



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

(Regd. Post)

Appeal No : **90/2023**
Registered on : **18.10.2023**
Date of Order : **28.11.2023**

In the matter of: -

Appeal against the order dated 29.08.2023 passed by CGRF UHBVNL, Kurukshetra in case No. 86 of 2023.

M/s Indus Towers Limited House No. 58/4, R.K Puram, Karnal **Appellant**

Versus

1. The Executive Engineer Operation, UHBVN, Samalkha **Respondent**
2. The SDO Operation, UHBVN Chhajpur

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri Mahabir Singh Chauhan

Present on behalf of Respondents:

Shri Yatendra Katara, SDO Operation, UHBVN Chhajpur

ORDER

A. M/s Indus Towers Limited has filed an appeal through Shri Raj Kumar Kamboj against the order dated 29.08.2023 passed by CGRF UHBVNL, Kurukshetra in case No. 86 of 2023. 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 had a permanent NDS connection bearing A/C No. P15-RR21-1096 in the name of M/s Indus Towers Ltd. at Village Rajakheri District Panipat under Operation Sub Division, UHBVN, Chhajpur, Panipat. The ACD of Rs.12000/- was deposited vide BA-16 No. 106/45023 Dated 21/05/2007. The connection of the Sanctioned load of 12 KW was released on 12/06/2007. The account number of the connection later on changed to TW-01/1051 to PD-90/1662 to PD-32/1603. It was submitted by us before the SDO Op Sub Division, UHBVN, Chhajpur that our installation is not in use due to operational problems and we do not need the electric connection any more. We had applied for the permanent disconnection of the connection. The connection was permanently disconnected by the Nigam on 06/07/2017 vide PDCO No. 02/503. The ACD of Rs.12000/- so deposited against the connection has not been adjusted in the account after the permanent disconnection of the connection in the last 6 years despite our repeated requests.
3. We have been representing Nigam for the last about 3 years to adjust the ACD of Rs.12000/- in the account. We had submitted the representation vide no. SPL-137/EB-03/KCS/BILLS/21 Dated 26/02/2021 but no action was taken. We had also submitted the Hand Receipt with necessary affidavit and request application to the SDO to pay back the ACD in cash/by cheque if there is no defaulting amount against the connection. We are regularly visiting the Nigam office to get the ACD adjusted/refunded but we have not been heard so far.
4. We had submitted our grievance to the Circle Forum of Redressal of Consumer Grievance, Operation Circle, UHBVN, Panipat vide our No. SPL-89/CGRF-3/UHBVN/22 Dated 02/01/2023. The Grievance was not heard by the Forum for more than 4 months. We had not even been provided the acknowledgement of the receipt of the Grievance so submitted. We had been approaching the CGRF, Operation Circle, UHBVN, Panipat for 4 months but we were not heard. We had left with no alternative than to approach the Corporate Forum of Redressal of Consumer Grievance, UHBVN, Kurukshetra.
5. We had submitted our Appeal before the Corporate Forum for Redressal of Consumer Grievances, UHBVN, Kurukshetra vide our No. SPL-90/CGRF-3/UHBVN/23 Dated 10/05/2023. The Appeal was Registered

as Complaint No. 86/2023 Dated 17/05/2023. The Appeal is decided on 29/08/2023 and the Orders is conveyed to us vide Memo No. Ch-23/UH/CGRF-86/2023 Dated 29/08/2023. The copy of the orders is attached for kind perusal.

6. As per the Orders so conveyed, the SDO Operation Sub Division, UHBVN, Chhajpur attended the hearing on 16/08/2023 and submitted his reply vide his Memo No. 1526 Dated 10/08/2023 vide which he stated that the amount of Rs.12000/- stands adjusted in the account of the consumer which will be reflected in the next billing cycle and thereby amount of Rs.573122/- is payable by the complainant. The defendant SDO had misled the Forum. The Forum accepted the statement of the defendant SDO without going into the facts of the case. The orders of the Forum is thus not based on the facts and is only on the misleading statement of the defendant SDO.
7. The facts are that the connection was permanently disconnected on 06/07/2023. No bill is issued to the consumer is last 6 years. The account is closed in the revenue records of the Nigam and no billing ledger is being issued since then. Further the last account number of the connection in 2016 was PD-32/1603. The vendor who was preparing the ledger in 2017 is changed and the bills are now being billed by the CBO of the Nigam. The permanently disconnected connection is not ported to the new billing system in last 2 years. The connection do not have 10 digits account number and no bill is being issued by the present billing system in APDRP operated in CBO of the UHBVN. The defendant SDO misled the Forum that the ACD is adjusted in the account and the same shall be reflected in next billing cycle. The Forum without going into the fact that no bill shall be issued for the account in the next billing cycle, passed the present Order. The order so passed by the Forum cannot be executed as no bill of the connection shall be issued in next billing cycle.
8. It is prayed that the Order passed by the Forum be set aside. It is also prayed that the observation be passed for Corporate Consumer Grievances Forum who passed the orders on the misleading statement of the defendant SDO without going into the facts of the case. The defendant Nigam be directed to adjust/refund the ACD of Rs.12000/- which was deposited on 21/05/2007 before the release of the connection on 06/07/2017. It is further prayed that the appropriate action be taken against the defendant SDO for misleading the CCGRF and for not taking

action on our genuine grievance for the last 6 years and despite our regular pursuing for the last more than 2 years.

The Rejoinder to the Appeal No. 90/2023 Dated 18/10/2023. Applicant submits as under: -

1. It is submitted that we had submitted our Appeal against the orders dated 29/08/2023 passed by the Corporate Consumer Grievances Redressal Forum, UHBVN, Kurukshetra for considering, setting aside the Orders of CCGRF, UHBVN, Kurukshetra and redressing our grievances. The Appeal is admitted vide Appeal No. 90/2023 Dated 18/10/2023. The Notice of Motion is issued vide Endstt. No. 3114-20/EO/HERC/Appeal No. 90/2023 Dated 18/10/2023.
 2. We had submitted in Para No.7 that the connection was permanently disconnected on 06/07/2023. The date of the permanent disconnection so stated is entered incorrectly due typographical error. The correct date of permanent disconnection is 06/07/2017.
 3. We had submitted under Para No.8 that the defendant Nigam be directed to adjust/refund the ACD of Rs.12000/- which was deposited on 21/05/2007 before the release of the connection on 06/07/2017. The date of release of the connection so stated is entered incorrectly due typographical error. The correct date of the release of the connection is 12/06/2007.
 4. It is prayed that the error correction in the Appeal may please be accepted and take appropriate action.
- B.** The appeal was registered on 18.10.2023 as an appeal No. 90/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 02.11.2023.
- C.** Shri Raj Kumar Kamboj, authorized representative of appellant submitted rejoinder vide letter dated 20.10.2023, which is reproduced as under:
1. It is submitted that we had submitted our Appeal against the orders dated 29/08/2023 passed by the Corporate Consumer Grievances Redressal Forum, UHBVN, Kurukshetra for considering, setting aside the Orders of CCGRF, UHBVN, Kurukshetra and redressing our grievances. The Appeal is admitted vide Appeal No. 90/2023 Dated 18/10/2023 The Notice of Motion is issued vide Endstt. No. 3114-20/EO/HERC/Appeal No. 90/2023 Dated 18/10/2023.

2. We had submitted in Para No.7 that the connection was permanently disconnected on 06/07/2023 The date of the permanent disconnection so stated is entered incorrectly due typographical error. The correct date of permanent disconnection is 06/07/2017.
3. We had submitted under Para No. 8 that the defendant Nigam be directed to adjust/refund the ACD of Rs.12000/- which was deposited on 21/05/2007 before the release of the connection on 06/07/2017 The date of release of the connection so stated is entered incorrectly due typographical error. The correct date of the release of the connection is 12/06/2007.

It is prayed that the error correction in the Appeal may please be accepted and take appropriate action.

D. The respondent SDO vide email dated 02.11.2023 has submitted reply which is as under: -

1. Consumer applied for EOL on dated 08.10.2021 and the same load from 12 KW to 24 KW was released 21.12.2021.
2. Copy of advice for updation ACD and EOL in the electricity bill is sent Hartron Billing Agency Marc, 2022.
3. A letter was sent to the Incharge Hartron Billing Agency Panipat to update the ACD in the electricity Bill of M/s Indus Tower and against same latter sent to same agency for updation.
4. But the Hartron Billing Agency could not update the ACD in the electricity bill due to migration of billing date non-RAPDRP to RAPDRP.
5. In the month Marc, 2022 wrongly to effect Change of Name after this the undersigned write a letter to concerned Clerk for this mistake.
6. After receiving the letter by concerned clerk to give his reply that the entry is wrongly change of name while as the entry to update ACD due to overload work.
7. May, 2022 again entry in the advice register to correction the name and the same was effected.
8. During the period from 05-2022 to 11-2022 the electricity bill has not been made as this office is under migration (Non-RAPDRP to RAPDRP).
9. In the month Nov, 2022 the ACD of Rs. 24000 + 10000 is updated by Back Office UHBVN Panchkula.

E. Hearing was held on 02.11.2023, as scheduled. Both the parties were present during the hearing through video conferencing. The reply submitted by the

respondent SDO is wrong i.e. not relating to the present appeal. The respondent SDO requested time to check and to respond. The respondent SDO is directed to submit the point wise reply with an advance copy to the appellant. Acceding to the request, the matter was adjourned for 28.11.2023.

F. The respondent SDO vide email dated 23.11.2023 has submitted reply which is as under: -

1. As per this office record a permanent NDS connection bearing account number P15-RR21-1096 later converted into A/C No. P15-PD32-1603 in the name of M/s Indus. Towers Ltd. at village Raja Kheri District Panipat under (OP) Sub-Division Chhajpur Panipat. The ACD of Rs. 12000/- was deposited vide BA16 No. 106/45023 dated 21.05.2007. The connection of S.Load of 12 KW was released on 12.06.2007. Moreover, vide PDCO No. 02/503 dated 04.07.2017, PDCO was issued on pending defaulting amount and got affected on dated 06.07.2017 attached as Annexure A&A1.
2. An affidavit has been submitted by Sh. Navjot Kumar an authorized representative of M/s Indus. Tower Ltd. to deal with electric connections in UHBVN in the month of May-2023. Therefore, ACD of Rs. 12,000/- has adjusted in the month of July 2023 vide SCAR. No. 102/267.
3. After adjustment of ACD the net amount payable to consumer is Rs. 5,73,122.

G. Shri Raj Kumar Kamboj, authorized representative vide email dated 24.11.2023 requested the following, which is reproduced 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 had filed the Appeal before the Electricity Ombudsman, Haryana against the Orders of the Corporate CGRF, Kurukshetra vide our no. SPL-99/CGRF-3/UHBVN/23 Dated 15/09/2023. The Appeal was Registered as Appeal No. 90/2023 Dated 18/10/2023. The Appeal is to be heard on 28/11/2023. It is submitted that the defendant SDO has now redressed our grievances. We do not want to pursue the Appeal further. It is prayed that our Appeal may please be decided and closed.

H. Hearing was held today, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the representative of the appellant submitted that the appellant vide email dated 24.11.2023 has already submitted that the respondent SDO has redressed their grievances and they do not want pursue the appeal further. Therefore, nothing left for further adjudication. In view of the forgoing facts, the instant petition is disposed-off being infructuous.

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

Given under my hand on 28th November, 2023.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 28th November, 2023

CC-

Memo. No. HERC/EO/Appeal No. 90/2023/ 3633-39

Dated: 29.11.2023

1. M/s Indus Towers Ltd. House No. 58/4, R.K Puram, Karnal (Email mr_mschauhan@yahoo.co.in).
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109 (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, Sector-14, Panchkula (Email ceoppanchkula@uhbvn.org.in).
5. The Superintending Engineer/OP, Panipat, 132 KV Sub Station, Gohana, Road Panipat (Email seoppanipat@uhbvn.org.in).
6. The Executive Engineer Operation, Samalkha, Near Jangra Dharamshala, Officers Colony, Samalkha (Email xenopsamalkha@uhbvn.org.in).
7. The SDO (Operations), Chhajpur, 132KV Sub Station, Chhajpur (Email sdoopchhajpur@uhbvn.org.in).