



**BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA**  
**Haryana Electricity Regulatory Commission**  
**Bays No. 33 - 36, Sector - 4, Panchkula-134109**  
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(Regd. Post)

**Appeal No** : 34/2024  
**Registered on** : 04.10.2024  
**Date of Order** : 12.11.2024

**In the matter of: -**

**Appeal against the order dated 30.07.2024 passed by CGRF UHBVNL, Panchkula in complaint no. UH/CGRF- 179/2024.**

Shri Amit Bansal, S/o Late Shri Virender Bansal, R/o # 1911, Dhiwan Bhawan, Dharampura Colony Jagadhri, District Yamuna Nagar **Appellant**  
Versus

1. The Executive Engineer Operation Division, UHBVN, Jagadhri  
2. The SDO Operation, City Sub Division UHBVN, Jagadhri **Respondent**

**Before:**

Shri Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Shri Amit Bansal

**Present on behalf of Respondents:**

Shri Ajit Kumar, SDO Operation, City Sub Division UHBVN, Jagadhri

**ORDER**

**A.** Shri Amit Bansal has filed an appeal against the order dated 30.07.2024 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 179/2024. The appellant has requested the following relief: -

The appellant/complainant most respectfully submits as under: -

- 1) That the captioned appellant complaint has before filed the C.G.R.F. Panchkula, the brief facts of which are that "The electric meter of the house was changed by the department and the lab report mentioned the meter to be found OK. The meter was changed on 05.04.2022 but in bill of June-2023, the auditors charged sundry charges of Rs 51069/- disregarding the report which found the meter to and be OK tempered with. The appellant not kept visiting the office regularity and was verbally assured by the concerned staff that the error would be corrected in due course of time. However, it has not been corrected till date and now the staff is reluctant to work on this matter.
- 2) That thereafter vide the impugned order the said complaint was dismissed by the form.
- 3) That the impugned order of the forum are liable to be set aside on the following grounds:
  - A) That the impugned order has been passed on the basis of conjectures and surmises.

- B) That the impugned order has been passed without appreciating the contents of the complaint.
  - C) That the Ld. forum, which passing the impugned order have ignored the relevant documents.
  - D) That the impugned order has been passed arbitrarily and in hasty manner.
  - E) That the impugned order has been passed without adopting the principle of natural justice.
  - F) That the impugned order is Self contradictory as the forum itself in the operating Paragraph has mentioned that "The forum has gone through the consumption data of the complainant for one year prior and after the change of meter and the reading per day against new meter comes out 18599 unit (2022-2023) whereas against old meter the same was existing 18185 units (2021-22). So there is no major difference and the consumption stands approximately at Hence par. the amount raised through half margin and further charged by SDO/Respondent to the consumer becomes rightly chargeable". Since the forum itself admitted that there was no major difference between the consumption of two years, then how the amount charged was right.
- 4) That as required under Haryana Electricity regulatory commission (Forum & Ombudsman), regulations 2020, the impugned order was not intimated to the complainant on time and hence the appeal could not have been filed within limitation, however after receiving the copy of the orders, there is no unnecessary delay on the part of the appellant.

It is therefore, most respectfully prayed that the present appeal may kindly be allowed and the order dated 30.07.2024 passed by C.G.R.F UHBVNL, Panchkula, in case titled as Amit Bansal Vs xen (OP), in complaint no. UH/CGRF-179/2024 instituted on 21.06.2024, date of final hearing 23.07.2024, decided on 30.07.2024 may kindly be set aside in the interest of justice.

- B.** The appeal was registered on 04.10.2024 as an appeal No. 34/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 22.10.2024.
- C.** The respondent SDO vide letter dated 22.10.2024 has submitted reply, which is reproduced as under:

In this regard, it is intimated that the meter was changed of the complainant which was namely Sh. Jugal Kishore vide SJO No. 2 dated 11.04.2022. As per

checking report of vigilance due to which old version meter was removed and got packed vide LL-1 No. 17/12110 dated 06.04.2022. The said meter was sent to M&T Lab for internal examination. The meter was examined by the SDO M&T Lab and found meter was dead stop in his report on dated 10.05.2022.

Further the amount overhauled by the Audit from 08.11.2021 to 05.04.2022 and amounting Rs. 51069/- found chargeable vide HM No. 7 dated 16.02.2023 on the base of new meter consumption from 12/2021 to 04/2022 of 148 days and the above said amount charged from 08.11.2021 to 05.04.2022 of 208 days. Hence, the amount of the HM was charged which was charged by this office vide SCA No. 30/35 dated 16.02.2023. Moreover, it is also intimated that the subject cited case was also filed in CGRF Panchkula and the same was decided on 30.07.2024 in favour of Nigam.

- D.** Hearing was held on 22.10.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant submitted that no reply has been received. The respondent SDO is directed to provide copy of reply to the appellant immediately. Further directed to provide the consumption data prior and after replacement of meter. The appellant is directed to submit rejoinder if any within 10 days with an advance copy to the respondent SDO. The matter is adjourned and shall now be heard on 12.11.2024.
- E.** The appellant vide email dated 25.10.2024 has submitted rejoinder against reply submitted by the respondent which is reproduced as under:

It is submitted that my connection bearing No. 9353670000 in the name of Sh. Jugal Kishore was checked by the vigilance on 06.04.2022 and observed that three phase electro-mechanical meter available in the premises. Sticky disc not working properly as seems. Which shows that the meter was working at the time of checking but the M&T Lab declared the meter dead stop and Rs. 51069/- has been charged on the basis of consumption prior to the checking which are against the law, since the meter may got defective during transportation. Also, CGRF in its decision has mentioned that consumption of the appellant before and after replacement of meter is same.

However, even if it is presumed that the meter had gone defective, the respondent can charge amount as per procedure defined in clause 6.9 of Supply Code Regulation (sales circular No. U-2/2020 dated 19.02.2020) which inter-alia provides that

- (a) *On the basis of the consumption recorded during corresponding period of previous year when the meter was functional and recording correctly.*

2.a *In case the consumer was billed provisionally in the manner as specified under Regulation 6.9.1 (1) (a) above, then no further overhauling of the account is required in case there has been no extension of load during the period the meter remained defective. In case there has been extension of load during the period the meter remained defective, then the account of the consumer shall finally be overhauled on the basis of average consumption of ensuing corresponding period recorded by the new meter.*

The respondent has overhauled by taking consumption just prior to the period overhauled contravening the supply code. Therefore, the amount charged be refunded by the respondent.

**F.** The respondent SDO vide email dated 12.11.2024 has submitted reply which is reproduced as under:

In this regard, it is intimated that the meter of the complainant namely Sh. Amit Bansal S/o Sh. Jugal Kishore was changed vide SJO No. 2 dated 11.04.2022. As per checking report of vigilance old version meter was removed and got packed vide LL-1 no. 17/12110 dated 06.04.2022. The said meter was sent to M&T Lab for internal examination. The meter was examined by the SDO M&T Lab and found meter was dead stop in his report on dated 10.05.2022.

Further the account overhauled by the Audit from 08.11.2021 to 05.04.2022 and amounting Rs. 51069/- found chargeable vide HM No. 7 dated 16.02.2023, on the old meter consumption base from 14.04.2021 to 08.11.2021 of 208 days and the above said amount charged from 08.11.2021 to 05.04.2022 of 148 days. Hence, the amount of the HM was chargeable which was charged by this office vide SCA No. 30/35 dated 16.02.2023. Moreover, it is also intimated that the subject cited case was also filed in CGRF Panchkula and the same was decided on 30.07.2024 in favour of Nigam.

**G.** Hearing was held today, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant briefed the appeal and submitted that Rs. 51069/- were charged in the bill of 06/2022 whereas the consumption data of 1 year prior and after replacement of meter is almost same i.e. 18599 (2022-23) and 18185 (2021-22). Further submitted that the amount has not been charged as per Sale Circular No. U-2/2020. Therefore, the amount should be refunded.

Per contra, the respondent SDO submitted that the connection of the appellant bearing account No. 8353670000 was checked by the vigilance vide LL1 No. 17/12110 dated 06.04.2022 and found meter disc sticky and seals doubtful and SDO Operation was directed to get the meter checked from M&T Lab. Accordingly, meter was replaced

vide SJO No. 2 dated 11.04.2022 and the replaced meter was sent to M&T Lab on 10.05.2022 and found meter dead stop and No abnormality found. The audit party overhauled the account for the period 08.11.2021 to 05.04.2022 (148 days) on the basis of consumption recorded during the period 14.04.2021 to 08.11.2021 (208 days) and charged Rs. 51069/- which includes the penalty on account of unauthorized extension of load from 5.1 kW to 9.005 kW.

- H.** The appellant has argued that his meter was working OK and might have become defective during the transportation. Further he submitted that even if it is presumed that the meter had gone defective, the respondent can charge amount as per consummation of new meter according to provisions stipulated in clause 6.9.1 (2) (a) of Sales Circular No. U-2/2020 dated 19.02.2020. The respondent SDO was agreed with contention of the appellant.
- I.** The account of the consumer has been overhauled by the respondent due to defective meter for the period 08.11.2021 to 05.04.2022 on the basis of consumption recorded from 08.12.2021 to 05.04.2022, as under:
- a) Actual consumption recorded during 08.11.2021 to 05.04.2022 (148 days) = 4291
  - b) For overhauling account consumption considered for period from 14.04.2021 to 08.11.2021 (208 days) = 13894
  - c) Consumption calculated for period from 08.11.2021 to 05.04.2022 (148 days) =  $(13894/208) * 148 = 9886$
  - d) In view of the above, 5595 (9886-4291), additional units have been charged on the appellant.
- J.** Clause 6.9.1 (2) (a) of Sales Circular No. U-2/2020 dated 19.02.2020/Supply Code Regulations is as under:
- “In case the consumer was billed provisionally in the manner as specified under Regulation 6.9.1 (1) (a) above, then no further overhauling of the account is required in case there has been no extension of load during the period the meter remained defective. In case there has been extension of load during the period the meter remained defective, then **the account of the consumer shall finally be overhauled on the basis of average consumption of ensuing corresponding period recorded by the new meter.**”*

Above evinces that account shall be overhauled on the basis of average consumption of ensuing corresponding period recorded by new meter, whereas the respondent has overhauled the account on the basis of average consumption recorded by new meter

in period just after replacement of old meter. Therefore, the half margin raised and charged in this case is not found in order.

- K.** The respondent SDO has provided corresponding period consumption data after change of meter as under:

12/2022	12.10.2022 to 17.12.2022	66 days	1862
02/2023	17.12.2022 to 28.02.2023	73 days	2918
05/2023	28.02.2023 to 27.04.2023	58 days	1673
		197 days	6453

From the above table, consumption per day comes out to be 32.75 (6453/197) and Consumption for 148 days is computed as 4847 (33.75\*148).

Therefore, 556 units (4847-4291) are changeable on the appellant for the period 08.11.2021 to 05.04.2022 as per Nigam' Sales Circular.

- L.** In view of the above facts and discussions, the respondent is directed revise the bill of the appellant, taking 4847 units as calculated above and subtracting 4291 units already paid by the appellant. 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 12<sup>th</sup> November, 2024.

Sd/-

**(Virendra Singh)**

**Electricity Ombudsman, Haryana**

**Dated: 12.11.2024**

**CC-**

**Memo. No.3011/HERC/EO/Appeal No. 34/2024 Dated: 13.11.2024**

1. Shri Amit Bansal, S/o Late Shri Virender Bansal, R/o # 1911, Dhiwan Bhawan, Dharampura Colony Jagadhri, Yamuna Nagar
2. The Managing Director, UHBVN, IP No.: 3&4, Sector-14, Panchkula
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula
4. The Chief Engineer (Operation), UHBVN, IP No.: 3&4, Sector-14, Panchkula
5. The Superintending Engineer (Operation), Yamunanagar, Hydrel Colony, Govind Puri, Near Kanhaiya Sahib Chowk, Yamuna Nagar
6. The Executive Engineer (Operation), UHBVN, Jagadhari, Hydrel Colony, Govind Puri, Near Kanhaiya Sahib Chowk, Yamuna Nagar
7. The SDO (Operation), UHBVN, City S/Divn. Jagadhri, Labour Colony, Near SDM Residence, Jagadhri, Distt. Yamuna Nagar