



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. : 41/2023  
Registered on: 18.04.2023  
Date of order: 23.05.2023

In the matter of: -

**Representation under Section 142 read with Section 146 & Section 149 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of direction to the Respondents to comply with the orders dated 05.06.2022 passed by the forum for Redressal of Consumer Grievances, DHBVNL, Gurugram.**

Shri Nikhil Garg, M/s Chanda Cotton Ind. Adampur Mandi, Hisar through Advocate Shri 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:**

SDO 'Op' Sub Division, Adampur

**ORDER**

**A.** Shri Nikhil Garg, M/s Chanda Cotton Ind. Adampur Mandi, Hisar through Advocate Shri Akshay Gupta has filed a Representation under Section 142 read with Section 146 & Section 149 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of direction to the Respondents to comply with the orders dated 05.06.2022 passed by the forum for Redressal of Consumer Grievances, DHBVNL, Gurugram. 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 read with section 146 & section 149 of Electricity Act-2003 for violation of the Regulations framed by the Commission.

**Grievance submitted to CGRF:**

- i. Appellant petitioner is having an industrial connection bearing account number H23-MTHT-0034 (released on DEC-2019) under the jurisdiction of SDO (op) Sub Division Adampur Mandi, this connection falls under agro category and in Adampur Mandi is in D block as per the categorization of blocks by Haryana Government. As per Nigam Sales Circular D20-2018 consumer is eligible to get exemption on ED for a period of 10 years from date of connection.
- ii. But the ED exemption benefit was not given to consumer hence consumer filed the case in Ld. CGRF DHBVN Gurgaon on dated 03.01.2022 vide case number 3947/2022.
- iii. Respondent submitted his reply vide memo no 1244 dated 12-4-2022 and in his reply he has submitted "it is submitted that above consumer filed the complaint in the court of Hon'ble CGRF that ED benefit not given to complainant as per Sales Circular No D -20/2018. We are collecting the consumption data and due refund will be adjusted in next billing cycle"
- iv. On next hearing dated 16-05-2022 Respondent submitted his reply vide memo no 1586 dated 16-05-2022 and in his reply he has submitted "it is submitted that above consumer filed the complaint in the court of Hon'ble CGRF that ED benefit not given to complaint since 2019 (i.e. from date of connection). We have checked the records and found that the claim of the complainant is correct.
- v. As the reply submitted by the respondent is as per the claim of the petitioner and accordingly CGRF dispose off the case on 05.06.2022.

**Ground of Non-Compliance: -**

- i. As the respondent in his reply dated 16-05-2022 clearly submitted that as per Nigam Sales Circular D-20/2018 ED to appellant petitioner is exempted for a period of 10 years from date of connection but the respondent kept on charging the ED in the monthly bills of appellant petitioner.
- ii. Respondent not refunded the ED charged after 01.04.2022 to till today.
- iii. Respondent defeated the purpose of Haryana Government to promote the industries in backward industrial area of Haryana by providing them exemption of ED.

The appellant petitioner submitting this representation to Hon'ble Ombudsman for non-compliance of above CGRF DHBVN Gurgaon order dated 05.06.2022 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. Exemption of ED in monthly electricity bills from date of connection to period of 10 years.
2. Refund of ED charged after 01.04.2022.

3. *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.*
4. *Compensation @ 100 /- Rs Per day for the period of delay in exemption of ED.*
5. *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 18.04.2023 as an appeal No. 41/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 23.05.2023.

**C.** The respondent SDO vides email dated 19.05.2023 has submitted reply which is as under: -

*It is submitted that above consumer filed the complaint in the court of Hon'ble CGRF that ED benefit not given to the complainant since 2019. We have checked the records of the claim. The due amount Rs. 226764/- has already been adjusted vide SC&AR No. 25/243 upto April, 2022. The pending amount Rs. 61980/- for the period may 2022 to April, 2023 will be refunded in the upcoming bill. The Connection of the subject cited firm is of net metering solar connection, the billing system in under process and will be resolved soon. So you are requested to dispose of the case without any cost.*

**D.** Hearing was held on 23.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO submitted that the refund of Rs. 226764/- on account of ED upto April, 2022 has already been adjusted vide SC&AR No. 25/243 and sundry for refund of Rs. 61980/- for the period may 2022 to April, 2023 has been prepared vide SC&AR No. 233/243 and will be sent to CBO. Further, submitted that the ED refund will also be allowed in future as per instructions. The counsel for the appellant was satisfied with the reply of the respondent SDO. Therefore, the instant appeal is disposed of, accordingly.

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

Given under my hand on 23<sup>rd</sup> May, 2023.

**Dated: - 23<sup>rd</sup> May, 2023**  
**CC-**

**Sd/-**  
**(Virendra Singh)**  
**Electricity Ombudsman, Haryana**

**Memo. No. HERC/EO/Appeal No.41/2023/844-850**

**Dated: 24.05.2023**

1. Shri Nikhil Garg, M/s Chanda Cotton Ind. Adampur Mandi, Hisar.

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', Rohtak, Old Power House Colony, Circular Road, Rohtak.
5. The Superintending Engineer 'Op' Hisar.
6. The Executive Engineer 'Op.' Division II, Hisar.
7. The SDO 'Op' Sub Division, Adampur.

Appeal No. 41/2023/EO