

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

Case No. HERC/RA 07 of 2026

In P No 71 of 2024

Date of Hearing : 22/09/2026

Date of Order : 15/10/2026

IN THE MATTER OF:

Review Petition under section 94(1)(f) of the Electricity Act 2003 read with regulation 57,65 to 70 of the HERC (Conduct of business) Regulations,2019 seeking review, modification of the order dated 16.01.2026 passed by the Hon'ble Commission in HERC /Petition No 71 of 2024.for the final order dated 05.03.2026 in petition no 09 of 2025.

Petitioner:

Shri Ram Filament, Plot No 65-71, Ind Area Bhiwani

Versus

Respondents:

1. SDO Op Sub Division Sub Urban No 1 DHBVN, Railway Road, Old Power House Bhiwani
2. XEN Op City Division DHBVN BTM Road, Circle Office Bhiwani

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate

On behalf of the Respondent

1. Ms. Harsha Parakh, Advocate
2. Sh. Rishab Saxena, Advocate,
3. Sh. Sandeep Dalal XEN, DHBVN
4. Sh. Sourav Punia, SDO, DHBVN

QUORUM

**Shri Mukesh Garg, Chairman
Shri Shiv Kumar, Member**

ORDER

1. Petition:

IA-20 of 2026

- 1.1 The Applicant is filing the accompanying Review Petition before this Hon'ble Commission for Review/Recall/ Modification of the order dated 16.01.2026 in petition number 71-2024 filed under Section 142 read with Section 146 of Electricity Act, 2003 and Regulation 2.41 of the HERC (Forum and Ombudsman) Regulations, 2020 alleging non-compliance of the order passed by the Ld. CGRF.
- 1.2 That the facts and averments contained in the accompanying Review petition may kindly be read as part and parcel of the instant application, which are not being repeated here for the sake of brevity.
- 1.3 That vide order dated 16.01.2026, this Hon'ble Commission adjudicated upon the petition filed by the petitioner (Review Applicant herein) under Section 142 of the Electricity Act, 2003, wherein this Hon'ble Commission observed that since the order of the Ld. CGRF has been complied with, nothing survives for adjudication in the present petition. However, it was simultaneously acknowledged by this Hon'ble Commission that the dispute primarily arose on account of non-compliance of the CGRF order within the stipulated time and that there was evident negligence on the part of the officials/officers of the respondent Nigam, due to which the petitioner was compelled to first approach the CGRF and thereafter this Hon'ble Commission for enforcement of its lawful entitlement. The Hon'ble Commission further noted that such conduct of the respondent resulted in unnecessary burden of interest, litigation expenses, and wastage of valuable time of both the parties as well as the Commission.
- 1.4 That pursuant to the passing of the order dated 16.01.2026 by this Hon'ble Commission, the applicant Reviewed the order.
- 1.5 That some additional time was necessarily consumed in thoroughly examining the observations of the impugned order and in collating the relevant factual and regulatory material forming the basis of the present Review application/ petition.
- 1.6 That as per the Conduct of Business Regulation the Review petition is required to be file within 45 days of receipt of the order i.e by 3-03-2026.
- 1.7 That the delay of 19 days in filing the present Review Petition has also occurred on account of the fact that the Review Applicant had, during the proceedings, categorically submitted in its written arguments that the order passed by the Ld. CGRF had not been complied with in its true letter and spirit and had also placed on record detailed calculations of the due refundable amount along with interest @18% on the ACD amount. However, despite such specific pleadings and material on record, this Hon'ble Commission, while passing the impugned order, erroneously observed that the respondent has complied with the CGRF order and adjusted ₹4,71,899/- along with interest, and further held that the petitioner was attempting to modify the scope of the CGRF order. It is submitted that the said findings are contrary to the admitted and undisputed factual position that the interest @18% on the ACD amount

has not been fully and correctly adjusted till date. It is further submitted that the very issues regarding ACD adjustment and payment of interest stand conclusively settled by this Hon'ble Commission in Petition No. 40 of 2025 and Petition No. 41 of 2025, wherein it has been categorically held that interest @18% per annum on the ACD amount is payable from the date of deduction till realization and the respondent is bound to strictly comply with the CGRF directions . Despite the settled position, the impugned order proceeds on an erroneous assumption of compliance, which necessitated detailed examination of impugned order vis-avis pleadings, calculations and prior orders, thereby causing delay of 19 days in filing the present Review Petition. The delay is thus bona fide, unintentional, and deserves to be condoned in the interest of justice.

- 1.8 That the Review Applicant craves the indulgence of this Hon'ble Commission to condone a delay of 19 days in filing the accompanying Review petition which has occurred due to inadvertent and bonafide reasons beyond the control of the Applicant.
- 1.9 That prima-facie, the facts and circumstances of the present case are in the favour of the Applicant and the balance of convenience is also in its favour.
- 1.10 That it has been consistently held by courts that the cause of substantial justice has to prevail upon the technicalities. The Hon'ble Apex Court in the case titled *Special Tehsildar, Land Acquisition, Kerala Vs. K.V. Ayisumma reported as 1996(10) SCC-634* has inter alia held that "*The Limitation Act made no distinction between the State and the Citizen. None the less, adoption of strict standard of proof leads to grave miscarriage of public justice. The approach of the Court should be pragmatic but not pedantic.*"

It is, therefore, respectfully prayed that the present application be allowed and the delay of days in filing the Review application may be condoned.

PRAYER:

It is, therefore, most respectfully prayed that the present application may kindly be allowed and the delay of 19 days in filing of the present Review petition may kindly be condoned, in interest of justice.

MAIN PETITION

- 1.1 That the Review Applicant, M/s Shri Ram Filament, Bhiwani, through its partner, is filing the present Review Petition being aggrieved by certain findings and observations contained in the order dated 16.01.2026 (hereinafter referred to as the "Impugned Order") passed by this Hon'ble Commission in the petition preferred by the Review Applicant. It is respectfully submitted that the impugned order suffers from an error apparent on the face of record, inasmuch as this Hon'ble Commission has proceeded on an incorrect factual premise that the respondent had complied with the directions of the Ld. CGRF by adjusting the ACD amount along with interest @18% from January 2019 till realization, whereas in reality no such complete and proper adjustment of interest @18% on the ACD amount of ₹4,71,899/- has

been carried out by the respondent till date. The said finding is contrary to the material available on record and has resulted in grave miscarriage of justice.

- 1.2 That by way of the present application, the Review Applicant seeks invocation of the powers of the Hon'ble Commission under Section 94(1)(f) of the Electricity Act, 2003 read with Regulations 57, 65 to 70 of the HERC (Conduct of Business) Regulations, 2019 seeking Review/recall reconsideration/ appropriate modification of the impugned order.

BACKGROUND OF THE CASE

- 1.3 That the brief facts leading upto the filing of the petition are as under:
- A. The Review Applicant had filed a complaint, bearing case No. D/CGRF/4644/2024 before the Ld. Consumer Grievance Redressal Forum, Gurugram ('Ld. CGRF') alleging unduly debiting the ACD Rs. 471900 (Rupees Four lac Seventy-One Thousand Nine Hundred) in Oct-2018 month and non-payment of interest on ACD of Rs. 4097195 (Forty Lac Ninety-Seven Thousand One Hundred Ninety Five Only) from Jan-2019 onwards.
 - B. The complaint filed by Review Applicant was disposed of by Ld. CGRF vide order dated 22.03.2024 and the directions given by the Ld. CGRF vide its order is as under:
"After considering the reply of both the complainant and SDO and submission made by them in the hearing, the forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- and interest @ 18% on ACD amount from Jan-2019 to till realization as admissible to complainant in his next billing cycle (interest@18% for the period for which the payment of interest is delayed)
A copy of the order dated 22.03.2024 passed by the Ld. CGRF is annexed.
 - C. It is pertinent to mention here that the following 2 different issues raised by the Review Applicant before the CGRF:
 - i. Adjustment / Refund of ACD amounting to Rs. 471900/- (This ACD amount was deducted from consumer's account in Oct-2018).
 - ii. Adjustment/ Refund of interest on ACD Rs. 4097195 (Rs 105600 ACD shown in bill on Dec-2018 + Rs. 3991595 ACD charged and shown in bill on Jan-2019).
 - D. Since the respondent failed to comply with the order passed by the Ld. CGRF within 21 days as per the HERC regulation, aggrieved which the Review Applicant- Complainant filed an execution petition before the Hon'ble HERC.
 - E. That during the course of the execution proceedings, despite repeated directions issued by this Hon'ble Commission, the respondent failed to submit the compliance report of the order passed by the Ld. Corporate CGRF. Taking cognizance of such non-compliance, this Hon'ble Commission, vide interim order dated 13.05.2025, was pleased to direct the SE (OP), Circle Bhiwani, to conduct an enquiry into the matter and to submit a detailed report, including the names of the officers/officials responsible for non-compliance of the CGRF order, within a stipulated period of two weeks.

- F. That the SE Op Circle Bhiwani vide his memo number Ch-25/SE/ENQ/ VOL-V dated 02-06-2025 submitted the enquiry report. Wherein the findings are unequivocal and categorically record that the case pertains to 'improper accounting' of ACD in the consumer's electricity account and that upon examination of all bills and documents produced by the Assistant (F) of Sub Urban Sub Division No. 1, two distinct grievances were raised before the CGRF: (i) adjustment of ACD of ₹4,71,900/-, and (ii) interest on the ACD amount of ₹40,97,195/-. (Copy of SE Report is attached and marked as RA-3)
- G. That the respondent on 29-Aug-2025 submitted a compliance report and he therein submitted a copy of Sundry number 266/215 dated 22-07-2025 and contented that Rs, 710151 (comprising of Rs 4,71,900 towards ACD, Rs 1,65,115 towards interest and Rs, 73136 towards Penal Interest) is adjusted/ refunded.
- H. The following substantial question arises for consideration of the Hon'ble Commission :
- Whether the respondent has paid the 18% interest on ACD amount Rs. 471900 ?
 - Whether the respondent has paid the interest on ACD as per HERC Regulation on the ACD amount deposited by the complainant/ consumer?
 - Whether the Nigam can charge surcharge on enhanced ACD after Reviewal , in case the same is not deposited ?
- I. That the impugned order passed by this Hon'ble Commission suffers from an error apparent on the face of record, inasmuch as the Hon'ble Commission has proceeded on an incorrect factual premise that the respondent had complied with the directions of the CGRF by adjusting the ACD amount along with interest @18% from January 2019 till realization, whereas in reality no such complete adjustment of interest @18% on the ACD amount of ₹4,71,899/- has been carried out by the respondent till date. The finding recorded by the Hon'ble Commission that the petitioner is seeking to expand or modify the scope of CGRF order is ex facie erroneous and contrary to the material on record, as the grievance of the petitioner is strictly confined to non-compliance of the CGRF order. Further, the respondent has misled this Hon'ble Commission by presenting incorrect and inconsistent calculations, which is evident from the record of the present case as well as from prior adjudications in Petition No. 41 of 2025, wherein it has been categorically held that interest @18% per annum on ACD amount is payable from the date of deduction till realization . The issue relating to ACD adjustment and applicable interest already stands conclusively settled in earlier proceedings (including Petition No. 40 of 2025), and therefore, the contrary observation in the impugned order resulting in grave miscarriage of justice and warranting Review under Section 94(1)(F) of the Electricity Act.
- Hence, the impugned order is liable to be Reviewed and recalled.

- J. That it is pertinent to mention here that the issue number (i) and (ii) stand squarely covered and conclusively decided in petition number 40-2025 and 41-2025.

GROUND NECESSITATING THE REVIEW/RECALL / MODIFICATION/ OF THE ORDER DATED 16.01.2026

- 1.4 At the outset, it is submitted that Hon'ble HERC has recorded in the impugned order dated 16.01.2026 that
- "4. The CGRF has clearly directed the SDO to adjust Rs. 4,71,899 and pay interest 18% from January 2019 till realization.
 - However, the actual refundable amount is Rs. 2005643 (Rs. 1045256 against the grievance number (i) and Rs. 960387 against the grievance number (ii).
 - A detailed computation is reproduced below for ready reference in table A and Table B, wherein the Table A is for grievance (i) and Table B is for grievance (ii)

TABLE- A (For grievance i)

FY	ACD Amount	Rate of interest	ACD Interest
2018-2019	471899	18.00%	21235
2019-2020	471899	18.00%	84942
2020-2021	471899	18.00%	84942
2021-2022	471899	18.00%	84942
2022-2023	471899	18.00%	84942
2023-2024	471899	18.00%	84942
2024-2025	471899	18.00%	84942
2025 - Sep-2025	471899	18.00%	42471
Total (A)	471899	Total (B)	573357
Grand Total (A+B)			1045256

TABLE- B (For grievance ii)

FY	ACD	ROI	ACD Interest Payable	Interest on ACD paid	Difference	Delay in period in months	Penal Interst @ 18 for delayed period	Net Payable	Remark
1 Jan-2019 to 31-3-2019	4097195	6.25	64019	0	64019	96	92186.8875	156206	0
2019-2020	4097195	6.25	256075	0	256075	48 months (from 1-4-2022 to -14-2026	184373.775	440448	258396 (interest adjusted in June-2020 Bill but later on chareged in April-2022 bill vide Sundry Number 11211/502274R
2020-2021	4547805	4.65	211473	0	211473	48 months (from 1-4-2022 to -14-2026	152260.511	363733	210006 (interest adjusted in Aug-2021 Bill but later on chareged in April-2022 bill vide Sundry Number 11211/502274R
							Total	960387	

- 1.5 It is further submitted that it is an admitted and undisputed position that the ACD amount of ₹40,97,195/- has been consistently reflected in the electricity bills of the petitioner from January 2019 onwards and later on the ACD amount enhanced to Rs. 4547805 , and even the respondent had granted interest on the said ACD amount for a certain period, which was subsequently reversed on the basis of audit objections. The respondent has thus misled this Hon'ble Commission by taking contradictory stands—on one hand admitting that interest on ACD was granted by the system, and on the other hand denying liability on the basis of audit reversal. It is a settled position that ACD is an interest-bearing security deposit and the Nigam is bound to pay interest thereon. This very issue stands conclusively decided in Petition No. 40 of 2025 (Dharmesh Textile vs. DHBVN), wherein it has been categorically held that once the respondent has treated the ACD amount as operative (including for surcharge purposes), it cannot evade its liability to pay interest on the same, and the doctrine of approbation and reprobation squarely applies. The Forum further held that interest on ACD from January 2019 onwards is payable and cannot be denied on the ground of subsequent audit objections. This position has also been reaffirmed by this Hon'ble Commission in petition number 41 of 2025, wherein it has been held that interest @ 18% per/ annum on ACD is liable till realization and the respondent can not re-open or dilute CGRF directions at the stage of compliance.
- 1.6 In view of the above, the impugned order suffers from patent error apparent on record, as it proceeds on an incorrect assumption of compliance despite clear shortfall in refund and settled legal position on entitlement of interest on ACD.
- 1.7 That the Review Applicant is facing considerable financial hardship due to the non-compliance and incorrect computation of the amount payable by the respondent, and is therefore constrained to approach this Hon'ble Commission by way of the present Review Petition. It is further submitted that no prejudice or loss would be caused to the respondent in the event the present Review is allowed; on the contrary, irreparable loss and grave injustice would be caused to the Review Applicant if the erroneous findings and computation are allowed to stand.
- PRAYER
- 1.8 In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Commission may kindly be pleased to:
- Review, recall and/or modify the impugned order dated 16.01.2026 passed in HERC/Petition No. 71 of 2024;
 - Hold that the respondent has not complied with the directions of the Ld. CGRF in its true letter and spirit, particularly with respect to payment of interest @18% on the ACD amount;
 - Direct the respondent to make complete and correct payment of the outstanding amount along with interest, in accordance with the CGRF order;
 - Direct the respondent to refund/ reimburse the court fee deposited by the Review Applicant and further direct the

respondent to pay compensation of ₹10,00,000/- (Rupees Ten Lakh only) to the Review Applicant for the undue harassment, financial loss and prolonged non-compliance of the CGRF order.

- e. Pass any other or further order(s) as this Hon'ble Commission may deem fit and proper in the interest of justice.

2. The case was heard on 13/08/2026. The counsel for the respondent submitted that advance service of reply has been made and the reply to the petition will be filed today. The counsel for the petitioner requested for 2 weeks' time to file the rejoinder. The Commission adjourns the matter and directs petitioner to file its rejoinder with advance copy to petitioner by 21/08/2026.

3. Reply filed by the Respondent received on 13.08.2026

- 3.1 The present Reply is being filed by the Dakshin Haryana Bijli Vitran Nigam (DHBVN) in response to the Review Application filed by the Review Applicant i.e., Shri Ram Filament through its Partner, Mr. Raman Aggarwal ('Review Applicant'), seeking review of the Order dated 16.01.2026 ('Impugned Order') passed by this Hon'ble Commission in Petition No. 71 of 2024 which was filed by the Review Applicant under Section 142, 146 and 149 of the Electricity Act, 2003 ('Act') alleging non-compliance of the Order dated 22.03.2024 passed by the by the Consumer Grievance Redressal Forum ('CGRF') in complaint No. 4644 of 2024.
- 3.2 At the outset, the Review Applicant seeks review of certain findings and observations recorded by this Hon'ble Commission in the order dated 16.01.2026. The principal grievance of the Review Applicant is that the Impugned Order allegedly suffers from an error apparent on the face of the record insofar as this Hon'ble Commission observed that DHBVN had complied with the directions contained in the Order dated 22.03.2024 passed by the CGRF.
- 3.3 The Review Applicant has *inter alia*, contended that the Order dated 22.03.2024, passed by the CGRF, required DHBVN to pay interest at the rate of 18% not merely on the Advance Consumption Deposit ('ACD') amount of Rs. 4,71,899/-, but on an alleged ACD amount of Rs. 40,97,195/-. The aforesaid contention is misconceived, contrary to the express terms of the Order dated 22.03.2024 passed by the CGRF, and based on an interpretation which has already been considered and rejected by this Hon'ble Commission in the Impugned Order. The relevant extract of the Order dated 22.03.2024 passed by the CGRF is as under]:

"After considering the reply of both the complainant and SDO and submissions made by them in the hearing the Forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- & interest @18% on the ACD amount from January 2019 to till realization as admissible to complainant in the next billing cycle (interest @18% for the period for which the payment of interest is delayed). The case is closed. No cost on either side."

- 3.4 While disposing of Petition No. 71 of 2024, this Hon'ble Commission, after considering the submission of both parties, recorded, *inter alia*, the following findings in the Impugned Order :

"3. The Commission observes that the issues emerging from the pleadings were whether the petitioner was entitled to interest on ₹40,97,195; whether interest on ₹4,71,899 had been correctly computed and refunded; whether the respondents could dispute the CGRF's directions at the compliance stage; and whether their repeated delays attracted action under Sections 142 and 146.

4. The CGRF has clearly directed the SDO to adjust ₹4,71,899 and pay interest at 18% from January 2019 till realization. Therefore, the petitioner's attempt to modify the scope of the CGRF order cannot be sustained within the confines of Section 142 proceedings.

.....

6. Accordingly, the Commission observes that the respondent has now complied with the CGRF order and adjusted ₹4,71,899 along with the interest, but such compliance was delayed without any reasonable cause. The respondents' prolonged non-implementation of the order warrants action under Section 142 for the period of delay.

7. Since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition. However, the dispute was primarily pertaining to non-compliance of the CGRF orders in timely manner. The negligence on the part of officials/officers of Respondent Nigam cannot be ignored, due to which the consumer had to suffer and had to knock the doors of CGRF for relief in the first instance and then had to approach the Commission for implementation of CGRF orders. Nigam has been burdened with interest and litigation charges in addition to wastage of valuable time of the officers/officials.

- 3.5 Save and except what is specifically admitted herein, DHBVN denies and disputes in toto all the averments and contentions made by the Review Applicant in their Review Application in the manner alleged or at all. All submissions are made in the alternative and without prejudice to each other. Nothing stated in the present Reply shall be construed as an admission unless expressly admitted.
- 3.6 At the outset, it is submitted that the Review Application is misconceived, not maintainable and liable to be dismissed *in limine*. It is well settled that the power of review under Section 94(1)(f) of the Act read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 ('CPC') is limited in nature. The jurisdiction of review can be invoked only upon (i) discovery of new and important evidence which, despite the exercise of due diligence, was not within the knowledge of the applicant or could not be produced at the time the order was passed; (ii) an error apparent on the face of the record; or (iii) any other sufficient reason of a like nature. The review jurisdiction cannot be invoked for re-hearing the matter, re-appreciating the evidence or re-agitating issues that have already been consciously considered and decided.
- 3.7 A bare perusal of the Review Application demonstrates that the Review Applicant has failed to satisfy any of the aforesaid well-settled grounds

warranting exercise of review jurisdiction by this Hon'ble Commission. The Review Applicant has neither brought on record any new or important material which could not have been produced earlier despite due diligence nor pointed out any error apparent on the face of the record in the Impugned Order. The present Review Application is, in substance, an appeal in disguise seeking reconsideration of findings already returned by this Hon'ble Commission.

- 3.8 It is respectfully submitted that an error apparent on the face of the record must be self-evident and manifest from the record itself and not one which requires a detailed examination of facts, re-appreciation of evidence or elaborate arguments to establish. The Review Applicant has failed to identify any such patent error in the Impugned Order. On the contrary, every contention raised in the present Review Application requires this Hon'ble Commission to re-examine the factual matrix, re-appreciate the pleadings and evidence, and reconsider the findings already rendered, which is impermissible in review proceedings.
- 3.9 The principal grievance of the Review Applicant is that this Hon'ble Commission ought to have accepted its interpretation of the Order dated 22.03.2024 passed by the CGRF and held that the directions contained therein extended not only to the adjustment of the ACD amount of Rs. 4,71,899/- together with interest thereon, but also to the separate grievance relating to payment of interest on the alleged ACD amount of Rs. 40,97,195/-.
- 3.10 This precise issue was expressly framed for consideration by this Hon'ble Commission in the Impugned Order and, upon examining the rival submissions, this Hon'ble Commission categorically held that *"The CGRF has clearly directed the SDO to adjust ₹4,71,899 and pay interest at 18% from January 2019 till realization. Therefore, the petitioner's attempt to modify the scope of the CGRF order cannot be sustained within the confines of Section 142 proceedings."*
- 3.11 In view of the aforesaid categorical finding, if the Review Applicant was aggrieved by the scope or contents of the Order dated 22.03.2024 passed by the CGRF, including the alleged non-grant of any relief in respect of its separate grievance relating to interest on the alleged ACD amount of Rs. 40,97,195/-, the appropriate remedy was to avail the statutory remedy available against the said Order or seek appropriate clarification in accordance with law. The Review Applicant cannot, in proceedings initiated under Section 142 of the Act for enforcement of the CGRF Order, seek to enlarge, modify or reinterpret the operative directions contained therein. The present Review Application, which seeks to achieve precisely the same result, is therefore misconceived and liable to be rejected.
- 3.12 The Review Applicant further seeks to re-agitate the following issues, all of which stood specifically raised, considered and decided in Petition No. 71 of 2024:
- iv. Whether the order dated 22.03.2024 passed by CGRF directed payment of interest at 18% on Rs. 40,97,195/- or only on Rs. 4,71,899/-;

- v. Whether the orders passed by this Hon'ble Commission in Petition No. 40 of 2025 and 41 of 2025 have any application to the facts of the present case; and
 - vi. Whether the computation relied upon by the Review Applicant in support of its alleged claim of Rs. 47,30,041/-, can be sustained.
- 3.13 These issues pertain entirely to the merits of the dispute and cannot be reopened in review proceedings.
- 3.14 It is further submitted that the Review Applicant has failed to demonstrate that any material document, submission or binding precedent was overlooked while passing the Impugned Order. This Hon'ble Commission has considered the CGRF Order dated 22.03.2024, the compliance reports, pleadings of the parties and written submissions before passing the Impugned Order. The grievance of the Review Applicant is not that any material remained unnoticed, but only that this Hon'ble Commission did not accept the interpretation sought to be placed by the Review Applicant. Such a grievance cannot constitute an error apparent on the face of the record warranting exercise of review jurisdiction.
- 3.15 Without prejudice to the above, before dealing with the issue-wise submission, DHBVN is presenting brief background for adjudication of the review application, which is as under:
- f. In the bill of the Review Applicant for the month of September, 2018 & October 2018, ACD/security amount was reflected as Rs. 5,77,500/-.
 - g. In the bill for the month of November 2018 of the Review Applicant, the ACD/ security amount was reflected as Rs. 1,05,600/-.
 - h. In January 2019, the Petitioner's ACD was reviewed and revised to Rs. 39,91,595.88/-, however, this ACD amount was not deposited by the Review Applicant until the period March to May 2023.
 - i. On 06.02.2019, the above revised ACD amount was not deposited by the Petitioner, and instead the demand of the Revised challenged before the Hon'ble High Court of Punjab and Haryana on 06.02.2019 vide CWP No. 3509 of 2019.
 - j. On 07.02.2019, the Hon'ble High Court vide its order suspended the recovery of ACD as an interim measure in line with the Order passed in CWP 24704 of 2018 in the matter of Sri Ram Tubes Pvt. Ltd. and others v. State of Haryana and others.
 - k. On 31.08.2022, DHBVN passed the Surcharge Waiver Scheme bearing Sales Circular No. 24/2022. The said scheme was applicable for connected & disconnected consumers of all consumer categories located in both rural and urban areas. Further, the scheme was valid only for such consumers who were defaulters as on 31.12.2021 and continue to be defaulter as on date.
 - l. On 14.02.2023, the Hon'ble High Court of Punjab and Haryana passed the order in the Writ Petition 3509 of 2019 & batch upholding DHBVN's power to revise the ACD amount under

Regulation 5.5(3) read with Regulation 5.9 of the HERC Supply Code, 2016 and Section 47 of the Act.

- m. Consequently, in March 2023, the Review Applicant approached DHBVN to avail the benefit of the Surcharge waiver scheme, 2022 and in this regard filed an affidavit dated 31.03.2023. Accordingly, in terms of the scheme, the pending bill amount was calculated (waiving the surcharge of INR 19,22,523), which was deposited by the Petitioner, without duress, in three instalments on the following dates:
- i. 31.03.2023 - INR 23,00,000/-
 - ii. 11.04.2023 - INR 18,50,000/-
 - iii. 08.05.2023 - INR 13,92,178/-

It is pertinent to mention that, from the date of deposit of the ACD amount, the interest benefit has been regularly passed on to the consumers. In this regard, reliance is placed on invoices dated 08.06.2023, 12.06.2024 and 22.05.2025 issued to the Review Applicant.

- n. Upon the Review Applicant depositing the revised ACD amount under the Surcharge Waiver Scheme, 2022, DHBVN's billing system inadvertently credited interest on the revised ACD amount for the period pertaining to FY 2019-20 to 2022-23. During an audit, it was observed that aforesaid interest had been erroneously credited by the system, as the revised ACD amount had been deposited by the Review Applicant in March to May, 2023. Consequently, it was found that an amount of Rs. 8,29,946.60/- had been incorrectly credited towards interest. Out of the said amount, Rs. 4,05,455/- was recovered from the Review Applicant vide SC &AR No. 571/214 which was duly deposited by the Review Applicant.
- o. On 23.02.2024, the Review Applicant filed Complaint No. 4644/2024 before the CGRF raising two distinct grievances, namely (i) adjustment/refund of ACD amounting to Rs. 4,71,900/-, deducted from the Review Applicant's account in October 2018, and (ii) non-payment of interest on ACD of Rs. 40,97,195/-, comprising Rs. 1,05,600/- shown in the bill of December 2018 and Rs. 39,91,595/- charged in the bill of January 2019.
- p. On 22.03.2024, CGRF disposed of the complaint and with the direction of DHBVN to adjust the ACD amount of Rs. 4,71,899/- & interest @18% on the ACD amount from Jan-2019 to till realization as admissible to complainant in his next billing cycle. (Interest @18% for the period for which the payment of interest is delayed).
- q. Upon non-compliance of the said above directions of the CGRF, the Review Applicant filed a petition being No. 71 of 2024 on 27.11.2024 before this Hon'ble Commission seeking inter alia the relief of direction to DHBVN to comply with the direction given by CGRF vide Order dated 26.03.2024.

- r. On 04.03.2025, DHBVN filed a compliance report in Petition No. 71 of 2024 before this Hon'ble Commission regarding the compliance of the order dated 22.03.2024 passed by the CGRF. By way of the said compliance report, DHBVN made the following submissions:

"7.3 It is respectfully submitted that the Answering Respondent would like to draw the attention of this Hon'ble Commission to the following facts which were unearthed post filing of the compliance report and after through verification of the documents/records, which dates back to the year 2016, in relation to the Petitioner: from the November 2018:

a. In the month of November 2018, due to technical issue in the system, ACD amount of the Petitioner was reduced from Rs.5,77,500 to Rs. 1,05,600. In this regard, reliance is placed invoices for the month of October 2018 and December 2018.

b. In January 2019, Petitioner's ACD was reviewed and revised by Rs. 39,91,595.88 and kept on revising in the subsequent financial years. However, the amount of revised ACD was deposited by the Petitioner on 31.03.2023 (Rs. 23,00,000 including surcharge) and on 11.04.2023 (Rs. 18,50,000 including surcharge) these payment details are enclosed as. However, DHBVN's system was inadvertently granting interest to the consumer in terms of revised ACD, which the Petitioner was not entitled to receive. It was found that interest to the tune of Rs. 8,28,946.60 was granted to the Petitioner for the period of FY 19 to 23. Out the said amount Rs. 4,05,455 was charged to the Petitioner vide SC & AR No. 571/214 and the said amount has been deposited by the Petitioner. Therefore, the remaining amount of Rs. 4,23,491.60 needs to be charged from the Consumer.

7.4 It is submitted that, in terms of the CGRF Order, Petitioner is entitled to the ACD amount of Rs. 4,71,899 along with interest and penal interest on the said ACD amount. Therefore, the Petitioner's gross entitlement is Rs. 6,93,757.60 (i.e., Rs. 4,71,900 - ACD amount, Rs. 1,55,254.60 - Interest on ACD and Rs. 66,603 - penal interest). It is pertinent to mention that from the said gross amount, Rs. 4,23,491.60 (from 3(b) above) and Rs. 19,986 (which has been refunded vide SC & AR No. 211/215 (already informed through previous replies submitted) needs to be deducted and accordingly the Petitioner is entitled to receive Rs. 2,50,280. Copy of revised sundry is attached herewith and marked as along with case ID.

7.5 It is most respectfully submitted that the sundry number 205/215 dated 23.07.2024, reliance on which has been placed by the Petitioner, has been rejected by the Audit department, the same was contrary to the CGRF Order, which directed the refund of ACD amount of Rs. 4,71,899 along with interest and penal interest on the said ACD amount. Also, amount of Rs. 3,33,750 (which was mentioned in the

compliance report as adjustment to ACD), was a security deposit in relation to a separate connection request of the Petitioner repaid to the applicant. As the said request was rejected, the said amount was adjusted in September 2016.

7.6 It is submitted that the Answering Respondent has initiated the process of refund of Rs. 2,50,280 and the same will be reflected in the upcoming next billing cycles of the Petitioner."

- s. On 07.05.2025, DHBVN filed its reply in HERC/PRO No. 71 of 2024 before this Hon'ble Commission.
- t. On 29.08.2025, DHBVN filed another compliance report vide affidavit in before this Hon'ble Commission wherein it was stated that DHBVN, vide sundry No. 266/215 calculated the refund amount of Rs. 7,10,151 (i.e., Rs. 4,71,900/- ACD amount, Rs. 1,65,115/- Interest amount on ACD and Rs. 73,136/- penal interest). Accordingly, the said amount has been refunded to the Review Applicant vide invoice for the month of August 2025.
- u. On 10.09.2025, the Review Applicant filed its rejoinder in Petition No. 71 of 2024 before this Hon'ble Commission wherein the Review Applicant had contended that DHVBN has not adjusted or refunded the interest on the ACD amount of INR 40,97,195 from January 2019.
- v. On 30.10.2025, DHBVN filed a detailed reply to the rejoinder filed by the Review Applicant and submitted that the CGRF directed that the interest of 18% was to be paid on the ACD amount of Rs. 4,71,899 and not on the amount of Rs. 39,91,596/- as claimed by the Petitioner in their Rejoinder dated 10.09.2025
- w. On 02.12.2025, DHBVN filed its Written Submission in Petition No. 71 of 2024 before this Hon'ble Commission providing the tabular sheet below of computation of interest on ACD provided below;

Sr. No.	Financial Year	ACD Deducted by System (Rs.)	Interest @18% (Rs.)	Penal Interest on Delayed Payment (Rs.)	Grand Total (Rs.)	Remarks
1	2019-20	4,71,900	29,493.75	27,882.00	57,375.75	1917 days delayed
2	2020-21	4,71,900	21,943.35	16,794.00	38,737.35	1917 days delayed
3	2021-22	4,71,900	20,055.75	11,740.00	31,795.75	1917 days delayed
4	2022-23	4,71,900	20,055.75	8,129.00	28,184.75	1917 days delayed
5	2023-24	4,71,900	31,853.00	7,162.00	39,015.00	1917 days delayed
6	2024-25	4,71,900	31,853.00	1,429.00	33,282.00	1917 days delayed

7	2025-26 (upto July 2025)	4,71,900	9,861.00	0.00	9,861.00	1917 days delayed
Total			1,65,115.60	73,136.00	2,38,251.60	

x. On 16.01.2026, this Hon'ble Commission passed the Impugned Order in Petition No. 71 of 2024 and disposed of the petition stating DHVBN has complied with the Order dated 22.03.2024 passed by CGRF and the Review Applicant's attempt to modify the scope of the CGRF order cannot be sustained within the confines of Section 142.

y. Aggrieved by the observations made by this Hon'ble Commission, the Petitioner filed the present Review Application with a delay of 19 days before this Hon'ble Commission.

3.16 In light of the above, the issue-wise submissions on behalf of DHVBN are as under:

REVIEW APPLICANT CANNOT CLAIM INTEREST ON AN AMOUNT NOT GRANTED BY THE CGRF

3.17 It is submitted that the Review Applicant's contention that interest payable on the alleged ACD amount of Rs. 40,97,195/- is misconceived and contrary to the express directions contained in the Order dated 22.03.2024 passed by the CGRF. A plain reading of the operative portion of the said order leaves no manner of doubt that the CGRF directed DHVBN to adjust the ACD amount of Rs. 4,71,899/- together with interest at the rate of 18% thereon from January 2019 till realization. The order nowhere directs payment of interest on Rs. 40,97,195/-. In compliance with this direction, DHVBN refunded a sum of Rs. 7,10,151/- to the Review Applicant vide SC & AR No. 266/215.

3.18 Without Prejudice to the aforesaid, even assuming without admitting that the Review Applicant had claimed interest on the alleged ACD amount of Rs. 40,97,195/- before the CGRF, the appropriate remedy was to challenge the said Order in accordance with law. The Review Applicant cannot, in proceedings initiated under Section 142 of the Act for enforcement of CGRF Order, seek to enlarge the operative directions contained therein.

3.19 In this regard, reliance is placed on the judgment of the Hon'ble Appellate Tribunal passed in *Maharashtra State Electricity Distribution Company v. Maharashtra State Electricity Regulatory Commission & Anr.*, Appeal No. 27 of 2019, where it was held that, while exercising jurisdiction under Section 142 of the Act, the Hon'ble Commission cannot travel beyond the four corners of the order of which compliance is sought, nor can it read into such order any relied which was not expressly provided therein. The relevant extracts are as under:

"13. ...the Commission committed gross error in allowing the review petition filed by the 2nd respondent... thereby holding the appellant liable to pay consequential interest also to the 2nd respondent on the refund amount. While doing so, the Commission has clearly gone beyond the judgment... which had explicitly stated that the 2nd respondent is entitled to refund without interest. Thus, the Commission appears to have taken over the role of appellate court/authority while

exercising the powers under Section 142 of the Act, which is not permissible under law."

- 3.20 In the present case, the CGRF order dated 22.03.2024 nowhere directs interest on the alleged ACD amount of Rs. 40,97,195/-. The Review Applicant is, in effect, seeking to read such a direction into the CGRF Order, which is precisely the course of action held to be impermissible by the Hon'ble Appellate Tribunal. This Hon'ble Commission has also, in the Impugned Order, categorically held that the Review Applicant's attempt to modify the scope of the CGRF Order cannot be sustained within the confines of proceedings under Section 142 of the Act. The present Review Application seeks to achieve indirectly what could not have been sought in the original compliance proceedings and is, therefore, liable to be rejected.

WITHOUT PREJUDICE, THE REVIEW APPLICANT IS NOT ENTITLED TO INTEREST ON THE ALLEGED ACD AMOUNT OF 40,97,195/- FROM JANUARY 2019

- 3.21 Without prejudice to the submissions made hereinabove, it is submitted that the Review Applicant is neither factually nor legally entitled to interest on the sum of Rs. 40,97,195/- from January 2019. Even assuming without admitting that the Order dated 22.03.2024 passed by the CGRF contemplated payment of interest on the said amount, the Review Applicant has failed to establish any legal or factual basis entitling it to such relief.
- 3.22 It is submitted that the enhanced ACD amount was not deposited by the Review Applicant when it was demanded in January 2019. The legality of the revised ACD demand and its applicability on existing consumers was itself the subject matter of challenge before in a batch of writ petitions before the Hon'ble High Court of Punjab and Haryana, led by CWP No. 24704 of 2018, *Sri Ram Tubes Pvt. Ltd. and others v. State of Haryana and Ors.* The said batch of writ petitions was dismissed only vide Judgment dated 14.02.2023 whereby this Hon'ble High Court upheld the power of DHBVN to revise and demand ACD of existing consumers in accordance with the applicable statutory and regulatory framework.
- 3.23 It is further submitted that the Review Applicant deposited the enhanced ACD amount only after availing the benefits of the Surcharge Waiver Scheme, 2022. Pursuant thereto, payments were made on 31.03.2023, 11.04.2023 and 08.05.2023. Having voluntarily opted for and availed the benefits of the said Scheme, the Review Applicant unequivocally accepted the terms and conditions of the scheme. The Review Applicant cannot now approbate and reprobate by simultaneously seeking the benefits under the Scheme while claiming interest for a period during which enhanced ACD admittedly remained unpaid. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in *Reserve Bank of India v. M.T. Mani and Another*, 2025 SCC OnLine SC 1217, wherein it was held:

"39. The financial aspect, in itself, is a valid consideration, as stated above, and would be applicable in the present case. The Respondent, therefore, cannot be permitted to choose a particular aspect of the

Scheme that makes it unworkable, and that too for his own financial benefit. Approbation and reprobation would not be permissible in such schemes. Respondent having once opted for the Scheme cannot be permitted to not accept a part thereof while intending to take the benefit of the Scheme as a whole.”

3.24 Having accepted the benefits flowing from the Surcharge Waiver Scheme, 2022 and deposited the enhanced ACD only in the year 2023, the Review Applicant cannot now claim interest for the antecedent period commencing from January, 2019, when the enhanced ACD amount had admittedly not been deposited with DHBVN.

3.25 It is a settled principle, recognised by this Hon'ble Commission's own reasoning in the Impugned Order and in the orders in Petition No. 40/2025 and Petition No. 41/2025, that interest on ACD is tied to the amount actually deposited by the consumer and does not accrue on an amount that remains outstanding. The Petitioner, having withheld deposit of the enhanced ACD for over four years pending the outcome of litigation testing the very legality of that demand, cannot simultaneously claim depositor's interest on that undeposited sum for the same period. The two positions are mutually inconsistent. Interest, if any, can only be credited on the actually deposited amount against the raised demand. In this case, the consumer had not deposited the amount raised. However, for the actual amount deposited by the consumer, the interest on it has in fact been extended to the Petitioner on that basis.

THE REVIEW APPLICANT'S RELIANCE ON ORDERS IN PETITION NO. 40 OF 2025 AND PETITION NO. 41 OF 2025 IS MISPLACED

3.26 It is submitted that the Petitioner's reliance on the orders passed in Petition No. 40 of 2025 (*Dharmesh Textile Ltd. v. DHBVN*) [Pages 66-93, Petition] and Petition No. 41 of 2025 (*Amar Plastic v. DHBVN*) [Pages 94-116, Petition], misconceived. The said orders were rendered on materially different facts and in altogether different procedural circumstances and therefore have no application to the present case.

3.27 In both aforesaid petitions, the respective CGRF Orders did not determine the exact ACD amount, the exact interest amount payable or the period for which interest was payable. It was for this very reason that the Hon'ble Commission specifically remanded to the CGRF vide order dated 24.09.2025 for a fresh, speaking determination in both matters; the principal ACD amount was never in dispute and only the computation, period or rate of interest required determination. No such infirmity exists in the order dated 22.03.2024 passed by the CGRF in the present case, which specifically and unambiguously directs interest on Rs. 4,71,899/- alone. There was accordingly no occasion for, and none was sought by way of, any remand in the present matter.

THE TABLE A AND B ARE INCORRECT AND WITHOUT BASIS

3.28 The computations contained in Tables A and B in the Review Application are misconceived and without any legal or factual basis. The entire computation proceeds on an erroneous premise that the order dated 22.03.2024 passed by CGRF directed payments of interest on Rs. 40,97,195/- and subsequently enhanced the amount to Rs. 45,47,805/- referred to in Table B). Once the very foundation of the Review

Applicant's computation is unsustainable, the consequential claim of Rs. 47,56,708/- or any other amount computed on the basis necessarily fails and deserves to be rejected.

- 3.29 The averment made by the Review Applicant regarding financial hardship, irreparable loss and grave injustice are denied. Such considerations are wholly irrelevant for determining the maintainability of a Review Application under Section 94(1)(f) of the Act read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908. Allowing the Review Applicant's contention would, in effect, permit re-opening and re-adjudication of findings consciously rendered after due consideration of the pleadings and material on record, which is impermissible in the limited scope of review jurisdiction. Further allowing the Review Application would expose DHBVN to an inflated and legally unsustainable monetary claim founded upon an interpretation of the Order dated 22.03.2024 which has already been expressly rejected by this Hon'ble Commission in the Impugned Order.
- 3.30 The Review Applicant has further sought compensation of Rs. 10,00,000/- which is wholly misconceived and beyond the scope of the present proceedings. Such a relief was neither claimed before the CGRF nor adjudicated upon or awarded in the Order dated 22.03.2024, and travels beyond the scope of a jurisdiction under Section 142 of the Act. No error apparent on the face of the Impugned Order can arise from its not having awarded a relief that was never claimed before the original forum whose order was sought to be enforced. This prayer is misconceived on the face of it and is liable to be rejected outright.
- 3.31 In view of the facts and submissions made hereinabove, the present Review Petition is devoid of merit and fails to disclose any ground warranting exercise of the limited review jurisdiction vested in this Hon'ble Commission under Section 94(1)(f) of the Act. The Review Application is nothing but an attempt to re-agitate issues already considered and conclusively decided by this Hon'ble Commission and is, therefore, liable to be dismissed in limine with exemplary costs.

4. The case was heard on 26/08/2026, the counsel for the petitioner requested for condonation of 19 days delay and time to file the rejoinder. The Commission decides to condone the delay and disposes the IA-20 of 2026. Further, the Commission adjourns the matter and directs petitioner to file its rejoinder with advance copy to respondent by 11/09/2026.

5. Rejoinder filed by Petitioner dated 10.09.2026

MOST RESPECTFULLY SHOWETH:

That at the outset, the Review Applicant respectfully submits that the present Review Petition is not intended to reopen, revise or re-agitate the merits of the order dated 16.01.2026, nor does the Review Applicant seek a fresh adjudication of the issues already considered by this Hon'ble Commission. The limited grievance of the Review Applicant is with regard to the computation and consequential determination of the amount

payable pursuant to the order dated 22.03.2024 passed by the Ld. CGRF. The Review Applicant seeks only appropriate modification/correction of the impugned order to the extent necessary for correctly computing the amount of interest payable in terms of the specific direction of the Ld. CGRF, namely, interest @18% on the ACD amount of ₹4,71,899/- from January 2019 till realization. The Review Applicant respectfully submits that once the correct computation is undertaken on the basis of the operative direction of the Ld. CGRF, the actual amount payable, if any, can be determined without reopening or altering the substantive findings of the impugned order.

PRELIMINARY SUBMISSIONS

- 5.1 That at the outset, the Review Applicant denies each and every averment, submission and contention contained in the reply filed by the Respondents, except to the extent specifically admitted herein. The Respondents have failed to answer the fundamental issue arising in the present Review, namely, whether the direction contained in the order dated 22.03.2024 passed by the Ld. CGRF was actually and completely complied with in its true letter and spirit.
- 5.2 That the present Review Petition is not an attempt to re-agitate the original proceedings or to seek an appellate reconsideration of the impugned order. The Review Applicant is seeking correction of a specific and material error apparent on the face of the record, namely, the recording of a factual finding that the CGRF order had been complied with, despite the material on record demonstrating that the interest directed to be paid at 18% from January 2019 till realization had not been correctly and completely discharged.
- 5.3 That the Ld. CGRF, vide order dated 22.03.2024, specifically directed the Respondent SDO to adjust the ACD amount of ₹4,71,899/- and pay interest @18% on the ACD amount from January 2019 till realization, including interest for the period for which payment of interest was delayed. The said direction is clear and admits of no ambiguity.
- 5.4 That, therefore, mere adjustment of the principal amount of ₹4,71,899/- cannot, by itself, constitute complete compliance with the CGRF order. The Respondents were required to demonstrate payment/adjustment of the interest component @18% also, calculated strictly in accordance with the aforesaid direction.

RESPONSE TO THE RESPONDENTS' CONTENTION REGARDING COMPLIANCE

- 5.5 That the respondent in para number 4 of the reply admitted that “while disposing of Petition Number 71 of 2024, this Hon’ble Commission, after considering the submission of both parties recorded, inter alia, the following findings in the impugned order

3....XXXXX

4. The CGRF has clearly directed the SDO to adjust the Rs. 4,71,899 and pay interest at 18% from January 2019 till realisation.”

Further this was reiterated at para number 13 of the reply submitted by the respondent.

- 5.6 That the Respondents' reliance upon the alleged compliance of the CGRF order is misconceived. The Respondents themselves, in their compliance

report dated 29.08.2025, relied upon Sundry No. 266/215 dated 22.07.2025 and claimed adjustment/refund of ₹7,10,151/-, comprising ₹4,71,900/- towards ACD, ₹1,65,115/- towards interest and ₹73,136/- towards penal interest.

- 5.7 That the aforesaid figures themselves establish that the Respondents' case was not that the amount directed by the CGRF had been paid in full in accordance with the direction. Rather, the Respondents relied upon their own accounting exercise to contend that a particular amount had been adjusted. The correctness and legal sufficiency of that calculation was precisely the matter requiring determination.
- 5.8 That the Respondents cannot equate "adjustment of an amount" with "compliance with the direction pursuant to which that amount was required to be calculated." The latter requires the Respondents to establish that interest @18% was calculated from January 2019 till the actual date of realization/adjustment and that the entire amount so determined was credited to the Review Applicant.
- 5.9 That significantly, the impugned order itself records that the CGRF had directed payment of interest @18% from January 2019 till realization. The same order thereafter proceeds to record that the Respondent had "now complied" with the CGRF order. The Review Applicant respectfully submits that the latter conclusion does not follow from the material relied upon by the Respondents and constitutes the error apparent on the face of the record requiring correction in review. As per the observation of the commission and below is the refundable amount. i.e interest 18% on 471899 from Jan-2019 onwards.

TABLE- A (For grievance i)

FY	ACD Amount	Rate of interest	ACD Interest
2018-2019	471899	18.00%	21235
2019-2020	471899	18.00%	84942
2020-2021	471899	18.00%	84942
2021-2022	471899	18.00%	84942
2022-2023	471899	18.00%	84942
2023-2024	471899	18.00%	84942
2024-2025	471899	18.00%	84942
2025 - Sep-2025	471899	18.00%	42471
Total (A)	471899	Total (B)	573357
Grand Total (A+B)			1045256

ALLEGED ADMISSION OF COMPLIANCE

- 5.10 That insofar as the Respondents seek to rely upon any statement made on behalf of the Review Applicant during the earlier proceedings regarding compliance, the same is required to be understood in its proper factual and procedural context and in conjunction with the documentary record forming part of the proceedings.
- 5.11 That the Review Applicant does not dispute that the Respondents subsequently made an adjustment/credit towards the ACD amount and

also made a payment/adjustment under the head of interest. However, the Review Applicant respectfully submits that acknowledgement of such adjustment cannot, by itself, amount to an admission that the entire amount legally payable under the CGRF order had been correctly computed and fully discharged.

- 5.12 There is a material distinction between (a) acknowledging the fact that a particular amount has been credited/adjusted, and (b) accepting that such amount represents complete and correct compliance with the substantive monetary direction contained in the CGRF order.

THE IMPUGNED FINDING IS INTERNALLY INCONSISTENT

- 5.13 That the impugned order itself records that the dispute emerging from the pleadings included the question whether the interest on ₹4,71,899/- had been correctly computed and refunded and whether the Respondents could dispute the CGRF directions at the compliance stage.

- 5.14 That having identified the aforesaid issue, the Hon'ble Commission proceeded to conclude that the CGRF order had been complied with without finally determining whether the amount of interest actually credited by the Respondents corresponded with interest @18% from January 2019 till realization.

- 5.15 That the Review Applicant respectfully submits that the finding of compliance could only follow after verification of the actual calculation and credit made by the Respondents against the specific direction of the CGRF. In the absence of such verification, the conclusion that nothing survived for adjudication was premature and founded upon an erroneous factual premise.

- 5.16 That the impugned order itself records that the Review Applicant had been compelled to pursue compliance for more than one year and that the Respondents' delayed implementation was without reasonable cause. The Hon'ble Commission further recorded negligence on the part of the officials of the Respondent Nigam and directed payment of court fee and litigation expenses.

- 5.17 That these findings reinforce the fact that the proceedings arose out of actual non-compliance and delayed implementation. Consequently, the question whether the ultimate credit given by the Respondents constituted complete compliance ought to have been examined strictly with reference to the CGRF's operative direction.

REVIEW IS MAINTAINABLE ON THIS LIMITED GROUND

- 5.18 That the Review Applicant reiterates that it is not seeking a rehearing of the entire matter. The Review Applicant confines the present review, at the minimum, to the patent factual error whereby complete compliance has been recorded despite the Respondents' own compliance figures and the documentary record showing otherwise.

- 5.19 That the Review Applicant is willing to have the matter examined on the narrowest possible footing, namely:

Whether the Respondents actually paid interest @18% on ₹4,71,899/- from January 2019 till the date of actual adjustment/realization, as specifically directed by the Ld. CGRF.

5.20 That if, upon verification of the Respondents' calculation, any shortfall is found, the Respondents may be directed to pay the balance amount in accordance with the CGRF order. Such exercise would not amount to enlargement or modification of the CGRF order; rather, it would amount to ensuring compliance with the order in its true letter and spirit.

WITHOUT PREJUDICE TO OTHER CONTENTIONS

5.21 That without prejudice to the other grounds raised in the Review Petition concerning the treatment of the larger ACD amount reflected in the consumer's account, the Review Applicant submits that the Review can independently succeed on the limited issue of non-compliance with the express direction concerning ₹4,71,899/- and interest thereon.

5.22 That the Review Applicant, therefore, does not seek to convert the present proceedings into a fresh adjudication of issues already determined by the CGRF. The immediate relief sought is only correction of the erroneous finding of complete compliance and consequential determination of the actual balance, if any, remaining payable under the CGRF order.

RESPONDENTS CANNOT TAKE CONTRADICTIONARY POSITIONS

5.23 That the Respondents cannot simultaneously rely upon their own calculation as proof of compliance and resist scrutiny of the correctness of that calculation. Once the Respondents assert compliance, the burden is upon them to place before the Hon'ble Commission a complete and intelligible calculation demonstrating compliance with each component of the CGRF direction.

5.24 That the Respondents' reliance upon internal accounting/audit treatment cannot override the operative direction of the Ld. CGRF. The Review Applicant's grievance is against the ultimate non-payment/short-payment of the amount directed to be paid and not against any bona fide internal accounting process adopted by the Respondents.

In view of the facts and submissions made hereinabove, it is most respectfully prayed that this Hon'ble Commission may graciously be pleased to allow the present Review Application and modify the impugned order dated 16.01.2026 to the limited extent of correcting the finding of complete compliance and directing the Respondents to determine and pay/adjust the balance amount, as per the calculation given above, and pass such other order(s) as this Hon'ble Commission may deem fit and proper in the interest of justice.

6. The case was heard on 22/09/2026, counsel appearing for the respondent submitted that the order under challenge stood duly complied with. It was further submitted that counsel for the petitioner had also acknowledged, before the Hon'ble High Court, compliance with the aforesaid order passed by the CGRF. Thereafter, the matter was discussed and deliberated upon by the parties. However, no conclusive submissions on the merits of the matter were advanced by either party during the course of hearing. The

Commission adjourns the matter and directs parties to file their written submissions by 09/10/2026 and reserves the order.

7. Written submissions of Petitioner dated 08.10.2026

7.1 That during the course of hearing before this Hon'ble Commission on 22.09.2026, the Respondents raised an objection to the maintainability of the present Review Petition on the ground that the Review Applicant had allegedly admitted before the Hon'ble Punjab & Haryana High Court in CWP No. 3855 of 2026, filed by the Respondent/DHBVN itself, that the order dated 22.03.2024 passed by the Ld. CGRF had already been complied with and, therefore, according to the Respondents, the present Review is not maintainable.

7.2 That the aforesaid submission of the Respondents is wholly misconceived and untenable. The Respondents themselves had approached the Hon'ble High Court by filing CWP No. 3855 of 2026, inter alia: praying:

A. Issue a write in the nature of Certiorari, quashing and setting aside the impugned order dated 22.03.2024 (Annexure P-2) passed by the Ld. CGRF in Case No. 4644/GGN/2024, 22.03.2024 (Annexure P-2) as being void, erroneous, vague, legally untenable, and passed in disregard of material evidence and applicable statutory provisions; AND

B. To hold and declare that the directions issued by the Ld. CGRF by way of the Impugned Order, insofar as it relates to the adjustment of the interest on ACD with penal interest dating back to the Jan, 2019 is without jurisdiction being contrary to Regulation 2.8.1(i) of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 as amended vide HERC (Forum and Ombudsman) (1st Amendment) Regulations, 2022. AND

C. To hold and declare that no penal interest is payable since January , 2019 in view of the fact that ACD was deposited by the Respondent No.1 only in the year 2023, as such the question of interest from January, 2019 on the amount of ACD which was never deposited, does not arise; AND/OR

In the Alternative , the matter may kindly be remanded back to Ld. CGRF for the purpose of re-computation of the amount due and payable by the Respondent No.1 on the basis of verified record available with the Petitioner herein; AND

D. In The Interim, it is prayed that during the pendency of the present write petition before the Hon'ble Court the operational/execution of the Impugned order dated 22.03.2024 may kindly be stayed; AND The Hon'ble Court may kindly direct that no coercive action be taken against the Petition here in the Execution Proceeding initiated by Respondent No. 1 i.e petition No. 71 of 2024 pending before the Ld. HERC;AND

The Hon'ble court may kindly quash the penalty of Rs. 25,000 imposed by the Ld. HERC in Execution proceedings being petition number 71-2024, on each of the officials of the petitioners on the ground of non-submission of reply.

- E. Exempt the Petitioner from filing of the certified/ true typed copies of the Annexures AND / OR
- F. The Hon'ble court may kindly be pleased to pass any appropriate writ, order or direction in favour of the petitioners, which this Hon'ble court may be deem fit and proper in the peculiar facts and circumstance of the present case.

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- 11. That the Petitioner has not filed any other petition seeking similar relief either before this Hon'ble Court or any other court of competent jurisdiction.
- 12. That grave and irreparable loss and injury would be caused to the Petitioners in case the present petition is not allowed.
- 13. That the present petition is *bonafide* and in the interest of justice.

PRAYER:

In light of the facts and circumstances and for the reasons stated above the Petitioners respectfully prays that this Hon'ble Court may be pleased to:

- A. Issue a writ in the nature of Certiorari, quashing and setting aside the impugned order dated 22.03.2024 (Annexure P-2) passed by the Ld. CGRF in Case No. 4644/GGN/2024, 22.03.2024 (Annexure P-2) as being void, erroneous, vague, legally untenable, and passed in disregard of material evidence and applicable statutory provisions; **AND**
- B. To hold and declare that the directions issued by the Ld. CGRF by way of the Impugned Order, insofar as it relates to the adjustment of the interest on ACD with penal interest dating back to the Jan, 2019 is without jurisdiction being contrary to Regulation 2.8.1(i) of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 as amended vide HERC (Forum and Ombudsman) (1st Amendment) Regulations, 2022. **AND**

- C. To hold and declare that no penal interest is payable since January, 2019 in view of the fact that ACD was deposited by the Respondent No. 1 only in the year 2023, as such the question of interest from January, 2019 on the amount of ACD which was never deposited, does not arise;

AND/OR

IN THE ALTERNATIVE, the matter may kindly be remanded back to Ld. CGRF for the purposes of re-computation of the amount due and payable by the Respondent No. 1 on the basis of verified record available with the Petitioner herein; **AND**

- D. **IN THE INTERIM**, it is prayed that during the pendency of the present writ petition before this Hon'ble Court, the operation/execution of the Impugned order dated 22.03.2024 may kindly be stayed; **AND**

The Hon'ble Court may kindly direct that no coercive action be taken against the Petitioners herein in the Execution Proceedings initiated by Respondent No. 1 i.e. Petition No. 71 of 2024 pending before the Ld. HERC; **AND**

The Hon'ble Court may kindly quash the penalty of Rs. 25,000/-, imposed by the Ld. HERC in Execution Proceedings being Petition No. 71 of 2024, on each of the officials of the Petitioners on the ground of alleged non-submission of reply.

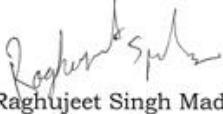
- E. Exempt the Petitioner from filing of the certified/true typed copies of the Annexures; **AND/OR**
- F. The Hon'ble Court may kindly be pleased to pass any appropriate writ, order or direction in favour of the Petitioners, which this

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Hon'ble Court may deem fit and proper in the peculiar facts and
circumstances of the present case

Place:
Date:


PETITIONER
XEN (OP) City Divn.
DHBVN, Bhiwani


(Raghujet Singh Madan & Lovepreet Singh)

(Mahender Joshi & Ayushi Garg)

(CHIRAG CHOUDHARY)

Advocates

Counsel for the Petitioners
(P-708/2000- PH223825)

VERIFICATION

Verified that the contents of Paragraph Nos. 1 to 13 of the writ
petition are true and correct to my knowledge and those of Paragraph
Nos. 6 to 13 are believed to be true upon the legal advice received
from the counsel. No part of it is false and nothing material has been
concealed therein.

Place:

Date:


PETITIONER
XEN (OP) City Divn.
DHBVN, Bhiwani

- 7.3 That the Respondents (Petitioner in CWP) also sought, by way of interim relief, stay of the operation/execution of the CGRF order dated 22.03.2024, a direction that no coercive action be taken against them in the execution proceedings pending before this Hon'ble Commission in Petition No. 71 of 2024, as well as quashing of the penalty of ₹25,000/- imposed by this Hon'ble Commission upon the concerned officials in the said execution proceedings.
- 7.4 That thus, the very filing of CWP No. 3855 of 2026 by the Respondents (Petitioner in CWP) was primarily founded upon their challenge to the jurisdiction, legality and correctness of the CGRF order dated 22.03.2024, coupled with a challenge to the coercive/execution proceedings and penalty initiated by this Hon'ble Commission.
- 7.5 That it is pertinent to mention that the writ petition did not proceed to a contested adjudication on the merits of the aforesaid issues. The order dated 09.02.2026 records that an advance copy of the petition had been served upon Respondent No.1 and that the counsel appearing for Respondent No.1 had entered appearance by way of filing Memo of appearance. The order further records that the counsel had placed before the Hon'ble Court a copy of the compliance report filed by the Petitioner/DHBVN before this Hon'ble Commission and had stated that the impugned order dated 22.03.2024 had been complied with.
- 7.6 That significantly, the Hon'ble High Court did not adjudicate upon the correctness of the Respondents' challenge to the CGRF order, nor did it undertake any determination as to whether the amount adjusted by the Respondents constituted complete and correct compliance with each and every monetary direction contained in the CGRF order. The writ petition was disposed of at that stage on the basis of the compliance position placed before the Hon'ble Court.
- 7.7 That the Respondents' present contention that the statement regarding compliance before the Hon'ble High Court completely bars the present Review is, therefore, misconceived. There is a fundamental distinction between stating that the order has been acted upon/complied with in terms of the compliance report placed before the Court and admitting that the Respondents' computation of the monetary liability is legally and factually correct in every respect.
- 7.8 That the said distinction assumes particular significance in the present case because the Respondents' own writ petition demonstrates that they were simultaneously disputing the legality and correctness of the CGRF direction regarding interest from January 2019. In fact, the Respondents specifically sought a declaration before the Hon'ble High Court that the said direction was without jurisdiction and further sought, in the alternative, re-computation of the amount due and payable.
- 7.9 That, therefore, the Respondents cannot now seek to place an interpretation upon the statement regarding compliance which is wider than the context in which the statement was made. The statement regarding compliance cannot be converted into an admission that the quantum of interest claimed/adjusted by the Respondents was correct, particularly when the very writ petition filed by the Respondents

sought adjudication of the legality and correctness of the interest direction.

- 7.10 That, even otherwise, the Respondents' present stand is contrary to their own pleadings before the Hon'ble High Court. In the writ petition, the Respondents themselves specifically pleaded that "the compliance of the order does not take away the right of the Petitioner to challenge the Impugned Order passed by the Ld. CGRF". Thus, the Respondents themselves recognised before the Hon'ble High Court that compliance and the right to challenge the underlying order are not mutually exclusive.
- 7.11 That having themselves taken the aforesaid position before the Hon'ble High Court, the Respondents cannot now contend before this Hon'ble Commission that the mere fact that compliance was stated to have been made before the Hon'ble High Court operates as an absolute bar against examination of the correctness of such compliance in the present Review. The Respondents cannot be permitted to approbate and reprobate on the same issue.
- 7.12 That the legal effect of the statement made before the Hon'ble High Court has to be considered in its proper context and cannot be enlarged beyond what was actually admitted. The Hon'ble Supreme Court in *Basant Singh v. Janki Singh*, AIR 1967 SC 341, has held that an admission made in an earlier proceeding may be relied upon in subsequent litigation, but such admission is not conclusive and it remains open to the party to demonstrate that the admission is not true or does not bear the meaning sought to be attributed to it. Likewise, in *Gautam Sarup v. Leela Jetly*, (2008) 7 SCC 85, the Hon'ble Supreme Court recognised that without completely resiling from an admission, a party is entitled to explain the circumstances in which the same was made and to clarify its extent and effect. In the present case, the Review Applicant is not resiling from the statement recorded before the Hon'ble High Court regarding compliance; the limited submission is that such statement cannot be construed as an admission that the Respondents' computation of interest was correct or that no amount remained payable under the specific monetary direction of the Ld. CGRF
- 7.13 That the present Review Applicant is not seeking to reopen the proceedings before the Hon'ble High Court, nor is the Review Applicant seeking any relief contrary to the order dated 09.02.2026 passed in CWP No. 3855 of 2026. The limited grievance in the present Review is with regard to the finding recorded by this Hon'ble Commission that the CGRF order stood complied with, particularly insofar as the computation and payment of interest on the ACD amount of ₹4,71,899/- is concerned.
- 7.14 That the operative direction of the Ld. CGRF, as reproduced even in the Respondents' own writ petition, was to adjust the ACD amount of ₹4,71,899/- and interest @18% on the ACD amount from January 2019 till realization, including interest for the period for which payment of interest was delayed.
- 7.15 Thus, the limited question which arises in the present Review is not whether the Respondents made some adjustment pursuant to the CGRF order. The question is whether the amount so adjusted actually

constituted full and correct compliance with the express monetary direction issued by the Ld. CGRF.

- 7.16 The Respondents themselves claimed before the Hon'ble High Court that ₹4,71,900/- towards ACD, ₹1,65,115/- towards ACD interest and ₹73,136/- towards penal interest, totalling ₹7,10,151/-, had been adjusted in the electricity bill for August 2025. The correctness of the said calculation, however, was not adjudicated by the Hon'ble High Court.
- 7.17 It is, therefore, respectfully submitted that the statement regarding compliance cannot be treated as an admission that the aforesaid computation was correct or that no amount whatsoever remained payable under the CGRF order. The present Review seeks only an examination of the correctness of the computation against the express terms of the CGRF order.
- 7.18 The matter did not proceed to a contested adjudication on merits; the writ petition was disposed of at the initial stage on the basis of the compliance position placed before the Hon'ble Court.
- 7.19 That the present Review is also squarely within the recognised parameters of review jurisdiction. In *S. Madhusudhan Reddy v. V. Narayana Reddy*, 2022 INSC 846, the Hon'ble Supreme Court reiterated that review is maintainable, inter alia, where there is a mistake or error apparent on the face of the record. The Hon'ble Court has further clarified that review is distinct from an appeal and is available for correction of a patent error apparent from the record. The same principle was reiterated in *Kamlesh Verma v. Mayawati*, (2013) 8 SCC 320. In the present case, the Review Applicant is not seeking a re-appreciation of the entire dispute, but seeks correction of the specific finding of complete compliance without determination/reconciliation of the interest amount actually payable under the express direction of the Ld. CGRF.
- 7.20 It is reiterated that the Review Applicant does not seek to contradict or nullify the order dated 09.02.2026 passed by the Hon'ble High Court in CWP-3855-2026.
- 7.21 The statement made before the Hon'ble High Court was based upon the compliance report furnished by the Respondent and was made in the context of the fact that the Respondent had acted upon the CGRF order.
- 7.22 There was no adjudication by the Hon'ble High Court upon the precise calculation of 18% interest payable on ₹4,71,899/- from January 2019 till realization.
- 7.23 The present Review therefore does not involve taking two mutually destructive positions. The Review Applicant's position remains consistent:
The Respondent made an adjustment pursuant to the CGRF order, but the question whether that adjustment constituted complete and correct monetary compliance remains distinct from the fact of adjustment itself.
- 7.24 The Respondent cannot convert a statement regarding compliance in the context of writ proceedings into an irrevocable concession concerning the correctness of its calculations, particularly when the underlying calculation is itself the subject matter of the present Review.

7.25 That, without prejudice to the submissions made hereinabove, the Review Applicant has prepared the detailed computation of the amount payable in terms of the direction of the Ld. CGRF, which is already placed on record at page 4 of the Rejoinder dated 10.09.2026. As per the said computation, the ACD amount of ₹4,71,899/- carries interest @ 18% per annum from FY 2018-19 onwards, in terms of the direction of the Ld. CGRF, and the total interest computed up to September 2025 comes to ₹5,73,357/-, resulting in a total amount of ₹10,45,256/- (₹4,71,899/- towards ACD + ₹5,73,357/- towards interest). The Respondent, however, has admittedly refunded/adjusted only ₹7,10,151/-, which amount is also recorded in the order passed by this Hon'ble Commission in HERC Petition No. 71 of 2024. Thus, even on the basis of the limited issue concerning the ACD amount of ₹4,71,899/-, a balance amount of ₹3,35,105/- remains payable to the Review Applicant, subject to verification of the calculation by this Hon'ble Commission. It is, therefore, most respectfully prayed that the present Review Application may kindly be allowed and the Respondent be directed to pay/refund the aforesaid balance amount in accordance with the order of the Ld. CGRF. The Review Applicant further prays that the Court Fee of ₹50,000/-, deposited pursuant to the order of this Hon'ble Commission, may also kindly be directed to be refunded/reimbursed to the Review Applicant.

8. Written submissions of respondent dated 06.10.2026

8.1 The present Review Application ('RA') has been filed by M/s Shri Ram Filament (Review Applicant) seeking review of the Order dated 16.01.2026 passed by this Hon'ble Commission in Petition No. 71 of 2024 ('Order dated 16.01.2026'). During the course of hearing held on 22.09.2026, the submissions advanced on behalf of the Review Applicant were confined to the alleged noncompliance with the CGRF's direction regarding payment of interest @18% on the ACD amount of Rs. 4,71,899/-. Accordingly, the present Written Submission is confined to the aforesaid issue.

8.2 With regard to the aforesaid issue, the Hon'ble Commission categorically held as under:

The Commission observes that the issues emerging from the pleadings were whether the petitioner was entitled to interest on ₹40,97,195; whether interest on ₹4,71,899 has been correctly computed and refunded;

.....

Accordingly, the Commission observes that the respondent has now complied with the CGRF order and adjusted ₹4,71,899 along with the interest, but such compliance was delayed without any reasonable cause. The respondents' prolonged non-implementation of the order warrants action under Section 142 for the period of delay.

Since the order of CGRF has been complied with now, nothing remains to be adjudicated in the present petition.....

8.3 In the present RA, the Review Applicant has sought review of the Order dated 16.01.2026, inter-alia, on the ground that the respondent has not

complied with the directions of the CGRF Order in its true letter and spirit, particularly with respect to payment of interest @18% on the ACD amount.

- 8.4 It is pertinent to mention that the Consumer Grievance Redressal Forum ('CGRF') Order dated 22.03.2024 was duly complied with, as DHBVNL refunded a total amount of Rs. 7,10,151/- in the bill for the month August 2025 comprising the ACD amount of Rs. 4,71,899/-, interest of Rs. 1,65,115/- and penal interest of Rs. 73,136/-. The Review Applicant was, therefore, fully aware of the computation of interest made by DHBVNL pursuant to the CGRF Order.
- 8.5 Thereafter, Review Applicant filed its Written Submission in the Petition No. 71 of 2024 on 13.12.2025 wherein it raised certain allegations against DHBVNL. However, in the said Written Submission, no specific objection was raised to the computation of interest @18% on the ACD amount of Rs. 4,71,899/- as reflected in DHBVN's compliance report dated 29.08.2025, despite the Review Applicant being aware of the computation and the amount refunded pursuant thereto.
- 8.6 Furthermore, thereafter DHBVN had filed the Civil Writ Petition No. 3855 of 2026 before the Hon'ble High Court of Punjab & Haryana High Court ('P&H High Court') impugning the same CGRF Order dated 22.03.2024. The counsel on behalf of the Review Applicant (Respondent therein) categorically stated that, Order dated 16.01.2026 i.e., CGRF Order dated 22.03.2024 has been complied with without raising any issue on the aspect of computation of interest on ACD amount. The Hon'ble P&H High Court while disposing of the Writ Petition vide its order dated 09.02.2026 recorded the statement of the counsel on behalf of the Review Applicant (Respondent therein). The relevant extract is provided hereinbelow:
- 3. Mr. Akshay Gupta, Advocate has put in appearance on behalf of respondent No. 1 and has filed a copy of compliance report filed by the Petitioner before the Haryana Electricity Regulatory Commission and states that the Order dated 16.01.2026 dated 22.03.2024, Annexure P-2, has been complied with and the petition has been filed at a belated stage to harass the contesting respondents*
- 4. Be that as it may, as the Order dated 16.01.2026 has been complied with, writ petition is disposed of.....*
- 8.7 It is thus evident from the order dated 09.02.2026 passed by the Hon'ble P&H High Court that the statement regarding compliance of the CGRF Order was recorded by the Hon'ble High Court and, upon recording the same, the Writ Petition was disposed of with the categorical observation that "as the Order dated 16.01.2026 has been complied with, writ petition is disposed of." The CGRF Order was represented by the Review Applicant to the Hon'ble P&H High Court as having been complied with. Consequently, the Review Applicant cannot now use the present review proceedings to reopen the computation of the amount already treated as compliance with the CGRF Order.
- 8.8 In particular, the Review Applicant cannot seek, by way of review, a re-examination of the computation of interest on the ACD amount of ₹4,71,899/- as though the issue of compliance of the CGRF Order remains outstanding.

A copy of the Order dated 09.02.2026 passed by the Hon'ble P&H High Court in Civil Writ Petition No. 3855 of 2026 is attached.

- 8.9 Accordingly, the present Review Application, insofar as it seeks to reopen the computation of interest on the ACD amount of ₹4,71,899/- despite the CGRF Order having been complied with and the said compliance having been recorded by the Hon'ble High Court, is misconceived and liable to be rejected.
- 8.10 In view of the same, the present RA is misconceived, devoid of merit and liable to be dismissed. The Review Applicant has failed to establish any error apparent on the face of the record or any other ground warranting exercise of the limited review jurisdiction vested in this Hon'ble Commission under Section 94(1)(f) of the Electricity Act, 2003, read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (CPC).
- 8.11 As already submitted hereinabove, the Review Applicant is seeking to reopen a grievance concerning the computation of interest on the ACD amount of Rs. 4,71,899/-, which has already been considered and adjudicated by this Hon'ble Commission in the Order dated 16.01.2026. The attempt to present the same grievance as an error apparent on the face of the record does not alter the limited nature of review jurisdiction. The Review Applicant is, in effect, seeking a fresh determination of the correctness of the computation of interest already made by DHBVNL, which is impermissible in review proceedings.
- 8.12 The present Review Application filed by the Review Applicant is liable to be dismissed on the following grounds.
THE REVIEW APPLICATION FAILS TO SATISFY THE SETTLED PARAMETERS OF REVIEW JURISDICTION
- 8.13 It is submitted that the Review Applicant has failed to establish any grounds for review under Order XLVII Rule 1 of the Code of Civil Procedure, 1908, and the alleged error is not apparent on the face of the record. In the present case, the Review Applicant has neither produced any new material nor demonstrated any patent error in the Order dated 16.01.2026. The grievance raised in the present RA essentially seeks reconsideration of the findings already considered and adjudicated by this Hon'ble Commission, which is impermissible in exercise of review jurisdiction. Reliance is placed on the Judgment dated 08.09.2025 passed by the Hon'ble Supreme Court in *Malleeswari v. K. Suguna*, 2025 INSC 2025.
A copy of the Judgment dated 08.09.2025 passed by the Hon'ble Supreme Court in *Malleeswari v. K. Suguna*, 2025 INSC 2025 is attached.
- 8.14 It is further submitted that the Review Applicant cannot, under the guise of seeking verification of interest, seek modification of the finding of compliance recorded by this Hon'ble Commission and a consequential direction for payment of an additional amount. The relief sought would necessarily requires re examination of the computation, the amounts already credited, the period for which interest is claimed and the alleged balance amount, and would therefore amount to a fresh adjudication of the monetary claim rather than correction of any error apparent on the face of the record. Such re-appreciation and re-

determination is impermissible in review proceedings by this Hon'ble Commission.

THE REVIEW APPLICANT CANNOT DISTINGUISH COMPLIANCE WITH THE ORDER FROM THE CORRECTNESS OF THE AMOUNT REFUNDED

8.15 In this regard, the following background is relevant:

- a. On 22.03.2024, the CGRF passed the order in Complaint No. 4644/2024 filed by the Review Applicant and directed DHBVN to adjust the ACD amount along with interest @18%
- b. On 27.11.2024, the Review Applicant filed a Petition No. 71 of 2024 before this Hon'ble Commission on account of the non-compliance of the aforesaid Order passed the CGRF and sought directions for compliance thereof.
- c. On 04.03.2025, DHBVNL filed a compliance report in Petition No. 71 of 2024 with respect to the Order dated 22.03.2024.
- d. On 29.08.2025, DHBVNL filed further compliance report enclosing SC & AR No. 266/215 dated 22.07.2025, whereby the refund amount pursuant to the CGRF Order was calculated and the amount was duly credited to the Review Applicant.
- e. On 16.01.2026, this Hon'ble Commission passed the Order dated 16.01.2026 and observed that the Review Applicant's attempt to enlarge the scope of the CGRF order which cannot be sustained in a compliance proceeding. This Hon'ble Commission further categorically observed that the DHBVNL had complied with the CGRF Order and that *'nothing remains to be adjudicated in the present petition'*.
- f. Further, DHBVNL filed a Civil Writ Petition No. 3855 of 2026 before the Hon'ble P&H High Court in relation to the CGRF Order dated 22.03.2024. In the said proceedings, the counsel on behalf of the Review Applicant stated that the said CGRF Order had been complied with and placed on record the compliance report filed by DHBVN before this Hon'ble Commission. The Hon'ble High Court recorded the aforesaid statement and, vide its Order dated 09.02.2026, disposed of the Writ Petition observing that the Order dated 16.01.2026 had been complied with.

8.16 In light of the above, it is submitted that DHBVNL had complied with the Order dated 22.03.2024 passed by the CGRF, which finding was expressly recorded by this Hon'ble Commission in the Order dated 16.01.2026. The fact of such compliance was thereafter also brought to the notice of, and recorded by, the Hon'ble P&H High Court while disposing of CWP No. 3855 of 2026.

8.17 The Review Applicant, in its Rejoinder and during the hearing on 22.09.2026, has sought to distinguish compliance with the CGRF Order from the correctness of the computation of the amount refunded pursuant thereto. However, the said distinction cannot assist the Review Applicant in the present proceedings, since the relief sought necessarily requires a fresh examination of the computation of interest, the period for which interest is claimed, the amounts already credited by DHBVN and the alleged balance amount payable. Such re-computation would amount to a fresh adjudication of the monetary claim and re-

appreciation of the factual position, rather than correction of any error apparent on the face of the record.

- 8.18 Accordingly, the Review Applicant's attempt to reopen the computation of interest on the ACD amount of Rs. 4,71,899/- under the guise of challenging the adequacy of compliance is misconceived and liable to be rejected.

THE SCOPE OF THE CGRF ORDER DATED 22.03.2024 CANNOT BE ENLARGED OR REOPENED IN THE PRESENT REVIEW PROCEEDINGS

- 8.19 It is submitted that the entire Review Petition, insofar as it concerns the alleged non-payment or incorrect computation of interest on the ACD amount of Rs. 4,71,899/-, proceeds on an attempt to re-open the scope and implementation of the Order dated 22.03.2024 passed by the CGRF in Complaint No. 4644 of 2024, notwithstanding the fact that the said Order already stood complied with and the same was expressly recorded by this Hon'ble Commission in the Order dated 16.01.2026. The operative direction contained therein reads as under:

"After considering the reply of both the complainant and SDO and submissions made by them in the hearing the Forum directs the respondent SDO to adjust the ACD amount of Rs. 471899/- & interest @18% on the ACD amount from January 2019 to till realization as admissible to complainant in the next billing cycle (interest @18% for the period for which the payment of interest is delayed). The case is closed. No cost on either side."

- 8.20 A bare perusal of the aforesaid direction makes it evident that the CGRF specifically directed adjustment of the ACD amount of Rs. 4,71,899/- along with interest. More importantly, the proceedings before this Hon'ble Commission in Petition No. 71 of 2024 were instituted under Section 142 of the Electricity Act, 2003 on the allegation of non-compliance of the CGRF Order. The scope of such proceedings was, therefore, confined to examining whether the directions contained in the CGRF Order had been complied with and, in the event of non-compliance, to take appropriate action in accordance with law. The proceedings under Section 142 could not be converted into proceedings for enlargement, modification or readjudication of the substantive directions contained in the CGRF Order.

- 8.21 In the present case, this Hon'ble Commission, after considering the compliance placed on record, has expressly recorded in the Order dated 16.01.2026 that DHBVN had complied with the CGRF Order and adjusted the ACD amount of Rs. 4,71,899/- along with interest. This Hon'ble Commission further categorically observed that, since the CGRF Order had been complied with, 'nothing remains to be adjudicated in the present petition'. Consequently, the very proceedings instituted by the Review Applicant under Section 142 of the Electricity Act, 2003 stood concluded upon the finding of compliance recorded by this Hon'ble Commission.

- 8.22 Once the Section 142 proceedings had culminated in a finding that the CGRF Order stood complied with, the Review Applicant cannot, by way of the present Review Application, seek to reopen the question as to the manner or rate of computation of interest, and thereby seek a fresh

determination of the amount allegedly payable under the CGRF Order. Such an exercise would travel beyond the limited scope of the proceedings under Section 142 and would, in substance, amount to a fresh adjudication of the monetary claim. A review proceeding cannot be used as a substitute for such fresh adjudication.

- 8.23 The position is further fortified by the subsequent proceedings before the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 3855 of 2026, wherein the counsel appearing on behalf of the Review Applicant stated that the CGRF Order dated 22.03.2024 had been complied with. The said statement was recorded by the Hon'ble High Court and the Writ Petition was thereafter disposed of, inter alia, observing that the Order dated 16.01.2026 had been complied with. Thus, the Review Applicant cannot now seek to reopen the question of computation of interest as though the compliance of the CGRF Order remained an outstanding issue.
- 8.24 The scope of compliance proceedings is confined to the directions actually issued and cannot be expanded to incorporate reliefs which were neither granted nor contemplated therein. Reliance is placed upon the judgment of the Hon'ble Appellate Tribunal for Electricity in Maharashtra State Electricity Distribution Company v. Maharashtra State Electricity Regulatory Commission & Anr., Appeal No. 27 of 2019.
- 8.25 In view of the aforesaid, the Review Applicant's attempt to reopen the computation of interest on the ACD amount of Rs. 4,71,899/- after the Section 142 proceedings have culminated in a finding of compliance is beyond the scope of review jurisdiction. The Review Applicant has neither demonstrated any error apparent on the face of the record nor identified any circumstance warranting reexamination of a matter which already stood concluded upon recording of compliance. The present Review Application, to that extent, is therefore misconceived and liable to be rejected.

Commission's Order

1. The Commission examined the petition in detail along with the replies, rejoinders and written submissions on record and heard the arguments of the Petitioner and Respondents in the above matter.
2. The primary dispute concerns the maintainability and scope of review jurisdiction. The applicant asserted that the order dated 16/01/2026 suffers from an error apparent on the face of the record by presuming full compliance despite an alleged outstanding balance under the CGRF directive. The respondent contended that review jurisdiction is strictly limited to patent errors apparent on the face of the record, discovery of new and vital evidence not available despite due diligence, or analogous sufficient reason, and cannot be invoked as an appeal in disguise or for re-appreciating evidence. It must be recognized that review is not a

mechanism to re-hear arguments or substitute a different interpretation on merits. An error apparent must be manifest without requiring a drawn-out re-examination of accounting entries. In the present case, no new evidence has been brought forward. The applicant's grievance that this Commission accepted the audited calculations of the licensee rather than its own computational tables is a challenge on merits, falling outside the statutory boundaries of Section 94(1)(f).

3. The second issue pertains to the claim for interest on the Advance Consumption Deposit (ACD) demand of ₹40,97,195/- (and subsequent enhanced sum of ₹45,47,805/-) from January 2019 onwards. The applicant claimed ₹9,60,387/-, contending that ACD is an interest-bearing security deposit. The respondent set forth chronology and cited the bills for September and October 2018, wherein the ACD was reflected as ₹5,77,500/-, which was revised to ₹1,05,600/- in November 2018. In January 2019, the ACD was reviewed and revised by ₹39,91,595.88. Rather than depositing this demand, the applicant challenged the enhanced ACD before the Hon'ble Punjab and Haryana High Court. The Hon'ble High Court dismissed the writ petitions, upholding the licensee's statutory power to revise ACD under the Supply Code and Section 47 of the Act. Following dismissal, the applicant opted to avail the Surcharge Waiver Scheme, 2022 notified vide Sales Circular No. 24/2022 dated 31.08.2022, furnishing an affidavit dated 31.03.2023. Under the scheme, a surcharge of ₹19,22,523/- was waived, and the applicant paid the principal demand in three instalments: ₹23,00,000/- on 31.03.2023, ₹18,50,000/- on 11.04.2023, and ₹13,92,178/- on 08.05.2023. Although the automated billing system inadvertently credited interest of ₹8,29,946.60 (or ₹8,28,946.60) for FY 2019-20 to 2022-23, internal audit verified that interest could not accrue on amounts that were not deposited with the licensee, leading to recovery of ₹4,05,455/- vide SC & AR No. 571/214. Interest on ACD is an incident of actual holding of security deposit; an amount withheld from deposit under litigation for four years cannot earn depositor's interest for that antecedent period. Having voluntarily availed the financial benefit of the Surcharge Waiver Scheme, 2022, the applicant cannot approbate and reprobate by seeking interest on sums that were not deposited, the Commission exercising jurisdiction under Section 142 cannot travel beyond the four corners of the order being executed or read into it reliefs never granted. The CGRF order dated 22.03.2024 never awarded interest on ₹40,97,195/-, but confined relief

strictly to ₹4,71,899/-. Reliance on Petition Nos. 40 and 41 of 2025 is misplaced because those matters were remanded on 24.09.2025 due to an absence of specific monetary determinations by the CGRF, whereas here the CGRF explicitly quantified the exact principal amount.

4. The issue of correctness, legality, and sufficiency of the compliance executed by the respondent regarding the ACD amount of ₹4,71,899/- and interest @ 18% from January 2019 till realization. The petitioner claimed ₹10,45,256/-, asserting that the respondent's adjustment of ₹7,10,151/- was deficient. The respondent demonstrated ACD deducted in October 2018 was ₹4,71,900/-. The CGRF directed adjustment of the ACD amount of ₹4,71,899/- and interest @ 18% on the ACD amount from January 2019 till realization in the next billing cycle, clarifying that interest @ 18% applied for the period for which the payment of interest was delayed. In compliance, the respondent calculated statutory interest at regulatory rates across each financial year from 2019-20 to 2025-26, totaling ₹1,65,115.60, and added penal interest at the rate of 18% per annum for the delayed period of 1917 days, amounting to ₹73,136.00. Together with the principal ACD refund of ₹4,71,900/-, the gross refund totaled ₹7,10,151/-, which was fully adjusted and refunded to the consumer's account vide Sundry No. 266/215 dated 22.07.2025 in the billing cycle for August 2025. The record establishes that the petitioner applied an uncompounded flat commercial rate of 18% across the entire principal, ignoring the regulatory formula and the explicit qualification in the CGRF order that interest @ 18% governed the delayed period of interest payment. The respondent's audited calculation complies fully with the CGRF mandate. Further, during the hearing on 22.09.2026, it was placed on record that compliance with the CGRF order had already been acknowledged before the Hon'ble High Court. The finding in the order dated 16.01.2026 that compliance had been affected is therefore accurate and contains no error apparent.
5. Consequently, the review petition is rejected as the petitioner has failed to establish any error apparent on the face of the record, discovery of new evidence, or sufficient reason under Electricity Act, 2003 and HERC (Conduct of Business) Regulations, 2019. The respondent has fully complied with the CGRF directions by refunding ₹7,10,151/- (comprising ₹4,71,900/- ACD principal, ₹1,65,115.60 statutory interest, and ₹73,136.00 penal interest for 1917 days delay) vide Sundry No. 266/215 in the billing cycle for August 2025, which accurately satisfies the

operative direction. The petitioner is not entitled to interest on the undeposited ACD demand of ₹40,97,195/-.

6. Prayer seeking reimbursement of court fees and payment of compensation of ₹10,00,000/- is rejected, as damages and costs cannot be imported into execution proceedings under Section 142 or review proceedings, particularly when the original CGRF order dated 22.03.2024 explicitly directed that there would be no cost on either side

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 15/10/2026.

Date: 15/10/2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Chairman