BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/P. No. 98 of 2025

Date of Hearing	**:**	**06/08/2026**
Date of Order	**:**	**13/08/2026**

IN THE MATTER OF:

Complaint Under Section 142, read with Section 146 & Section 149 of the Electricity Act,2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulations,2020 for imposing penalty U/s 142 and institution of complaint U/s 146 of the Electricity Act, 2003 on account of non compliance of the order/ direction passed by Ld. Corporate Forum for Redressal of Consumer Grievances (CGRF) Gurugram as well as continuing failure to comply with the direction of order number 4802-R/2025 dated 11-08-2025 by respondent(s) and for direction(s) to ensure strict compliance of the direction issued by the Corporate CGRF DHBVN Gurgaon vide order dated 11-08-2025 and to impose the penalty as per HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation 2020 schedule – ii sub clause2.

Petitioner

Suman Goel W/o Sudesh Goel R/O Siwani, Bhiwani, Haryana

VERSUS

Respondent:

Dakshin Haryana Bijli Vitran Nigam Limited through its

1. SDO ‘OP’ Sub Division, DHBVN, Gangwa
2. XEN ‘OP’ Division, DHBVN No.2, Hisar.

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate

On behalf of the Respondent.

1. Sh Raghujeet Singh Madan, Advocate
2. Sh. Lovepreet Singh, Advocate
3. Sh. Parmod Kumar Mittal, SDO, DHBVN
4. Sh. Dinesh Poonia, CA, DHBVN
5. Sh Deepak Dua, LM

QUORUM

Shri Mukesh Garg, Chairman
Shri Shiv Kumar, Member

ORDER

1. **Petition:**

1.1 That Smt. Suman Goel filed an appeal before Ld. Ombudsman on dated 07-03-2025.

1.2 The Same was registered on 11-03-2025 vide appeal no 11-2025 and notice of motion issued.

1.3 The Ld. Ombudsman passed the order on 27.06.2025 and remanded back the matter to Ld. CGRF DHBVN Gurgaon

The order of Ld. Ombudsman held as under:

After hearing both the parties and going through the record made available on file and considering the written arguments filed by both the parties in the matter and the deliberations were made in length in hearing dated 26.06.2025.

In the Appeal, a challenge was raised by the Appellant to the payment of any outstanding arrears of the premises in question on legal grounds such as the same being against the principle of natural justice, time barred and non-recoverable. Detailed submissions in response to these legal issues were filed by the Respondent Nigam stating that in view of the settled law, the subsequent owner is liable to pay the defaulting amount in terms of Section 56 of the Electricity Act, 2003 read with Haryana Electricity Supply Code Regulations. In support of the same, certain judgments of the Hon'ble Supreme Court and Hon'ble High Court have been relied upon. During the course of the hearing, Ld. Counsels or the Appellant categorically submitted that they are agreeable to pay the legitimate outstanding arrears, however, the amount should be legitimate and shall be explained by the Respondent Nigam. Ld. Counsel for the Respondent Nigam contended that the validity and legality of the amount cannot be opened at this stage in view of the order of the CGRF dated 12.12.2022, passed in the complaint filed by the previous owner i.e. M/s Suresh Pipes. She argued that the said order has attained finality and therefore, the amount cannot be challenged by the subsequent owner both being barred by res-judicata as well as limitation. However, Ld. Counsels for the Appellant argued that the Nigam is duty bound to explain the arrears and cannot charge the amount, which is contrary to the law. The Respondent Nigam had raised a demand of Rs. 27,32,636/- towards outstanding arrears. In the written submissions filed by them, it has been agreed that the total ACD amount of Rs. 3,74,475/- is adjustable against the same as the said amount had to be refunded to the consumer. Other than ACD, the Appellant had also contended that certain sundry charges have purportedly been charged against the regulations. The Respondent, in their written submissions has provided Annexure R-6 to R-9 in support of explanation of levy of such sundry charges. A perusal of Annexure R-9 shows that there were 8 connections connected on this independent feeder, which means that that the feeder has become the general feeder and as such the line loss charges of on account of independent feeder cannot be charged. Evidently, there is necessity for clarification as regards the legitimate amount. Nigam cannot simply state that the amount demanded is payable because the same had not been challenged, more so when they themselves have conceded that the ACD ought to have been adjusted. Similarly, the sundry charges shall be explained to ensure proper justice. Since the Appellant has categorically consented that they will pay the legitimate arrears payable as outstanding arrears towards the premises in question, what remains is the ascertainment of the exact payable amount, which shall be justified. The Appellant requested that the account of Suresh pipe may be overhauled for the period 2015 (date of erection of independent feeder) till June-2019 (date of PDCO). I am of the considered view that the ascertainment of the disputed amount as regards ACD, interest on ACD and details of sundry charges along with overhauling of account from year 2015 (date of erection of independent feeder) till June 2019 (date of PDCO) should be decided by the CGRF after thoroughly checking and verifying the bills and the supporting documentation. In view thereof, the present matter is being remanded back to the CGRF to look into the issue of exact amount of ACD and interest on ACD adjustable against the arrears and also Sundry Charges levied by the Nigam and thereafter, ascertain the legitimate amount payable towards outstanding arrears for the premises in question by the Appellant for release of electricity connection.

This matter is therefore, remanded back to the CGRF along with direction that the same may be heard and adjudicated in a time bound manner preferably within 45 days of the first hearing.

1.4 The matter was taken up the Ld. CGRF DHBVN Gurgaon. Ld CGRF passed the order on 11-08-2025, the order of the forum is held as under:

The matter has been taken up by the Corporate CGRF and the submissions submitted by both the parties the forum observed that :

The main issue in this case is the defaulting amount claiming by the respondent related to M/s Suresh Pipe Pt Ltd and the new owner of the premises i.e Suman goel is ready to pay the legitimate dues, Since the complainant has categorically consented that they will pay the legitimate arrears payable as outstanding arrears towards the premises in question, what remains is the ascertainment of the exact payable amount, which shall be justified.

As per the principle of natural justices it's fair to provide the opportunities to both the parties and the complainant is required to pay the legitimate dues payable by the previous owner towards the electricity board i.e DHBVN and similarly the respondent required to adjust/ refund the excess amount charged from the previous owner i.e M/s Suresh Pipe. on perusal of the documents placed on records by the respondent SDO we are surprised to see the gross negligence done by the respondent SDO and how undue amounts were charged in the account of an HT consumer and the respondent SDO never tried to get into the depth of the records and correct the mistake that was done on their part.as per the orders of the Ld. Ombudsman, we have given plenty opportunities to both the parties to provide the complete records and the documents related to the matter and as per the documents placed on record,

i. The Account of previous owner is M/s Suresh Pipe was disconnected on 25-07-2019 vide PDCO number 712-13 and total due amount was Rs. 1965405 (Nineteen Lac Sixty-Five Thousand Four Hundred Five Only)

ii. The respondent admitted that the nature of the feeder became general at the time of connecting 6th connection on this feeder (M/s Lakshay Jain) and as such the line losses on account of difference of consumption from sub-station end meter and the consumer end meter is not leviable on the connections connected on this feeder. i.e M/s Suresh Pipe and respondent in his reply admitted that Rs. 1045803 is refundable which was unduly charged on account of line loss.

iii. The respondent admitted total ACD/ Security deposited by the complainant is Rs. 374475, however the complainant contented that the respondent was required to check the complete bills from 2015 to 2019 because it might be possible that the ACD was reviewed as per the consumption and some extra payment has been made against ACD, but Forum rejected the contention of the complainant and the amount of total refundable ACD assumed as per the submission of the respondent, So total amount of ACD refundable is Rs. 344475.

iv. The complainant raised the objection on 2 sundry charges which were charged in the bills of M/s Suresh Pipe, one Sundry charge amount is Rs. 871382 and another is Rs. 1231298 charged in the month of Feb-2019.

On perusal of the documents placed on records, we have observed that the sundry Amount Rs. 871382 was charged against some wrong adjustment/ refund given to M/s Suresh Pipe by CA. Pawan Kumar, we have enquired from the respondent that did any notice given to M/s Suresh Pipe before charging this amount, the response of the respondent was in negative. Moreover, the respondent is not able to produce the copy of the sundry / detail through which this amount was charged.

we are of considered view although as per the regulations and orders of courts referred above, the respondent was required to issue a notice to M/s Suresh Pipe before charging this amount i.e. Rs. 871382 and the respondent is not able to provide the complete detail of sundry which can confirm its claim that the sundry is correct, but the respondent provided a copy of FIR (FIR number 0007 dated 24.11.2018) and statement of allegation levied against Sh. Pawan Kumar (CA) wherein the reference of this sundry (Rs. 871382) is given we are rejecting the claim of the complainant of this amount and consider this amount was correct.

v. Another sundry which is in question is Rs. 1231298 charged as sundry charges in the month of Feb-2019, here again no notice was issued by respondent to M/s Suresh Pipe. The respondent claimed that this sundry was charged against some undue refund given in account of M/s Suresh Pipe P Ltd in the month of May-2018.

We have gone into the details of the documents placed on record and found that the claim of the respondent is wrong because the respondent submitted that Rs. 1231298 is charged against some undue refund adjusted in Suresh pipe while in actual the refund amount in Suresh pipe was Rs. 1263137, we asked the reason of mismatching in figure but the respondent was not able to answer.

Further the respondent placed the copies of some sundry and the total amount as per the sundry copy provided by the respondent comes to Rs. 1107163 while the respondent made the total as Rs. 1231298.

The Forum asked the respondent if Rs. 1263137 was wrongly/ unduly refunded in the account of M/s Suresh Pipe in the month of May-2018 and the respondent had lodged an FIR against the then CA (Commercial Assistant) in the month of Nov-2018, wherein the respondent had already given the reference of so many other undue / wrong refunds then why didn't DHBVN given the reference of this Sundry in that FIR and the statement of allegation levied/ charges framed against Sh. Pawan Kumar CA, the respondent SDO did not answer it.

The Forum is of considered view that the respondent i s not able provide any document related to the claim that the sundry Rs. 1231298 charged in the account of M/s Suresh Pipe was correct and chargeable. There is a mismatch in figure of the amount charged in the account of M/s Suresh Pipe and the sundry record provided by the respondent. Hence the claim of the respondent is wrong the Sundry Rs. 1231298 was not chargeable.

vi. The respondent admitted that this independent feeder was originally erected by 5 consumers i.e M/s Structural Steel Pvt Ltd (ii) /s Krishna Gawar Gum (iii) M/s Meghraj International (iv) M/s Vengaurd Steel (V) M/s Suresh Pipe Pvt Ltd

And later on, another 2-3 more connections connected on this feeder so total 7-8 connections connected on this independent feeder. A s such a s per Nigam Sales Circular D 8-2015 the differential cost should be adjusted in the account of original consumer but here no such amount was adjusted. So, after overhauling of the account of M/s Suresh Pipe as per the documents placed on the record it has been found that Rs.

Defaulting Amount	=	1965405
Line Loss (Wrong charged)	=	1045803
ACD Refundable.	=	374475
Sundry Wrong charged	=	1231298

Total amount excess paid by = 686171

Rs. 686171 is the amount excess paid by M/s Suresh Pipe.

That as per Section 62(6), no person including the licensee under law can collect even a single paisa in excess of what it is entitled to recover under Section 62(6) of the Electricity Act, 2003. Every officer while charging tariff is required to make proper calculation and recover only that amount which is recoverable under law and not anything beyond that as per HERC Regulation.

We hereby direct the respondent SDO to adjust Rs. 686171 excesses paid by the M/s Suresh Pipe within 15 days and to check the claim the complainant about the differential cost on account of adding 6th / 7h and 8th consumer on an independent feeder, however, the claim of the complainant to allow the interest on refund amount is rejected and if any amount is refundable against the differential cost, then that should be refunded within 30 days from the date of this order along with the refund as mentioned above. Thus, there is no defaulting amount pending against M/S Suresh Pipe, so new connection applied by Smt. Suman Goel on its premises be released. Further we hereby recommended the SE/ HR to conduct a n enquiry in this matter and take action as per the regulations against the delinquent officials

1.5 Order dated 11.08.2025 is to be complied with in 21 days i.e by 01.09.2025, but the order was not complied with in toto.

1.6 As per the submission of respondent SDO before CGRF and the direction(s) passed by Ld. CGRF vide order dated 11.08.2025, total due refund was Rs. 686171 is the amount excess paid by M/s Suresh Pipe + differential cost of the independent feeder and the connection was to be released. The respondent has only released the connection, but the due refund has not been adjusted as per the Ld. CGRF order.

1.7 Respondent SDO failed to comply with the order dated 11.08.2025. Hence the present petition.

1.8 That the respondent has failed to comply with the order passed by Ld. Corporate CGRF DHBVN Gurgaon and forced complainant petitioner to file the complaint Before Hon'ble HERC under Section 142 Read with Section 146 & Section 149 of Electricity Act-2003 for non-compliance of order passed by Ld. Corporate CGRF DHBVN Gurgaon dated 11.08.2025.

1.9 Electricity Act, 2003- Section 142 "Punishment for Non-Compliance of directions by Appropriate Commission): in case any complaint is filed before the Appropriate Commission by any person or if that Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made, thereunder; or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed One Lakh Rupees for each contravention and in case if a continuing failure with an additional penalty which may extend to Six Thousand rupees for every day during which the failure continues after contravention of the first direction.

1.10 Section 146**:** "Punishment for Non-Compliance of orders or directions- Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, with both in respect of each offence and in the case of continuing failure, with an additional file which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:

(Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.)

1.11 *Section 149* (1) Where an offence under this act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly**:**

(2) Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section *(1)*, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.

1.12 Regulation 2.32 of HERC (Forum and Ombudsman) Regulations, 2020 (Regulation2.32):

"The decisions of the Forum will be recorded and duly supported by reasons. The Order of the Forum will be communicated to the complainant and the licensee in writing within 7 days of the passing of the Order. The licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. The aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the licensee an opportunity of being heard and decide the appeal.

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 an opportunity of being heard. The Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission."

1.13 That as per HERC (Standard of Performance of Distribution Licensee and determination of compensation) Regulation, 2020 Schedule – II Sub Clause 20 provides that in case of compliance of CGRF is not made within the time framed defined in such order or the regulations specified by the commission in this regard, the compensation of Rs.100/- per day or part thereof is payable.

1.14 That as per HERC Fee regulations 10-2005 with its subsequent amendment(s), the connection of the complainant of NDS category, as such Rs. 50,000 (Rupees Fifty Thousand) is the court fee, which is being deposited.

Prayer:-

It is, therefore, most humbly prayed that considering the submissions brought out above, this Hon'ble Commission may kindly be pleased to:

i. Direct the respondent(s) to comply with order passed by the Ld. Corporate CGRF DHBVN vide order dated 11.08.2025

And:

ii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the order / direction passed by Ld. CGRF on 11.08.2025 as well as continuing failure to comply with the directions and pay the dues to the complainant.

And:

iii. To direct institution of complaint under Section 142 RW Section 146 of Electricity Act,2003 for failure to comply with the order / direction passed by the Ld. CGRF on dated 11.08.2025 as well as continuing failure to comply with the directions against the respondent SDO.

And:

iv. To direct the respondent(s) to pay compensation @ Rs.100/ Day for non-compliance of order passed by CGRF within 21 days.

And:

v. To award the penalty imposed on respondent(s) in favour of the complainant- petitioner.

And:

vi. Direct respondent(s) to pay Rs. 1,00,000/- (Rs. One Lac only) as court fee and litigation expenses.

And:

vii. To allow any other relief as deemed fit by the hon'ble Commission

2. **Compliance Report by Respondent dated 29.04.2026.**

2.1 The present compliance report is being filed on behalf of the respondent through Parmod Kumar Mittal working as SDO DHBVN (herein referred to as DHBVN), who is competent to file the present compliance report and is also fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record.

2.2 That the present petition has been filed by the petitioner under section 142 read with section 146 & 149 of the Electricity Act-2003 & Regulation 2.32 of HERC (Forum & Ombudsman) Regulation, 2020, seeking imposition of penalty Us 142 and institution of compliant U/s 146 of the Electricity Act-2003 on account of non compliance as well as continuing failure to comply with the order/ directions dated 11.08.2025 passed by the Ld CGRF Gurugram in case bearing No

48029R/2025 by the Respondent and for directions to ensure strict compliance of the said order.

2.3 That the Corporate Forum for Redressal of Consumer Grievences, Gurugram vide its order dated 11.08.2025 directed the Respondent as under:

"So after overhauling of the account of M/s Suresh Pipe as per the documents placed on record it has been found that Rs
Defaulting amount refundable = 1965405
Line Loss (Wrong Charged) = 1045803
ACD refundable = 374475
Sundry wrong charged = 1231298
Total amount excess paid by = 686171
Rs 686171 is th amount excess paid by M/s Suresh Pipe.
That as per section 62(6) , no person including the licensee under law can collect even a single paisa in excess of what it is entitled to recover under section 62 (6) of the Electricity Act-2003. Every officer while charging tariff is required to make proper calculation and recover only that amount which is recoverable under law and not anything beyond that as per HERC Regulation. We hereby direct the respondent SDO to adjust Rs 686171/ excess paid by M/s Suresh Pipe within 15 days and to check the claim the complainant about the differential cost on account of adding 6^{th}/7^{th} and 8^{th} consumer on an independent feeder, however, the claim of the complainant to allow the interest on refund amount is rejected and if any amount is refundable against the differential cost then that should be refunded within 30 days from the date of this order along with the refund as mentioned above. Thus there is no defaulting amount pending against M/s Suresh Pipe, so new connection applied by Smt Suman Goel on its premises be released. Further, we here by recommended the SE?HR to conduct an enquiry in this matter and take action as per the regulations against the delinquent officials."

2.4 That the order dated 11.08.2025 passed by the Ld CGRF is in essence, bifurcated into two distinct directions, namely : I refund of the excess amount deposited by M/s Suresh Pipe and II release of electricity connection at the subject premises III differential cost on account of adding 6^{th}/87^{th} and 8^{th} consumer on an independent feeder. Insofar as the present petitioner is concerned, it is respectfully submitted that the electricity connection at the said premises already stand duly released and the same is evidenced by the service connection order (SCO) dated 12.01.2026.

2.5 That in compliance with the first limb of the CGRF order pertaining to refund of excess amount , a sum of Rs 686171/ has been duly adjusted vide sundry No 42/31 dated 18.12.2025 , the official noting recorded by the respondent department in this regard reads as follows. A sum of Rs 686171/ is hereby charged in this account as per the Hon'ble CGRF order.

2.6 That it is pertinent to submit that the aforesaid amount of Rs 686171/ has been duly refunded / adjusted through the electricity bill for the month of February, 2026 in the account of M/s DYTS Décor Pvt Ltd , which acted as the acknowledged and authorized representative for and on behalf of M/s Suresh Pipe. In this regard, necessary consent and authorization on affidavit were duly furnished and it was specifically affirmed that the said refunded amount shall be passed on to M/s Suresh Pipe.

2.7 That it is respectfully submitted that, with regard to the alleged differential cost, an affidavit had already been furnished by M/s Structural Steel Pvt. Ltd., M/s Krishna Gawar Gum, M/s Meghraj International, M/s Vanguard Steel, and M/s Suresh Pipe Pvt. Ltd. All of whom had established on independent 33 kV feeder/sub-station at their own cost. It is pertinent to mention here that the consumers who had borne the expenditure for the independent feeder, including M/s Suresh Pipe Pvt. Ltd. Had given their consent vide affidavit bearing No. 42AA1418196 dated 19.03.2016 at the time of release of connection to M/s Lakshay Jain. Thereafter, M/s Krishna Gawar Gum applied for extension of load (EOL) and requested release of connection on the said feeder, as its earlier connection had already been permanently disconnected. It is submitted that M/s Krishan Gawar Gum was one of the original five consumers associated with the said feeder.

2.8 It is further submitted that M/s Suresh Pipe Pvt Ltd has never raised any claim with respect to any differential cost. In fact, there is no requirement for sharing of cost as all five existing HT consumers had already given their consent vide affidavit bearing No 42AA1418196 dated 19.03.2016. It is further pertinent to submit that the 11 KV Chaudhaywas Feeder was constructed / erected on mutual cost sharing basis amongst the following consumers.

A M/s Structural Steel Pvt Ltd
B M/s Krishna Gawar Gum
C M/s Meghraj International
D M/s Vanguard Steel
E M/s Suresh Pipe Pvt Ltd

2.9 That it is further submitted that the aforesaid refund has been maid under protest in view of the pendency of CWP No 33473 of 2025 titled as Dakshin Haryana Bijli Nigam Limited Vs Suman Goel & anr before the Hon'ble Punjab & Haryana High Court, wherein the issue pertaining the underlying dues amount is sub judice and the same is listed on 06.08.2026. The Respondent department reserve its rights in the said proceedings. However, without prejudice thereto, the directions of the Ld CGRF have been complied with letter and spirit to the extent required.

2.10 That in view of the foregoing, both components of Ld CGRF order dated 11.08.2025 namely release of electricity connection and adjustment/refund of excess amount Rs 686171/ stand duly complied with by the respondent department and no wilful disobedience or continuing noncompliance survives for consideration before this Hon'ble Commission.

2.11 In view of the foregoing , the respondent respectfully prays that the Hon'ble Commission may kindly be pleased to :

i. Take on record the present compliance report and

ii. Pass any other orders as may be deemed fit and proper in the interest of justice.

3. Case was heard on 29.04. 2026. At the outset, Sh. Raghujeet Singh Madan counsel for the respondents submitted that the order has been complied with and filed compliance report. Sh. Akshay Gupta submitted that the order has not been complied with and requested for some time to file the rejoinder. Acceding to request of the petitioner, the Commission adjourns the matter and directs petitioner to submit its rejoinder with in two (2) weeks with advance copy to respondents.

4. **Rejoinder by Petitioner dated 14.05.2026**

4.1 That the petitioner has carefully gone through the compliance report dated 29.04.2026 filed by the respondents. However, the petitioner is not making para-wise submissions to the said reply and is filing the present rejoinder only to the limited extent necessary for bringing the true and correct facts before this Hon'ble Commission. The contents of the reply/compliance report, save and except those specifically admitted herein, are denied as false, incorrect and misleading.

4.2 That the compliance report filed by the respondent is false, misleading, vague and an afterthought, filed only with an intention to cover up the deliberate and continued non-compliance of the order dated 11.08.2025 passed by the Ld. Corporate Forum for Redressal of Consumer Grievances (CGRF). The respondents have failed to disclose true and complete facts before this Hon'ble Commission and are trying to mislead the Hon'ble Commission.

4.3 That the contents of para no. 3 of the compliance report are matter of record to the extent that the respondent itself has admitted that the order dated 11.08.2025 passed by the Ld. CGRF was bifurcated into the following directions: -

i. Refund/adjustment of the excess amount Rs. 686171 deposited by M/s Suresh Pipe Pvt. Ltd.; (after overhauling of the account)

ii. Release of electricity connection at the subject premises in the name of the petitioner i.e. Smt. Suman Goel; and

iii. Refund of the differential cost on account of addition of 6th/7th consumer on the independent feeder.

It is submitted that as per the HERC Regulations 50-2020 and the order passed by the Ld. CGRF, the aforesaid directions were required to be complied with within a period of 21 days i.e. on or before 31.08.2025. However, the respondents, in utter disregard and deliberate non-compliance of the directions passed by the Ld. CGRF, failed to comply with any of the aforesaid directions till December 2025, when the petitioner was constrained to be filed a non-compliance petition before this Hon'ble Commission under Sections 142 and 146 of the Electricity Act, 2003.

4.4 That the respondent, after a lapse of more than four months from the date of passing of the order dated 11.08.2025 by the Ld. CGRF and only after service of an advance copy of the present petition upon the respondents, issued a letter vide Memo No. 6056/61 dated 30.12.2025, whereby the respondent sought certain details from the petitioner for adjustment of Rs. 6,86,171. (Typed copy of letter attached as annexure E-1)

4.5 It is further submitted that only after lapse of more than four months from the date of the CGRF order and despite repeated requests and pursuance by the petitioner, the respondents partially acted upon the order. The present petition, therefore, was necessitated solely on account of continuous, wilful and deliberate non-compliance of the CGRF order by the respondents. The respondents cannot now take shelter under subsequent partial compliance after institution of the present proceedings, as the cause of action had already crystallized due to admitted failure to comply within the prescribed statutory period.

4.6 It is submitted that the said action itself clearly establishes that till 30.12.2025 the respondents had admittedly failed to comply with the directions issued by the Ld. CGRF within the prescribed period of 21 days and the present petition had already become maintainable on account of such deliberate and continued non- compliance.

4.7 That the contents of para no. 8 of the reply filed by the respondent are wrong, false and misleading and hence denied. The respondent has contended that there was no requirement for sharing of the cost of the independent feeder as all five existing HT consumers had already furnished their consent vide affidavit bearing No. 42AA1418196 dated 19.03.2016. However, the said contention itself establishes that the consent of the existing consumers was in fact required and obtained by the respondent in terms of the applicable Regulations.

4.8 It is submitted that as per Sales Circular D-12/2020 read with Regulation 4.8.2(vii) of the Haryana Electricity Supply Code, in case the capacity utilization of the independent feeder after addition of a subsequent consumer remains within 70% of the rated capacity, no consent of the original consumer is required. However, where the load exceeds 70% of the rated capacity of the feeder, consent of the original consumers becomes mandatory. (Copy of Supply Code attached and marked as E-2)

4.9 Therefore, the very fact that the respondent obtained affidavits/consents from the existing consumers clearly proves that the load on the independent feeder had exceeded 70% of its rated capacity and consequently the issue regarding differential cost sharing was very much applicable in the present case. The respondent is deliberately misinterpreting the provisions only to evade compliance of the directions passed by the Ld. CGRF regarding determination and adjustment of the differential cost on account of addition of subsequent consumers on the independent feeder.

4.10 Further, the contention raised by the respondent is contrary to the provisions of Sales Circular D-18/2019 and Regulation 4.8.2(vi) of the Haryana Electricity Supply Code. As per Clause (vii) of Sales Circular D-18/2019, "the difference of total estimated cost to any applicant [shared + new] and estimate cost of his new portion is the shared cost which is to be passed on to the original consumers/Nigam." (Copy of Sales Circular attached)

4.11 Moreover, Regulation 4.8.2(vi) of the Electricity Supply Code specifically provides that the differential cost, i.e. the cost of the feeder incurred by the original consumers on the independent feeder minus the service connection charges leviable from them, shall be adjusted in the future bills of the original consumers.

4.12 Therefore, the respondent is under a statutory obligation to calculate and pass on the differential/shared cost to the original consumers. The respondent, instead of complying with the clear provisions of the applicable Regulations and the directions passed by the Ld. CGRF, is deliberately attempting to mislead this Hon'ble Commission by taking contradictory and evasive pleas only to avoid compliance of the order dated 11.08.2025.

4.13 That the present status of compliance of the order dated 11.08.2025 passed by the Ld. CGRF clearly and unequivocally establishes deliberate, conscious and wilful non-compliance on the part of the respondents. The respondents were fully aware of the directions issued by the Ld. CGRF and were legally bound to comply with the same within the prescribed period of 21 days i.e. on or before 31.08.2025. However, despite having complete knowledge of the order and despite repeated requests and pursuance by the petitioner, the respondents intentionally failed to comply with the directions and remained completely inactive till filing of the present petition before this Hon'ble Commission.

It is pertinent to mention that no interim stay against the operation of the order dated 11.08.2025 was ever granted by any competent court. Despite the same, the respondents deliberately withheld compliance and only initiated partial action after service of the advance copy of the present petition under Sections 142 and 146 of the Electricity Act, 2003. Even such partial compliance was undertaken after an extraordinary and unexplained delay of several months. The present status of compliance is reproduced herein below:

Direction of CGRF (order dated 11-08-2025)	To be complied by	Actually Complied on	Delay	Remark
Refund/adjustment of the excess amount Rs. 686171 deposited by M/s Suresh Pipe Pvt. Ltd.;	31/08/25	16/02/26	169 Days	
Refund of the differential cost on account of addition of 6th/7th	31/08/25	Not Complied so far	256 Days	

consumer on the independent feeder.				

4.14 That the aforesaid conduct of the respondents clearly proves that the non- compliance of the order dated 11.08.2025 is not accidental, technical or procedural in nature, but is deliberate, intentional and wilful. The respondents consciously chose not to comply with the lawful directions issued by the Ld. CGRF and acted only after initiation of penal proceedings before this Hon'ble Commission. Even till date, the substantial directions relating to release of electricity connection and adjustment/refund of differential feeder cost remain uncompiled with. Hence, the respondents are liable for action under Sections 142 and 146 of the Electricity Act, 2003 for continued and wilful disobedience of the order passed by the Ld. CGRF.

5. The case was heard on 09/06/2026. At the outset, Ms. Aerika Singh counsel for the respondents submitted that the pleadings in the matter have been completed and requested a short accommodation for arguments. Acceding to request of the respondent, the Commission adjourns the matter for arguments on the next date of hearing.

Commission's Order:

1. The case was heard on 06/08/2026, Sh. Akshay Gupta counsel for the petitioner re-iterated the contents of the petition, its rejoinder and requested to accept the petition & allow the reliefs sought.
2. Sh. Raghujeet Singh Madan, Counsel for the respondent also advanced his arguments and argued that the compliance has already been made. The petitioner has not contributed for erection of the shared feeder as such not entitled for any cost sharing.
3. The Commission examined the petition in detail along with the reply, and rejoinder on record and heard the arguments of the Petitioner and Respondents in the above matter. The present petition is based on the non-compliance with the CGRF order dated 11/08/2025, which mandated specific reliefs following a remand from the Ld. Ombudsman's order of 27/06/2025. The primary issue is the refund of an excess amount totaling ₹6,86,171/- wrongly recovered from the previous owner, M/s Suresh Pipe, whose account was disconnected on 25/07/20219. While the Respondent Nigam argued that the subsequent owner is liable for arrears under Section 56 of the Electricity Act, 2003, and relevant HERC Supply Code Regulations, the CGRF emphasized that under Section 62(6) of the

Electricity Act, 2003, no licensee can collect any amount in excess of the entitled tariff. The Respondent's compliance report dated 29/04/2026, admits that the refund of ₹6,86,171/- was only adjusted via Sundry No. 42/31 on 18/12/2025, and reflected in the February 2026 bill—a delay of 169 days beyond the statutory 21-day compliance window mandated by Regulation 2.32 of the HERC (Forum and Ombudsman) Regulations, 2020, which expired on 01/09/2025.

4. The other issue involves the refund of differential costs related to the independent feeder originally erected by five consumers, including M/s Suresh Pipe. The CGRF directed the Respondent to verify the claim for differential costs resulting from the addition of a 6th, 7th, and 8th consumer. The Respondent averred in its reply that no cost-sharing was required because the original consumers provided consent via an affidavit dated 19/03/2016. However, the Petitioner's rejoinder dated 14/05/2026, correctly identifies that under Regulation 4.8.2(vii) of the HERC Supply Code and Sales Circular D-12/2020, consent is only mandatory if the load exceeds 70% of the feeder's rated capacity; thus, the existence of such consent proves the load exceeded this threshold, triggering the cost-sharing mechanism. Furthermore, Regulation 4.8.2(vi) and Sales Circular D-18/2019 stipulate that shared costs must be passed on to original consumers. As of the rejoinder, this direction remained uncomplied with for 256 days. Regarding the prayer for the release of the connection, the Respondent confirmed the connection was released on 12/01/2026, though this also occurred well after the 21-day deadline.
5. The conduct of the Respondent demonstrates a wilful and deliberate disobedience of the CGRF's directions, as partial compliance was only initiated after the filing of this petition under Sections 142 and 146 of the Electricity Act, 2003. While the Respondent noted the pendency of CWP No. 33473 of 2025 before the Punjab & Haryana High Court, they admitted that no stay had been granted against the CGRF order. Under Regulation 2.32, the Commission is empowered to initiate proceedings under Section 142 for such violations. Additionally, Schedule II, Sub-Clause 20 of the HERC (Standard of Performance of Distribution Licensee and

determination of compensation) Regulation, 2020, provides for compensation of ₹100 per day for non-compliance with CGRF orders.

6. The Commission, therefore, allows the petition with the following directions:
   6.1 The Respondent shall complete the verification of differential costs for the 6th, 7th, and 8th consumers on the independent feeder in strict accordance with Regulation 4.8.2(iv) of the Duty to Supply Regulation and Sales Circular D-18/2019 within 15 days, and refund the determined amount to the Petitioner.
   6.2 The respondent DHBVN to make payment of ₹50,000/- Court Fee deposited by the petitioner along with ₹15,000/- towards litigation expenses to the petitioner within 30 days from the date of this order.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 13/08/2026.

	-Sd/-	-Sd/-
Date: 13/08/2026	**(Shiv Kumar)**	**(Mukesh Garg)**
Place: Panchkula	**Member**	**Chairman**