on their official ID on dated 01.01.2023.*
- 5.22 *It is matter of record and denied.*

*Now after intervention of higher authority's instructions again on request of above said consumer the complete details of the case recalculated after cross verification of record this office prepared the fresh report & resubmitted to the competent authority for consideration and further approval after approval of the same detailed calculation shall be submitted to Hon'ble commission accordingly.*

6. Hearing was held on 01.03.2023, as scheduled. The Counsels on behalf of both the parties were present during the hearing through video conferencing. At the outset, the appellant's counsel intimated that the reply has been received on 28.02.2023 and requested for short adjournment. The respondent's counsel also requested for adjournment being engaged recently. The appellant counsel was directed to file the rejoinder if any within a week. The interim order regarding the non-disconnection of supply shall continue till next date of hearing. However, the appellant will continue to deposit the monthly bills. Acceding to the request of both the parties, the case was adjourned for 28.03.2023.

7. The appellant vide his email dated 23.03.2023 has submitted the rejoinder which is as under: -

*That at the outset the appellant herein states that, save and except any averments stated by the appellant in the present rejoinder, which are matters of record or specifically admitted herein, any or all averments made by the Respondents in its reply are specifically denied as wrong. It is most respectfully submitted that nothing contained herein should be deemed to have been admitted, unless the same is expressly admitted herein. The contents of the Application/Petition filed by the Complainant are reiterated and the same are not repeated herein for the sake of brevity and to avoid prolixity.*

7.1 *That the contents of para no. 1 is wrong and denied and it is pertinent to mention that the entire demand raised vide demand letter dated 05.09.2016 for the period of November 2012 to June 2016 without giving details of the demand required as per their own sale circular dated 10.09.2013 and provision and procedure laid-down under Haryana Electricity Supply Code and provision of Section 53 (2) of the Electricity Act is totally violated by the respondent and said demand is totally wrong and perverse and barred by law of limitation and procedure approved by the Regulatory Commission and the provision of Haryana Electricity Supply Code and even the late surcharge applicable on the belated demand from the retrospective is also illegal and unjustified and hence the entire demand raised is totally wrong and all demand referred in present paras are baseless and not verified even the ledger copy provided by the respondent had made clearly clears the points that no*



*such amount is due and payable by the petitioner to the respondent and said facts has been in the knowledge of the higher authorities the contention raised in the present para are totally wrong.*

7.2 *That the contents of para no. 2 to 5 are wrong and denied as no specific data sheet has been attached that can demonstrate how the said amount of Rs.5709086/- has been arrived by the respondents and have they follow the procedure approved and framed by the Regulatory Commission in the Regulation called Haryana Electrify Supply Code Clause 6 and their own sale circular in this regard where it is ascertain that no recovery can be made on any belated demand beyond the period of 2 years and even for any demand certain procedure of raising the demand has been raised or defined in the said sale circular but had been not considered by the CGRF by passing the order in this regard on 31.12.2022 which is totally sheer abuse of process of law. Hence, the contentions raised in the present paras are wrong and denied.*

7.3 *That the contents of para no. 6 to 22 is wrong and denied because respondents have not given any reply to the fact that as per calculations provided by appellant to their recasting ledger provided proves that that the appellant on the counter part is liable for refund of Rs.13,46,417/- the copy of the said email was sent to the appellant on 15.02.2023 along with the calculation sheet that there was miscalculations on the part of the respondents and which have been pointed by the appellants qua on the recasting ledger provided by respondent itself hence it is pointed to this Hon'ble Tribunal that respondents has not placed on record any such averments or any documents demonstrating stating that what they had sent to the higher authorities and what is there is time line for getting the said sorted out in a transparent/fair and unbiased manner which is cardinal duty of this Hon'ble Tribunal to seek explanation what calculations or observation the concerned Department has sent to the higher authorities as per terms to Section 86 (k) 3 read with Section 61 (d) of the Electricity Act hence there is no logical reply or any data or any observations or any communications has not been placed in their reply despite raising verbal averments that appellant has raised certain objections on the ledger provided by respondents pertaining to disputed demand and which is pending for consideration on the contrary the Hon'ble Tribunal should direct respondents to place on record the exact facts in transparent manner to resolve the grouse of the consumer which is pending since 2016. Hence the reply given by the respondent is illogical, irrational and rejected to be liable out rightly.*

*In view of the facts mentioned above the reply filed by the respondent ignoring the provisions of Haryana Electricity Supply Code and their own sale circular dated 10.09.2013 which is still law of land and demanding the said amount which is barred by law of limitation and provisions of Section 53 (2) of the Electricity Act and procedure approved by HERC for raising the demand defined the sale circular dated 10.09.2013 which is still law of land in Haryana the entire case of the reply filed by the respondent is actual concealment of facts from the Hon'ble Tribunal hence reply filed by the respondent is liable to be*

*rejected outrightly and demand raised by respondent should be rejected in the interest of justice and equity.*

8. Hearing was held on 28.03.2023, as scheduled. At the outset, the respondent SDO submitted that the complete case duly pre-audited has been submitted to the higher authorities at Hisar and requested for 20 days' time so that the same be got vetted. The appellant did not raise any objection. Acceding to the request of the respondent, the case is adjourned and shall now be heard on 19.04.2023 at 2.30 PM. The Respondent SDO was directed to submit the reply within 15 days.

9. SDO 'Op' Bawal Sub Division, Rewari vide email dated 18.04.2023 has submitted reply to the rejoinder through counsel which is as under: -

1. *That the Appellant have an electricity connection bearing account number SEHT0006/ old account number BLS-155. But at present the new account number is 5900102000 since 10/2012.*
2. *That on 05-09-2016 the Audit Party had audited the appellant's account under special audit. And they had pointed out that an amount of Rs. 57,09,086/- is chargeable from the appellant against short assessment for the period from Nov.2012 to June 2016 vide Half Margin No. 75-76 & 77 dated 05-09-2016. Abstract of re-casted ledger against charged amount is as under: -*

<i>Billed Amount for the period (11/2012 to 6/2016)</i>	<i>= 31,69,02,819</i>
<i>Less: - Payment made from 11/2012 to 6/2016</i>	<i>= - <u>31,40,25,786</u></i>
	<i>28,77,033</i>
<i>Add: - Late Payment Surcharge (11/2012 to 6/2016 )</i>	<i>= + 24,74,523</i>
<i>Add: - Late Payment Surcharge (5 &amp; 6/ 2014)</i>	<i>= + <u>3,57,530</u></i>
<i>Total Recoverable Amount</i>	<i>= <u>57,09,086</u></i>

3. *That on 21-09-2016 the respondent department gave a notice to the appellant regarding under assessment pointed out by the Special Audit Party vide memo no. 3788.*
4. *That on the request of the consumer upon their objection the respondent department has forwarded the case to S.E./Commercial Hisar for approval of adjustment with details to their office, where O/o S.E./ Commercial has reviewed the case for adjustment vide their office memo no. Ch-14/Loose/318/HM/R-2021 dated 09-09-2021 with remark that only an amount of Rs. 1,06,567/- may be withdrawn out of Rs. 57,09,086/- and balance amount of Rs. 56,02,519/- is recoverable.*
5. *That when the consumer has filed the complaint to the Hon'ble CGRF Gurugram vide case no. 3923/2021 on 27-12-2021, the respondent department has submitted the reply. And as per available record the Hon'ble CGRF has decided the case in favor of the Nigam with direction that Rs. 56,02,519/- is rightly payable by the complainant.*
6. *That after that the appellant has represented all the records of payment made and exemption taken from DHBVN, to the MD DHBVN Hisar and requested to reconsider their request for consideration of their various payments which were not considered during the re/casting of ledger during special audit in 9/2016, where worthy MD directed to review the complete case as per record provided by them. Then internal audit party has again requested to recheck the record based on the evidence provided by the complainant and found the facts as under: -*
  - (i) *The Service Connection Charges of Rs. 9,99,750/- & ACD interest of Rs. 1,59,863/- worth total amount of Rs. 11,59,613/- credited*

in the month of 10/2013 via sundry allowance which is not considered in the re-casted ledger. But the consumer paid the service connection charges of Rs. 10,02,780/- vide BA-16 No. 189/29250 dated 21-09-2012.

- (ii) The Peak Load Consumption Charges of Rs. 2,17,977/- credit not considered in re-casted ledger as exemption of 50% on CD, which was allowed by CE/Commercial vide their office memo no. Ch-54/GMC-318/R dated 04-09-2013. But the exemption of 100% on CD, which was allowed by CE/Commercial vide office memo no. Ch-68/GMC/241/S.D. dated 05-05-2014 is considerable in re-casted ledger.
- (iii) The short assessment of Rs. 3,68,345 against revised FSA charged notice gave to the consumer on Nov. 2013 which paid in the bill of Dec.2013. But this amount is not considered in re-casted ledger, which is considerable.
- (iv) The meter rent charged @69960/- in re-casted ledger was not chargeable as metering equipment was supplied by the consumer, which is considerable.
- (v) The charged PLEC charges also found paid by the consumer for the period 11/2012 to 05/2014 as per record but again Rs. 9,19,073/- charged in re-casted ledger against Zero consumption mentioned for corresponding period, which is also considerable.

**Total considerable amount was= 999750+159613+217977+ 368345  
69960+ 919073= Rs. 27,34,718/**

7. That After review by the local audit the total recoverable amount after considered the above mentioned not considered amount in re-casted ledger as per provided record which was now tallied/ cross checked with available record is came out of Rs. 8,81,797/- up to 06/2016, which became Rs. 9,64,194.99 up to 11/2016 with LPSC, but consumer has already deposited an amount of Rs. 18,49,616/- with the bill of 11/2016.

8. That now considering the above said payments made with the bill of 11/2016, the total outstanding as on date, is of Rs. 1,19,83,520/-, is adjustable as per record produced during re-checking.

So, it is, therefore, prayed that keeping in view the above contentions of the respondent department the present appeal of the appellants may kindly be dismissed. And pass any other order in favor of respondent in the interest of justice.

10. Hearing was held on 19.04.2023, as scheduled. At the outset, the counsel for the respondents intimated that the account has been rechecked and Rs. 11983520/- are adjustable. Per contra the counsel for the appellant intimated that a sum of Rs. 17 Lakhs approximately is liable to be refunded after adjusting the above said amount. After hearing, both the parties were directed to sit together in the office of the respondent SDO for reconciliation of the account. The respondent SDO shall coordinate with the appellant for fixing date and time for the purpose and submit report through concerned XEN within 10 days of issue this order. The matter was adjourned for 04.05.2023.

11. SDO 'Op' Bawal Sub Division, Rewari vide email dated 04.05.2023 has submitted as under: -

*In reference to the subject cited appeal case it is submitted that the case was forwarded for re-auditing and consideration to the Internal Audit Party of the Nigam for finding adjustment & recoveries in the consumer account. Now the Internal Audit Party involved in the case vide their office memo no-1535 dated 26.04.2023 and verifying the facts of the case, the consumer also visited the office of Internal Audit Party office personally at Gurugram and provided the documents available with them. Hence as and when the Internal Audit Party provide the approval of actual amount to be adjusted and balance actual amount to be recovered from the consumer, the billing account of the consumer will be overhauled and final adjustment will be done accordingly. This is submitted for kind consideration in want of decision of appeal please.*

12. Hearing was held on 04.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant briefed the appeal and submitted that approximately Rs.17 Lakhs/- is liable to be refunded on account of surcharge on the adjustable amount of Rs. 1,19,83,520/-. Per contra respondent SDO submitted that the appellant represented to MD, DHBVN and accordingly internal audit party is rechecking the whole case. As the case is under consideration of the NIGAM, Therefore the account will be overhauled and adjustment will be made after audit report.

13. After hearing both the parties and facts available on the record, I am of the considered view that as the respondent SDO is considering the case and further action will be taken accordingly. However, the appellant is at liberty to file a fresh case, if aggrieved. The above appeal is disposed off accordingly.

Both the parties to bear their own costs. File may be consigned to record.  
Given under my hand on this day of 4<sup>th</sup> May, 2023.

Sd/-

**(Virendra Singh)**

**Electricity Ombudsman, Haryana**

**Dated: - 4<sup>th</sup> May, 2023**

**Endst. No. HERC/EO/Appeal No.07/2021/**

**Dated:**

1. M/s Bajaj Motors Ltd., Plot No.127, Sector-6, IGC, Bawal, Rewari.
2. The Managing Director, Vidyut Sadan, Vidyut Nagar, DHBVN Hisar -125005.
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109.
4. The Chief Engineer 'Op', PO Power House, Rohtak Road, Punjabi Bagh, Delhi.
5. The Superintending Engineer 'Op' Circle, DHBVN, Rewari
6. The Executive Engineer 'Op.' Division, DHBVN, Dharuhera, Rewari.
7. The SDO 'Op' Bawal Sub Division, DHBVN, Rewari.