BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/P. No. 85 of 2025

Date of Hearing	**:**	**19/05/2026**
Date of Order	**:**	**30/06/2026**

IN THE MATTER OF:

Petition under Section 142 & 146 of the Electricity Act, Regulation No. 2.41 read with 4.7 of Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020.

Petitioner:
1. M/s Bhagwati Stone and Screening (Stone Crusher), Village Nagli, Tehsil Bilaspur, District Yamunanagar, Haryana through its partner Sh. Rakesh Kumar.
2. M/s Hans Stone and Screening (Stone Crusher), Village Nagli, Tehsil Bilaspur, District Yamunanagar, Haryana through its partner Sh. Vishu Goel,

Versus

Respondents:
1. Uttar Haryana Bijli Vitran Nigam Limited, Office at: Vidyut Sadan, IP No. 3 & 4, Sector 14, Panchkula, Haryana through its Managing Director.
2. XEN/OP Division, Uttar Haryana Bijli Vitran Nigam Limited, Jagadhri.
3. SDO/OP Sub-Division, Uttar Haryana Bijli Vitran Nigam Limited, Tehsil Chhachhrauli.

Present

On behalf of the Petitioner

Sh. Anshul Mangla, Advocate

On behalf of the Respondent
1. Sh. Abhishek Vashista, Advocate
2. Ms Simran Gulati, Advocate
3. Sh. Pushpender Kumar, SDO, UHBVN
4. Sh. Amit Dhiman , Clerk

QUORUM

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

ORDER

1. **Petition:**

1.1 That the petitioners are filing the present petition on account of non-compliance of the Order dated 23.11.2023 passed by Electricity Ombudsman in Appeal No. 72 of 2023. The petitioners are further aggrieved by the fact that the Respondent No. 2 & 3 have failed to restore the electricity connection of the petitioners.

1.2 That for the purpose of adjudication of the present petition, it shall be imperative to state the relevant facts which are as follows:

i. That the petitioners are the stone crushers operating at Village Nagli, Tehsil Bilaspur, District Yamunanagar on the basis of the license issued by the Mines & Geology Department, Government of Haryana in favour of the petitioners.

ii. That the Haryana State Pollution Control Board, Panchkula had issued the Closure Orders dated 09.03.2022 and 12.03.2022 against the petitioners in exercise of powers available under Section 31A of Air (Prevention and Control of Pollution) Act, 1981. The closure orders were issued on the pretext that the stone crushers failed to meet the siting distance parameters as per Notification dated 11.05.2016 issued by Environment Department, Government of Haryana.

iii. That the bare perusal of the closure orders shall reveal that directions were issued to respondent No. 2 and 3 to disconnect the electricity connections of the petitioners with immediate effect. In compliance thereof, the respondent No. 2 & 3 had disconnected the electricity connections of the petitioners on 08.10.2022.

iv. That it shall be imperative to state that despite the disconnection of electricity, the electricity meters installed outside the premises of the petitioners were not removed by respondent No. 2 & 3; and the same is still installed at the premises of the petitioners. Furthermore, all other installations i.e. electricity poles, transformers, electricity lines etc. are also there.,

v. That despite the fact that the electricity connections were disconnected, respondent No. 2 & 3 kept on issuing electricity bills to the petitioners on the basis of average electricity consumptions. On account of being aggrieved by the same, the petitioners had approached the office of respondent No. 3 repeatedly. However, on account of non- redressal of the grievance, the petitioners filed a complaint vide Complaint No. UH/CGRF-27/2023 dated 07.02.2023 which the CGRF, UHBVNL.

vi. That the bare perusal of the Order dated 17.05.2023 shall reveal that the Ld. CGRF had recorded a finding that the Respondent No. 2 & 3 did not comply with the directions of Haryana State Pollution Control Board in letter and spirit; and it was further held that wrong charges were levied upon the petitioners. However, the Ld. CGRF did not issue any clear, unambiguous and specific directions upon Respondent No. 2 & 3.

vii. That being aggrieved by the Order dated 17.05.2023, the petitioners approached Ld. Ombudsman by way of Appeal No. 72 of 2023 seeking modification of the Order dated 17.05.2023 for the purpose of withdrawal of electricity bills issued by Respondent No. 2 & 3 after the disconnection of electricity.

viii. That Respondent No. 2 & 3 had submitted Reply dated 01.09.2023. That it shall be imperative to state that during the pendency of the aforesaid appeal, the petitioners had submitted affidavits dated 09.11.2023 before Ld. Ombudsman whereby it was specifically stated that the petitioners are pursuing their legal remedies against the closure orders and do not require electricity connection in reserve capacity. It was further stated that the issue before the Ld. Ombudsman was whether the disconnection of electricity in pursuance of closure order be treated as permanent or temporary.

ix. That on the basis of the pleadings of respective parties, Ld. Ombudsman proceeded to pass the Order dated 23.11.2023 whereby the Impugned Order dated 17.05.2023 passed by Ld. CGRF, UHBVNL was modified and the appeal was disposed off with directions to Respondent No. 2 & 3.

x. That despite the fact that specific directions were issued to Respondent No. 2 & 3, no action was initiated for the purpose of compliance of the Order dated 23.11.2023. On account of non-compliance by Respondent No. 2 & 3, the petitioners were constrained to submit written requests/reminders dated 19.03.2024, 17.05.2024 and 30.12.2024 with Respondent No. 2 & 3.

xi. That apart from making written requests, the petitioners had repeatedly visited the office of Respondent No. 2 & 3 for the purpose of seeking compliance of the said order. However, instead of ensuring compliance with the order dated 23.11.2023, Respondent No. 2 & 3 issued Notice dated 05.05.2025 upon the petitioners and raised demand for payment of electricity bill without any compliance.

xii. That it shall be imperative to state that in the meanwhile the petitioners were able to seek appropriate orders from Haryana State Pollution Control Board whereby the closure orders were suspended.

xiii. That on 11.11.2025, the petitioners approached Respondent No. 2 & 3 for seeking compliance of the Order dated 23.11.2023. The petitioners were informed that under the surcharge waiver scheme of the Nigam, the amount of electricity bill of the petitioners has been reduced; and the petitioners were advised to deposit the same by way of four monthly installments with further benefit of restoration of electricity supply on payment of first installment.

xiv. That the petitioners, with the bonafide belief and without prejudice to their rights with respect to the grievance raised in the present petition, deposited 25% of the respective amounts which was informed to the petitioners verbally by Respondent No. 2 & 3.

xv. That it shall be imperative to state that Respondent No. 2 & 3 did not provide a copy of the electricity bill to the petitioners on the pretext that due to some error in the system, the physical/hard copy cannot be procured.

xvi. That the petitioners deposited the said amount of 25% on 11.11.2025 with a bonafide belief that th deposit shall lead to restoration of electricity supply and shall not prejudice the rights of the petitioners in any manner. The belief of the petitioners stem from the fact that the petitioners are out of business for last more than 3 years and were keen to resume the operations at the earliest to stop the financial losses and hardships.

xvii. That after the deposit of the aforesaid amount, the petitioners requested the respondent No. 2 & 3 to restore the electricity supply on the previously installed electricity connection. However, the Respondent No. 2 & 3 flatly refused to restore the supply on the pretext that the disconnection was a permanent disconnection and the supply of electricity shall be subject to all the formalities for a new electricity connection.

xviii. That it shall be imperative to state that in the morning of 17.11.2025, the petitioners approached the office of Respondent No. 2 & 3 in order to gather knowledge regarding the latest status of the electricity connection account of the petitioners.

GROUNDS

1.3 That the petitioners seek the kind indulgence of this Hon'ble Commission on the following grounds:

i. That from the aforesaid facts and circumstances, it is apparent that Respondent No. 2 & 3 have miserably failed to initiate appropriate action for the purpose of ensuring compliance of the Order dated 23.11.2023 passed by Ld. Ombudsman.

ii. That the fact that there is no compliance of the aforesaid order is apparent from the perusal of the notice dated 05.05.2025 issued by Respondent No. 2 & 3 to the petitioners.

iii. That in terms of the Order dated 23.11.2023, the disconnection of electricity supply by Respondent No. 2 & 3 in pursuance of the closure orders passed by HSPCB was held to be a temporary disconnection of electricity supply; and the electricity bills should have been generated as per the rules and regulations relating to the temporary disconnection of electricity. However, the issuance of the notice dated 05.05.2025 is against the mandate of the Order dated 23.11.2023 as well as the applicable regulations framed by this Hon'ble Commission.

iv. That the stand of Respondent No. 2 & 3 with respect to disconnection of electricity supply being permanent in nature is falsified by the fact that the electricity meter is still installed in the premises of the petitioners; and no efforts were made by Respondent No. 2 & 3 for removal of the electricity meters.

v. That on account of the inaction on the part of Respondent No. 2 & 3, the petitioners are facing harassment and financial loss. Furthermore, as per the provisions of the Electricity Act, 2003, Respondent No. 2 & 3 are under a duty to ensure continuous supply of electricity to the consumers.

1.4 That the cause of action arose in favour of the petitioners on each and every occasion when the Order dated 23.11.2023 was not complied by Respondent No. 2 & 3. The cause of action further arose in favour of the petitioners when the Respondent No. 2 & 3 did not restore the supply of electricity to the premises of the petitioners despite suspension of the closure orders as well as deposit of amount by the petitioners on 11.11.2025. The cause of action is continuous and is in favour of the petitioners.

1.5 That this Hon'ble Commission has the requisite jurisdiction to entertain and decide the present petition.

1.6 That the present petition is not barred by any law relating to limitation.

PRAYER

In the light of the submissions made herein above, it is most respectfully prayed that:

A. Appropriate orders/directions may kindly be issued to Respondents for compliance of the Order dated 23.11.2023 (Annexure P-8) passed by Ld. Ombudsman in Appeal No. 72 of 2023; and
B. Appropriate orders/directions may kindly be issued for the purpose of quashing/setting aside of the Notice dated 05.05.2025 (Annexure P-10) issued by Respondent No. 2 & 3; and
C. Appropriate orders/ directions may kindly be issued to Respondent No. 2 & 3 to restore the electricity connection of the petitioners; and
D. Appropriate orders/directions may kindly be issued to initiate legal action against Respondent No. 2 & 3 for willful non- compliance of the Order dated 23.11.2023 and
E. To pass any other order or direction which this Hon'ble Commission deems fit and appropriate in the facts and circumstances of the present case.

2. **IA-38 of 2025:**

2.1 That the applicant/petitioners have filed an accompanying petition and the contents of the accompanying petition may kindly be read as part and parcel of the present application. The facts are not reproduced in the present application for the sake of repetition.

2.2 That the applicant/petitioners are facing huge financial loss on account of the fact that Respondent No. 2 & 3 have refused to restore the electricity connection of the applicant/petitioners on the pretext that the disconnection was a permanent disconnection and the restoration shall be subject to all the formalities relating to a new connection.

2.3 That the refusal to restore the electricity connection, despite the pre deposit, is not sustainable in view of the mandate of the Order dated 23.11.2023 passed by Ld. Ombudsman in Appeal No. 72 of 2023. That the balance of convenience is in favour of the applicant/petitioners and against the Respondents

2.4 That the applicant/petitioners are ready to deposit the requisite security amount and to comply with any reasonable conditions which may be imposed by this Hon’ble Commission.

2.5 It is most respectfully prayed that the present application may kindly be allowed and appropriate interim order/directions be issued to the Respondents to restore the electricity connection of the petitioners during the pendency of the accompanying appeal.

3. The case was heard on 19/11/2025, Sh. Anshul Mangla counsel for the petitioner re-iterated the contents of the petition and submitted that the present IA has been filed for interim directions to respondents to restore the supply. He further submitted that the 25% of the defaulting amount has been deposited under surcharge waiver scheme. The existing line, meter and other infrastructures are still in place.Sh. Pawan Chikara, Executive Engineer, submitted that the consumer's account has been updated in compliance to the order of the Electricity Ombudsman (EO). The PDCO has been affected due to defaulting amount pending against the consumers. The instalments of defaulting amount have been made under surcharge waiver scheme considering the connection permanently disconnected. The Commission observes that EO in its order decided that the disconnection of supply of such consumers should be treated as temporary disconnection defined in clause no. 5 (vi) of UHBVN sales circular No. 26/2011 whereas the supply has been disconnected permanently. The petitioner is not able to resume operations for want of electricity supply. The Commission as ad-interim measure directs the respondents to restore the supply within one week after the deposition of ACD and RCO charges considering it as temporary disconnection subject to final outcome of main petition. Accordingly, the IA stands disposed of in above terms. Further, the respondents are directed to submit their reply to petition within four (4) weeks with advance copy to petitioner and petitioner to submit its rejoinder within two (2) weeks thereafter.

4. **Compliance Report dated 22/12/2025:**

4.1 In this connection, it is intimated that the interim order has been passed on dated 19/11/2025 by the Hon'ble Court regarding restore the electricity supply to petitioner within week, upon deposit of ACD and RCO charges by the Petitioner i.e. M/S Bhagwati Stone and Screening (Stone Crusher) village Nagli and M/S Hans Stone and Screening Plant village Nagli.

4.2 The notice has been served to the both consumer regarding apply for RCO through Nigam website online for deposit the ACD and RCO charges. After that M/S Hans Stone and Screening (Stone Crusher) village Nagli applied RCO vide No.Y33-1225-lO dated 01/12/2025 and same has been released by this office on dated 09/12/2025 but M/s Bhagwati Stone and Screening Plant not applied for RCO and not deposit ACD and RCO charges. The reminder has also given to the M/S Bhagwati Stone and Screening Plant for apply the RCO but it is still pending at the part of consumer uptill now.

5. **Reply Submitted by respondents on 02/01/2026:**

5.1 That the present reply is being filed on behalf of Respondent No. 1 - Uttar Haryana Bijli Vitran Nigam Limited (for brevity "UHBVNL" or "Answering Respondents") through Sh. Pawan Chhikara working as Executive Engineer/ OP Division, Jagadhri 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.

5.2 That UHBVNL is a State-Owned Power Distribution Company 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.

5.3 That all submissions herein are made in the alternative and without prejudice to each other. Any allegations raised by the Petitioner against the Answering Respondent - 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.

PRELIMINARY SUBMISSION/OBJECTIONS:

5.4 That the brief facts of the case are that the Petitioners are the stone crushers operators located at Village Nagli, District Yamunanagar, Haryana who were carrying business of stone crusher on the basis of the respective licenses issued by Mines & Geology Department, Government of Haryana.

5.5 That the stone crushers of the Petitioners were ordered to be closed by Haryana State Pollution Control Board on the basis of Orders dated 08.03.2022/09.03.2022. As per the said orders, directions were issued to UHBVNL to disconnect the electricity connection of the Petitioners with immediate effect.

5.6 That in compliance of the aforesaid orders, the officials of UHBVNL have disconnected the electricity connection of the stone crushers of the Petitioners. The electricity supply was disconnected on 08.10.2022 by removing jumpers from pole outside the premises as per the closure order issued by the Haryana State Pollution Control Board.

i. Meter of consumer was under lock & custody of the consumer.
ii. Meter could not be removed because no load was available at site to check accuracy of meter before removal which is mandatory in these cases.

5.7 That the Respondents had complied with the order issued by the HSPCB but the connections were still running in the consumer's ledger record, as supply was disconnected from the pole and meter was not removed PDCO of the connection can be done either on consumer request or on defaulting amount. As the connections were running in the office record, fixed charges were levied.

5.8 That aggrieved Petitioners approached the Ld. CGRF, UHBVNL, Kurukshetra as per file petition on dated 07.02.2023 whereby it was observed that the fixed charges levied upon the Petitioners were not satisfactory in view of instructions issued by the Nigam in 2013 and the order of the HSPCB was not complied with properly. Therefore, a direction vide order dated 17.05.2023 was issued to set right the billing of the complainant and further gave the direction to the Respondents to give the Petitioner single phase supply and charge the amount of tariff including fixed charges as per standing instruction of the Nigam. In compliance the order of CGRF dated 17.05.2023 UHBVN issued SJO to restore the supply through single phase but consumer did not allow the UHBVN restore supply. Those consumers deliberately did not allow for the restoration of single phase supply but UHBVN had clear intention to restore the single phase supply.

5.9 That the Petitioners being aggrieved further approached the Ld. Ombudsman, HERC seeking modification of Impugned Order dated 17.05.2023 to the extent that all electricity bills generated in the name of Petitioners after disconnection may be withdrawn and no charges to be levied for the period of disconnection.

5.10 That the Ld. Ombudsman held that,

"*In view of the above facts and circumstances, the connections of the Petitioners have been disconnected by the respondent as per closure order issued by Haryana State Pollution Control Board on violation of norms mandated as per section 31-A of Air (Prevention & Control of Pollution) Act, 1981. Regarding issue as to whether the disconnection of electricity in pursuance of closure order issued should be treated as permanent or temporary, I am of considered opinion that keeping in view the eventuality of curing a violation by the consumer, the disconnection of supply of such consumers should be treated as temporary disconnection of supply as defined in clause no. 5 (vi) of UHBVN Sales Circular No. U-26/2011. Therefore, accounts of the Petitioners may be overhauled and further action in the matter may be taken as per guidelines provided in afore mentioned clause of the aforesaid circular. The impugned order dated 17.05.2023 is modified to this extent and the appeal is disposed of accordingly. Both the parties to bear their own costs.*"

5.11 That it is submitted that the disconnection, in compliance with the order of the Electricity Ombudsman, is now being considered as an Temporary Disconnection (TDCO) as defined in clause no. 5 (vi) of UHBVN Sales Circular No. U-26/2011 on account of the orders of the Haryana State Pollution Control Board.

5.12 That in view of Clause 5(vi) of the UHBVN Circular No. 26/2011, for temporary disconnection of supply minimum charges shall be payable @ Rs. 400/- per KW or part thereof of the connected load no minimum charges will be levied thereafter. The ibid circular further states as under:-

"The requests for further extension of temporary disconnection who have been allowed T.D.C.O for a period up to 12 months shall be considered only after a minimum period of six months from the date up to which the last disconnection was allowed. For example in case a consumer temporary disconnection for 12 months and the same is allowed from 01.01.2011 to 31.12.2011 and if he applies for further extension, the same will not be allowed before 1st July, 2012. During the intervening period i.e. for the period 1st January 2012 to 30th June 2012, he will be billed on normal tariff as if there were no temporary disconnection."

Therefore, the charges as mandated in the sales circular and further directed by Hon'ble Ombudsman shall be applicable, in case the connection is considered as a temporary disconnection.

5.13 That in view of the Sales Circular no. 26/2011, an amount of Rs. 4,45,129/- + 925998/- = Rs.1371127/- is chargeable from Petitioner No. 1- M/s Bhagwati Stone & Screening whereas an amount of Rs. 3,93,639/- + 1006353/- Rs. 1399992/- is chargeable from the Petitioner No. 2- M/s Hans Stone & Screening.

5.14 That it is pertinent to point out that the Petitioners were defaulting party even if orders were not issued by HSPCB in view of the default in payments that were to be made to the Respondents for the usage of electricity. As such, the account was liable to be placed under PDCO in view of the cause of action that had arisen in favour of the Respondent due to default in payment by the Petitioner. However, the meter of consumer was under lock and the PDCO of consumer was affected on dated 15.03.2024 (Copy of PDCO enclosed) & therefore account was closed by effecting the disconnection without removal of meter.

5.15 Subsequently consumer being a disconnected consumer requested to UHBVN for benefit under surcharge waiver scheme and same was extended to the petitioner is taking advantage of the surcharge waiver scheme of the Respondent which is not applicable to the Petitioner in view of the Point 5 of the Surcharge Waiver Scheme, 2025 which states,

"5.In case of disconnected consumers, the reconnection will be made on payment of the lump sum amount or on the payment of the first instalment of the principal amount (as the case may be) after charging RCO fee as applicable. Provided the disconnection has been effected within six months for all categories except AP where disconnection may not be older than two years. In case of disconnection older than six months,/two years (as case may be) the applicant shall be treated as a new consumer."

Being the disconnected consumer the applicant has taken advantage amounting to Rs. 187,600/- & Rs. 290,351/- which is chargeable from the petitioner in view of interim order of Hon'ble commission dated 19.11.2025. Therefore, it is submitted that in case the benefit of surcharge waiver scheme is availed, the Petitioners are liable to be treated as a new consumer and service connection charges are bound to be paid by consumer. Further it is submitted that in the prevalent circumstances, in case the accounts are considered as temporary disconnections, as per order of OMBUDSMAN, the surcharge waiver which has been waived of due to HERC order dated 19.11.2025 scheme cannot be availed by Petitioners.

5.16 That it is the case of the answering respondent that the Respondents have acted duly in compliance of the orders of Electricity Ombudsman and duly followed the procedure as laid down under rules & regulations applicable. It is submitted that the pre-requisites required to be fulfilled by the Petitioners have not been done and as such, the electricity connection was not restored due to Petitioners own wilful omissions.

As such, the present Petition is liable to be dismissed being non-maintainable and bereft of any merits.

ON MERITS/ PARA-WISE REPLY:

1. That the contents of this Para No. 1 are denied.
2. That the sub-para wise reply is as follows:

i. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

ii. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

iii. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

iv. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

v. That in reply to this sub-para, it is submitted that the respondent department had complied with the order issued by HSPCB but the connections were still running in the consumer's ledger record, as the meter was under lock and key of consumer, no load was available to check the accuracy of the meter, consumer did not submit any request for removal of meter. As the connections were running in the office record, fixed charges were liable to be levied in the bill of the consumers. It is pertinent to mention here that Fixed charges on any connection are not leviable under two conditions i.e. temporary disconnection and permanent disconnection, for which application has to be given by the consumer.

vi. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

vii. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

viii. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

ix. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

x. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

xi. That in reply to this sub-para, it is submitted that certain pre-requisites were required to be complied with on behalf of the Petitioners such as deposit of pending arrears, etc. for respondents to effectively comply with the order.

xii. That the contents of this sub-para are wrong and denied. It is submitted that the demand for payment of electricity bill was raised in accordance to rules and regulations of the Nigam.

xiii. That the contents of this sub-para is a matter of record and hence, warrants no reply. However, if anything is found contrary to the record, the same is vehemently denied.

xiv. That the contents of this sub-para are wrong and denied. It is submitted that surcharge waiver scheme is not applicable to the Temporary Disconnection.

xv. That in reply to this sub-para it is submitted that the Petitioners on its own accord considered the account as PDCO and thereby availed surcharge waiver scheme.

xvi. That the contents of this sub-para are wrong and denied.

xvii. That in reply to this sub-para, it is submitted that a due procedure is required to be followed for restoration of electricity such as payment of arrears, ACD, RCO charges, etc.

xviii. That the contents of this sub-para are denied.

xix. That the contents of this sub-para are denied.

3. That the contents of Para No. 3 are wrong and denied. A sub-parawise reply is as follows:

i. That the contents of this sub-para are wrong and denied. It is submitted that the Respondents have acted duly in accordance with the rules and regulations of the Nigam while complying with the order of the EO.

ii. That the contents of this sub-para are wrong and denied. It is submitted that notice dated 05.05.2025 was issued in accordance with the rules and regulations of the Nigam and certain pre-requisites are required to be fulfilled on behalf of the Petitioners for due compliance of the order of EO.

iii. That the contents of para iii of the petition are wrong, misconceived, and hence denied. It is submitted that the respondent department duly complied with the closure order issued by the Haryana State Pollution Control Board (HSPCB) and disconnected the electricity supply in accordance therewith. However, the petitioner never submitted any application seeking either temporary disconnection or permanent disconnection (PDCO) as mandated under the applicable rules and sales circulars no. 26/2011. Thus, the reliance placed by the petitioner on the order dated 23.11.2023 is therefore misplaced, and the issuance of notice dated 05.05.2025 is lawful and valid.

iv. That the contents of para iv of the petition are incorrect and denied. UHBVN issued PDCO orders (Annexure-) to JE in-charge wherein it is specifically mentioned that the meter is under lock. Thus, sincere efforts were made by departments, Hence, the allegation that the stand of Respondent No. 2 & 3 is falsified is wholly erroneous and unsustainable.

v. That the contents of para v of the petition are emphatically denied. There is no inaction, harassment, or illegality on the part of Respondent No. 2 & 3. On the contrary, the respondent department has acted strictly in accordance with the provisions of the Electricity Act, 2003 and Sales Circular No. 26/2011.As per clause 5(vi)(b) of Sales Circular No. 26/2011, temporary disconnection can be granted only upon a written request by the consumer specifying valid reasons and subject to satisfaction of the prescribed conditions. The said circular does not envisage temporary disconnection in cases arising out of violations of HSPCB guidelines, such as in the present case. Therefore, the temporary disconnection of the petitioner's connection could not be recommended under the said circular. In view of the above, the respondent department has rightly levied fixed charges since the connections continue to remain operative in the consumer ledger records. No financial loss or harassment has been caused due to any act or omission of the respondents. The petition/appeal is therefore misconceived and liable to be dismissed on this ground alone. On the contrary the consumer has availed financial benefit on both accounts which is as under:-

A) On account of PDCO:- M/s Bhagwati Stone & Screening an amount of Rs. 1,87,600/- on account of surcharge waiver which is applicable only to PDCO consumer. In addition to an amount of Rs 7,60,000/- on account of SCC which had to be paid before reconnection by a PDCO consumer.

B) On account of PDCO:- M/s Hans Stone & Screening an amount of Rs. 2,90,351/- on account of surcharge waiver which is applicable only to PDCO consumer. In addition to an amount of Rs 7,76,000/- on account of SCC which had to be paid before reconnection by a PDCO consumer.

C) On account of TDCO :- M/s Bhagwati Stone & Screening As per sales circular 26/2011 consumer has to pay an amount of Rs. 13,71,127/- for availing TDCO for a period from 08/12/2022 till date of RCO. But the consumer has not paid this amount and rather is also challenging itself the order of Hon'ble EO instead of seeking its execution.

D) On account of TDCO :- M/s Hans Stone & Screening As per sales circular 26/2011 consumer has to pay an amount of Rs. 13,99,992/- for availing TDCO for a period from 08/12/2022 till date of RCO. But the consumer has not paid this amount and rather is also challenging itself the order of Hon'ble EO instead of seeking its execution.

4. That the contents of this paragraph are incorrect, misconceived, and emphatically denied. No cause of action, whether in fact or in law, arises in the present case.
5. That the contents of this para needs no reply.
6. That the contents of this para needs no reply.

As such, it is prayed that the present Petition may kindly be dismissed as non-maintainable and bereft of any merits.

PRAYER :-

It is therefore, most respectfully and humbly prayed that the above said Petition is liable to be dismissed being non-maintainable and bereft of any merits

6. The case was heard on 06/01/2026, as scheduled, in the court room of the Commission. At the outset, Sh. Aditya Gautam counsel for the respondents submitted that the reply has been filed. Sh. Anshul Mangla counsel for the petitioner requested for some time to file the rejoinder. Acceding to request of the petitioner, the Commission adjourns the matter and directs the petitioner to file its rejoinder with in four (4)weeks, with an advance copy to respondent. The matter to come up next on 09/04/2026.
7. **Rejoinder dated 07/04/2026 submitted by Petitioner:**

7.1 That the petitioners had instituted a petition before this Hon'ble Commission seeking compliance of the Order dated 23.11.2023 passed by the Ld. Ombudsman in Appeal No. 72 of 2023 and various other relief.

7.2 That in response to the petition dated 17.11.2025 filed by the petitioners, the respondents submitted a written statement dated 01.01.2026; and the petitioners are submitting the present replication in response to the written statement submitted by respondents.

7.3 That the contents of the present replication may kindly be taken part and parcel of the petition filed by the petitioners; and the same may kindly be taken into consideration for the adjudication of the case.

<u>Reply to the preliminary submissions/objections:</u>

7.4 That the contents of paragraph No. 4 are a matter of record.

7.5 That the contents of paragraph No. 5 are a matter of record.

7.6 That the contents of paragraph No. 6 are a matter of record in so far as the disconnection of electricity supply of the petitioners inpursuance of orders passed by HSPCB is concerned. In so far as the averments regarding disconnection through removal of jumpers from the pole outside the premises is concerned, the same are denied for want of knowledge. However, it is submitted that the respondents had stopped the supply of electricity to the premises of the petitioners and there was no consumption of electricity by the petitioners.

In so far as the averments at point No. 1 & 2 of paragraph No. 6 are concerned, it is submitted that the respondents had never approached the petitioners for the removal of the meter from the premises of the petitioners; and the averments are false and baseless. Furthermore, the averments at point No. 1 & 2 are falsified on account of the fact that sufficient authority is available with the respondents in terms of Regulation No. 12 of Haryana Electricity Supply Code, 2014. The relevant extract of regulation 12 is as follows:

12 Entry of Licensee in consumer's premises

12.1 A licensee or any other person duly authorized by him may, at any reasonable time, and on informing the occupier of his intention, enter any premises in which the electric supply lines or other works have been lawfully placed by the licensee for the purpose of –

(a) Inspecting, testing, repairing or altering the electric supply- lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or

(b) Ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) Removing any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee where a supply of electricity is no longer required, or the licensee is authorized to take away and cut off such supply; or

(d) Disconnection of Supply under Regulation 10 and or

(e) Delivery of bills

12.2 A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty four hours notice in writing to the occupier enter: -

(a) Any premises or land referred to in Regulation 12.1 for any of the purpose mentioned therein, or

(b) Any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of electricity belonging to the consumer.

12.3 Where a consumer refuses to allow a licensee or any person authorized as aforesaid to enter his premises or land in pursuance of the provisions of Regulation 12.1 or Regulation 12.2, refuses to allow him to perform any act which he is authorized by those Regulations to perform, or fails to give reasonable facilities, the licensee may after expiry of twenty four hours from the service of a notice in writing on the consumer, disconnect the supply to the consumer till such refusal or failure continues.

12.4 The authorized personnel visiting the consumer premises must follow the following codes/procedure

(a) Each and every person entering in to the premises should have identity card issued by the licensee with him. The identity card must be placed in a manner so that the consumer can easily see the same.

(b) Each and every Member of staff including officers entering in to the premises should wear the nameplate with the designation and must carry instruction sheet/job sheet in respect of the job which he is required to execute and will show to the consumer.

(c) Site report of the job shall include date and time of completion of the job and will be signed by the consumer.

(d) *Consumer shall cooperate with the Licensee's personnel and make the premises available to them for carrying out their duty to enable Licensee to provide better service.*

7.7 That the contents of paragraph No. 7 are a matter of record in so far as the compliance of the orders passed by HSPCB is concerned. The rest of the contents are denied for want of knowledge. However, it is submitted that on account of the fact that the electricity supply was disconnected in pursuance of the orders passed by HSPCB, the petitioners were not required to pay any charges to the respondents since there was no consumption of electricity and the disconnection was on the basis of an orderpassed by a statutory authority. Furthermore, the levy of fixed charges on the pretext that the disconnection was not a permanent disconnection is unjustified and illegal.

7.8 That the contents of paragraph No. 8 are a matter of record in so far as the proceedings before the Ld. CGRF, UHBVNL, Kurukshetra are concerned. The rest of the contents are denied being false and baseless.

7.9 That the contents of paragraph No. 9 are a matter of record in so far as the appeal before the Ld. Ombudsman, HERC is concerned.

7.10 That the contents of paragraph No. 10 are a matter of record in so far as the reference to the Order dated 23.11.2023 passed by Ld. Ombudsman is concerned.

7.11 That the contents of the paragraph No. 11 are a matter of record since reference is made to the Order dated 23.11.2023 passed by Ld. Ombudsman is concerned. However, it is submitted that despite such clear and categoric directions by Ld. Ombudsman in the Order dated 23.11.2023, the respondents did not comply with the said order. The said fact is apparent from the representations vide Annexure P-9. Furthermore, the issuance of Notices vide Annexure P-10 by the respondents clearly show that the Order dated 23.11.2023 was not complied by the respondents.

7.12 That the contents of paragraph No. 12 are a matter of record since reference is made to the Sales Circular 26 of 2011 vide Annexure R-3 is made. However, it is submitted that a perusal of Clause No. 5(vi) refers to a situation where the request for disconnection is made by the consumer itself; and provides for disconnection for a period of 12 months and further request for disconnection after a minimum gap of 6 months. However, in the present case, the disconnection was made in pursuance of Orders passed by a statutory authority. Hence, the application of Clause 5 (vi) requires modification in so far as its application in the present case is concerned and the minimum gap of 6 months cannot be taken into consideration for considering the disconnection beyond 12 months. In the present case, the disconnection was made on 08.10.2022 and continued upto 08.11.2025. However, on account of the fact that the disconnection was due to the orders of HSPCB, while calculating the charges, the extension beyond 12 months should be considered *de hors* the minimum gap of 6 months.

7.13 That the contents of paragraph No. 13 are denied being false and baseless. In this regard, the contents of the preceding paragraph i.e. paragraph No. 12 are reiterated.

7.14 That the contents of paragraph No. 14 are denied being false and baseless. It is submitted that the respondents cannot take the benefit of their own wrong on account of the fact that the respondents did not comply with the Order dated 23.11.2023 passed by Ld. Ombudsman and did not carry out the necessary corrections/modifications etc. Furthermore, it is submitted that the allegations of default against the petitioners are not maintainable since no bill was issued to the petitioners subsequent to the issuance of the Order dated 23.11.2023 by Ld. Ombudsman. Furthermore, the respondents, unilaterally, declared the electricity connection of the petitioners as PDCO on 15.03.2024 despite the fact that there was complete non- compliance of the Order dated 23.11.2023 on their part; and the plea of non-removal of meter due to lock is not sustainable in view of Regulation No. 12 of Electricity Supply Code, 2014 which gives ample powers to the respondents to enter the premises of a consumer and carry out actions relating to disconnections.

7.15 That the contents of paragraph No. 15 are a matter of record in so far as Surcharge Waiver Scheme, 2025 vide Annexure R-2 is concerned. Furthermore, it is submitted that the petitioners had availed Surcharge Waiver Scheme on the basis of advice of the officials of the respondents. In this regard, the contents of paragraph No. 2 (xiv) and (xv) of the petition are reiterated. Furthermore, reliance upon Clause No. IV(5) of the Surcharge Waiver Scheme by the respondents is completely misconceived since the case of the petitioners does not fall within the category of disconnected consumers since the disconnection was only a temporary disconnection in terms of the Order dated 23.11.2023 passed by Ld. Ombudsman. The connections of the petitioners, despite availing the Surcharge Waiver Scheme, are not liable to be treated as new connection in terms of Clause No. IV(5) of the scheme as the disconnection was not permanent but temporary. Moreover, the disconnection was not on account of default but due to the orders of a statutory authority.

7.16 That the contents of paragraph No. 16 are denied being false and baseless. It is submitted that from the record appended with the petition it is apparent that the respondents had miserably failed to comply with the Order dated 23.11.2023 passed by the Ld. Ombudsman; and there was no willful omission on the part of the petitioners. The entire action of the respondents was illegal and contrary to the aforesaid order.

REPLY TO THE PARAWISE REPLY:

1 to 6. That in this regard, the contents of the petition vide paragraph No. 1 to 6 are reiterated.

REPLY TO THE PRAYER:

In this regard, it is submitted that the prayer made in the written statement is not sustainable on the law and facts of the present case; and the prayer made in the petition is reiterated.

8. The case was heard on 09/04/2026, as scheduled, in the court room of the Commission. None appeared on behalf of petitioner. At the outset, Sh. Aditya Gautam counsel for the respondents submitted the directions of the Commission have been complied with. The Commission observes that further proceedings in the matter require presence of petitioner, thus adjourns the matter and directs the parties to appear for final arguments on next date of hearing. The matter to come up next on 19/05/2026**.**
9. The case was heard on 19/05/2026, as scheduled, in the court room of the Commission. At the outset, Sh. Anshul Mangla counsel for the petitioner submitted the connections of the petitioners were disconnected on the directions of HSPCB and the applicability of surcharge waiver scheme in this case is required to be decided. The counsel for the respondents submitted that regular bills have been issued to the petitioners establishing that the disconnection was temporary. Further the benefit of surcharge waiver scheme is only for the PDCO cases and not for the TDCO cases. The Commission heard the parties in detail and directs to submit the written submissions within two (2) Weeks and reserves the order.
10. **Written Submissions by Petitioner dated 26.05.2026**

10.1 Grievance of petitioners:

- Non-compliance of the Order dated 23.11.2023 (Annexure P-8) passed by Ld. Ombudsman in Appeal No. 72 of 2023.
- Non-restoration of the electricity connection of the petitioners (redressed vide Interim Order dated 19.11.2025).

10.2 Contents of petition in brief:

- The petitioners, in their petition, have specifically pleaded that the electricity connections of the petitioners were disconnected by the respondent on 08.10.2022 in pursuance of the closure orders dated 09.03.2022 and 12.03.2022 passed by HSPCB. Despite non-supply of electricity, respondent issued electricity bills to the petitioners on fixed charge basis. The petitioners had approached Ld. CGRF, UHBVNL vide Complaint No. UH/CGRF-27/2023 dated 07.02.2023 for redressal of their grievance. The Ld. CGRF passed the Order dated 17.05.2023 but failed to give any specific directions; and on account of the ambiguity, the petitioners approached Ld. Ombudsman vide Appeal No. 72 of 2023. The Ld. Ombudsman disposed off the appeal vide Order dated 23.11.2023 and had held that the disconnection of the electricity supply of the petitioners was to be treated as "temporary disconnection" in terms of Clause 5(vi) of Sales Circular No. U-26/2011.
- However, even after a lapse of more than two years, there was complete non-compliance of the Order dated 23.11.2023.

Furthermore, despite granting the benefit of surcharge waiver scheme to the petitioners and accepting deposit under the said scheme, the electricity connection of the petitioners were not restored.

10.3 Contents of written statement in brief:

- The respondent had admitted the fact that the electricity connections were disconnected on 08.10.2022 in pursuance of Closure Orders passed by HSPCB. However, it was pleaded that on account of defaults made by the petitioners in the payment of electricity charges, the disconnection was treated as permanent disconnection. It was further pleaded that the case of the petitioners cannot be adjudicated as per Clause No. 5 (vi) of Sales Circular No. U-26/2011 on account of the fact that the said clause only refers to a situation whereby temporary disconnection is sought by the consumer itself. It was further pleaded that since the disconnection was treated as PDCO, the petitioners cannot be granted the benefit of surcharge waiver scheme.

10.4 Contents of replication in brief:

- The petitioners, in the replication, specifically pleaded that the disconnection cannot be treated as PDCO in view of the Order dated 23.11.2023 passed by Ld. Ombudsman. Furthermore, the application of Clause No. 5(vi) requires modification in the present case; and the surcharge waiver scheme is squarely applicable to the petitioners.

10.5 SUBMISSIONS:

A. Clause No. 5(vi) of the Sales Circular No. U-26/2011 is applicable but requires modification in its applicability:

- It is submitted that it is an undisputed position that Clause No. 5(vi) deals with a situation whereby temporary disconnection is sought by the consumer itself. As per the provisions of the said clause, the request for temporary disconnection can be entertained by the respondent for a maximum of 12 months; and thereafter, the further request for temporary disconnection can be considered after a gap of 6 months. Furthermore, for the initial period of 12 months, the consumer shall be charged @ Rs. 400/- per kw and after the expiry of 12 months, the consumer shall be billed on normal tariff for a period of 6 months before seeking further temporary disconnection. Hence, as per Clause No. 5 (vi), the maximum period of temporary disconnection allowed in one go is 12 months and further extension can only be sought after a gap of 6 months; and for the said period of 6 months, the consumer has to pay electricity charges as per normal tariff.
- However, in the present case, the temporary disconnection took place on account of the issuance of closure orders by a statutory authority; and the closure orders passed by HSPCB remained in operation for a period between 09.03.2022 to 10.11.2025 for P-1 and between 12.03.2022 to 17.10.2025 for P-2.
- Taking in view the peculiar facts and circumstances of the case, it is submitted that the application of Clause No. 5(vi) of the Sales

Circular requires modification to the extent that the petitioners should only be charged @ Rs. 400/- per kw for the entire period wherein the closure order remained in operation and the electricity connection remained temporarily disconnected. The petitioners should not be burdened to pay the electricity charges as per normal tariff for each gap of 6 months as contemplated in the sales circular.

- Regulation No. 4.7 of HERC (Forum and Ombudsman) Regulations, 2020 relates to the inherent powers of this Hon'ble Commission which reads as follows:

  4.7 Inherent powers of the Commission- 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.

B. Surcharge waiver scheme is squarely applicable in the present case:

- As per the Surcharge Waiver Scheme, 2025 (Annexure R-2), the same is applicable to connected and disconnected consumers.
- In the present case, as per the Order dated 23.11.2023 passed by Ld. Ombudsman, the disconnection was treated as a temporary disconnection and not a permanent disconnection. For all means and purposes, the case of the petitioners is related to stoppage of supply of electricity only.
- In view of the fact that the case of the petitioners is related to stoppage of supply of electricity, the connection of the petitioners must be treated as "connected" for the purpose of applicability of surcharge waiver scheme and cannot be treated as "disconnected" for the said purpose. Furthermore, it is submitted that since the connection is to be treated as "connected", the petitioners are not liable to pay any charges for the reconnection.

Prayer:

In the light of the submissions made herein above, the present petition may kindly be allowed and the reliefs claimed by the petitioners may kindly be granted in favour of the petitioners.

11. **Written submissions by Respondent dated 3.6.2026**

11.1 That the present petition has been filed by the Petitioner is misconceived, misleading and liable to be dismissed.

11.2 The present written arguments are being filed on behalf of Respondent No.1 – Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) in PRO No. 85 of 2025, arising out of a consumer dispute relating to billing and treatment of disconnection of HT industrial connections of the Petitioners (stone crushers at Village Nagli, Yamunanagar) pursuant to closure orders passed by the Haryana State Pollution Control Board (HSPCB).

11.3 It is submitted that there are two contentions that remain open for consideration of the Hon'ble Commission;

i. Upon treating the connection as TDCO in compliance of the order passed by the Ld. Ombudsman, consequent liability of the

Petitioners to pay minimum / fixed charges during the period of such temporary disconnection as per the Circular U-26/2011;

ii. Whether the Petitioners can simultaneously claim benefits under the Surcharge Waiver Scheme, 2025 and yet avoid being treated as new consumers in terms of clause 5 of the said Scheme;

iii. Whether the Petitioners are still the defaulting party in the present facts & circumstances and as such, the Respondents are entitled to make recoveries or alternatively, take necessary actions as per the applicable rules & regulations ;

11.4 That the Ld. Ombudsman held that,

"In view of the above facts and circumstances, the connections of the Petitioners have been disconnected by the respondent as per closure order issued by Haryana State Pollution Control Board on violation of norms mandated as per section 31-A of Air (Prevention & Control of Pollution) Act, 1981. Regarding issue as to whether the disconnection of electricity in pursuance of closure order issued should be treated as permanent or temporary, I am of considered opinion that keeping in view the eventuality of curing a violation by the consumer, the disconnection of supply of such consumers should be treated as temporary disconnection of supply as defined in clause no. 5 (vi) of UHBVN Sales Circular No. U-26/2011. Therefore, accounts of the Petitioners may be overhauled and further action in the matter may be taken as per guidelines provided in afore mentioned clause of the aforesaid circular. The impugned order dated 17.05.2023 is modified to this extent and the appeal is disposed of accordingly. Both the parties to bear their own costs."

11.5 It is submitted that the Respondents acted duly in compliance with the order dated 23.11.2023 passed by the Ld. Ombudsman and has treated the account of the Petitioner as Temporary Disconnection as defined in Clause 5(vi) of UHBVN Sales Circular No. U-26/2011.

11.6 A perusal of the bills of the Petitioners dated 12.10.2022 shows that an amount of Rs. 12,98,994/- and Rs. 7,38,464/- was payable by the Petitioners on account of arrears and last bill before disconnection was done. As such, Petitioners were independently in default of their electricity dues even prior to disconnection in October, 2022, apart from them facing environmental closure orders. Annexure R-1 to the reply effectively sets out bills showing arrears outstanding before the HSPCB-mandated disconnection, establishing that a cause of action had already arisen in favour of UHBVNL to initiate disconnection on account of persistent non-payment.

11.7 It is submitted that the Petitioners' insistence that no amount whatsoever is payable for the entire period after October 2022 is contrary to the scheme of the Supply Code, which requires consumers to pay for supply and related contractual obligations at the tariff in force, and does not exempt them from minimum charges or contractual liabilities merely because supply has been disconnected on account of their own violations or defaults. Further, it is submitted that order passed by the Ld. Ombudsman also records that, *accounts of the Petitioners may be overhauled and further action in the matter* *may be taken as per guidelines provided in clause no. 5 (vi) of UHBVN Sales Circular No. U-26/2011.*

11.8 The relevant parts of clause no. 5 of UHBVN Sales Circular No. U-26/2011 is reproduced below;

"(vi) Temporary disconnection of supply

(a) For temporary disconnection of supply minimum charges shall be payable @ Rs.400/- per kW or part thereof of the connected load.

(vi) The request for further extension of temporary disconnection who have been allowed T.D.C.O for a period up to 12 months shall be considered only after a minimum period of six months from the date up to which the last disconnection was allowed. For example, in case a consumer seeks temporary disconnection for 12 months and the same is allowed from 01.01.2011 to 31.12.2011 and if he applies for further extension, the same will not be allowed before 1st January 2012 to 30th June 2012, he will be billed on normal tariff as if there were no temporary disconnection.

(vii) The industries which are allowed temporary disconnection will pay minimum charges @ Rs.400 per kW or part thereof of the connected load for one month following the month in which temporary disconnection has been allowed and no minimum charges will be levied thereafter."

It is submitted that in view of the aforementioned clauses of the applicable circular as also mentioned in the order passed by the Ld. Ombudsman, an amount of Rs. 3,93,639/- is chargeable from M/s Hans Stone & Screening and Rs.4,45,129/- is chargeable from M/s Bhagwati Stone in addition to the liability on account of wrongly availed benefit on account Surcharge Waiver Scheme of Rs. 2,90,351/- by M./s Hans Stone & Screening and Rs. 1,87,600 by M/s Bhagwati Stone & Screening.

11.9 It is submitted that the Surcharge Waiver Scheme vide Sales Circular No. U-06/2025 was wrongly availed by the Petitioners. As per the aforementioned circular, the Surcharge Waiver Scheme is only applicable to the Permanent Disconnections and NOT temporary Disconnection. The relevant part is reproduced below for the convenience of the Hon'ble Commission:

"IV. For Industrial and other Categories:-

....

5. In case of disconnected consumers, the reconnection will be made on payment of the lump sum amount or on the payment of the first instalment of the principal amount (as the case may be) after charging RCO fee as applicable. Provided the disconnection has been effected within six months for all categories except AP where disconnection may not be older than two years. In case of disconnection older than six months,/two years (as the case may be) the applicant shall be treated as new consumer."

Therefore, it is submitted that Surcharge Waiver Scheme, 2025 is not applicable to the Petitioners and the same has been availed wrongly by the Petitioners. As such, an amount of Rs. 2,90,351/- is liable to be recovered from M./s Hans Stone & Screening and Rs. 1,87,600 is liable to be recovered from M/s Bhagwati Stone & Screening.

11.10 That it is submitted that the Respondent has annexed at Annexure R-4 at Page 47-48 showing the details of charging as per the Sales Circular Number U-26/2011 in compliance with the order of the Ld. Ombudsman, treating the connection to be TDCO. A perusal of Annexure R-4 shows that an amount of Rs. 3,93,639/- is chargeable from M/s Hans Stone & Screening and Rs.4,45,129/- is chargeable from M/s Bhagwati Stone in addition to the liability on account of wrongly availed benefit on account Surcharge Waiver Scheme of Rs. 2,90,351/- by M./s Hans Stone & Screening and Rs. 1,87,600 by M/s Bhagwati Stone & Screening.

11.11 Further, vide interim order dated 19.11.2025, the Hon'ble Commission directed the Respondents to restore electricity supply treating the case as a matter of temporary disconnection, in conformity with finds of E.O. and subject to the final outcome of the main petition. It is submitted that in view of the abovementioned submissions, the Petitioners may be directed to pay the outstanding amount or otherwise, the interim order may kindly be vacated so that the Respondents can proceed in accordance with the applicable rules and regulations.

11.12 It is submitted that the present petition under Section 142, 146 of the Electricity Act, 2003 is misconceived, bereft of any merits and as such, liable to be dismissed. It is submitted that, in compliance of the Ld. Ombudsman order dated 23.11.2023, UHBVNL has:

i. Treated the Petitioners' accounts as temporarily disconnected (TDCO) with effect from the date of HSPCB-mandated disconnection.
ii. Overhauled the accounts strictly in terms of clause 5(vi) of Sales Circular No. U-26/2011, and as such, billing to amounts legitimately leviable under the temporary disconnection regime.
iii. Calculated the resultant liability and communicated the same to the Petitioners, indicating the amounts of Rs. 4,45,129 and Rs. 3,93,639 as payable by the Petitioners.
iv. Made the Surcharge Waiver Scheme, 2025 inapplicable to the Petitioners accounts upon treatment of the account as TDCO.

As such, the Respondents is not liable under Section 142, 146 of the Electricity Act, 2003 as due compliance has been made by the Respondents.

11.13 It is submitted that Sections 142 and 146 of the Electricity Act are penal provisions aimed at enforcing compliance with regulations and orders. It is the case of the Respondents that, the Ombudsman's order has conclusively determined that disconnection in Petitioners' case is temporary under clause 5(vi) of U-26/2011, and that accounts are to be overhauled on that basis, the only question in a compliance petition could be whether UHBVNL has acted contrary to that direction.

11.14 That it is the case of the answering respondent that the Respondents have acted duly in compliance of the orders of Electricity Ombudsman and duly followed the procedure as laid down under rules & regulations applicable. It is submitted that the pre-requisites required to be fulfilled by the Petitioners have not been done and as such, the electricity connection was not restored due to Petitioners own wilful omissions.

11.15 It is submitted that the Respondents have scrupulously complied with the Ombudsman's award by treating the accounts as TDCO, recalculating charges as per the circular. It is further submitted that in view of the above submissions, no case of wilful non-compliance is made out and as such, the present Petition is liable to be dismissed.

11.16 That it is the case of the answering respondent that the Respondents have acted duly in compliance of the orders of Electricity Ombudsman and duly followed the procedure as laid down under rules & regulations applicable. It is submitted that the pre-requisites required to be fulfilled by the Petitioners have not been done and as such, the electricity connection was not restored due to Petitioners own wilful omissions.

As such, the present Petition is liable to be dismissed being non-maintainable and bereft of any merits.

PRAYER :-

It is therefore, most respectfully and humbly prayed that the above said Petition is liable to be dismissed being non-maintainable and bereft of any merits and the interim order dated 19.11.2025 may kindly be revoked.

Commission Order.

1. The Commission examined the petition in detail along with the reply, rejoinder and written submissions on record and heard the arguments of the Petitioner and Respondents in the above matter. The primary issue crops from the respondent's failure to comply with the Electricity Ombudsman order dated 23/11/2023 in appeal No 72 of 2023. The petitioner sought the intervention of the Commission under Sections 142, 146, and 149 of the Electricity Act, 2003, arguing that the respondent's non-compliance constituted a wilful contravention of the law and HERC regulations. The grievance hovers on the classification of the petitioners' electricity disconnection—whether it remains a "temporary disconnection" as mandated by the Ombudsman or if it was lawfully converted to a "permanent disconnection" (PDCO) by the Respondents due to subsequent payment defaults.
2. The issue begins with closure orders issued by the Haryana State Pollution Control Board (HSPCB) on 09.03.2022 and 12.03.2022 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, which led the Respondents to disconnect the petitioners' electricity supply on 08.10.2022. Following a series of grievances regarding continued billing despite disconnection, the Electricity Ombudsman, in its order dated

23.11.2023, categorically held that such disconnections necessitated by statutory closure orders should be treated as "temporary disconnections" as defined in Clause 5(vi) of UHBVN Sales Circular No. U-26/2011. The Ombudsman directed that the petitioners' accounts be overhauled accordingly.

3. The Respondents submitted that although they initially complied with the HSPCB order, the petitioners became defaulting parties, leading the Respondents to affect a permanent disconnection (PDCO) on 15.03.2024. The Respondents argued that the meters could not be removed because they were under the "lock and custody" of the consumers and no load was available to check accuracy. Conversely, the petitioners, pointed out Regulation 12 of the Haryana Electricity Supply Code, 2014, which provides the licensee with ample authority to enter a consumer's premises for the purpose of removing meters and lines where supply is no longer required or authorized to be cut off. The Commission observes the Respondents' plea of being unable to remove the meter due to a "lock" legally unsustainable given these statutory powers; the failure to remove the meter further supports the petitioners' contention that the connection remained physically in place.
4. The Respondents contended that under Clause 5(vi), temporary disconnection is only available upon a consumer's written request and is limited to 12 months, after which a 6-month gap of normal billing must occur. On this basis, they had calculated charges amounting to Rs. 13,71,127/- for Petitioner No. 1 and Rs. 13,99,992/- for Petitioner No. 2. However, the petitioners argued in their written submissions that since the disconnection was forced by a statutory authority (HSPCB) and not sought by the consumer, the strict 12-month limitation and 6-month gap rule requires modification using the Commission’s inherent powers under Regulation 4.7 of the HERC (Forum and Ombudsman) Regulations, 2020.
5. Regarding, Surcharge Waiver Scheme, 2025, the Respondents argued that this scheme only applies to PDCO consumers and that if the petitioners opt to avail it, they should be treated as "new consumers" under Clause IV(5) of the scheme, requiring them to pay service connection charges (SCC) of approximately Rs. 7,60,000/- to Rs. 7,76,000/-. The petitioners counter that since the Ombudsman declared their status as "temporarily disconnected," they should be treated as "connected" consumers for the purpose of the waiver, thereby avoiding the "new consumer" formalities. On 11/11/2025, the petitioners deposited 25% of their respective

amounts under this scheme in a bonafide attempt to restore supply after the HSPCB suspended their closure orders.

6. The Commission observes that legally, the Respondents cannot unilaterally override a specific directive of the Electricity Ombudsman by reclassifying a connection as PDCO. By converting the status to PDCO on 15/03/2024, the Respondents bypassed the Ombudsman's order dated 23/11/2023. Furthermore, the Respondents' issuance of a demand notice on 05/05/2025 without first overhauling the accounts as directed constitutes a clear procedural lapse.
7. Further, the Respondents have failed to demonstrate the reason for ignoring the mandate of the Ombudsman's order to treat the disconnection as temporary. While the Respondents are entitled to recover dues, they must do so within the framework of the regulations. The petitioners' plea for modification of the 12-month cap in Circular 26/2011 is credible given that the duration of the disconnection was tied to HSPCB's legal process, not the petitioners' discretion.
8. The Commission finds the Respondents are in violation of the Ombudsman's Order dated 23.11.2023 and thus directs that:
   - 8.1 Respondent UHBVNL is directed to finalize the overhauling of the petitioners' accounts by treating the entire period of HSPCB closure as a continuous temporary disconnection as per provisions of Sales Circular No. U-26/2011.
   - 8.2 The Notice dated 05/05/2025 issued by Respondents is set aside.
   - 8.3 The petitioners are directed to deposit the requisite ACD and RCO charges within fifteen days, following which UHBVNL shall restore their supply within seven days.
   - 8.4 The prayer for penal action under Sections 142 and 146 of the Electricity Act, 2003, is declined at this stage, provided the respondent complies with these directions within thirty days.
9. The petition is accordingly disposed of in above terms.

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

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