



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. : 24/2024
Registered on : 13.08.2024
Date of Order : 24.09.2024

In the matter of:

Appeal against the order passed by CGRF DHBVN Gurugram on 27.06.2024 in case No 4699/2024.

Sh. Sat Parkash H. No. 141, G Indira Enclave, Sec-20 Faridabad
Versus

Appellant

1. The Executive Engineer (Operation), DHBVN, Old Faridabad.
2. The SDO (Operation), Sec-21, DHBVN, Faridabad.

Respondent

Before:

Shri Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Sat Parkash

Present on behalf of Respondents:

Shri Sunil Dutt, SDO (Operation), Sec-21, DHBVN, Faridabad

ORDER

A. Shri Sat Parkash has filed an appeal against the order dated 27.06.2024 passed by CGRF, DHBVNL, Gurugram in complaint No. DH/CGRF- 4699/2024. The appellant has requested the following relief: -

I am writing to appeal against the order mentioned above. I initially appealed to the forum (Case No. 4699/2024 dated 25/05/2024) for the waiver of the electricity bill surcharge of Rs. 9790/-, which was re-added to my bill. The forum did not rule in my favor, and I am requesting your intervention to waive the surcharge and the penalty associated with it for the following reasons:

1. I was never informed about Rule D24/2022 of the Electricity Department, which mandates the payment of six regular electricity bills or bills for one year.
2. According to Rule D24/2022, if the remaining premium balance is paid immediately, the rule concerning six installments does not apply. I paid the full balance of Rs. 34,243/- on the same day the surcharge was waived, so the rule should not apply to my case as I did not opt for the six-installment option.
3. This rule, D24/2022, is only applicable to cases where the six-installment option is chosen.

4. The amount of Rs. 9790/- was repeatedly added to my bill, preventing me from making online payments. I had to visit the electricity office for corrections each time.
5. To correct my bill, I had to visit the electricity office 2-3 times, incurring autorickshaw charges of approximately Rs. 300-400 per visit. Despite corrections, the surcharge was re-added in the next bill.
6. I have spent over Rs. 4000/- on autorickshaw charges and visits to the Electricity Office and the Forum Office for case hearings. Additionally, approximately Rs. 6000/- in penalties has been added to my bill due to the recurring surcharge, costing me 2-3 times the initial surcharge amount.
7. I fail to understand if the surcharge waiver scheme is intended to relieve citizens or to harass them with multiple office visits for waiver processing.
8. On the hearing date 18.06.2024, the forum informed me that my surcharge and penalty were waived due to the deprivation of online payment options and apologized for the harassment. However, the surcharge has been re-added to my current month's bill.
9. After getting relief of surcharge in the bill of September 2022, I paid first bill/premium amount on 11.10.2022 and second bill of Rs. 1369/- dated 02.12.2022 and third bill was not paid in time because of not deducting surcharge from my bill even after 2-3 visits in electricity bill office and it was paid along with fourth bill on 28.03.2023 and fifth bill of Rs. 3145/- was paid by me but sixth bill which was the first bill started next year after July 2023, my relief of surcharge (I paid all the bills of one year). I could not pay because of my minor heart and brain attack due to which I admitted in Asian Hospital then in Medanta Hospital, Gurgaon. Proof was attached for admitting in hospitals and I wanted to pay it on online but could not pay due to re-addition of surcharge in my electricity bill and I was not able to travel and surcharge was not deducted by the electricity office when I send it for deduction in the electricity bill office through 3d person. I would have deposited it online if it was a normal bill without the addition of surcharge. It was not my any fault and control on my illness of brain attack. So, I pray to deduct re-added surcharge and its penalty on it.

I am 76 years old and have faced significant harassment due to this issue. I request you to resolve my issue by waiving the surcharge and all

associated penalties so that I do not have to seek further redress/harassment through the consumer court.

- B.** The appeal was registered on 13.08.2024 as an appeal No. 24/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 27.08.2024.
- C.** The respondent SDO vide email dated 22.08.2024 has submitted reply, which is reproduced as under:
1. The surcharge waiver scheme was introduced vide sales circular no.- D22/2024 on dated 31.08.2022 for the connected and disconnected consumer who were defaulter of Nigam as on 31.12.2021. So, the benefit of surcharge is given to the consumer after informing to him.
 2. According to Sales Circular D24/2022 in clause no. 1 (D) fails to pay the due principal amount in lumpsum or specified installments and defaults in the payment of 6 current bills, the full surcharge amount shall be revived, and consumer will be considered out of scheme.
 3. No, the sales circular D24/2022 is applicable to both the case i.e. in lumpsum or in 3 subsequent bills as per 1. (b).
 4. The amount of Rs. 9790/- i.e. surcharge was remined balance on consumer bill and as per the sales circular D24/2022 the surcharge amount shall be waived off in installments with regular payment of 6 current bills. So, to pay the current cycle charge the consumer have to submit request to activate part payment.
 5. The bill of consumer is correct as per the reading.
 6. As the bill of consumer is correct and the forum has also observed it.
 7. The surcharge waiver scheme was applicable for connected and disconnected consumers who were defaulter to Nigam,
 8. As per the forum order dated 27.06.2024, the forum directed "the SDO (OPO Sec-21, DHBVN, Faridabad to charge complainant accordingly in 6 installments as per the request.
- D.** Hearing was held on 27.08.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant submitted that no reply by the respondent has been received. The respondent SDO is directed to provide a copy of the reply to appellant within 2 days and appellant is directed to submitted rejoinder, if any within 7 days on the receipt

of reply, with an advance copy to the respondent. The matter was adjourned for hearing on 24.09.2024.

E. The respondent SDO vide email dated 18.09.2024 has submitted as under:

1. The rejoinder reply memo no. 628 dated 22.08.2024 sent through mail to Sh. Satparkash consumer (applicant) on dated 27.08.2024 at Gmail ID – principalsgupta@gmail.com.
2. Further the same rejoinder reply sent by post vide India Post IVR No. 6972187502536 dated 01.09.2024, EH187502536IN.
3. In this regard the CGRF order passed by the forum, letter sent to SE Commercial (CBO) vide memo no. 691 dated 02.09.2024 for advice.

F. Hearing was held today, as scheduled. Both the parties were present through video conferencing. At the outset, the appellant reiterating his appeal submitted that he had opted for the surcharge waiver Scheme 2022 and deposited Rs. 34243/- (After deducting surcharge which was waived off) as lump sum payment. After that he paid first bill on 11.10.2022 and second bill of Rs. 1369/- dated 02.12.2022 and third bill was not paid in time because of not deducting surcharge from my bill even after 2-3 visits in electricity bill office and it was paid along with fourth bill on 28.03.2023 and fifth bill of Rs. 3145/- was paid by me but sixth bill could not be paid because of his minor heart and brain attack due to which he was admitted in Asian Hospital then in Medanta Hospital, Gurgaon.

G. Per contra the respondent SDO submitted that the appellant did not deposited 6 current bills within time as per conditions of the sales circular no. D24/2022, the surcharge amount was revived accordingly.

H. The order dated 27.06.2024 is referred. The operative part of the order is as under:

“After due verification, it is found out that the consumer did not paid total 6 current bills as per scheme opted due to which the consumer was considered out of the scheme and hence surcharge is again revived. The forum observed that as per the reply of sub division memo no.267 dated 25.06.2024, the complainant did not submit 6 instalments continuously thus the surcharge levied Rs. 9790/- again in complainant account. The forum directs the SDO, op sector 21, Faridabad to charge complainant accordingly in six instalments as per his request. “

I. In surcharge waiver scheme-2022 circulated by DHBVN vide Sales Circular No. D-24/2022 dated 31.08.2022, inter alia the following conditions are mentioned to give the benefit of surcharge waiver scheme;

- b. *The consumers who decide to participate in the scheme shall have the option of paying principal amount as on the date of notification along with recalculated surcharge in lumpsum or in 3 subsequent bills. If the payment is made in lumpsum, then a rebate of 5% will be given on principal amount.*
- c. *The freezed surcharge amount shall be waived off in installments with the regular payment of 6 current bills.*
- d. *In case the consumer fails to pay the due principal amount alongwith recalculated surcharge in lumpsum or specified installments and/or defaults in the payment of 6 current bills, the full surcharge amount shall be revived and consumer will be considered out of scheme.*

J. In view of the above discussions and facts, it is observed that as prerequisite of the Sales Circular No. D-24/2022, the freezed surcharge amount shall be waived off in installments with the regular payment of 6 current bills. But the appellant failed to make regular payment of 6 current bills and the respondent has revived the full surcharge. Therefore, the decision of the CGRF dated 27.06.2024 is found in order and hence upheld.

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 24.09.2024.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 24.09.2024

CC-

Memo. No. 1647-53/HERC/EO/Appeal No. 24/2024

Dated: 25.09.2024

1. Sh. Sat Parkash, H. No. 141, G Indira Enclave, Sec-20 Faridabad.
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar.
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
4. The Chief Engineer /Operation, DHBVN, Delhi Zone, Delhi.
5. The Superintending Engineer / Operation, DHBVN, Faridabad.
6. The Executive Engineer /Operation, Old FBD Division DHBVN, Faridabad.
7. The SDO Operation, Sec-21 Division, DHBVN, Faridabad.