



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  
E-mail: [eo.herc@nic.in](mailto:eo.herc@nic.in)

(Regd. Post)

Appeal No. : 38/2023  
Registered on: 18.04.2023  
Date of order: 29.05.2023

In the matter of: -

Appeal against the order dated 03.03.2023 passed by CGRF, DHBVN, Gurugram in complaint No. 4456/2022.

Shri Raj Kumar, M/s Indus Towers Limited, Village Dhanundha, Ateli, District Mahendragarh **Appellant / Complainant**

**Appellant/Complainant**

Versus

DHBVNL

**Respondents**

**Before:**

Sh. Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Sh. M.S. Chauhan

**Present on behalf of Respondents:**

SDO 'Op' Ateli  
Shri Sanjay Bansal, Advocate

**ORDER**

**A.** Shri Raj Kumar, M/s Indus Towers Limited, Village Dhanundha, Ateli, District Mahendragarh has filed Appeal against the order dated 03.03.2023 passed by CGRF, DHBVN, Gurugram in complaint No. 4456/2022. The appellant request for following relief as under: -

1. It is submitted that M/S Indus Towers Limited is a registered company registered under the Companies Act having its registered office at Bharati Crescent Nelson Mendela Road Vasant Kunj, Phase-2, New Delhi and Circle Office at Bestech Business Tower, Tower-A, Industrial Plot No.1, Phase-9, Sector-66, SAS Nagar(Mohali)-160059 and we are engaged in the business of establishment, maintenance and provision of Telecom infrastructure which inter alia include mobile communication towers and other allied equipment to various mobile telecom service providers viz Bharti Infratel Ltd (earlier known as Bharti Mobile Ltd. Bharti Cellular Ltd, Bharti Televenture Ltd and Bharti Airtel Ltd), Vodafone Essar South Ltd (earlier known as Hutchison Essar South Ltd) and Idea Cellular Ltd. Now by virtue of joint Venture Company of the said operators, we are taking care of the existing and upcoming power connections of the above said operator companies.

2. *We have applied for the release of a permanent NDS connection vide Application No. N13-1022-89 in the name of M/S Indus Towers Ltd. at Village Dhanundha under Operation Sub Division, DHBVN, Ateli. The applied load of the connection is 8 KW. The SDO has prepared and sanctioned the Deposit Estimate vide his Sanction No. 36/Dep/2022-23 for the release of the connection. The proposed total length of LT line is 74 meters from the nearest existing LT line on 63KVA Transformer SOP LD System village Dhanundha. We had already deposited the Service Connection Charges of Rs.16000/- while applying for the release of the connection along with other applicable ACD etc. We are being asked to deposit the amount of Rs.39248/- in addition to the Service Connection Charges of Rs.16000/- . The deposit estimate has been framed, as per the version of the local field staff that it is in accordance with the clarifications issued vide your Memo No. Ch-64/SE/ 341/2005 Dated 17/08/2022 in light of the HERC Regulations on the subject.*
3. *The SE Operation Circle, DHBVN, Jind vide his Memo No. Ch-119/TS-6 Dated 27/07/2022 has sought some clarifications regarding the connections for Hotel, Poultry Farm, Milk Dairies etc which are being applied by the applicants under NDS Category and accordingly, the proposal for releasing of connections from the nearest feeders are being prepared by sub divisions. It was further reported by the SE Operation Circle, DHBVN, Jind that the applicants stress the release of the connection from RDS Feeder instead of nearest feeder. He sought the clarification that whether the connection is to be released from RDS Feeder instead of nearest feeder. He further asked the clarification that if the applicant wants the release of connection from the source other than the nearest feeder, then what are the charges to be deposited by the applicant.*
4. *The SE Commercial, DHBVN, Hisar had clarified the issues so raised by the SE Op Circle DHBVN, Jind vide his Memo No. Ch-64/SE/C/341/2005 Dated 17/08/2022 as discussed in above paragraphs that any release of Industrial/NDS Connection, having load 20KW and above or load below 20KW may be dealt with as per the provisions of the Sales Circular D-03/2018. He had further clarified that for such release of Industrial/NDS connection, applicable legitimate charges are also recovered from the individual applicant as per the following enabling Clause No. 4.6 " Power to Recover Expenditure of HERC Regulation duty to Supply on Request Circulated vide Sales Circular D-12/2020. The clause 4.6 of the said Sales Circular is reproduced by the SE Commercial, DHBVN, Hisar while giving the above clarification as "The cost of extension of distribution main and/or its up-gradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening/augmentation/up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations.*
5. *Now clearly the clarifications requested by the SE Operation concerned was for those applicants who do not want to take the connection from the nearest available supply source rather they insist to take the supply from a source which is distant and for which the Licensee has to incur the extra expenditure. The charges i.e. legitimate charges are justified and not that of a deposit estimate by the levy of additional departmental charges. The instructions are however not applicable for*

*the connections which are sought from the nearby available supply source. Since the clarifications are circulated to other field offices and there is misinterpretation on their part and for all the connections whether from the nearest supply source or distant supply source, the deposit estimate is being framed and the prospective consumers are being forced to pay the cost of the deposit estimate beside the Service Connection Charges.*

- 6. Further as per the HERC Regulations HERC/34/2016 circulated vide Sales Circular D-23/2016 and its First Amendments is issued vide Sales Circular D-12/2020, it is provided in Regulation 4.1 that subject to the provisions of the Act and these Regulations and subject further to such directions, orders or guidelines issued by the Commission, every distribution licensee is entitled to recover from an applicant requiring a supply of electricity or modification in existing connection, any expenses reasonably incurred by the distribution licensee in providing any electric line or electrical plant used for the purpose of giving that supply. The service connection charges or the actual expenditure to recover such expenses shall be computed in accordance with these Regulations. Further as per Regulation 4.6, it is provided that the cost of extension of distribution main and/or its up-gradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening/augmentation/up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations.*
- 7. The Regulation 4.2 provides that the licensee shall prominently display on its website and in its offices, details of various charges / security amount to be deposited by the applicant along with the application, in accordance with the stipulation in these Regulations. The DHBVN had circulated these charges vide Sales Circular D-29/2016. The Sales Circular states that HERC vide Regulation No. HERC/34/2016 dated 11 July, 2016 on "Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations, 2016" has revised certain charges. This regulation was published in the Gazette of Haryana on 19/7/2016 and is applicable from the date of its publication. Accordingly, the revised Application processing charges, Consumption deposit ACD and its review and Service Connection charges as per the aforesaid Regulation for a Three Phase NDS connection shall be Rs.2000/- per KW. It is further provided in the instructions that the above service connection charges shall be applicable where the length of new line to be provided is up to 150 meters and where this length exceeds 150 meters, the applicant shall be required to pay additional charges of Rs. 175 per meter for loads up to 50 KW and Rs.250/- per meter for loads in excess of 50 kW.*
- 8. Further as per the provisions of the Sales Circular D-2/2015 and D-3/2018, D-23/2016 and D-12/2020, it is clear that the total charges incurred by the Nigam in releasing the connection from a distant source of supply on the request of the consumer instead of the available nearest source of supply are recoverable. The connections which are to be released from the nearest source of supply, the Service Connection Charges which are circulated vide Sales Circular D-29/2016 in response to Regulation 4.2 of HERC Regulations HERC/34/2016 are applicable*

up to the distance of 150 meters and thereafter Rs.175/- per meter up to the load of 50KW.

9. Now from the above it is very clear that the deposit estimate framed and recovered from the prospective consumers in addition to Service Connection Charges for the release of an NDS connection from the nearest source of supply are not correct. We had requested the S E Commercial, DHBVN, Hisar that the field offices be suitably advised so that, we, the prospective consumer are not overcharged for obtaining the NDS connection for operation of a Mobile Tower from the available nearest source of supply.
10. The S E Commercial, DHBVN, Panchkula vide his memo no. Ch-72/SE/C-341/2005 Dated 03/02/2023 that the necessary clarification was issued to the field offices vide memo no. Ch-64/SE/341/2005 Dated 17/08/2022 and no objection is received from the field offices. The information on the part of the SE Commercial is also wrong because the issues are raised by the SE Operation Circle, DHBVN, Narnaul vide his memo no. Ch-109/NC-24 Dated 20/12/2022. Now instead of amending the misleading clarifications issued by him which is against the provisions of HERC Regulations and its own Sales Circular, the SE Commercial continued to put the prospective consumer to unnecessary harassment and burdening them with unnecessary overcharging. The grievance was not be redressed by the SE Commercial, DHBVN, Hisar.
11. We had prayed before the CGRF, DHBVN, Gurugram on 08/02/2023 that the SE Commercial may please be directed to withdraw its wrong clarifications to the field offices vide his memo no. Ch-64/SE/C/341/2005 Dated 17/08/2022 from the date of its issue and reissue further directions only as per the HERC Regulations and its own Sales Circulars on the subject as discussed in the above paragraphs of our submission to save the prospective consumer from illegal financial burden imposed on them. The complaint was accepted and Registered by the CGRF as ' Case No. DH/CGRF/4456/2023 Dated 15/02/2023'. The complaint was heard & decided on 02/03/2023. The Orders were communicated to us via email on 17/03/2023.
12. It has been decided by the CGRF that for release of connection, applicable legitimate charges should also be recovered from individual applicant as per the following enabling clause no. 4.6-"Power to recover expenditure of HERC Regulation duty to supply on the request circulated vide Sales Circular No. D-12/2020". From the perusal of the orders it is observed by us that we have not been heard by the CGRF. The Orders so passed is against the HERC Regulations and the Sales Circulars issued by the Nigam on the subject. The impugned order is against the facts of the HERC Regulations and Instructions of the Nigam on the subject and is liable to be set aside.
13. It is prayed that the Order DH/CGRF/4456/2023 Dated 03/03/2023 of CGRF, DHBVN, Gurugram may please be set aside. It is further prayed that the SE Commercial, DHBVN, Hisar may please be directed to withdraw its wrong clarifications to the field offices issued vide his memo no. Ch-64/SE/C/341/2005 Dated 17/08/2022 from the date of its issue and reissue further directions only as per the HERC Regulations and its own Sales Circulars on the subject.

**B.** The appeal was registered on 18.04.2023 as an appeal No. 38/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 09.05.2023.

**C.** Hearing was held on 09.05.2023, as scheduled. At the outset, the representative of the appellant submitted that no reply of the respondent was received. The counsel for the respondent SDO sought time to file reply via email dated 08.05.2023. Accordingly, the respondent SDO was directed to submit the point wise reply within 10 days with a copy to the appellant. The matter was adjourned for 29.05.2023.

**D.** The counsel for the respondents vide email dated 25.05.2023 has submitted reply which is as under: -

1. *That the appellant had applied for a permanent NDS connection in the name of Indus Tower Ltd. vide application No. N13-1022-89 Load 8 KW on 63 KVA T/F sop to LD system Dhanundha on 11 KV City Feeder under S/Division, DHBVN Ateli during the FY 2022-23.*
2. *That the respondent department had prepared the estimate according to the direction by SE (OP) Commercial Hisar vide memo no. Ch-64/SE/341/2005 dated 17-08-2022.*
3. *That it is pertinent to mention here that as per memo no. Ch-64/SE/341/2005 dated 17-08-2022, releasing of connection under NDS category, applicable legitimate charges should also be recovered from the individual applicant as per the following enabling clause no. 4.6- "Power to recover expenditure of HERC regulation duty to supply on request circulated vide Sales Circular No. D-12/2020".*
4. *That the respondent department frame the estimate amounting to Rs. 39,248/- for providing New NDS connection to the applicant vide estimate sanction no. 36/DEP/2022-23.*
5. *That as per Sales Circular No. 29/2016, the various charges are recovered from the consumer to obtain new connection. And the provision of various circulars is in force, therefore the respondent department reduced the already deposited amount in shape of service connection charges adjusted in electric bill account through sundry item.*
6. *That it is pertinent to mention here that the office of respondent department obeys the directions issued by SE/Commercial & SE (OP) NNL time to time for release of new connection but they never harassing the consumers. And moreover, Hon'ble CGRF has not given any direction to SDO in this case.*

*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 favour of respondent in the interest of justice.*

**E.** The respondent SDO has submitted supplementary reply which is as under: -

1. *It is also submitted that the connection is released for the nearest feeder / supply.*

2. It is also submitted that service connection charges were already deposited by the appellant on online portal during application. When it came to notice that estimate cost and SCC both are deposited by the appellant, the SCC were refunded in energy bill.

**F.** Hearing was held on 29.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO submitted that SE commercial, DHBVN, Hisar vide memo no. Ch-64/SE/C/341/2005 dated 17.08.2022 clarified that if the appellant stress for release of connection from RDS feeder instead of nearest feeder the legitimate charges are also recovered from the individual applicant as per the following enabling clause no. 4.6 of Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 provides as under:

*The cost of extension of distribution main and/or its up-gradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening/augmentation/up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations.*

Further, he submitted that the connection has been released from a common transformer not from a dedicated transformer.

The appellant submitted that only service connection charges as per HERC Regulations is chargeable and amount deposited as estimated cost needs to be refunded. As per Annexure – I of Duty to supply regulation, the charges to be recovered are as under:

*Three phase NDS Rs.2000/-*

*The above service connection charges shall be applicable where the length of new line to be provided is up to 150 meters. Where this length exceeds 150 meters, the applicant shall be required to pay additional charges of Rs. 175 per meter for load up to 50 kW and Rs. 250 per meter for loads in excess of 50 kW.*

**G.** After hearing both the parties, following regulations of the HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 are referred to conclude the matter: -

4.6 *The cost of extension of distribution main and/or its up-gradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening/augmentation/up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations.*

4.7 *However, cost of augmentation of substation or creation of a new substation or cost of augmentation of the line feeding the substation from where the supply is*

*to be given shall not form part of cost to be recovered from the consumer or collective body of consumers as per Regulation 4.6.*

4.8 *After receipt of application, complete in all respects, requiring supply of electricity and sanction of the load demand, the licensee shall issue a demand notice to the applicant in accordance with the provision under Regulation 4.4.3 of the Electricity Supply Code informing him of the details of charges to be paid by him on account of the following: -*

4.8.1 *The service connection charges/cost of extension of distribution system to be carried out by the licensee for release of new connection/extension of load, calculated in accordance with Annexure 1 to these Regulations shall be payable by the applicant.*

*In case the applicant opts for execution of work on his own, the supervision charges calculated in accordance with Regulation 3.10 shall be payable. Besides this, in case the service connection charges calculated as per Annexure-I are more than the actual cost of such works which are to be finally handed over to the licensee, the difference of the service connection charges and the actual cost would also be paid by the applicant.*

- *As per Annexure – I of aforesaid Regulations, in case of LT supply the applicant for three phase Non-Domestic Supply is to bear Service Connection Charges/Cost as prescribed under:*

*Rs.2000/- per KW of connected load or part thereof.*

*The above service connection charges shall be applicable where the length of new line to be provided is up to 150 meters. Where this length exceeds 150 meters, the applicant shall be required to pay additional charges of Rs. 175 per meter for load up to 50 kW and Rs. 250 per meter for loads in excess of 50 kW.*

**H.** In view of the above facts and discussions, it is observed that M/s Indus Tower Ltd. applied NDS connection of 8 KW at Village Dhanundha under Operation Sub Division DHBVN Ateli. To release connection length of proposed LT line on 63 KVA Transformer SOP to LD system Village Dhanundha was nearly 74 meters. While applied the connection consumer had deposited the service connection charges of Rs. 16000/- (Rs. 2000 X 8 = Rs. 16000/-). As per regulations service connection charges of Rs. 16000/- shall be applicable where the length of new line to be provided is up to 150 meters. After framing estimate of proposed LT line, the estimated cost of Rs. 39248/- were also got deposited by the respondent SDO on 15.11.2022.

However, on perusal of regulation 4.6, 4.7 & 4.8 conjointly, it is observed that in such cases only service connection charges are required to be deposited from the prospective consumer not cost of extended distribution system. The contention of SDO to recover the estimated cost on the basis of SE/Comm DHBVN Hisar letter dated 17.08.2022 is not found in order, wherein, he had clarified for those applicants who do not want to take the connection from the nearest available supply source rather they insist to take the supply from a source which is distant and for which the Licensee has to incur the extra expenditure cost of extension is required to be deposited. Whereas in instant case the appellant connection has been released from the already existing transformer and therefore, the clarification given by the SE Comm. does not apply in this case.

I. It is therefore the Forum order dated 03.03.2023 is set aside and the respondent SDO is directed to refund/adjust the estimated cost recovered from the consumer after deduction of the service connection charges as applicable. 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 29<sup>th</sup> May, 2023.

Sd/-

**(Virendra Singh)**

**Electricity Ombudsman, Haryana**

**Dated: - 29<sup>th</sup> May, 2023**

**CC-**

**Memo. No. HERC/EO/Appeal No.38/2023/ 946-52**

**Dated: - 31.05.2023**

1. Shri Raj Kumar, M/s Indus Towers Limited, Village Dhanundha, Ateli, District Mahendragarh
2. The Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited, Head Office: Vidyut Sadan, Vidyut Nagar, Hisar -125005.
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula - 134109.
4. The Chief Engineer 'Op', Hisar.
5. The Superintending Engineer 'Op' Narnaul.
6. The Executive Engineer 'Op' Narnaul.
7. The SDO 'Op' Ateli.