



(Regd. Post)

Appeal No. : 29/2023
Registered on: 14.03.2023
Date of order: 09.05.2023

In the matter of:

Appeal against the order dated 31.01.2023 passed by CGRF, DHBVN, Gurugram in complaint No. 4271/2022.

Sh. Rajbir Singh, House No. 31, Kirti Nagar, Bhiwani

**Appellant /
Complainant**

Versus

Dakshin Haryana Bijli Vitran Nigam Limited

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Rajbir Singh

Present on behalf of Respondents:

SDO 'Op', Sub Urban Sub Division No. 1, Bhiwani

ORDER

A. Sh. Rajbir Singh, House No. 31, Kirti Nagar, Bhiwani has filed an appeal against the order dated 31.01.2023 passed by CGRF, DHBVN, Gurugram in complaint No. 4271/2022. The appellant request for following relief as under: -

1. *That the impugned the order dated 31/01/2023 passed by the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram, is against law, against principal of natural justice, arbitrary, against the facts and the evidence available in eyes of law and is liable to be set aside and reversed.*
2. *That the order dated 31/01/2023 passed by the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram, is not based on surmises and conjectures and as such are liable to accepted by way of setting aside the impugned order dated 31/01/2023 with costs throughout.*
3. *That the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram has wrongly dismissed the application of appellant/plaintiff observing the law in wrongful manner. The real facts of the case are that the appellant has opted the Bill Settlement Scheme of the respondents / DHBVN circulated vide Sale Circular No. D-24/2018 and CE/OP Hisar reminder Ch-256/SE/Comm/273/2005 dated 15/12/2013 which was remained in Operation upto ending February 2019.*

4. That the meter of the appellant was changed having meter sr. No. 8386095, Make L&T, Capacity 10-60 Amp which is also in record of JE's meter issue register (CA-22 register) on my request under scheme and it was assured by the Nigam / respondents that during the currency of the scheme, no any extra amount will be charged.
5. That after changing the meter in December 2018 till December 2019, the respondents were sending bills on average basis due to non-entering the change meter in their record. Actually, the meter was replaced at Appellant premises in December 2018 and reading were also being recorded on bi-monthly basis regularly by the respondents as tabulated below:

Period	Register Reading	Bill Issued
27/12/2018 to 27/02/2019	26	On average basis
27/02/2019 to 18/04/2019	121	On average basis
18/04/2019 to 26/06/2019	264	On average basis
26/06/2019 to 02/11/2019	981	On average basis
02/11/2019 to 26/12/2019	1154	On average basis

6. After the repeated visit of Appellant before the respondents for not issuing the bill on actual reading recorded basis, the respondents have issued dummy meter change order on 26/12/2019 to set right their error and after that they have started to raise bill on actual reading basis.
7. That the respondents have knowingly charged Rs. 116151/- in the month of April 2018 in my bill and which now becomes to Rs. 134896/- after lapse of 4 years on account of by doing the meter tested in lab which is clearly violation of respondents Bill Settlement Scheme Point No. 15 of Sale Circular No. D-24/2018 and CE/OP Hisar reminder Ch-256/SE/Comm/273/2005 dated 15/12/2018. That the Hon'ble CGRF has been misguided by the respondents as "the consumer has not opted Bill Settlement Scheme timely, so benefit of the Bill Settlement Scheme cannot be credited to the consumer's account. The amount is thus chargeable. The Forum observed and decided that the benefits of the Bill Settlement Scheme cannot be given to the complainant without opting the Bill Settlement Scheme. The Forum decided to close the case".
8. That the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram has not applied its judicious mind while deciding the present application and has acted in a most casual manner, which has led miscarriage of justice to the appellant/plaintiff. The respondents cannot be charged any amount after two years of it becoming due under section 56(2) of Electricity Act., 2003.
9. That the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram, has not applied its judicious mind at the time of deciding the application and Forum had not gone deeply into the pleading of the plaintiff whereas plaintiff has prima facie case in his favour and balance of convenience is also lies in his favour and it is also submitted that the plaintiff will suffer irreparable loss in case if the electricity bill is not corrected along with surcharge by the respondents. So, in this way the

Hon'ble Forum passing the wrong order which is against the pleading and facts of the case.

10. *That the appeal of the appellant is well within limitation.*

It is, therefore, prayed that the appeal may kindly be accepted and impugned order dated 31/01/2023 passed by the Hon'ble Forum for Redressal of Consumer Grievances DHBVN Gurugram, may kindly be set aside and the application of the plaintiff/applicant be accepted and respondents be restrained from disconnecting electricity connection and adjust the illegal amount charged in electricity connection Rs. 1,34,896/- with surcharge bearing account no. 2198970000. Any other relief, which this Hon'ble Commission deems fit, may also be granted in the interest of justice.

B. The appeal was registered on 14.03.2023 as an appeal No. 29/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 24.04.2023.

C. The respondent SDO vide email dated 11.04.2023 has submitted reply which is as under: -

In this regard it is submitted that the meter was replaced vide LL-1No.50793 dated 26.12.2019 and found meter reading NV (not visible and same get checked by M&T Lab Charkhi Dadri vide JCR No. 34 dated 09.01.2020 and meter reading retrieved 29794 kWh. It is also intimated that as per available record in this office the subject cited consumer has not obtained the BSS (bill settlement Scheme) under Sale Circular No. 24/2018. MCO was initiated on dated 09.11.2019 and completed on 11.01.2020. The consumer account was overhauled by CBO DHBVN Hisar. It is submitted to your good office that no any extra penalty was charged to the consumers account only difference of reading was charged as per Nigam instructions.

D. Hearing was held 24.04.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant submitted that an application under bill settlement scheme was submitted by him in the office of SDO but the benefit of the scheme was not given to him. On contrary, Sh. Pardeep Ranga CA in the office of respondent SDO submitted that no such request regarding bill settlement scheme is available in the record. Further on the query of the appellant if notice was given to him regarding checking of meter in Lab., Mr. Pardeep could not give satisfactory reply as he was not having complete record with him. On the next date of hearing

respondent SDO and XEN are directed to be present though video conferencing with complete record related to this matter. The matter is adjourned and shall now be heard on 09.05.2023 at 2:30 P.M. through video-conferencing.

E. The respondent SDO vide email dated 04.05.2023 has submitted reply which is as under: -

Please refer to this office memo no. 4097 dated 11.04.2023 (copy enclosed) vide which it was submitted that as per available record in this office the subject cited consumer has not obtain the BSS (Bill Settlement Scheme) under Sales Circular No. 24/2018.

Now, as per valuable direction imparted vide your good office memo no. EO/HERC/Appeal No. 29/2023/447-53 dated 26.04.2023 copy of the notices served to the consumer is attached herewith for your kind information and necessary action in the matter please.

F. Hearing was held on 09.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant contended that his meter was replaced in December, 2018 whereas the respondent SDO has shown it replaced on 26.12.2019 as the readings were recorded 02/2019 onwards. The appellant has opted the Bill Settlement Scheme of the respondents / DHBVN circulated vide Sale Circular No. D-24/2018 and CE/OP Hisar reminder Ch-256/SE/Comm/273/2005 dated 15/12/2013 which remained in Operation up to ending February 2019. But the benefit of the scheme is not extended to him.

G. Per contra the respondent SDO argued that the meter was replaced vide LL-1No.50793 dated 26.12.2019 with its reading NV (not visible) and the same got checked in M&T Lab Charkhi Dadri vide JCR No. 34 dated 09.01.2020 and meter reading retrieved as 29794 kWh. The bills issued from 2/2019 to 12/2019 on average basis. Further, the appellant has not opted bill settlement scheme. Also, the scheme was not applicable to the appellant being non-defaulter during that period. The appellant has not provided any authentic document which can prove that the scheme was opted by the appellant.

H. After hearing both the parties and facts made available on the record, it is concluded that, since the appellant could not provide any proof of opting the bill

settlement scheme, the benefit of the scheme cannot be given to him by the respondent SDO. Hence, the decision of the Forum dated 31.08.2023 is in order and is upheld. The appeal is disposed off accordingly.

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

Given under my hand on 9th May, 2023.

Dated: 09.05.2023

Sd/-
(Virendra Singh)
Electricity Ombudsman, Haryana

CC

Memo. No. HERC/EO/Appeal No. 29/2023/

Dated:

1. Sh. Rajbir Singh, House No. 31, Kirti Nagar, 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 Divn, DHBVN, Bhiwani.
7. The SDO 'Op', Sub Urban Sub Division No. 1, DHBVN, Distt. Bhiwani.