



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.	:	01/2019
	Received on	:	31.01.2019
	Registered on	:	07.02.2019
	Date of Hearing	:	15.04.2019
	Date of Order	:	15.04.2019

In the matter of: -

**M/s Indus Towers Limited, Bestech Business Phase – 9, Sector – 66, Mohali, Punjab
Dhanora Jagir, Garhi Birbal, Karnal. A/C L25-GD-17-3114**

Appellant / Petitioner

Versus

UHBVNL

Respondents

Before:

Mrs. Surbhi Jain, Electricity Ombudsman

Present on behalf of Appellant

Sh. G.K. Nandan, Consultant

Present on behalf of Respondents

Sh. Paramjeet Singh, SDO / Op., S/D, Garhi Birbal

ORDER

The matter was heard today, as scheduled. During the hearing, the appellant submitted the replication on the basis of the para-wise comments dated 19.3.2019, submitted by the respondent SDO.

Sh. G. K. Nandan of M/S Indus Tower limited Mohali, has appeared against the order dated 31.12.2018, of CGRF, Kurukshetra, passed in case No.30/2018.

Brief background of the case:

The appellant has submitted that he has an electricity connection bearing A/c No. L25-GD-17-3114 at village Dhanora Jagir, Karnal under Operation Sub Division,

UHBVN, Garhi Birbal, Karnal MDI reading recorded by the Meter reader is found as 16 kw on 05/08/2015. The sanctioned load of the connection was 20 kw.

The report for site verification, which is undated, is not on the prescribed LL-1 performa. The checking report is prepared on a simple paper without any authority of the site checking of the connection. The MDI reading "d" is observed as 25 KW. The value of "c" and "n" are not recorded. The load is considered to be extended as $25 - 20 = 5$ KW. The audit framed the Half Margin No.03 dated 11/12/2017 for assessing the ACD as Rs.5,000/- and Service Connection Charges as Rs.10,000/- In another Half Margin no 02 dated 11.12.2017, the penalty of extension in load of 5 KW is assessed as Rs.3,900/-. And the fix charges of 25 KW are assessed for the last 6 months as Rs.20,000/-. There is no provision of charging the service connection charges and the fix charges for the last 6 months in the HERC Regulation 29/2014. The MDI is reset now on 27/12/2017 vide SJO No.65/137 dated 19/12/2017. The value of "c" of MDI is not recorded on SJO, before and after resetting the MDI, to justify the claim of the Nigam. Further they have received memo no 1957 dated 20.12.2017 and memo no. 1958 dated 20.12.2017 from SDO OP Sub Division, UHBVNL, Garhi Birbal, Karnal, vide which the notice of the demand is issued for Rs.15,000/- on half margin no 03 dated 11.12.2017 and Rs.23,900/- on half margin no. 02 dated 11.12.2017.

It is prayed to direct the Nigam to withdraw the charges based on the unauthorized checking report and the assessment which is made against the provision of the HERC Regulation 29/2014. These charges are not prescribed as penalty, in any of the instruction of the Nigam. The fix charges are the part of the tariff and they can only be billed if the SOP is billed on KVAH tariff. Both fixed charges and SOP on recorded KWH at the KWH tariff cannot be billed together as per tariff order. The assessment of Rs.20,000 is absolutely wrong.

Reply on behalf of respondents in the shape of affidavit is as under: -

1. In the reply of Para No.1 is matter of record.
2. In the reply of Para No.2, it is submitted that the bearing A/c No. L25GD17/3114 is in the name of M/S Indus Tower Limited at village Dhanora Jagir, Tehsil Indri, Karnal. The served memo no.1957 dated 20.12.2017 was on the basis of HM for demand of

Rs.15,000/- on a/c of charges of ACD Rs.5,000 + service connection charges Rs.10,000/- and same was not charged by this office and served memo no.1958 dated 20.12.2017 was on the basis of HM for demand of Rs 20,000 + 3,900/- on a/c of penalty of fix charges and excess load (due to MDI exceed). Now only Rs. 20,000/- (penalty of fix charges) is adjustable as per Nigam instruction and same has been withdraw from the account of complainant/Appellant.

3. In the reply of Para No.3, it is submitted that now the charged amount of Rs.20,000/- has been adjusted in his connection account.

4. In the reply of Para No.4, the representation was heard but there was no instruction regarding irrespective period charging of MDI excess case. Now charged amount of Rs.20,000/-has been adjusted in the account of complainant /Appellant as per instruction of the Nigam.

5. In the reply of Para No. 5, reply has been submitted in para no 3&4.

6. In the reply of Para No. 4, it is submitted that the respondent/ deponent office make communication vide office memo no Ch-1069 dated 17.7.2018 and as well as by the Hon`ble CGRF vide memo No. Ch-83/UH/CGRF-4/Estt/Vol-4 dated 16.10.2018 to the chief Engineer(commercial) UHBVN, Panchkula and same was not received by this office up till the date of filling the appeal. Now the charged amount for Rs. 20,000/- has been adjusted in the account of appellant as per instruction of Nigam.

On perusal of the reply of the respondent, as above, the appellant has submitted as under vide his statement dated 15.04.2019.

It is stated that in view of the affidavit dated 19.03.2019, produced by Sh. Paramjeet Singh, SDO 'OP' Sub Division, UHBVNL, Garhi Birbal Karnal, during the hearing today, I do not want to pursue the present appeal and withdraw the same.

ORDER

Keeping in view the above, material available on record and the submissions made by the appellant, the appeal is disposed of as "Settlement by Conciliation" in terms of HERC Regulations HERC/42/2019 dated 29.03.2019.

File may be consigned to record.

Given under my hand, on this day of 15th April, 2019.

Sd/-
(Surbhi Jain)

Dated: 15.04.2019

Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No. 01/2019/5512-18

Dated: - 22.4.2019

A copy of the above is forwarded to the following:

1. The Managing Director, UHBVNL, Sector – 6, Shakti Bhawan, Panchkula.
2. The Chief Engineer 'Op.' UHBVNL, Sector – 5, Panchkula.
3. The Chairman, Forum for Redressal of Consumer Grievances, UHBVNL, Vidyut Sadan, Sector – 8, Kurukshetra.
4. The SE, 'Op' Circle, UHBVNL, Sector – 12, Karnal.
5. The Executive Engineer, Operation, Division No.1, UHBVNL, Sector 12, Karnal.
6. The SDO/Operation, S/ Divn, Garhi Birbal, Karnal.
7. M/s Indus Towers Limited, Bestech Business Phase – 9, Sector – 66, Mohali, Punjab.