



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. : 16/2023
Registered on: 06.03.2023
Date of order: 26.04.2023

In the matter of: -

Representation for non-compliance of the order dated 05.05.2022 passed by CGRF, DHBVN, Gurugram in complaint No. 4118/2022.

Sh. Sunder Singhal, C/o M/s Mahasharma Oil Mill, Barwala

Appellant/Complainant

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Adv. Akshay Gupta

Present on behalf of Respondents:

Adv. Toshant Kalra

The SDO 'Op' Sub Division, DHBVN, Barwala

ORDER

A. Sh. Sunder Singhal, C/o M/s Mahasharma Oil Mill, Barwala has filed through Adv. Akshay Gupta a representation for non-compliance of the order dated 05.05.2022 passed by CGRF, DHBVN, Gurugram in complaint No. 4118/2022 The appellant request for following relief as under: -

1. *The Representation is being preferred in view of Regulation of Haryana Electricity Regulatory commission (Forum & Ombudsman Regulation) 2020 (1st amendment) Regulation, 2022 dated 06.04.2022 regarding non-compliance of order passed by CGRF. The Clause 2.32 inter-alia reads 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.

CGRF Order Dated 5-6-2022.

i. Mr. Sunder Singhal (petitioner), Owner of M/s Mahasharman Oil Mill, Barwala had earlier approached the CGRF DHBVN Gurugram vide complaint number DH/CGRF/4118/2022 dated 8.04.2022 for redressal of grievance related to non-allowing ED exemption as per Nigam's instruction wherein it was stated that he had requested the SDO op Sub Division DHBVN Barwala (Respondent-1) for allowing the exemption on ED for 10 years (being Agro industry as per Sales Circular No D 20-2018) from date of connection as per the Nigam's instruction. Even after continuous pursuance with the respondent his grievance was not redressed. Therefore, appellant petitioner filed a case with the Forum for Redressal of Consumer Grievances, DHBVN Gurgaon.

ii. The CGRF DHBVN Gurugram after hearing both the parties vide its order dated 5-June-2022 disposed off the case with directions to SDO to ensure that the refundable amount against ED gets credited in the complainant's bill in the next billing cycle along with normal rate of interest on delayed payment.

But the respondent SDO in-spite of clear direction/ order passed by the Hon'ble CGRF has not implemented the order in toto and still the following relief ordered by the CGRF is to be given to the appellant petitioner.

The respondent SDO has not made the payment of interest on the refund amount of ED from the date it became due at normal rate of interest as ordered by Hon'ble CGRF.

The appellant petitioner submitting this representation to Hon'ble Ombudsman for non-compliance of above CGRF DHBVN Gurgaon order dated 04.06.2022 under Section 142 read with Section 146 & Section 149 of Electricity Act-2003 read with HERC (Forum & Ombudsman) Regulation 2020 (1st amendment) Regulation, 2022 dated 06.04.2022 for issuance of direction to Respondent SDO of Licensee DHBVN for Non-Compliance of ibid CGRF order and humble prayed as under: -

1. Payment of interest on ED amount from the date this is due.
2. Appropriate amount of penalty as deemed fit by the Hon'ble Ombudsman/ Commission be imposed on to the delinquent officials of the department to be paid to the petitioner.

3. *Compensation @ 100 /- Rs Per day for the period of delay in refund of interest on ED refunded.*
4. *Pass any other or further order which this Hon'ble Ombudsman/ Commission may deem fit and proper in the facts and circumstances of the case in favour of appellant petitioner in the interest of justice.*

B. The appeal was registered on 06.03.2023 as an appeal No. 16/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 16.03.2023.

C. Hearing was held on 16.03.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the respondents requested for a short adjournment being engaged recently. Acceding to the request, the matter was adjourned to 03.04.2023.

D. Hearing was held on 03.04.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the appellant submitted that no reply has been received. The counsel for the respondent submitted that the ED refund from July, 2022 to March, 2023 has been processed and sent to CBO and requested for a short date to file reply. Acceding to the request, the matter was adjourned to 26.04.2023. Respondent SDO was directed to submit the reply within 10 days with a copy to appellant.

E. The counsel for the respondent has submitted reply through email dated 22.04.2023 which is as under: -

- 1) *That the contents of the para no. (i) is legal.*
- 2) *The replies of sub para are*
 - (i) *That the content of para No. (i) is a matter of record.*
 - (ii) *That content of para No. (ii) is a matter of record. It is also pertinent to mentioned here that the respondents have already compliance with Hon'ble CGRF order and the ED amount has been adjusted in the account of consumer in the next month of the order i.e. 11.07.2022 with Rs.196670/-. More ever, the ED amount of Rs. 5265.8 for the month of July, 2022 till March 2023 has been approved and will be adjusted in the account of consumer in next month. Which shows the bonafied intentioned of the respondent.*
 - (iii) *That the content para no. (iii) is replied that section 4 of Punjab Electricity Duty Act, 1998 states that the Electricity Duty shall be collected and paid to the state Government by the board or licensee*

or a person who generate energy for his own use or compilation as case may be.

(iv) The Electricity Duty is a not a part of schedule of tariff and is recovered by the State Government. Moreover, there is no provision which says that interest has to be paid on the ED.

F. Hearing was held on 26.04.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the respondent SDO submitted that the ED amount has already been adjusted in the consumer account in compliance to CGRF order. Moreover, the ED amount of Rs. 5265.8 for the month of July, 2022 to till March 2023 has been approved and will be adjusted in the account of consumer in next month. The appellant expressed satisfaction with reply of the respondents.

G. Since the matter is resolved, the appeal is disposed of accordingly.

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

Given under my hand on 26th April, 2023.

Dated: - 26th April, 2023

(Virendra Singh)
Electricity Ombudsman, Haryana

CC-

Memo. No. HERC/EO/Appeal No.16/2023/

Dated: -

1. Sh. Sunder Singhal, C/o M/s Mahasharma Oil Mill, Barwala.
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', Vidyut Sadan, Vidyut Nagar, DHBVN Hisar -125005.
5. The Superintending Engineer 'Op' Circle-II, DHBVN, Hisar.
6. The Executive Engineer 'Op.' Division II, DHBVN, Hisar.
7. The SDO 'Op' Sub Division, DHBVN, Barwala.