

**BEFORE THE HARYANA ELECTRICITY REGULATORY
COMMISSION AT PANCHKULA**

Case No. HERC/ P.No. 106 of 2025

Date of Hearing : 09/06/2026

Date of Order : 30/06/2026

IN THE MATTER OF:

Petition filed under section 181 of the Electricity Act, 2003 read with Para 3.28 and Para 4.7 of HERC Regulation No. HERC/48/2020 dated 24.01.2020 before the Chairman, HERC having inherent power/jurisdiction praying for issuing necessary orders/ directions in the matter for the ends of Justice.

Petitioner

Dharambir Singh, Village Ismailpur, P.O. Mundakhera, Tehsil Badli, Distt. Jhajjar.

VERSUS

Respondent(s)

Uttar Haryana Bijli Vitran Nigam Limited through its

1. The XEN 'OP' UHBVN Jhajjar.
2. The SDO 'OP' UHBVN, Badli, Sub Division, Jhajjar
3. Sh. Rakesh Kumar Khanna, Electricity Ombudsman, HERC

Present

On behalf of the Petitioner

Sh. Dharambir Singh.

On behalf of the Respondent.

1. Ms. Aerika Singh, Advocate
2. Sh. Lovepreet Singh, Advocate

QUORUM

**Shri Nand Lal Sharma, Chairman
Shri Mukesh Garg, Member
Shri Shiv Kumar, Member**

ORDER

1. Petition:

Most respectfully it is submitted as follows:-

- 1.1 That Ld. Sh. Rakesh Kumar Khanna, as Chairman of CGRF, dismissed the complaint of the Petitioner vide order dt. 19.11.2024 even without hearing the Petitioner on 25.09.2024 and 25.10.2024 as on 25.09.2024, Sh. R.K. Khanna was not present during hearing at Jhajjar and only other two members of CGRF namely Sh. Hera Lal and Sh. Narinder Kumar were present during hearing of the Petition. For hearing for 25.10.2025 the CGRF did not inform the Petitioner and the CGRF heard only the Respondent SDO; Badli and thereby the Petitioner was not present during hearing of CGRF on 25.10.2024 as well.
- 1.2 That the CGRF vide order Dt. 19.11.2024 dismissed the claim of the Petitioner on the ground that the CGRF has no jurisdiction to entertain the complaint which pertain to case falling under section 126 of the Act, as per HERC Notification dt. 24.01.2020. It is pertinent to mention that Ld. Sh. R.K. Khanna has put his false signature in the order dt. 19.11.2024 without even being present during hearing the Petitioner on 25.09.2024 at Jhajjar. Relevant portion of CGRF order dt. 19.11.2024 is reproduced herewith showing his false signature on 19.011.2024.
- 1.3 That the Ld. E.O. HERC vide his interim order dt. 09.05.2025 recorded as follows:-
"SDO respondent further intimated that the case falls under Section 126 which is not in the jurisdiction of CGRF/Ombudsman which is also admitted by the complainant Sh. Dharambir Singh in his appeal."
The above statement was made by the Ld. SDO on the basis of application filed by Sh. Parvinder Singh on 28.06.2021 and certificate given by Ex. Sarpanch on 01.05.2021 recommending for new connection in the name of Parvinder Singh for his H.No. 78 in Lal-dora whereas Plot No. 165 is a recorded plot in Jamabandi in the name of father of the petitioner situated out of Lal-Dora.
- 1.4 That the Respondent SDO filed reply to the representation of the Petitioner dt. 02.12.2024 on 06.02.2025 which has been tabulated in the order dt. 08.07.2025 passed by Ld. E.O., HERC at paras 'D' at pages 15 to 28 showing replies of the SDO, Badli against all paras of submission made by the Petitioner.
- 1.5 That after obtaining replies from the Petitioner and the Respondents, on 05.06.2025, the Ld. E.O. HERC directed the parties to attend hearing in his office on 25.06.2025 at Panchkula as virtual hearing were also held on previous occasions.

- 1.6 That the Petitioner vide letter dt. 10.06.2025 submitted the documents in a sequence order to properly apprise the Ld. E.O. HERC in the matter.
- 1.7 That on 25.06.2025, the Ld. E.O. HERC heard the parties on the basis of documents annexed by the Petitioner with his letter dt. 10.06.2025 which are also enclosed herewith.
- 1.8 That as per para 3.24 of HERC Regulation No. HERC/48/2020 the Ld. E.O. is required to pass a reasoned speaking order giving reasons for all his findings and award. While passing an order the Ombudsman shall be guided by the provisions of the Act, rules and regulations framed under the Act, guidelines, directions and orders of the commission issued from time to time and such other factors which are necessity in the interest of justice.
- 1.9 However, the Ld. E.O. failed to appreciate the submissions made by the Petitioner in his Appeal dt. 02.12.2024. Section 126(b)(v) and Section 145 of the Electricity Act. 2003 and The Electricity (Removal of Difficulties) Order 2005, Hon'ble Punjab and Haryana High Court order dt. 01.03.2011 and various orders passed by Hon'ble Supreme Court pertaining to the matter and particularly the documents on the basis of which new connection was sanctioned in the name of Sh. Parvinder Singh, the then SDO reply dt. 17.02.2022 filed in Civil Court on affidavit, Sarpanch of the village letters dt. 01.05.2021 and 29.03.2022 and Respondent SDO reply dt. 04.03.2024 given to the Petitioner.
- 1.10 That the Petitioner vide his Appeal prayed for the following reliefs:-
- a. To issue directions to SDO to immediately remove the unauthorized/illegal connection of Sh. Parvinder Singh from Plot No. 165 and install his connection at his Lal Dora House for which his connection was sanctioned
- AND
- b. Restore the electricity connection of the Petitioner at Plot No. 165 in the interest of complete justice in the matter.
- 1.11 That in respect of Prayer made by the Petitioner regarding removal of unauthorized connection of Sh. Parvinder Singh, the Ld. E.O. in his Order dt. 08.07.2025 has recorded as follows:-
- "SDO operation found Sh. Parvinder Singh at fault and in consequent of illegal and unlawful acts, the department disconnected the connection as per law and procedure."*
- "Sh. Parvinder Singh was issued a letter Memo No. 178 dt. 20.12.2021 whereby he was asked to submit his papers of ownership of the property and documents in support of his claim."*

“The connection of Sh. Parvinder Singh was disconnected as he was not able to submit requisite documents.”

“But as per Hon’ble Civil Court, Bahadurgarh order dt. 18.02.2022 in the interest of justice electricity supply of Sh. Parvinder Singh was restored.”

- 1.12 It is submitted that the Ld. E.O. has willfully not considered the provision of Section 126(6)(b)(v) read with section 145 of Electricity Act, 2003, Punjab and Haryana High Court order Dt. 01.03.2011 and Hon’ble Supreme Court order as mentioned by the Petitioner vide para 37, 38, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54 and 55 of his Appeal No. 40/2024, whereby civil court has no jurisdiction to pass any order in the cases falling under section 145 of the Electricity Act, 2003 and the Licencee is at liberty to undo the act done by the Licencee temporarily pursuant to the orders passed by the Civil Courts dt. 18.02.2022.
- 1.13 That further the SDO/Licensee is independently authorized to disconnect the unauthorized connect of Sh. Parvinder Singh under the provisions of The Electricity (Removal of Difficulties) Order, 2005 as mentioned in para 26 of the Appeal of the Petitioner, however, the Ld. E.O. willfully ignored the same.
- 1.14 That the Ld. E.O. has willfully attempted, to dilute the fact of falling the unauthorized connection in the name of Sh. Parvinder Singh under section 126 of the Act in as much as that the ‘ASSESSMENT’ in respect of violations mentioned under sub-clause (i) to (iv) of clause (b) of the explanation provided below section 126 is done by Assessing Officer by following the procedure mentioned in section 126 (1) to (6) where order of assessment is passed at the rate equal to twice of tariff applicable. This assessment is applicable in respect of those connection sanctioned and installed at the same premises where the consumer indulges in unauthorized use of electricity.
- 1.15 That the procedure of assessment is not applicable to the cases of unauthorized use of Electricity where the connection was sanctioned for a different premises but was installed at the different premises falling under section 125(6)(v) of the Act of 2003.
- 1.16 That the Ld. EO. has recorded in his order dt. 08.07.2025 that the grievance raised by the Appellant pertains to irregular and unauthorized issuance of a temporary connection to Sh. Parvinder Singh is rather a Supply Code Violation.
- 1.17 That in terms of Section 50 of Electricity Act, 2003 which pertains to the Electricity Supply Code, the Electricity (Removal of Difficulties) Order, 2005 has been framed whereby the Licensee is mandated vide Section 2(1)(ii) to remove the connection in case of theft or unauthorized use of electricity under the said Order of 2005.
- 1.18 Therefore, the unauthorized use of electricity, irrespective of whether any assessment is done or not asking the consumer to pay any amount of assessment or not the matters of "Unauthorised use of Electricity" shall always fall under Section 126 of the Act and u/s 145 of the Act, the civil court are barred to issue any orders in the cases

falling under section 126 of the Act like the order dt. 18.02.2022 issued by the civil court without any jurisdiction and therefore, the order dt. 18.02.2022 is not a lawful order issued by any Competent Court.

- 1.19 That both the SDOs UHBVN vide their replies dt. 17.02.2022 (given on affidavit in civil court) and reply dt. 04.03.2024 have admitted that Sh. Parvinder Singh fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents.
- 1.20 That the Ld. E.O. vide his order dt, 08.07.2025 has recorded at page 63 of the orders that the Connection at this stage cannot be allowed to Sh. Dharambir Singh (Appellant) as the matter is pending before the Hon'ble Civil Court Judge, Junior Division, Bahadurparh (Civil] Suit No. 707 of 2021), meaning thereby that Sh. Parvinder Singh would keep on enjoying the undue advantages of electricity connection which he obtained fraudulently and thus, the engine of fraud would keep on running till the civil suit no. 707/2021 is decided which may take several years, which cannot be allowed under the legal principles of equity by any authority or court.
- 1.21 That the Hon'ble Supreme Court in the case of S.P. Changelvaraya Sindu V/s Jagannath, (1991)/SCC 1, in no uncertain terms has been pleased to hold as follows:-
"The principles of 'finality of litigation' cannot be passed to the extent of such an absurdity that it becomes on engine of fraud in the hands of dishonest litigants."
- 1.22 Therefore, the order passed by the Ld. E.O. on 08.07.2025 is an order passed by the Ld. E.O. without any lawful authority as the Ld. E.O. has no legal authority to decide the appeal filed by the Petitioner against order dt. 19.11.2024 dismissed by Sh. R.K. Khanna as Chairman of CGRF as Chairman of CGRF and that the said order is in violation of the provisions of the Electricity Act, Rules and Regulations framed under the Act, guidelines, directions and orders of the Commission issued from time to time and also in violations of Hon'ble High Court order dt. 01.03.2011 and 30.08.2017 and various Supreme Court orders on the issue and hence, the said order is bad in law and not sustainable in the eyes of law.
- 1.23 That the Ld. E.O., in the case of the Petitioner, has evolved his own procedure which is not conforming to the principles of fair play and justice for efficient discharge of his functions, which is in violation of Para 3.27 of HERC Regulation No. HERC/48/2020, dt. 24.01.2020.
- 1.24 It is submitted that the Petitioner under compulsion appeared before Ld. E.O. with the legitimate expectation that the Ld. E.O. will decide his case with open mind by forgetting of the complaint made by the Petitioner regarding making his false signature on the CGRF order dt. 19.11.2024 and passing order dt. 19.11.2024 arbitrarily without being even present during hearing of the Petitioner on 25.09.2024 at Jhajar.
- 1.25 However, the Ld. E.O. has malafidely decided the appeal of the Petitioner with his closed mind only to favour Sh. Parvinder Singh who

played fraud with the NIGAM and belongs to mighty Gujjar Caste and the Ld. E.O. willfully did not pass any order for removal of unauthorized connection to -Help- Sh. Parvinder Singh keep grabbed the house property of Plot No. 165 belonging to the Petitioner who belongs to Scheduled Caste Community and therefore, Ld. E.O. has willfully not followed the direction of law and appears to be in connivance with Sh. Parvinder Singh through the SDO Badli, who is also not following the direction of law and not removing the unauthorized connection of Sh. Parvinder Singh in view of Punjab and Haryana High Court Order dt. 01.03.2011, 30.08.2017 and The Electricity (Removal of Difficulties) Order, 2005 as well.

- 1.26 That under the authority of Section 181 of Electricity Act 2003, the Commission in order to redress the consumer grievances issued Regulation No. HERC/02/2004 dt. 12.04.2004 whereby it was provided vide para 23 that a consumer aggrieved with the award of the Ombudsman may file appeal before the commissioner.
- 1.27 However, vide Regulation No. HERC/48/2020 dt. 24.01.2020 issued under section 181 of the Act, the Regulation No. HERC/02/2004 dt. 12.04.2004 was superseded.
- 1.28 That vide para 3.28 of Regulation No. HERC/48/2020, dt. 24.01.2020, it is provided that no party can file an appeal before the commission against the order passed by the Ombudsman, However, the same is without any prejudice to the rights of the complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before appropriate bodies.(i.e. the HERC in the present case).
- 1.29 That vide para 4.7 of Regulation No. HERC/48/2020, dt. 24.01.2020, the Commission has been empowered with its inherent powers to make such orders as may be necessary for ENDS OF JUSTICE or to prevent the abuse of process.
- 1.30 That vide section 129 and 130 of the Act, the Hon'ble HERC has its inherent power and jurisdiction to issue order/directions as may be necessary for the purpose of securing compliance with the condition or provision where the commission is satisfied that licensee is contravening / has contravened any of the provisions of this Act, where the person has been affected like the petitioner.
- 1.31 It is submitted that the Licensee/SDO, Badli has been contravening the provisions of the Electricity (Removal of Difficulties) Order, 2005 made in terms of Sec. 50 - Electricity Supply code of the Act and not disconnecting the connection being used for "Unauthorised use of Electricity" falling under section 126(6)(b)(v) below explanation under Section 126(6) of the Act, on the basis of unlawful order dt. 18.02.2022 passed by Hon'ble Civil Court, Bahadurgarh without having jurisdiction as per section 145 of the Act and Hon'ble Punjab and Haryana High Court order dt. 01.03.2011 and 30-8-2017 and several orders passed by Hon'ble Supreme Court on the issue of jurisdiction of Civil Court barred by the Statute only to provide undue advantage to Shri Pervinder Singh due to the reasons best known to them.

- 1.32 That the Ld. E.O. inspite of having recorded the submissions of the Petitioner regarding Civil Court having no jurisdiction as per Section 145 of the Act and Hon'ble Punjab and Haryana High Court Order dated 01.03.2011 in para 'O' and various Supreme Court Orders in para 'N' of order dt. 08.07.2025, the Ld. E.O. willfully ignored the direction of law as per court's orders and section 145 of the Act.
- 1.33 That on the complaint of Petitioner the then SDO, Badli removed the unauthorized connection of Sh. Sunil Kumar on 27.08.2020 from Plot No. 165 after giving Notice to Sh. Sunil Kumar on 13.08.2020 as the connection of Sh. Sunil Kumar was sanctioned for another premises but after disconnection of my connection on 29.06.2018 due to default, Sh. Parvinder Singh and his other family members unlawfully, without the permission of SDO, Badli, removed the connection of Sunil Kumar from his house and installed the same at Plot No. 165 belonging to the Petitioner.
- 1.34 It is pertinent to mention that the removal of unauthorized connection of Sh. Sunil Kumar from Plot No. 165 on 27.08.2020 was a case of "Unauthorised use of Electricity" falling under section 126 (b) (v) of the Act.
- 1.35 That with the help and support of UHBVN officials of Badli Sub-Division to provide electricity connection to Shri Parvinder Singh even on manipulated and false documents, Sh. Parvinder Singh filed for new connection on 28.06.2021 for his lal-dora house, a different premises from Plot No. 165, on the recommendation of Ex-Sarpanch Certificate dt. 01.05.2021, Sh. Parvinder Singh and his family forcefully grabbed the house property of Plot No. 165 on 30.06.2021 on the basis of their muscle power.
- 1.36 That to recover the possession of Plot No. 165, from Sh. Parvinder Singh and his family, the LRs of Late Sadasukh filed a Civil Suit No. 264/2021 (filing No. 707/2021) in Bahadurgarh Civil Court on 02.08.2021 on which the Hon'ble Court vide order dt. 03.09.2021 directed the parties to "maintain status quo qua construction and alienation", whereby it is submitted that no order to maintain status quo qua electricity connection was directed by the Civil Court.
- 1.37 That again even during pendency of civil suit registration No. 707/2021 but on the complaint of the Petitioner the then SDO, Badli removed the unauthorized connection of Sh. Parvinder Singh on 04.02.2022 after giving Notice to Sh. Parvinder Singh on 20.12.2021 to provide documents of ownership of Plot No. 165 but Sh. Parvinder Singh could not produce any document of ownership and the SDO, Badli, having found Sh. Parvinder Singh at fault, removed his unauthorized connection on 04.02.2022 being a case of "Unauthorised use of Electricity" falling under Section 126(b)(v) of the Act and having found Sh. Parvinder Singh at fault which has been admitted by the Ld. EO in his order dated 08.07.2025.
- 1.38 That even in the Civil Suit No. 80/2022, filed by Sh. Parvinder Singh on 07.02.2022 in Bahadurgarh Civil Court against the UHBVN authorities, Sh. Parvinder Singh has no where stated that the TITLE of Plot No. 165 is in dispute in the Civil Court. It is submitted that the

Ld. E.O. malafidely, only to cause harm to the Petitioner on caste basis is attempting to unlawfully connect the Civil Suit No. 80/2022 with the Civil Suit No. 707/2021 and unlawfully attempting to legalise the unlawful action of Sh. Parvinder Singh and favouring Sh. Parvinder Singh to keep grabbed the Plot No. 165 with the help and support of UHBVN by restoring his unauthorized connection in the name of "essential commodity" temporarily as while ordering for restoration vide order dt. 18.02.2022, the Hon'ble Civil Court was fraudulently kept in dark by Sh. Parvinder Singh that on 28.06.2021, he applied for new connection for his Lal-dora house as per Ex-Sarpanch Certificate dt. 01.05.2021 as admitted by the Hon'ble Civil Court vide para 15 of its order dt. 18.02.2022 that nothing contained in order dated 18.02.2022 to be considered the expression of Hon'ble Judge opinion on the merit of the case, which the Ld. E.O. has not willfully considered while passing his order on 08.07.2025 inspite of having admitted the same during hearing on 25.06.2025.

- 1.39 That as per RTI information provided by the Respondent SDO to the Petitioner on 16.04.2024, the Ex-Sarpanch letter recommending new connection in the name of Sh. Parvinder Singh in his Lal-dora house is registered as document of ownership in the office of SDO, Badli, which is a different premises than that of Plot No. 165 which is recorded in Jamabandi in the name of Late Sadasukh father of the Petitioner and therefore, the connection of Sh. Parvinder Singh is required to be installed at his Lal-dora house for which the same was sanctioned after removal of the same from Plot No. 165 where the connection of the Petitioner is required to be installed as the Petitioner has been found eligible for the same by the Ld. E.O. in his order dt. 08.07.2025, to meet the ends of justice.

The questions for decision by the Ld. Chairman, HERC in the matter

- 1.40 That the only question before Ld. Chairman HERC for decision is:- Whether Civil Court has jurisdiction to entertain any suit or proceedings in respect of matters falling under section 126 of the Electricity Act, 2003 as the same is barred by section 145 of the statute i.e. of the Electricity Act, 2003.
- 1.41 It is submitted that the Hon'ble Punjab and Haryana High Court vide order dt. 01.03.2011 and 30.08.2017 has been pleased to hold that Civil Court has no jurisdiction in the matters falling under section 126 of the Act, 2003 under Section 145 of the Act.
- 1.42 The Hon'ble Punjab and Haryana High Court vide the said order dt. 01.03.2011 has been pleased to hold that the Electricity Deptt. is at liberty to undo the act which was done temporarily pursuant to the order passed by the court below i.e. order dt. 18.02.2022.
- 1.43 It is pertinent to mention that the Lower Court i.e. the Civil Court, without any jurisdiction, passed order on 18.02.2022 to restore the connection of Sh. Parvinder Singh temporarily and therefore, the SDO, Badli is at liberty to remove the unauthorized connection of Sh. Parvinder Singh from Plot No. 165 and install connection of the Petitioner on Plot No. 165, which will fulfill the requirement of

electricity of Sh. Parvinder Singh at Plot No. 165 independently of the litigation.

- 1.44 However, the parties in Civil Suit No. 707/2021, which is a case for recovery of possession of Plot No. 165 from Sh. Parvinder Singh and others will go on pursuing their claim independently which has nothing to do with the respondent i.e. the UHBVN authorities as held by Hon'ble Civil Court, even having no jurisdiction in the matter, vide para 14 of its order dt. 18.02.2022 as follows:-

Moreover, the copy of the Complaint in Civil Court titled as Jai Singh and others Vs. Balraj and others in Civil Suit No. 707, dt. 02.08.2021, copy of order dt. 03.09.2021, regarding maintaining status quo qua construction and alienation, of the learned Court of Ms. Khusboo Goel, Ld. CJ (JD), Bahadurgarh also reveals that the dispute is between the Plaintiff and other legal heirs of Sada Sukh and the defendants have nothing to do with the same.

Moreover, the re-installation of the electricity connection temporarily does not give any title to the Plaintiff. On the other hand, the electricity is an essential commodity and basic necessity of human life.....”

- 1.45 It is submitted that vide order dated 18.02.2022, the Hon'ble Civil Court, Bahadurgarh referred “Sh. Parvinder Singh as plaintiff and referral “UHBVN Authorities i.e. the Ld. M.D. of UHBVN and the SDO UHBVN Badli” as the defendants, therefore, the civil suit registered vide registration No. 707/2021 has nothing to do with the respondents including the Ld. EO, HERC.
- 1.46 Therefore, the UHBVN or the Ld. E.O, have no lawful grounds to connect electricity case to another case filed for different cause of action i.e., to recover possession of Plot No. 165 from Sh. Parvinder Singh and others who have forcibly grabbed the Plot No. 165 with the help and support of electricity facility provided by UHBVN on the basis of manipulated and false documents submitted by Sh. Parvinder Singh for his Lal-dora H.No. 78, a different premises other than Plot No. 165.
- 1.47 It is further submitted that the Ld. E.O. has willfully not followed the Hon'ble Supreme Court orders whereby it has been held that civil court has no jurisdiction in the matters barred by the statute, and therefore, the order passed by the Civil Court on 18.02.2022 is bad in law and has no application to restore an unauthorized connection obtained by any person fraudulently on the basis of Manipulated and False documents as has been admitted by both the SDOs of Badli Sub-Divn. On 17.02.2022 and SDO Sh. Vipin Malik respectively.
- 1.48 That the facts and circumstances of the case and the direction of law is completely in favour of the petitioner.
- 1.49 That the Ld. Ombudsman Sh. R.K. Khanna and Shri Vipin Malik, SDO Badli appears to have willfully not considered the clear direction of law only to favour Sh. Parvinder Singh and only to cause harm to the petitioner on the basis of his caste and appears to have been providing undue advantage to Shri Parvinder Singh, directly or indirectly to keep grabbed the house property of House No. 165 in violation of the offence of “Supply Code Violation” as himself admitted by the Ld. EO in his

order dated 08.07.2025, however, the respondents including the Ld. EO are not following the measures to control theft or cases of unauthorized use of electricity framed in respect of Electricity Supply Code in terms of Section 50 of the Act i.e. The Electricity (Removal of Difficulties) Order 2005 whereby it has been provided vide Section 2 of the Order, 2005 for removing of unauthorized connection and preventing diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter, i.e. the actions to be taken by the respondents for the offence of "Supply Code Violation".

- 1.50 That the petition is filed bonafide and the same is filed within time and the same is filed before the Appropriate Body i.e. the Ld. Chairman, HERC having its power and jurisdiction to make orders necessary for the ends of justice under para 3.28 and 4.7 of Regulation No. HERC/48/2020 dated 24.01.2020 issued under Section 181 of the Electricity Act, 2003.

PRAYER

Therefore, in view of the facts and circumstances of the case, the Hon'ble Chairman, HERC is humbly prayed to pass the following orders for the ends of justice:-

- A. Set aside the impugned order dt. 08.07.2025 unlawfully passed by the Ld. Ombudsman to the extent it directs that the Petitioner would be entitled for electricity connection after final outcome of civil suit No. 707/2021.
- B. Direct the Respondents to follow the precedence of the Hon'ble Punjab and Haryana High Court order dt. 01.03.2011 and 30.08.2017 and Hon'ble Supreme Court orders on the issue.
- C. Direct the Respondents to not to follow the Hon'ble Civil Court Order dt. 18.02.2022 which is passed without jurisdiction in violation of Section 145 of Electricity Act, 2003.
- D. Direct the Respondents to disconnect the Electricity Connection of Sh. Parvinder Singh from Plot No. 165 under The Electricity (Removal of Difficulties) Order, 2005 being a case of "Unauthorised use of Electricity" falling under section 126 of the, Act which was obtained fraudulently by Sh. Parvinder Singh and having found Sh. Parvinder Singh at fault, the same was also earlier removed on 04.02.2022 as recorded by the Ld. E.O. in order dt. 08.07.2025.
- E. Direct the SDO, UHBVN Badli to install the connection of Shri Parvinder Singh at his Lal Dora house No. 78 for which it was sanctioned on the basis of documents of ownership i.e. Lal Dora house submitted by Shri Parvinder Singh along with his application for new connection on 28.06.2021.
- F. Direct the Respondents to install the connection of the Petitioner with immediate effect as the Petitioner has been found to be eligible to get his connection at Plot No. 165 by the Ld. E.O. as recorded in impugned order dt. 08.07.2025.
- G. Take necessary action against the respondents under section 146 of the Act as the Respondents have contravened the provisions of The

Electricity (Removal of Difficulties) Order, 2005 made under the Act of 2003 without any lawful grounds.
And for this act of kindness the Petitioner as in duty bound shall ever pray.

2. The case was heard on 29/04/2026, In response to the query of the Commission on maintainability, Sh.Raghujeet Singh Madan, the counsel for the respondent requested for some time to file a short reply specifically on the maintainability of the petition. Sh. Dharambir Singh insisted that the petition is well maintainable and requested for grant of some time to file the rejoinder. Acceding to requests of the parties, the Commission adjourns the matter and directs the respondent to file its reply on the maintainability with in two (2) weeks and petitioner to file its rejoinder with two weeks thereafter, with advance copies to either parties. The matter to come up for arguments on maintainability.

3. Reply Submitted on 30/04/2026:

- 3.1 That the present short reply is being filed on behalf of Respondent No. 1 & 2- Uttar Haryana Bijli Vitran Nigam Limited (for brevity “UHBVNL” or “Answering Respondents”) through Sh. Vipin working as AE, Office of SDO, Jhajjar, UHBVNL who is fully conversant with the facts and circumstances of the case on the basis of knowledge derived from record and is also duly authorized to submit, aver and sign the present reply.
- 3.2 That UHBVNL is a State-Owned Power Distribution Company (for brevity “Discom”) and registered under the Companies Act, 1956, formed under corporatization/ restructuring of erstwhile Haryana State Electricity Board and is a holder of distribution and retail supply of electricity License in the northern zone of the State of Haryana.
- 3.3 That all submissions herein are made in the alternative and without prejudice to each other. Any allegations raised by the Petitioner against the Answering Respondents-UHBVNL are denied in totality and the same may be treated as denial as if it was made in seriatim. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.
- 3.4 That by way of the instant reply, the Answering Respondents herein are seeking to raise the preliminary objection with respect to the maintainability and admissibility of the petition in its present form. It is humbly submitted that the issue of maintainability, which goes to the root of matter, may kindly be adjudicated at the preliminary stage without adverting to the merits of the case. Reliance in this regard is placed on the judgments:
- a. *Securities and Exchange Board of India v. Mangalore Stock Exchange* [2005 (10) SCC 274], wherein the Hon’ble Supreme Court held as follows:
“2. The primary question which has been raised in this appeal is whether the appeal is maintainable before the Securities Appellate

Tribunal under the Securities and Exchange Board of India Act, 1992 against the order passed by the Board under Section 4 (4) of the Securities Contract (Regulation) Act, 1956. It appears that the Tribunal had already passed an interim order on 20th September, 2004. The issue as to the maintainability of the appeal was raised by the appellant before the Tribunal and noted on 22nd November, 2004. Despite this, the Tribunal has passed an order on 20th January, 2005, directing the appellant to consider the application made by the respondent for corporatisation and demutualisation de hors the order passed by the Board under Section 4 (4) of the Securities Contract (Regulation) Act, 1956. Being aggrieved by the order dated 20th January, 2005 this appeal has been preferred. We are of the view that once the Tribunal has noted that the appeal had been challenged as not being maintainable, it should dispose of the issue of maintainability first before passing any further order. In that view of the matter, the impugned order dated 20th January, 2005 is stayed until the Tribunal disposes of the issue of maintainability. The Tribunal is requested to dispose of the issue as early as is conveniently possible, preferably within a period of 8 weeks from date.”

- b. In *United India Insurance Co. Ltd. v. Arwish C. Marak* [2005 (10) SCC 458], the Hon’ble Apex Court observed as under:
 - “4. This order of the High Court is challenged in this appeal. Learned counsel appearing for the appellant submitted that the handing over of the possession of the vehicle to the first respondent claimant by the High Court at an interlocutory stage amounts to allowing the revision petition itself. Hence the same could not have been done, more so, on the background of the fact that maintainability of the revision petition before the High Court itself is under question.
 5. Having heard learned counsel for the parties, we are of the opinion that the High Court ought not to have further handed over the possession of the vehicle under question to the first respondent until the ownership of the said vehicles was duly established in a proper manner, that too at interlocutory stage. For the reasons stated above this appeal is allowed. The impugned order of the High Court is set aside and that of the Magistrate is restored. The High Court will now consider the question of maintainability of the revision petition before it and decide the revision petition in accordance with law.”
- c. Similarly, in *K. Kamaraja Nadar v. Kunju Thevar* [(1959 SCR 583)] wherein the Apex Court had set aside the order of the Election Tribunal as well as the High Court and had directed that the preliminary objection should be entertained and a decision reached thereupon, before further proceedings were taken in the election petition. The relevant portion of the judgment of the Hon’ble Supreme Court is extracted hereunder:
 - “43. The appellant no doubt made an application to the Election Tribunal to try his objection as regards the non-compliance with the provisions of that section as a preliminary objection and determine whether the second respondent had complied with the provisions of section 117 and

if not to dismiss his petition. The Election Tribunal, however, did not decide this preliminary objection but ordered that the trial of the petition do proceed. The High Court before whom the Writ Petition M.J.C. No. 480 of 1957 was filed also came to the same conclusion as it thought that the matter could be decided at the time of hearing itself and dismissed the application.

44. We are of opinion that both the Election Tribunal and the High Court were wrong in the view they took. If the preliminary objection was not entertained and a decision reached thereupon, further proceedings taken in the Election Petition would mean a full-fledged trial involving examination of a large number of witnesses on behalf of the 2nd respondent”

It is the case of the Answering Respondents that the petition is required to be dismissed at the threshold being not maintainable in view of the reasons/grounds mentioned in detail hereinbelow. However, if the necessity so arises, the Answering Respondents reserves its right to file the detailed reply at the appropriate stage or as directed by the Hon’ble Commission.

PRESENT PETITION IS NOT MAINTAINABLE AS THE SAME SEEKS ADJUDICATION OF A PURELY CIVIL DISPUTE AND THE PETITIONER CANNOT CHALLENGE THE ORDER PASSED BY THE ELECTRICITY OMBUDSMAN BEFORE THIS HON’BLE COMMISSION

- 3.5 That the present petition is wholly misconceived, untenable and not maintainable in law, as the Petitioner has, in effect, sought to challenge the order passed by the Ld. Electricity Ombudsman before this Hon’ble Commission, which is impermissible under the statutory scheme. It is submitted that even the Petitioner, in its own pleadings has mentioned Regulation 3.28 of the HERC Regulations 2020, which clearly says that the award/order passed by the Ombudsman is final and binding on the parties, and the Commission does not sit as an appellate authority over such orders. The present petition is, therefore, nothing but an appeal in disguise and is liable to be rejected at the threshold. The Regulation 3.28 of the HERC Regulations is reproduced hereunder for the kind perusal of the Hon’ble Commission;

“3.28 No party can file an appeal before the Commission against the order passed by the Ombudsman. However, this is without prejudice to the rights of the complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before the appropriate bodies.”

- 3.6 That it is further submitted that the entire foundation of the present petition is based upon disputes relating to ownership, possession and entitlement over the subject property, which are purely civil in nature and fall exclusively within the jurisdiction of the competent civil court. The Petitioner is attempting to invoke the jurisdiction of this Hon’ble Commission to secure findings on issues which require detailed evidence and adjudication by a civil court, which is impermissible

under the framework of the Electricity Act, 2003 and the applicable regulations.

- 3.7 That the Petitioner is also indirectly seeking to assail and circumvent the proceedings and orders passed by the competent civil court, including the order dated 18.02.2022, by raising the same issues under the garb of the present petition. Such an approach is legally untenable, as this Hon'ble Commission cannot sit in appeal over or examine the correctness of orders passed by a civil court. The attempt of the Petitioner is nothing but an abuse of process and amounts to forum shopping. The present petition is a classic case of abuse of process of law, filed with the sole intent to overreach binding orders and to secure reliefs which are otherwise not available in law.

PRESENT PETITION IS ALSO LIABLE TO BE DISMISSED AS THE MATTER IS ALREADY SUB-JUDICE BEFORE THE COMPETENT CIVIL COURT:

- 3.8 That it is respectfully submitted that the premises in question are admittedly disputed and are already the subject matter of multiple pending civil litigations before competent civil courts. It is pertinent to mention that a civil suit titled Jai Singh & Ors. vs. Balraj & Ors., bearing Civil No. 707 of 2021, is pending, wherein a status quo order dated 02.08.2021 has been passed with respect to construction and alienation of the property. Further, another civil suit being Civil Suit No. 80/2022 is also pending adjudication between the parties concerning the same subject matter. It is further pertinent to mention that in the said civil proceedings, the competent Civil Court has already granted interim relief by directing that;

"14....Moreover, the re-installation of the electricity connection temporarily does not give any title to the plaintiff. On the other hand, the electricity is an essential commodity and basic necessity of human life and the plaintiff along with his family is residing in the house in question and they would suffer irreparable loss which cannot be compensated in terms of money. It would be an undue penalty imposed upon the plaintiff to suffer and be left to live in inhuman condition without electricity connection that too before the decision on his title by the competent authority. Further, the plaintiff is ready to pay all the electricity charges of the plot/residential house in dispute and no prejudice would be caused of the defendant, if the plaintiff would pay all the electricity bill as per rules. Moreover, admittedly no electricity charges are due. Therefore, in the interest of justice, the defendants are hereby directed to restore the electricity connection on the alleged account number, as per rules and on deposition of all the requisite fees by the plaintiff. However, this order shall be subject to the final outcome of this case."

- 3.9 Notably, the aforesaid interim relief has been granted in favour of Parvinder Singh, son of Sh. Balraj Singh, who is admittedly not a party to the present proceedings. The pendency of these proceedings, coupled with the interim directions passed therein, clearly establishes that the dispute pertains to inter se rights of legal heirs involving ownership, possession, and entitlement over the property, which are

purely civil in nature and require detailed evidence and adjudication by a competent civil court. In such circumstances, the Petitioner cannot be permitted to invoke the jurisdiction of this Hon'ble Commission to adjudicate issues falling squarely within the domain of civil courts, and the present petition is thus liable to be dismissed as not maintainable and an abuse of process of law.

- 3.10 That the present petition is further liable to be dismissed on the ground that the issues raised herein are already sub judice before the competent civil court in Civil Suit No. 80/2022, which is presently listed for hearing on 18.05.2026. In such circumstances, entertaining the present petition would result in parallel adjudication, which is impermissible in law and may lead to conflicting findings by different forums. The Petitioner, therefore, cannot be permitted to pursue simultaneous remedies on the same cause of action, and the present petition deserves to be dismissed as barred by the principle of sub judice.

THE RELIEFS SOUGHT ARE BEYOND THE SCOPE AND JURISDICTION OF THIS HON'BLE FORUM

- 3.11 That it is respectfully submitted that the reliefs sought by the Petitioner in the present petition are wholly beyond the statutory jurisdiction vested in this Hon'ble Commission under the Electricity Act, 2003. The Hon'ble Commission is a regulatory body entrusted with tariff determination, licensing, and regulatory oversight of electricity distribution and supply, and not a forum for adjudication of private civil disputes relating to title, possession, or ownership of property.
- 3.12 That the Petitioner, under the guise of invoking Section 181 of the Act, 2003 and other provisions, is in fact seeking adjudication of disputed questions of fact and civil rights, which necessarily require leading of oral and documentary evidence and are thus triable only by a competent civil court. The present petition, therefore, travels far beyond the limited regulatory and supervisory jurisdiction of this Hon'ble Commission.
- 3.13 That it is a settled principle of law that where a statute creates a specific forum with defined jurisdiction, the same cannot be expanded to include matters alien to its purpose. The Electricity Act, 2003 does not confer any appellate or revisional jurisdiction upon this Hon'ble Commission over the orders passed by the Electricity Ombudsman, nor does it empower the Commission to adjudicate disputes of civil nature inter se private parties.
- 3.14 That the Hon'ble Supreme Court has consistently held that statutory authorities must act strictly within the four corners of the statute and cannot assume jurisdiction over matters not expressly or impliedly conferred upon them. The present petition, therefore, deserves outright rejection on the ground of lack of jurisdiction.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most humbly prayed that the issue of maintainability and admissibility of the petition in its present form may kindly be decided at the threshold

and consequently, the present petition may kindly be dismissed with exemplary cost as non-maintainable, in the interest of justice.

4. Rejoinder Submitted on 14/05/2026:

Preliminary Submissions

- 4.1 The Petitioner belongs to poor Scheduled Caste Community and the Respondents and other officials working in the Badli Sub Division, appears to be in connivance and conspiracy with one Sh. Parvinder Singh who has forcefully grabbed the house property of the Petitioner/LRs of the father of Petitioner on 30.06.2021 and the Respondents have been providing unlawful advantage to Sh. Parvinder Singh who belongs to mighty Gujjar Caste, by allowing him usage of "Unauthorised Use of Electricity" being an offence under Section 126(b)(v) of the Electricity Act, 2003 and therefore, the Respondents are willfully not following the directions of law as provided under the provisions of the Electricity Act 2003 (Section 56) and The Electricity (Removal of Difficulties) Order 2005 made by the Central Govt. in respect of Supply Code Violations (Sec. 50) whereby vide Rule 2 (ii), Respondents are duty bound to disconnect the supply of electricity and remove the meter in case of theft or unauthorised use of electricity.

Lack Of Jurisdiction Of Civil Court

- 4.2 That as per Section 145 of the Act of 2003, the Hon'ble Civil Court has no jurisdiction to grant any injunction in the matters falling under Sec. 126 of the Act.
- Hon'ble Punjab and Haryana High Court Order cit. 01.03.2011 on the issue of jurisdiction of Hon'ble Civil Court.
- 4.3 That the Hon'ble Punjab and Haryana High Court has been pleased to hold that the Hon'ble Civil Court has no jurisdiction in respect of matters falling under section 126 of the Act in view of Sec. 145 of the Act.
- 4.4 That the Hon'ble Punjab and Haryana High Court has been pleased to hold that it would be suffice to say that the Petitioner (Electricity Authorities) would be at liberty to undo the act which was done temporarily pursuant to the orders passed by the courts below independently of the litigation.
- 4.5 That further the Hon'ble Punjab and Haryana High Court vide order dt. 30.08.2017 has been pleased to hold that where the jurisdiction of Civil Court is barred by Statute, the Civil Court has no jurisdiction. It is submitted that vide Sec. 145 the jurisdiction of Civil Court has been barred and hence, the Hon'ble Civil Court has no jurisdiction in the matters falling under Sec. 126 of the Act.
- 4.6 That the Hon'ble Supreme Court in Catena of orders has been pleased to hold that the orders passed by any court having no jurisdiction is a nullify; and that the statute ousting the jurisdiction of a court must be strictly construed; and that court has no jurisdiction if there is a express provision in any special Act barring the jurisdiction of Civil Court; and that where appropriate Forums for resolution of dispute have been constituted under the Act, jurisdiction of Civil Court is

impliedly barred; and that the binding characters of judgments pronounced by the court of jurisdiction is an essential part of the rule of law; and that state is required to act fairly giving the due regard and respect to the rules framed by it.

- 4.7 That the Hon'ble Supreme Court in the case reported as AIR 1962 SC 1893 in the case of East India Commercial Co. Ltd. V. Collector of Customs, Calcutta has been pleased to hold as follows:

"The law declared by the High Court is binding on all subordinate courts within the State."

- 4.8 That the Hon'ble Supreme Court has further been pleased to hold in the case of Rupa Ashok Hurra V. Ashok Hurra, AIR 2002 SC 1771 as follows:-

"The law declared by Supreme Court is the law of the land; it is precedent for itself and all courts/tribunals and authorities in India"

- 4.9 That therefore, in view of the above legal position the Hon'ble Civil Court has no jurisdiction to grant any injunction in the matters of Sec. 126 of the Act of 2003 read with Sec. 145 of the Act of 2003.

Brief Background of the Present Case

- 4.10 That under the influences of obligations/gratitudes of Late Sh. Pema Ram father of Late Balraj Singh father of Parvinder Singh, the Petitioner and other LRs of father of Petitioners being owner of khasra Plot No. 165 permitted Late Sh. Balraj Singh to stay in the house property built on House/ Khasra Plot No. 165 in June, 1997 gratuitously till the time he constructed his own house.

- 4.11 That Late Sh. Balraj Singh paid Electricity charge in the A/c No. HD05-1436-F of the Petitioner upto September 2009 (last bill paid on 12.09.2005) and with the connivance of UHBVN officials managed to consume electricity for about 13 years from 12.09.2005 to 14.06.2018 resulting in default amount of Rs. 43662/- outstanding as on 14.06.2018 as per information provided by Respondent No. 2 on 04.04.2026.

- 4.12 It is very surprising that the UHBVN official did not disconnect the said connection for about 13 years where no Electricity Charges were paid for about 13 years. It is a case of willful connivance, negligence and offence of omissions and commissions by UHBVN officials to provide undue advantage to the Consumer and to cause loss to the NIGAM. However, the connection of the Petitioner was removed on default of Rs. 43662/- vide order dt.29.06.2018 .

- 4.13 That vide SCO cit. 12.07.2017, connection No. HD05-2039-P was released on 28.07.2017 in the name of one Sunil S/o Devi Ram installed in his Lal-Dora house and Meter No. 6846169 (6846167) of GENUS CO. was installed in his Lal-Dora house. even before disconnection of the connection of Petitioner vide order dt. 29.06.2018 from plot no. 165 .

Offence of interference with works of Licensee committed by Late Balraj Singh and his son Parvinder Singh (Sec. 138(a) of the Act.)

- 4.14 That with the malafide intention to grab the house property of the Petitioner/LRs of his father, Late Balraj Singh and his son Parvinder Singh, with the unlawful help of UHBVN Officials, managed to

- unlawfully remove the Electricity Meter from the house of Sunil Kumar in Lal-Dora and unauthorisedly connected the said meter with the works of the Licensee at the Pole/House No. 165 of the Petitioner.
- 4.15 That upon complaint filed by the Petitioner, the Vigilance Officers Headed by SDO Sh. Sandeep Bhardwaj from Rohtak checked the premises of House/Plot No. 165 on 17.08.2020 and noted that connection of the Petitioner from Plot No. 165 has been removed due to default of Rs. 51913/- and supply in the premises of Plot No. 165 was running from A/c NO. HD05-2039-P. .
- 4.16 It is pertinent to submit that the Vigilance Officers were hoodwinked by Sh. Balraj Singh while informing the Vigilance Officers that he got installed a new connection in Plot No. 165 in the name of his nephew Sh. Sunil Kumar being A/c No. HD05-2039-P.
- 4.17 That the Licensee after giving Notice to Sh. Sunil Kumar on 13.08.2020 to submit documents and on failure to submit the same the connection stated to be taken in the name of Sunil Kumar at Plot No. 165 was removed vide order dt. 27.08.2020 .
- Supply of Electricity to two different premises from one A/c No. HD05-2039-P and raising Parallel Electricity Bills by the UHBVN Officials.
- 4.18 That the Licensee raised two parallel sets of Electricity Bills in the A/c No. HD05-2039-P in the name of Sunil Kumar as follows:-
- d. Electricity Bills were raised for the period from 28.07.2017 (when connection A/c No. HD05-2039-P was released for Lal-Dora house of Sunil Kumar) to 26.05.2020, where 12 Bills were raised and Electricity Charges deposited on 29.12.2018 (Rs. 5247/-), on 14.08.2019 (Rs. 2810/-) and on 18.02.2020 (Rs. 2010/-).
 - e. That another Electricity Bill was issued on 26.05.2020 for the period from 28.07.2017 to 30.04.2020 (for 02 years and 9 months) showing consumptions as ZERO in the name of Sunil Kumar. (already placed at page : 32 of Petition).
- Removal of connection of Sunil Kumar used for "unauthorised use of Electricity" falling under Sec. 126 of the Act.
- 4.19 That as per RTI reply dt. 04.04.2026 provided by Respondent No.2, the connection of Sunil Kumar was released for his house in Lal-Dora on the basis of letter of Sarpanch dated 04.07.2017, which was found installed at Plot No. 165 (at different premises) by the Vigilance Officers, was removed on 27.08.2020 being a case of "unauthorised use of Electricity" falling under Sec. 126 of the Act.
- Disciplinary action taken against UHBVN Officials for their omission and commissions.
- 4.20 That the Chief Engineer (OP) UHBVN, Rohtak, S.E. (OP) Circle, Jhajjar and the Under Secretary/HR-1, UHBVN, Panchkula vide letters dt. 08.01.2021, 09.02.2021 and 21.12.2020/05.05.2021 initiated disciplinary proceedings against Sh. Joginder Singh, J.E., UHBVN, Badli, Sh. Ram Avtar, LDC, UHBVN, Badli and Sh. Khoob Chand, A.E. respectively for omissions and commissions committed by them in R/o connection of Sh. Sunil Kumar A/c NO. HD05-2039-P .
- 4.21 That after payment of default amount of Rs. 51913/- on 11.08.2020 in the A/c of Petitioner, the Petitioner vide letter dt. 09.09.2020

requested Respondent No. 2 to re-store/ reconnect his connection. However, it was not re-connected Vide Affidavit dt. 14.10.2020, Sh. Bairaj Singh requested the SDO, UHBVN, Badli to provide connection at Plot No. 165 which was not provided. .

Violation of Guarantee given by this Hon'ble Commission vide notification / regulation dated 16.07.2004, by Respondent No.2.

- 4.22 That vide regulation No. HERC/4/2004 notified on 16.07.2004 by this Hon'ble Commission whereby it has been guaranteed to reconnect the disconnected supply within 12 hours of receipt of payment from consumer in rural areas. However, inspite of payment of default amount of Rs. 51913/- in full on 1 1.08.2020 and request made by the petitioner for reconnection on 09.09.2020, the respondent No. 2 failed to reconnect the same and therefore, contravened the provisions of regulations made under the Act read with Section 56 of the Act, for the contravention of which action under section 142 of the Act is required to be taken by this Hon'ble Commission against the respondent No. 2.

Circuitous Method adopted by Late Sh. Balraj Singh and his son Parvinder Singh to ultimately secure Elect. Connection at Plot No. 165.

- 4.23 That Sh. Parvinder Singh applied for new connection on 28.06.2021 for his Lal-Dora house No. 78 on the basis of letter dt. 01.05.2021 issued by Sarpanch of the village and submitted an affidavit in the office of Respondent No.2 on 14.07.2021 stating that if someone objects to the said connection he will have no objection for removal of his connection by UHBVN Officials. . Sh. Parvinder Singh and other members of his family forcefully grabbed the property of Plot No. 165 on 30.06.2021.
- 4.24 That Sh. Jai Singh, brother of the Petitioner on 15.07.2021 objected to the said connection as was attempted by Parvinder Singh for House No. 165. However, the then SDO Sh. Ashish Mahal assured Sh. Jai Singh that the connection of Parvinder Singh would only be released for his Lal-Dora house as per Sarpanch letter which was released on 19.07.2021 and installed at H.No. 78 in Lal-Dora for which it was requested for and sanctioned for.

Offence of theft of Electricity Line, Material and Meter Committed by Parvinder Singh (Sec. 136 of the Act.)

- 4.25 However, Sh. Jai Singh, brother of Petitioner noticed on 22.07.2021 that the Elect. Meter is fixed on Pole through which electricity was being used in Plot No. 165, for which Sh. Jai Singh met the dealing clerk in the office of Respondent No.2 on 23.07.2021 who advised to submit orders from court to remove the said connection from Plot No. 165 and told Sh. Jai Singh that the SDO is not in office when Sh. Jai Singh attempted to meet the SDO. It was gathered from reliable sources that Sh. Parvinder Singh unlawfully removed the Meter from his H.No. 78 in Lal-Dora and unlawfully connected the same to the pole in front of Plot No. 165 between 19.07.2021 to 22.07.2021.
- 4.26 However, the other staff in the office of Respondent No.2, appears to have connived with Sh. Parvinder Singh and in order to help him keep grabbed the house property of Plot No. 165 of the Petitioner/ LRs of

father of Petitioner and also in order to screen Sh. Parvinder Singh from the offence committed under Sec. 136 and 138 (a) of the Act, the then SDO was trapped by UHBBN Officials to have the impression to understand that the connection of Parvinder Singh was installed/ Released at Plot/Khasra No. 165. However, in case the UHBVN official released the said connection for Plot No. 165, then disciplinary action is required to be taken against them on the some basis disciplinary action was taken against Sh. Joginder Singh JE, Sh. Ram Avtar LDC and Sh. Khoob Chand, AE for providing alleged connection in the name of Sunil Kumar, A/c No. HD5-2039-P at Plot No. 165, whereas the same was sanctioned for his Lal-Dora house as per Sarpanch letter dated 04.07.2017 in a similar way the connection of Parvinder Singh was sanctioned for his Lal-Dora house as per Sarpanch letter dated 01.05.2021, apart from removal of unauthorised connection of Parvinder Singh from Plot No. 165 which was sanction for a different premises than that of Plot No. 165. In case any official in the office of Respondent No.2 is found to have abetted in the offence allegedly committed by Parvinder Singh, action under Sec. 150 of the Act is required to be taken against them.

Filing of Civil Suit Regn. No. 707/2021 by LR's of Late Sadasukh in Civil Court, Bahadurgarh on 02.08.2021

- 4.27 That the LR's of father of the Petitioner filed Civil Suit Regn. No. 707/2021 on 02.08.2021 in Civil court, Bahadurgarh for possession and permanent injunction and not for deciding of Title of the suit property of Plot No. 165. The Hon 'ble Court vide order dated 03.09.2021 was pleased to direct the parties to maintain status quo qua construction and alienation. .

Removal of connection from Plot No. 165 in the name of Parvinder Singh, by the then SDO, UHBVN, Badli on 04.02.2022 being a case falling under Sec. 126 of the Act.

- 4.28 That in compliance of letter issued by Hon 'ble Ombudsman on 18.08.2021 on the complaint filed by the Petitioner, the then SDO, UHBVN, Badli, after issuing of Notice on 20.12.2021 to Sh. Parvinder Singh to submit documents of ownership of Plot No. 165, and upon failure of Parvinder Singh to submit the same, removed the unauthorized connection of Parvinder Singh from Plot No. 165 on 04.02.2022 with the help of Police. .

Filing of Civil Suit Regn. No. 80/2022 by Sh. Parvinder Singh in Civil Court, Bahadurgarh against Respondent No.2 and Chairman, UHBVN on 07.02.2022

- 4.29 That Sh. Parvinder Singh, without filing any complaint in the office of Respondent No. 1, being senior officer to Respondent No.2 and in violation of the Electricity (Rights of Consumers) Rules, 2020 (Rule 15), filed Civil Suit Regn. No. 80/2022 in Civil court, Bahadurgarh on 07.02.2022. .

Fraudulent action of Sh. Parvinder Singh established/confirmed by the then SDO Sh. Ashish Mahal

- 4.30 That vide reply filed on affidavit/oath by the then SDO, Sh. Ashish Mahal in the Hon'ble Civil Court in Civil Suit No. 80/2022 on

17.02.2022, it has been stated that Sh. Parvinder Singh fraudulently obtained Electricity Connection A/c No. H14-HD05-2364-P on the basis of manipulated and false documents. andthat the said connection was sanctioned for the premises in Lal-Dora on the basis of Sirpanch letter whereas the Plot No. 165 is a recorded plot in Jamabandi and that the department found Sh. Parvinder Singh at fault and therefore, in consequent of illegal and unlawful acts and conduct of Sh. Parvinder Singh, the department disconnected the electricity connection as per law and procedure and that Sh. Parvinder Singh completely failed to provide valid and genuine documentary proof of ownership of the recorded plot (Plot No. 165) .

Hon'ble Civil Court, Bahadurgarh order dated 18.02.2022 passed even without Jurisdiction

4.31 31. That the Hon'ble Civil Court, Bahadurgarh passed discretionary order on 18.02.2022 in nullify without jurisdiction and was pleased to record the following:-

- a. That the dispute in Civil Suit No. 707/2021 is between Sh. Parvinder Singh and LRs of SadaSukh and the defendants (UHBVN) have nothing to do with the same.
- b. That the re-installation of the electricity connection temporarily does not give any title to the plaintiff (Sh. Parvinder Singh)
- c. Therefore, in the interest of justice, the defendants (UHBVN) are hereby directed to re-store the electricity on the alleged account number as per rule.
- d. "15. However, nothing contained herein above shall be considered to be the expression of my opinion on the merit of the case." Therefore, the order dated 18-2-2022 was passed by Hon'ble civil cort without going into the merit of the case

Investigation conducted by Block Development and Panchayat Officer Badli

4.32 That pursuant to complaint filed by Sh. Jai Singh, brother of Petitioner on 25.02.2022 on the Hon'ble CM of Haryana Single Window Portal, the BD & PO, Badli on the directions of Dy. Commissioner, Jhajjar issued notice on 16.03.2022 to the Sarpanch Ms. Poonam of village Ismailpur to be present in BD & PO office with complete records of village Panchayat to resolve the complaint.

4.33 That Ms. Poonam, Sarpanch of the village in her statement given in the office of BD & PO on 29.03.2022 has categorically stated that she recommended for new connection in the Lal-Dora house of Parvinder Singh and further stated that if the connection is provided out of Lal-Dora then in that case Sh. Parvinder Singh himself or the electricity department are responsible.

4.34 It is pertinent to mention that Plot/Khasra No. 165 is a recorded plot and falls out of Lal-Dora of the village (Ref. page 28 of Petition).

4.35 That the present Respondent No.2, Sh. Vipin Malik SDO, vide his reply dated 04.03.2024 given to the petitioner has also affirmed and stated as follows:-

"I. Parvinder Singh fraudulently obtained the Electricity Connection on the basis of manipulated and false documents. Respondent No.3/

Chairman, CGRF Sh. R.K. Khanna decided complaint of Petitioner without hearing the Petitioner and marked his false signature on CGRF order dated 19.04.2024.

- 4.36 That on 25.09.2024, the Ld. members of CGRF Sh. Hera Lai and Sh. Narinder Kumar heard the Petitioner at Jhajjar where Sh. R.K. Khanna was not present as he was stated to have been stucked in Traffic Jam and also the CGRF did not inform the Petitioner for hearing on 25.10.2024 and therefore, the CGRF also did not hear the Petitioner on 25.10.2024.
- 4.37 However, Sh. R.K. Khanna, due to the reasons best known to him, dismissed the complaint of the Petitioner vide order dated 19.11.2024 by putting his false signature whereas he never heard the Petitioner on both dates of 25.09.2024 and 25.10.2024.
- 4.38 It is pertinent to mention that vide order dated 19.11.2024, the CGRF rightly recorded that the case falls u/s 126(b)(v) of the Act and vide para 2.27(b) of HERC Notification dated 24.01.2020, the case cannot be entertained by the CGRF,,however, No Order was passed to remove the said unauthorised connection from Plot No. 165.

Sh. R.K. Khanna/ Respondent No.3/ Hon 'ble Ombudsman, HERC became judge of his own cause,

- 4.39 That the Petitioner filed representation in the office of Hon 'ble Ombudsman against the order dated 19.11.2024 passed by CGRF which was registered as Appeal No. 40/2024 and upon finding that Sh. R.K. Khanna is the Hon 'ble Ombudsman, HERC who has already dismissed the case of the Petitioner as Chairman, CGRF on 19.11.2024, the Petitioner vide letter dated 03.03.2025 requested the Hon'ble Chairman, HERC to call the case file from the office of Hon 'ble Ombudsman and decide the same in the interest of justice.
- 4.40 That the Petitioner vide Email dated 05.03.2025, 06.03.2025, 26.03.2025 and 27.03.2025 requested the Hon'ble Chairman to appoint another Ombudsman, requested Sh. R.K. Khanna to recuse from the case and informed to participate in hearing under protest with apprehension for dismissal of the representation of the Petitioner by Sh. R.K. Khanna. However, no action was taken by the Hon'ble Commission to protect the interest of the consumer / Petitioner. .
- 4.41 That principles of natural justice are the fundamental procedural rights that must be observed by the administrative and judicial bodies while making decisions that effect individual's right and interests. They are essential component of Rule of Law and aim to ensure fairness and impartiality in decision making process, it is humbly submitted.
- 4.42 That the Hon 'ble Supreme Court in the case of Delhi Transport Corporation V. Mazdoor Union, AIR 1991 SC 101, has been pleased to hold as follows:-
"Uncanalised discretion vested in an administrative authority is not permissible"
It is submitted that implementation of the provisions of the Act, Rules & Regulations made under the Act cannot be left at the uncanalised discretion of the respondents.

- 4.43 That it is the cardinal principle of natural justice that no one should be a judge in his own cause. Therefore, Sh. R.K. Khanna became judge of his own cause and as the Petitioner complained against him for passing order on 19.11.2024 without hearing the Petitioner and by putting his false signature in order dated 19.11.2024 as Chairman, CGRF, Sh. R.K. Khanna, being biased, dismissed the case of the Petitioner vide order dated 08.07.2025. being hostile and out of vengeance.
- 4.44 However, the Hon'ble Ombudsman in his interim order dated 09.05.2025 recorded the statement of Respondent No.2/ SDO, UHBVN, Badli that the case falls under Section 126 which is not in the jurisdiction of CGRF / Ombudsman which is also admitted by the complainant Shri Dharambir Singh in his appeal,
- 4.45 That therefore, it is an admitted fact by the Respondents as well as by the Petitioner that the case falls under Sec. 126 of the Electricity Act, 2003.
- 4.46 That the Hon'ble Ombudsman, being biased against the Petitioner, inspite of finding the Petitioner eligible to get his connection at Plot No. 165 upon depositing his outstanding dues, disallowed the connection on the false grounds of pendency of Civil Suit No. 707/2021 in civil court , in violation of finding recorded by Hon'ble Civil Court in order dated 18.02.2022 that UHBVN has nothing to do with the civil suit no 707/2021 pending in Civil Court between LR's of Sadasukh and Balraj Singh &Ors. and also in violation of provisions of Sec. 56 of the Act, only to allow Parvinder Singh to continue grabbing the house property of Plot No. 165 by providing him undue advantage of usage of electricity and hence, a biased and mala fide order by Hon'ble Ombudsman, may be due to caste discrimination against the Petitioner, and noted that the case is Supply Code Violation
- 4.47 It is submitted that the Central Govt. has made The Electricity (Removal of Difficulties) Order, 2005 whereby vide para 2(ii) the Licensee is mandated to remove the supply of electricity and Meter and other apparatus in case of theft or unauthorised use of Electricity, as the Order, 2005 is made in pursuance of Sec. 50 pertaining to electricity supply code
- 4.48 Therefore, as defined u/s 126 of the Act, the offence of "unauthorised use of Electricity" is to be dealt with by removal of Meter and disconnection of the supply of electricity under Order, 2005 and the Civil Court has no jurisdiction to grant any injunction for cases of "unauthorised use of Electricity" falling u/s 126 read with Sec. 145 of the Act as held by Hon 'ble Punjab and Haryana High Court on 1-3-2011 and the Hon'ble Supreme Court.

Jurisdiction of this Hon 'ble Commission to entertain the Present Petition i.e. the maintainability of the Present Petition.

- 4.49 It is submitted that the gist of Prayers made by the Petitioner before this Hon 'ble Commission mainly pertains to implementation of the provisions of The Electricity (Removal of Difficulties) Order, 2005 for removal of an unauthorised connection falling under Sec. 126(6)(b)(v) of the Act from Plot No. 165 AND Sec. 56 of the Act for re-connection

of the disconnected connection where the default amount of Rs. 51913/- has been deposited in full and even fresh application for connection in lieu of disconnected connection has been filed on 14.02.2022 and fees of Rs. 7375/- deposited by the Petitioner. .

4.50 That the AIM OBJECTS AND SPIRIT for enactment of the Electricity Act, 2003 was, amongst others, for "PROTECTING INTEREST OF CONSUMERS"

4.51 That as per Section 82 of the Act, this Hon 'ble Commission is a "Body Corporate".

4.52 That as per Sec. 86, the function of this Hon'ble Commission amongst others, are as follows:-

(i) Specify or enforce standards with respect to quality, continuity and reliability of service by Licensees.

(k) discharge such other functions as may be assigned to it under this Act.

4.53 That vide HERC Notification No. HERC/48/2020 dated 24.01.2020 issued under Sec. 181 and other provisions of the Electricity Act, 2003, the following functions have been assigned to this Hon 'ble Commission:-

FINALITY OF AWARD

Para : 3-28: "No party can file an appeal before the commission against the order passed by the Ombudsman, however, this is without prejudice to the rights of the complainants and the licensee to seek appropriate remedy against the order passed by the Ombudsman before the appropriate bodies."

INHERENT POWERS OF COMMISSION

Para. 4-7: "Nothing in these regulations shall be deemed to limit or otherwise affect the inherent powers of the commission to make such orders as may be necessary for ends of justice or to prevent the abuse of process envisaged in these regulations."

4.54 That as per Section 76 and 82 of the Electricity Act, 2003, the following are the appropriate bodies:-

H. The Central Electricity Regulatory Commission (CERC).

I. The State Electricity Regulatory Commission (HERC)

4.55 That vide para 2 of the Notification dated 01.05.2023, being the 2nd Amendment in HERC Notification No. HERC/48/2020, this Hon'ble Commission has been pleased to make the following provisions : -

"2. Amendment to Regulation 2.32:-

In case of Non Compliance of the order of the appropriate Forum, the aggrieved consumer may approach the commission who will provide the consumer as well as the Licensee on opportunity of being heard. The Commission may initiate proceedings under Section 142 of the Act for violation of the Regulations framed by the Commission".

4.56 That vide para 'G' of the prayer , the Petitioner has made humble prayer to this Hon'ble Commission to take action u/s 146 of the Act against the Respondent No. 1 and 2 who have failed to comply with and contravened the provisions of Sec. 56 of the Act and The Electricity (Removal of Difficulties) Order, 2005 and not removed connection and Meter being used for "unauthorised use of Electricity",

read with Sec. 142 of the Act whereby the Commission has the authority to act upon the contraventions of the provisions of regulations of the Act which are of criminal nature.

- 4.57 It is submitted that where the Commission is authorised to initiate proceedings for non-compliance of the order of appropriate Forum, the commission, being the competent authority to get the provisions of the Act, Rules and regulations of the Electricity Act, and therefore, the present Petition is maintainable before this Hon'ble Commission for the ends of justice.
- 4.58 That as per order dated 08.06.2023 passed by this Hon'ble Commission in Case No. HERC/Petition No. 06 of 2023 a complainant can approach the commission for redressal of his grievances (Para 9) and non-compliance of order of CGRF by the respondent official is considered non-compliance of the provisions of the Electricity Act 2003. The petitioner, on the same basis humbly prays this Hon'ble Commission to get compliance of the provisions of the Section 56 of the Act and the Electricity (Removal of Difficulties) Order 2005 for the ends of justice, it is humbly submitted (Ref. ANNEXURE : P-80 annexed hereto).
- 4.59 Therefore, in view of the above, the Petition is maintainable before this Hon'ble Commission for the ends of justice.
- 4.60 It is also humbly prayed that the documents annexed hereto with the present reply being filed by the petitioner which are quite necessary and relevant may be kindly considered in the interest of justice, it is humbly prayed.
- 4.61 That this reply of the Petitioner may also be considered as the written arguments to decide the issue of maintainability of the petition.
- 4.62 It is pertinent to mention that as per crux of the short reply filed by the respondents, it evidently appears that the respondents have been attempting to screen themselves from their own omissions, commissions and contraventions of the provisions of Electricity Act, Rules and regulations made therein and also screening Sh. Parvender Singh from the offence committed under section 136 and 138 (a) of the Act. In the guise of null and void order dated 18.02.2022 passed by Hon'ble Civil Court without nay jurisdiction and circumventing / not following order dated 01.03.2011 passed by Hon'ble Punjab & Haryana High Court seemingly on the basis of caste of the petitioner.
- 4.63 It is humbly prayed that the contents and submissions made by the petitioners in petition no. 106 of 2025 may kindly be considered as part of this rejoinder reply, in the interest of justice.
- 4.64 It is submitted that even the order of CGRF was implemented only after the intervention of the commission as noted in its order dated 8-6-2023 in HERC petition No. 106 of 2023, the Hon'ble commission therefore has the inherent powers to entertain this petition and to issue orders for implementation of the provisions of section 56 of the act read with HERC regulation NO. HERC/04/2004 dated 16-7-2004 and the Electricity (Removal of Difficulties) order , 2005.

4.65 It is quite surprising the respondents have been supporting Sh. Parvinder Singh who played fraud with the respondent NO. I as admitted by respondent NO. I himself and due to the reasons the respondents, have been allowing Sh. Parvender Singh to enjoy fruits of fraud which are not at all entertained for providing any relief , being an of hence u/s 126 of the act as per regulation para no. 2.27(b) of HERC regulation no. HERC /48/2020 dated 24-1-2020.

PARA-WISE REJOINDER REPLY TO THE SHORT REPLY FILED ON BEHALF OF ANSWERING RESPONDENTS

Para No.1:- No reply needed by the Petitioner. However, it is submitted that the full name of the deponent swearing the affidavit is VIPIN MALIK as recorded during earlier proceedings before the concerned authorities. .

Para No.2:- No reply is needed by the Petitioner as the contents are matters of record.

Para No.3:-Needs no reply by the Petitioner.

Para No.4:-It is submitted that though the Hon'ble Supreme Courts orders referred to are matters of record based on the facts and circumstances mentioned therein in each case, the present petition is maintainable before the Hon 'ble Commission on the basis of facts and circumstances of the present case and lawful provisions on the issue of maintainability, as submitted hereinabove which may kindly be considered as part of. rejoinder reply filed by the petitioner

Para No.5:-The averments are wrong and hence, denied. It is submitted that vide Regulation 3.8 of the HERC Regulations, 2020, the aggrieved party can file appeal before the appropriate body as mentioned in the said regulation itself. It is submitted that the Hon'ble Commission (HERC) is the appropriate body corporate as per Sec. 82 (2) of the Electricity Act, 2003.

Para No.6:- The averments are wrong and hence, denied. It is submitted that the Petitioner has nowhere in his prayer in the Petition prayed the Hon'ble Commission to decide the matter of possession and permanent injunction which is pending in Civil Court vide Civil Suit No. 707/2021. The answering respondents are attempting to mislead this Hon'ble Commission. It is further submitted that vide Regulation No. 2.27 of Regulation dated 24.01.2020, only those cases are not required to be entertained by the concerned authorities under the Act of 2003 where proceedings in respect of the same matter and between the same complainant and the licensee are pending before any court.

It is submitted that the prayers made in the present petition are not pending in the Civil Courts and further that the petitioner has not filed any civil suit against the respondents, rather Sh. Parvinder Singh has filed Civil Suit No. 80/2022 against UHBVN. Para No.7:- The averments are wrong and hence, denied. It is submitted that as already admitted by Respondent No.2 / SDO, UHBVN, Badli before the Hon'ble CGRF as recorded in order dated 19.11.2024 in the CGRF order and before the Hon'ble Ombudsman as recorded in the order dated 09.05.2025 the case falls under Sec. 126 of the Act of 2003 and as per Sec. 145 of the said Act, the Civil Court has no jurisdiction to pass any injunction. The Hon'ble Punjab and Haryana High Court vide order dated 01.03.2011 and the Hon 'ble Supreme Court has been pleased to hold that any order passed by any court not having jurisdiction is in nullity and therefore, the order dated 18.02.2022 is an order in nullity and has no force of law.

Para No.8:- The averments are wrong and hence denied. It is submitted that the Hon'ble Civil Court, even without jurisdiction has been pleased to hold vide para 14 of order dated 18.02.2022 passed in Civil Suit No. 80/2022 filed by Sh. Parvinder Singh against the answering Respondents/CMD, UHBVN, has been pleased to record as follows:-

"14. Moreover, the copy of plaint in civil suit titled as Jai Singh and others Vs. Balraj Singh and others in Civil Suit No. 707 dated 02.08.2021, copy of order dated 03.09.2021, regarding maintaining status quo qua construction and alienation, of the learned court of Mr. Khushb00Goe1, Ld CJ (JD), Bahadurgarh also reveals that the dispute is between the Plaintiffs and other Legal heirs of Sadasukh and the defendants have nothing to do with the same."

Therefore, the pendency of Civil Suit No. 707/2021 has no bearing on the prayers made by the Petitioner in the present Petition. It is submitted that the answering respondents have willfully suppressed the above fact, before this Hon'ble commission.

It is further submitted that as per order dated 01.03.2011 passed by Hon'ble Punjab and Haryana High Court the Electricity Authorities would be at liberty to undo the act independently of the litigation which was done temporarily pursuant to the orders passed by the courts below

It is further submitted that as admitted by the then SDO, UHBVN, Badli on oath vide his affidavit dated 17.02.2022 (Ref. Para 3 at Page 94 of Petition) and as also admitted by the deponent/

Sh. Vipin Malik vide his reply dated 04.03.2024 ,Sh. Parvinder Singh fraudulently obtained the electricity connection A/c No. H14-HD05-2364-P on the basis of manipulated and false documents.

Para No.9:- The averments are wrong and hence, denied. It is submitted that prayer of possession and permanent injunction filed by LR's of Sadasukh against Sh. Balraj Singh / Parvinder Singh vide Civil Suit No. 707/2021 has nothing to do with the prayers made in the present petition and the Respondents has nothing to do with the said case as recorded by Hon'ble Civil Court vide order dated 18.02.2022. It is submitted that the Petitioner have not made any prayer before the Hon'ble Commission to adjudicate on the issue of possession and permanent injunction pending in civil court in civil suit no 707/2021, which admittedly would be decided by the civil court.

Para No. 10:- The averments are wrong and hence, denied. It is submitted that the prayer made in the Petitioner are not raised in civil court and hence, not subjudice in civil court as the said civil suit was not filed by the Petitioner rather, Sh. Parvinder Singh fraudulently got undue advantage by suppression of fact of having applied for Electricity Connection in his Lal-Dora House No. 78 whereas Plot No. 165 is a recorded plot and situated out of Lal-Dora and hence, a case of "unauthorised use of Electricity" falling under Section 126 of the Act and the Civil Court has no jurisdiction to pass any order having no jurisdiction as per Sec. 145 of the Act. The Petitioner is not pursuing parallel and simultaneous remedies on the same cause of action and therefore, the Petition is not barred by principle of subjudice.

Para No.11:- The averments are wrong and hence, denied. It is submitted that the Petitioner has not prayed this Hon'ble Commission to decide on the civil matter pending in civil court vide civil suit No. 707/2021. It is further submitted that the relief sought vide the present Petition are within the jurisdiction of this Hon'ble Commission as per Sec. 82, 86 of the Act and vide para 3.28 and 4.7 of the Regulation dated 24.01.2020 for the ends of justice.

Para No.12:-The averments are wrong and hence, denied. It is submitted that there is no disputed question of fact as the fact of falling the case u/s 126 of the Act has already been admitted by the Respondent No.2 and the then SDO based on the fact that the connection of Sh. Parvinder Singh was released on 19.07.2021 for his Lal-Dora house No. 78 on the basis of Sarpanch letter dated 01.07.2021 and Plot No. 165 is a different premises than that of H.No. 78 of Parvinder Singh in Lal Dora as per RTI reply given by the Respondent No.2 to the Petitioner on 16.04.2024 .

Para No. 13:- The averments made are wrong and denied. It is submitted that vide Sec. 86(k), Para 3.28 and 4.7 of Regulation dated 24.01.2020 read with Sec. 142, 146 and order passed on 08.06.2023 in Case No. HERC/ Petition No. 06 of 2023 this Hon'ble Commission has the jurisdiction to adjudicate the Petition and issue directions to the respondents to implement provision of Sec. 56 of the Act and The Electricity (Removal of Difficulties) Order, 2005. The Petitioner has not made any prayer before this Hon'ble Commission to adjudicate over the civil case pending in civil court vide civil suit no. 707/2021 and the civil court in Civil Suit No. 80/2023 has no jurisdiction to pass any order like order dated 18.02.2022 which is in nullity but in being followed by the respondents unlawfully to provide undue advantage to Shri Parvinder Singh to help him keep grabbed the house property of plot khasra no. 165.

Para No.14:- The averments made are wrong and hence, denied. As per sec. 86(k) and Para 4.7 of HERC Regulation dated 24.01.2020 and amongst other grounds, this Hon'ble Commission has the jurisdiction to adjudicate upon the relief prayed for in the Petition having its inherent jurisdiction for the ends of justice.

PRAYER

- i. Therefore, in view of the above facts and circumstances, it is most humbly prayed that the present petition may kindly be admitted and allowed as the same is maintainable before this Hon'ble Commission and the application/ short reply filed on behalf of Respondents No. 1 and 2 may kindly be dismissed with exemplary cost, in the interest of justice.
- ii. This Hon'ble commission is further prayed to order for initiating disciplinary proceedings against the concerned responsible officials of UHBVN at Badli Sub Division for providing unauthorized connection to Pravinder Singh at plot khasra No. 165 on the similar grounds disciplinary proceedings were initiated against Sh. Khoob chand A.E., Sh. Joginder Singh JE and Sh. Avtar Singh LDC for providing unauthorized connection to Sh. Sunil Kumar at Plot Khasra No. 165.
- iii. OR, alternatively, if the UHBVN officials of the Sub Division have no role in providing unauthorized connection to Sh. Pravinder Singh at Plot khasra No. 165, then necessary directions may kindly be used to respondent no. land 2 for lodging FIR with the police against Sh. Pravinder Singh for committing the offences by him under section 136 and 138 of the Act.

- iv. This Hon'ble commission is also prayed to take action under section 142 and 146 of the Act against respondents no. 1 and 2 for contravention of the provisions of the Act, rules and regulations made there in, in the interest of justice, it is humbly prayed .

The petitioner being duty bound shall ever pray this Hon'ble commission for the act of kindness and favour on merit of the case.

Commission's Order:

1. The case was heard on 09/06/2026. Ms. Aerika Singh counsel for the respondent submitted that the petition is not maintainable in light of the Clause 3.28 of HERC (Forum and Ombudsman) Regulations, 2020 which contains that *"No party can file an appeal before the Commission against the order passed by the Ombudsman. However, this is without prejudice to the rights of the complainant and the licensee to seek appropriate remedy against the order passed by the Ombudsman before appropriate bodies"*
2. Sh. Dharambir Singh argued that the petition is well maintainable as the he has exhausted all the options available i.e. CGRF and Electricity Ombudsman and no relief has been granted by these forums. The Commission has inherent powers to make such orders as may be necessary for Ends of Justice or to prevent the abuse of process vide clause 4.7 of Regulation No. HERC/48/2020 dated 24.01.2020 and vide section 129 and 130 of the Act, and jurisdiction to issue order/directions as may be necessary for the purpose of securing compliance with the condition or provision where the commission is satisfied that licensee is contravening / has contravened any of the provisions of this Act, where the person has been affected like the petitioner.
3. The Commission examined the petition, reply, rejoinder and documents placed on record and heard the arguments advanced by the parties. The respondents objected the maintainability of the petition and argued that under Para 3.28 of HERC Regulation No. HERC/48/2020, no party can file an appeal before the Commission against an order passed by the

Ombudsman. Further, the dispute is purely civil in nature, involving ownership and possession of property, which falls under the jurisdiction of a competent civil court rather than a regulatory body.

4. On the other hand the Petitioner emphasized that the Civil Court lacks jurisdiction under Section 145 because the matter involves "unauthorized use" under Section 126(6)(b)(v), where a connection is used for a premises other than that for which it was authorized. He relied on the Punjab and Haryana High Court orders dated 01/03/2021¹¹, and 30/08/2017, which held that the department is at liberty to undo acts done temporarily pursuant to civil court orders issued without jurisdiction.
5. The Commission observes that despite the Petitioner's detailed averments regarding fraud and jurisdiction, the HERC Regulations clearly state that the Commission does not sit as an appellate body over the Ombudsman. The issues raised regarding possession, title, and the validity of a connection based on property ownership, are linked to the civil suits currently sub-judice and rejects the petition as not maintainable in view of the Clause 3.28 of HERC (Forum and Ombudsman) Regulations, 2020. However, the Petitioner is at liberty to seek any relief from competent court. The request for action under Section 142 and 146 is declined as the Respondents' current actions are based on the interim directions of a Civil Court, and remains a matter subject to the final outcome of the civil dispute.
6. The petition is disposed of, in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 30/06/2026.

Date: 30/06/2026	-Sd/-	-Sd/-	-Sd/-
Place: Panchkula	(Shiv Kumar)	(Mukesh Garg)	(Nand Lal Sharma)
	Member	Member	Chairman