



(Regd. Post)

Appeal No. : 42 of 2025
Registered on : 30.09.2025
Date of Order : 11.06.2026

In the matter of:

Appeal against the order dated 15.05.2025 passed by CGRF, DHBVN Gurugram in case No 4851/2025

Shri Ankit Kumar Gupta, Tower Q-301, Chungi #1, Sector-6, Sohna Gurugram **Appellant**

Versus

1. The XEN/OP, Sohna Divn., DHBVN, Gurugram, Haryana
2. SDO/OP, Sub Division, DHBVN, Sohna, Gurugram, Haryana **Respondent**

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Ankit Kumar Gupta

Present on behalf of Respondents:

Shri Gaurav Dhaiya, Xen/Sohna
Shri Mukesh Gaur, SDO/OP, Sohna, DHBVN
Shri Sajay Bansal, Counsel of Respondent Department
Shri Prashant Kapila, Advocate for Arete India Pvt. Ltd.
Sh. Piyush, Courtyards (RWA)

ORDER

A. Shri Ankit Kumar Gupta, Tower Q-301, Chungi #1, Sector-6, Sohna Gurugram has filed an appeal against the order dated 15.05.2025 passed by CGRF, DHBVN, Gurugram in case no. 4851 of 2025. The appellant has submitted as under: -

Grounds of Appeal

1. Non-consideration of Necessary Parties:- Despite my specific request in the original complaint, the CGRF failed to implead the Builder and their service provider "Inn4Smart" as parties, although they are directly responsible and liable for the illegal collection of CAM charges through electricity billing. This constitutes non-joinder of necessary parties and renders the order incomplete and ineffective.
2. Violation of Principles of Natural Justice:-The order was passed on a date when I was not present, and no fair opportunity of hearing was given to me. My major submissions, especially regarding the delinking of CAM charges from electricity billing, were not considered or reflected in the final order.
3. Failure to Address Core Issue:-The CGRF failed to adjudicate on the fundamental issue of delinking of CAM (Common Area Maintenance) charges from the electricity meter/bill, which was the central grievance in my complaint. This omission defeats the very purpose of the complaint.

4. Unjust Financial Burden:-I have been compelled to pay CAM charges illegally collected via electricity billing, leading to financial loss and harassment. Despite presenting evidence, the CGRF did not direct refund or redressal.
5. Mental, Physical, and Legal Harassment:-I have suffered prolonged mental agony, stress, and financial hardship due to the builder's, Inn4Smart's, and SDO's inaction, as well as the CGRF's incomplete adjudication.

Prayer

In view of the above, I most respectfully pray before the Hon'ble Ombudsman to:

1. Set aside the impugned order of CGRF, DHBVN dated 15/05/2025.
2. Implead the Builder and Inn4Smart as necessary parties to this appeal.
3. Direct delinking of CAM charges from electricity billing and ensure that such charges are not recovered through the electricity meter.
4. Order refund of all CAM charges collected illegally, along with interest @ 12% p.a. from the date of each payment till realization.
5. Award compensation of ₹5,00,000/- (Five Lakhs) for mental and physical harassment caused.
6. Award litigation cost of ₹1,00,000/- (One Lakh) towards legal expenses.

Pass such other order(s) as may be deemed fit and proper in the interest of justice

B. The appeal was registered on 30.09.2025 as an appeal No. 42 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 29.10.2025.

C. On 27.10.2025, respondent SDO has submitted as under:-

In the subject cited matter it is hereby submitted that the consumer first representation received on dated 18.07.2024 in the office of undersigned regarding delinking the CAM charges charged in the energy bills of the residents.

This office served a notice to the concern builder i.e M/s Arete India Project (Our Homes-III) bearing A/c No. 2604084381, vide letter memo no. 1930 dated 23.07.2024 for not charging the same as per guidelines of HERC. The builder did not respond to the notice given by DHBVN Sohna & kept on charging the CAM charges in electricity bills.

The complainant Sh. Ankit Gupta filed the complaint in the forum of Corporate CGRF, vide case no. 4851/2025. The final order (Copy attached) in the said case was issued on dated 15.05.2025 & directed builder not to charge the CAM charges in energy bills of the consumer. The DHBVN office again wrote a letter vide letter memo no. 1739 dated 18.07.2025 to the builder with the order of corporate CGRF, for not charging the CAM charges in the energy bills but no response from the builder was received. Reminders were also written vide letter memo no. 2659 dated 30.09.2025, 3126 dated 10.10.2025 and 3205 dated 23.10.2025, but the

concerned builder is not paying heed to it & continuously charging the CAM charges in the energy bills of the complainant till date (Copy of the bills attached).

Further the builder was also directed to provide bill to the residents by using Unified Billing software & the credential were also provided after updating the data of residents on unified billing software but the builder is still violating the HERC guidelines by charging CAM charges in energy bill.

This is submitted for your kind information please.

D. Hearing was held today on 29.10.2025, as scheduled. All the parties were physically present except Inn4smart Solutions Private Limited (provider of the billing platform). During the hearing, the appellant Shri Ankit Kumar Gupta raised the following issues before the Electricity Ombudsman which he wants to get addressed in his complaint:-

- (a) The CGRF orders against which the appeal no. 42 of 2025 has been registered are ambiguous and the developer was not made the party by the CGRF, Gurugram while deciding his complaint.
- (b) SDO operation, DHBVN, Sohna, Gurugram-II has written letter dated 30.09.2025 and 10.10.2025 to the builder but builder has not replied the same till date.
- (c) He requested that the CAM charges may be refunded with interest and penalty on account harassment agony may be imposed on both the respondent i.e. respondent DHBVN and the builder.
- (d) Per dwelling unit slab rate benefit has not been given to the consumer by the builder and the constant charges @7.25 are being levied in their monthly bill (per unit) and the daily deduction is being made from their account which needs to be got audited.
- (e) The appellant are being constantly threatened of coercive action by the builder on account of non payment of CAM charges.

The respondent SDO Shri Mukesh Gaur appeared alongwith advocate Shri Lovepreet Singh and agreed that the consumer in the society are being billed on the software developed by Inn4smart Solutions Private Limited which is being used by the builder in spite of logging in of the credential of the residents in the unified billing software of DHBVN.

The respondent SDO is directed to intimate the steps being taken in compliance to clause no. XIIV, XIV and XV of the sales circular no. 23/2022 to address the issues being faced by the appellant in the ibid matter. Furthermore, Electricity Ombudsman expressed his displeasure in the matter as the respondent Xen/SDO are shunning their responsibility of getting the unified billing implemented in respect of the area under their jurisdiction as DHBVN is the Central Administrator

for the billing application and have the rights reserved for amendment in the application/tariff thereof as per sales circular no. 23 of 2022.

The respondent SDO is directed to furnish the copy of the complaint to Shri Prashant Kapila, Advocate who appeared on behalf of the builder (Arete India Pvt. Ltd.).

Both the respondents are directed to furnish the reply against the complaint to the Electricity Ombudsman seven days before the next date of hearing with copy to the appellant duly supported by relevant documents. The Arete India Pvt. Ltd. will also furnish reasons for not implementing the unified billing system in the society till date whereas the requisite instruction already stands issued since 30.08.2022 in spite of lapse of more than three years.

The case is adjourned and will now be heard on 28.11.2025.

- E.** On 18.11.2025, Inn4Smart Solutions Pvt. Ltd. has submitted reply which is as under:-

Most Respectfully Submitted:

1. Inn4Smart Solutions Pvt. Ltd. (Respondent No. 2) is a technology service provider engaged by the builder, M/s Arete India Projects Pvt. Ltd., for providing a billing and payment collection software solution to manage electricity and related utility billing for the residents of the said premises.
2. It is respectfully submitted that the contractual relationship exists solely between M/s Arete India Projects Pvt. Ltd. and DHBVN, as the regulatory and governing authorities responsible for implementation of unified billing as per Sales Circular No. 23/2022. Respondent No. 2 has no direct contractual or regulatory relationship with individual consumers or with DHBVN in its administrative capacity.
3. All collections made through the software platform are directly credited to the account of M/s Arete India Projects Pvt. Ltd. (the service holder) as per their mutually agreed commercial arrangement. Inn4Smart Solutions Pvt. Ltd. merely provides the digital infrastructure for billing, collection, and reconciliation according to the parameters configured by the authorized representatives of the builder.
4. The role of Respondent No. 2 is therefore limited to providing technological support and operational assistance as per the terms of its service agreement. The company has no authority or control over tariff fixation, rate structure, billing policy, or adjustment of charges. These aspects fall entirely under the purview of Respondent No. 1 (the XEN/OP, DHBVN) and M/s Arete India Projects Pvt. Ltd.
5. It is respectfully submitted that Inn4Smart Solutions Pvt. Ltd. has been made a party to this proceeding without having any governing or decision-making role in billing policy implementation or consumer dispute resolution.
6. The Respondent No. 2 reiterates its willingness to fully cooperate with the Hon'ble Ombudsman and to provide any required data or technical clarification as directed by the Forum, to the extent permissible within the scope of the existing contract.

7. However, as per the records and contractual obligations, Inn4Smart Solutions Pvt. Ltd. bears no liability towards the appellant in connection with the billing, collection, or refund-related matters raised in the current appeal. The dispute pertains primarily to the management (builder) and the end consumers, governed by their respective agreements and under the oversight of DHBVN.
8. Inn4Smart Solutions Pvt. Ltd. assures its continued cooperation with the Hon'ble Electricity Ombudsman to assist in fair adjudication of the matter as per the directions of the authority.

F. On 27.11.2025, Sh. Prashant Kapila advocate on behalf the Arete India Projects Private Limited has submitted reply which is as under:-

MOST RESPECTFULLY SUBMITTED:

1. That, at the outset, Arete India Projects Private Limited (referred to hereinafter as 'Arete') herein denies each and every averment in the Appeal in its entirety, save and except those that are specifically admitted in this Reply. Anything averred in the said Appeal which is contrary to the contents of this Reply would be deemed to be denied even if not specifically denied. Nothing may be deemed to be admitted for want of specific denial.
2. That without prejudice to the generality of the aforesaid denial, Arete most respectfully submits that the contents of the Appeal and the Complaint are frivolous, baseless, misconceived, legally untenable and warrant no indulgence from this Hon'ble Authority, because of, inter alia, the Preliminary Objections, and the Reply on Merits, which are without prejudice to one another.

Preliminary Objections

3. That Arete is the developer of the colony where the Appellant resides. The Appellant challenges the actions of the present Developer. It is submitted here that Arete was not a party to the proceedings before the Ld. Consumer Grievance Redressal Forum (referred to hereinafter as 'CGRF') and as such no order can be passed by it in the appeal proceedings. However, Arete is preferring the present Reply for the assistance of this Hon'ble Authority and to protect its interests.
4. All allegations made against Arete are false, vexatious and mala fide and hereby denied. Arete operates strictly within the confines of the law and has earned the reputation of being a fair, honest and ethical developer.
5. That the Complaint and the Appeal disclose no deficiency in the services provided by the Arete nor any unlawful action or negligence on the part of Arete and there is no cause of action which entitles the Appellant to file the Complaint and the Appeal.
6. The present Appeal is barred by limitation. The order in appeal was passed by the Consumer Grievance Redressal Forum on 15.05.2025. The Appeal is dated 26.09.2025. The Appeal is dated beyond the limitation of 30 days from the date of the order as prescribed by Rule 12 of the Haryana Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of

the Consumers) and (Electricity Ombudsman) Regulation, 2004. The appeal dated 26.09.2025 against the CGRF order dated 15.05.2025 is barred by limitation of 134 days, exceeding the 30-day limit prescribed under Regulation 12 of the HERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) and (Electricity Ombudsman) Regulation, 2004.

7. An application for condonation of delay has not been filed and no reasons to condone the delay have been given and hence the Appeal ought to be dismissed on the ground of limitation alone.
8. That Arete was not impleaded as a party in the Complaint even though Appellant seeks substantive relief against Arete, including the delinking of CAM charges, refund and compensation. The CGRF order dated 15.05.2025 specifically directed only the "SDO (OP)" and the "Builder/RWA" without specifying Arete by name or impleading it as a respondent. Arete is a necessary party. Non-joinder of necessary parties at the first instance (before the CGRF) cannot be cured by attempting to implead them only at the appellate stage. The appeal lacks jurisdiction and the present proceedings are not sustainable since it seeks substantive relief against a person who was not party to original proceedings. Moreover, Arete is fully compliant with the extant law.
9. The electricity bills issued by the Arete are in line with the format prescribed by the Haryana Electricity Regulatory Commission (referred to hereinafter as 'HERC') and the billing is also done as per the Schedule of Tariff approved by the HERC.
10. Arete submits that the billing being done through the unified platform fully complies with Annexure A and Annexure B formats prescribed in the HERC Single Point Supply Regulations, 2020. Specifically, the column wise itemisation is as follows: Section A: Electricity Consumption (HSN/SAC code-271600) - clearly separated with Grid and DG units; Section B: Water & Sewerage Charges - separately identified and Section C: Operational & Service Charges, Section D: Interest and Section E: Credit/Arears which are distinctly shown with separate line items, CGST, SGST etc.
11. The Total computation is shown as (A+B+C+D-E). This format ensures clear demarcation between electricity charges and maintenance charges, transparent GST calculation on respective components and the resident's ability to verify each component independently.
12. It may be noted here that the billing format prescribed by the Dakshin Haryana Bijli Vitran Nigam (referred to hereinafter as 'DHBVN') sale circular dated D-23/2022 dated 30.08.2022 acknowledges the necessity of collecting essential ancillary expenses and charges by providing for the collection of property tax. Common area charges are also included in the prescribed billing format. The prayer for delinking common area maintenance charges from the billing is hence not maintainable since the prescribed format itself provides for the collection of the necessary ancillary expenses.
13. It is submitted here that a unified billing application developed by Inn4smart Solutions Private Limited is being utilized for billing and collection of payment since it offers a broader range of features and controls for the consumers. Moreover, the

Unified Billing Software of the DHBVN suffers from many technical glitches and is not reliable and hence Arete, like many other developers is compelled to use a separate billing application for billing and collection. Arete has registered on the DHBVN's Unified Billing Software platform as mandated. The billing format used is the one prescribed and administered by DHBVN itself. The order of the CGRF dated 15.05.2025 notes the SDO report dated 08.05.2025 which states that unified billing is implemented in the society.

14. That the billing for the Appellant-Complainant is done as per the HERC regulations. The charges for electricity consumption are as per the applicable rules. The electricity charges are in a head separate from that of the Operational and Service Charges. As such, the electricity charges are clearly distinguished from the common area maintenance (referred to hereinafter as 'CAM') charges. The amount for the CAM charges is included in the same bill as the electricity charges for the convenience of the allottees. However, whilst the electricity charges and common area charges are notified on the same bill, they are in two clearly distinguishable categories/heads. The Appellant falsely states that the common area charges are billed with the electricity charges but that is not the case.
15. The HERC notification dated 22.04.2020 under para (iii) states:

"The Commission in its various order(s) has made it clear that common area maintenance charges (CAM)/backup supply charges should not be clubbed with the licensee's supply charges..."
16. The key word is "clubbed" - meaning merged or amalgamated indistinguishably. Arete's billing maintains distinct line items and does not club these charges.
17. This Hon'ble Authority may note that a common bill with separate, distinguished heads is issued for the convenience of the allottees. No complaints with respect to the bill have been made other than by the present Appellant who is a chronic defaulter abusing the process of law to avoid paying his dues.
18. This Hon'ble Authority may also note that Arete provides multiple facilities and amenities to its allottees. The cost of upkeep and maintenance of the same is significant. The Allottees have exercised their freedom of choice by signing a Builder Buyer Agreement, Operation and Servicing Agreement and Conveyance Deed which provide for the payment and collection of the common area charges. These agreements represent consensual contractual obligations freely undertaken by the Appellant under Article 19(1)(g) and Article 300-A of the Constitution of India.
19. In recent judgments on society maintenance charges it has been held that maintenance charges must be reasonable, transparent, and mutually agreed upon. It has been held that once outlined in the sale agreement, these charges constitute binding contractual obligations.
20. The Appellant has not challenged the validity of the Builder-Buyer Agreement, Operation and Service Agreement or Conveyance Deed before any competent forum. The agreements explicitly provide for payment of maintenance charges. Billing through unified platform is merely the mode of collection, not creation of new

obligation. As long as charges are separately shown as in the present case, there is no "clubbing" prohibited by HERC regulations. The Builder Buyer Agreement, Operation and Service Agreement and Conveyance Deed dated 18.02.2021, 06.05.2022 and 07.07.2022, are annexed herewith as Annexure R/1, Annexure R/2 and Annexure R/3 respectively.

21. The complainant is attempting to convert a purely contractual disagreement (maintenance fees) into an electricity grievance, which the CGRF rightly avoided. The relief sought (refund of CAM, delinking CAM from meter, damages) is beyond the jurisdiction of the Hon'ble Ombudsman, whose powers are confined to electricity billing and supply disputes. Moreover, Inn4Smart Solutions Pvt. Ltd., which issues the bills, was not properly impleaded in the complaint.
22. The collection of CAM charges is important for the continued provision of facilities and amenities. The allottees at times avoid paying the same despite having contractually agreed to these payments. The collection of the CAM charges then becomes problematic and the default in payment by a few allottees results in difficulties in maintenance for all the residents. Hence, most developers have resorted to issuing one bill for the electricity and CAM charges to impose discipline amongst the residents. The residents appreciate this step as it rewards timely and complete payment and punishes the defaulters. As such, the HERC regulations cannot override the freedom to contract of the residents. Any limitation on the collection not only violates the rights under Articles 21 of the residents, the right to conduct business of developers but also leads to non-collection of the CAM charges and defaults in payment, problems in maintenance and consequent harassment of the residents.
23. The collection of CAM charges through unified billing platform serves legitimate purposes including prevention of default and free-riding. Residents who enjoy common facilities often default on maintenance payments and separate billing for maintenance leads to selective non-payment. This creates maintenance deficits affecting all residents.
24. The collection of CAM charges through a unified billing platform also facilitates transparency and accountability since a single bill with itemized charges provides complete financial picture and the residents can keep a track of the charges easily. Moreover, the collection of CAM charges through a unified billing platform has regulatory encouragement since the HERC notification dated 22.04.2020 under para (v) specifically observes that:

"Commission further observed that recovery of electricity bills, DG supply charges as well as electricity charge for the common area supply may be recovered by the supplier through prepaid meter arrangement, provided, these are separately indicated in the bill."

25. This indicates regulatory recognition that unified billing is permissible if itemization is maintained and the other charges are indicated separately.

26. Arete never charged maintenance charges "in" the energy bill (meaning merged/clubbed). Maintenance charges were always shown as separate line item under Section C of the bill. The SDO's subsequent report dated 08.05.2025 before CGRF confirmed. The factual position is that DHBVN charges bulk tariff at single point to Arete. Arete then apportions this to individual residents as per domestic slab rates. Additionally, maintenance charges (which are NOT electricity charges) are shown separately. This is precisely what is contemplated and permitted under the Single Point Supply Regulations, 2020.

Reply on Merits

1. That Para No. 1 of the grounds of appeal are wrong and denied. The contents of the preliminary objections may please be read here and are not being repeated for the sake of brevity and to avoid prolixity.
2. That Para No. 2 of the grounds of appeal are wrong and denied. The contents of the preliminary objections may please be read here and are not being repeated for the sake of brevity and to avoid prolixity.
3. That Para No. 3 of the grounds of appeal are wrong and denied. The contents of the preliminary objections may please be read here and are not being repeated for the sake of brevity and to avoid prolixity.
4. That Para No. 4 of the grounds of appeal are wrong and denied. The contents of the preliminary objections may please be read here and are not being repeated for the sake of brevity and to avoid prolixity.
5. That Para No. 5 of the grounds of appeal are wrong and denied. The contents of the preliminary objections may please be read here and are not being repeated for the sake of brevity and to avoid prolixity.

Prayer

In view of the facts and circumstances as narrated hereinabove, it is most humbly prayed that this Hon'ble Authority may kindly:

- (i) Take on record the present Reply; and
- (ii) Dismiss the present Appeal with costs; and
- (iii) Pass any other order in favour of Arete as this Hon'ble Authority may deem fit in the facts and circumstances of the present matter.

G. On email dated 09.12.2025, Sh. Sanjay Bansal counsel of respondent has submitted reply, which is as under:

1. That firstly a representation received from the appellant/consumer on dated 18-07-2024 regarding delinking the CAM charges (Common Area Maintenance Charges) in the energy bills of the residents. Then the respondent department served a notice to the concerned builder i.e. M/s Arete India Project (Our Homes-III) bearing A/c No. 2604084381, vide letter Memo No. 1930 dated 23-07-2024 for not charging the CAM charges as per

guidelines of HERC. Copy of letter dated 23-07-2024 is annexed as Annexure R-1. But the builder did not respond to the notice given by DHBVN Sohna and kept on charging the CAM charges in electricity bills.

2. That when the appellant/consumer filed a complaint in CGRF Gurugram that Builder Arete India has linked his maintenance charges in the energy bill. Then after receiving the instructions from CGRF, the respondent department issued 2nd notice to M/s Arete India Projects vide Memo No. 291 on dated 30-04-2025 (Annexure R-2) that as per Haryana Electricity Regulatory Commission notification dated 22-04-2020, Builders/GHS could not charge the maintenance charges in the energy bill. If required to charge the common maintenance charges and others from the residents of society, directed to charges by the other ways, otherwise action will be taken as per HERC guidelines.
3. That the final order of CGRF vide case no. 4851/2025 was issued on dated 15-05-2025 and directed the builder not to charge the CAM charges in energy bills of the consumer. The respondent department again wrote a letter vide memo no. 1739 dated 18-07-2025 to the builder with the order of corporate CGRF, for not charging the CAM charges in the energy bills. But no response was received from the builder.
4. That the reminders were also written by the respondent department to M/s Arete India Projects vide letter Memo no. 2659 dated 30-09-2025, 3126 dated 10-10-2025 and 3205 dated 23-10-2025, but the builder is not paying heed to it & continuously charging the CAM charges in the energy bills. Further the builder was also directed to provide bill to the residents by using Unified Billing Software & the credential were also provided after updating the data of residents on unified billing software, but the builder is still violating the HERC guidelines by charging CAM charges in energy bills.
5. That as per letter received from The Electricity Ombudsman, HERC, Panchkula, Haryana, the respondent department has submitted his point wise reply vide Memo No. 3440 on dated 17-11-2025, which is annexed as Annexure R-3. In this reply the respondent department has clearly mentioned that as per clause no. XIII, the builder has already been facilitated with a centralized web based billing software application by the respondent department, which is known as "Unified Billing Software".
As per clause no. XIV, in co-ordination with IT/RAPDRP wing at HQ, the data of residents has been updated for all the residents in the month of September 2023. And as per clause no. XV the builder has been provided the link & the credentials of the platform in the month of September 2023 itself. It is the builder's liability to perform the billing activities using the said application. Nothing has been pending on part of DHBVN.
6. That the respondent department wrote a letter to SE IT, DHBVN, Hisar for updating mobile number in Unified Billing Software of M/s Arete India Project

bearing A/c No. 2604084381 on the request of the appellant/consumer vide Memo No. 3261 on dated 19-11-2025, which is annexed as (Annexure R-4).

7. That it is pertinent to mention here that case no. HERC/Petition No. 07 of 2022 titled as Naresh Kumar Jindal Vs. Unitech Realty Pvt. Ltd. & ors. was a similar case and Hon'ble Haryana Electricity Regulatory Commission, Panchkula had passed an interim order dated 23-02-2022 to direct the concerned builder to delink the electricity charges from common area maintenance and other charges. And the builder complied the Hon'ble Commission's order. The copy of Final Order dated 25-03-2022 is attached as Annexure R-5.

Para Wise Reply of Appeal:-

Grounds of Appeal:-

1. That after receiving the instructions from CGRF the respondent department had issued notice to builder on dated 30-04-2025, 18-07-2025 and further reminders were issued to builder on dated 30-09-2025, 10-10-2025, 23-10-2025 for not to charge the CAM charges in energy bills of the consumer.
2. That para no. 2 of grounds of appeal is denied as the consumer was given full opportunity to explain his grievance and after considering the facts thoroughly. The Ld. CGRF has pronounced the final order dated 15-05-2025.
3. That on the instructions of CGRF the respondent department has given notices and reminders to the builder. The builder has been provided the link & the credentials of the platform in the month of Sept. 2023. So it is the liability of the builder to perform the billing activities using the said application. Nothing has been pending on part of DHBVN.
4. That the consumer was compelled to pay CAM charges illegally collected by electricity billing and department issued many notices on various dates for not to collect the CAM charges. It is the liability of the builder to refund the CAM charges.
5. That contents of para 5 are denied as CGRF and respondent department has tried to stop the builder not to charge CAM charges by sending various notices and reminders.

So, it is, therefore, respectfully prayed that Hon'ble Electricity Ombudsman may kindly direct the builder M/s Arete India Projects to delink the electricity charges from common area maintenance and other charges. And keeping in view the above submissions of the respondent department the present appeal of the appellant may kindly be dismissed. And pass any other order in favour of respondent in the interest of justice.

- H.** Hearing was held on 11.12.2025, as re-scheduled. All the parties were physically present. Replies filed by DHBVN (dated 17.11.2025) and by M/s Arete India Projects

Pvt. Ltd. (dated 27.11.2025) along with all annexures have been taken on record and carefully perused.

The hearing commenced with the Electricity Ombudsman expressing strong displeasure at the manner in which DHBVN has handled the consumer complaint, particularly criticizing the language used in their replies that appeared to shrug off responsibilities. The Ombudsman emphasized that consumer billing is the core duty of the distribution licensee (DHBVN), and prolonged inaction has caused undue harassment to residents.

The SDO/OP, Sohna, informed the bench that credentials for the Unified Billing Software were shared with the builder (M/s Arete India Projects Pvt. Ltd.) in September 2023. However, no one from the builder's side approached the SDO's office regarding any technical glitches until 19.11.2025. The respondent counsel for the builder countered that technical glitches, including logging issues and data not updating in the unified billing portal, were faced, and a representative visited the office to re-obtain credentials. The builder's counsel also raised concerns over a delay of more than four months in filing the appeal before the Electricity Ombudsman by the appellant.

Additionally, the builder's counsel argued that the appellant had signed a maintenance agreement requiring billing through a single unit for CAM purposes, and that the builder was not made a party in the original appeal before the CGRF nor represented there.

In response, the appellant clarified that he could not submit his application earlier due to personal issues, which the Ombudsman considered and condoned the delay. The appellant further submitted that the original application to the CGRF explicitly requested that the builder and/or M/s Inn4smart Solutions Pvt. Ltd. be made a party. The CGRF order itself directed action by the SDO in coordination with the builder to implement unified billing, which was agreed upon by DHBVN's counsel during the hearing.

The appellant requested refund of CAM charges bundled with electricity bills from June 2024 onwards, along with interest, highlighting no action by respondents despite credentials being shared in 2023. It was also informed that approximately 864 consumers/connections require data updates for migration to the unified billing software.

The builder's counsel reiterated ongoing issues like logging problems and incomplete data in the portal.

It is an undisputed fact that Sales Circular No. 23/2022 dated 30.08.2022 issued by DHBVN is still in force and is binding on DHBVN as well as on all builders/group housing societies in Haryana. More than three years and three months have elapsed since the issuance of the said circular, yet the residents of "Our Homes-3", Sohna (Account No. 2604084381) continue to be billed through a private billing platform developed by M/s Inn4smart Solutions Pvt. Ltd. instead of the mandatory Unified Billing Software of DHBVN. This has resulted in continued bundling of Common

Area Maintenance (CAM) charges with electricity dues and denial of individual slab benefits and other statutory protections to the consumers.

Despite repeated notices and reminders issued by the SDO, Sohna to M/s Arete India Projects Pvt. Ltd. (Memo Nos. 1930 dated 23.07.2024, 291 dated 30.04.2025, 1739 dated 18.07.2025, 2659 dated 30.09.2025, 3126 dated 10.10.2025, 3205 dated 23.10.2025 and 3261 dated 19.11.2025), the builder has failed to migrate to the Unified Billing Software. DHBVN, despite being the Central Administrator of the Unified Billing Software and having full administrative rights over the application, has also failed to enforce the migration within its own jurisdiction. This prolonged inaction on the part of both DHBVN and the builder has caused continues harassment and mental agony to the residents. It is matter of great concern that the authorities are shrugging their responsibilities and consumer billing is left at whims and fancies of the developer which is otherwise main responsibilities of the distribution licensee.

In view of the above, and in the interest of justice, the following directions are issued:

1. The billing of all dwelling units in "Our Homes-3", Sohna (A/c No. 2604084381) shall be shifted immediately and completely to the Unified Billing Software of DHBVN. The very first bill raised under the Unified Billing Software (for consumption period December 2025) shall be issued in January 2026 without any exception.
2. All housing societies / group housing projects presently falling under the jurisdiction of XEN/Operation Division, Sohna shall be migrated to the Unified Billing Software within 30 (thirty) days from the date of this order.
3. SE/IT (RAPDRP Wing), DHBVN, Hisar shall, in coordination with XEN/OP Division, Sohna, immediately resolve all technical glitches, complete/up-date consumer data, and ensure error-free functioning of the Unified Billing Software for the entire Sohna Division. An affidavit confirming 100 % migration and removal of all technical impediments in respect of the whole Sohna Division shall be filed by SE/IT within 35 days.
4. The respondent Xen/Operation under his Division will recheck each and every group housing society connection wherein the charges on the basis of sales circular no. 17/2020 have been made by him under the jurisdiction of his Operation Division, Sohna. The decision passed in various cases by way of final order/interim order etc. such as Mahindra-Aura, Brisk Lumbini, Satya Developers etc. shall be taken as a reference.

The certified copy of the compliance made duly audited by the auditing wing of the DHBVN shall be submitted within a time span of 45 days separately in the interest of general public.

5. The Internal Audit Wing of DHBVN shall conduct a special audit of the electricity billing and collection accounts of M/s Arete India Projects Pvt. Ltd. (Our Homes-3) strictly in terms of Clause XVIII of Sales Circular 23/2022. The Appellant Shri Ankit Kumar Gupta and five other nominees of the residents/RWA shall be associated in the audit process as per Clauses XIX, XX and XXI of the same circular. DHBVN

shall fix and disburse honorarium to the consumer volunteers as provided in Clause XXII.

6. M/s Arete India will submit the detail of all the consumer being billed through Inn4smart Solutions Pvt. Ltd. since its adoption to the audit wing of DHBVN to carry out the proper audit and relevant comparison in the matter by taking into account the change observed while billing the consumer on unified billing software and software provided by M/s Inn4smart Solutions Pvt. Ltd.
7. XEN/OP Division, Sohna shall file fortnightly progress reports (on 25.12.2025, 10.01.2026 and 25.01.2026) clearly indicating the number of connections migrated, issues resolved and pending societies, if any.

Non-compliance with any of the above directions shall be viewed seriously and shall invite appropriate disciplinary / penal action against the officers concerned.

The case is listed for compliance and further hearing on 28.01.2026.

- I. On 23.01.2026 vide memo no. 4928, SDO respondent has sent a letter to SE/IT, DHBVN, Hisar for generating electricity bill of flats using unified portal of DHBVN as per Ordered by Honorable Electricity Ombudsmen in the interim order of appeal no. 42/2025 which is as under:-

“As per Sale circular 23/2022, electricity bill in a group housing societies/ builder must be generated using unified portal of DHBVN and as per appeal no. 42 of 2025 against CGRF order dated 15.12.2025 and Memo No.2178/EO/HERC/Appeal No. 42/2025 Dated:15.12.2025, same is directed strictly in the interim order.

But till date no bill has been generated by Unified billing portal of M/s Arete India Pvt. Ltd. due to technical error in unified billing portal, no billing data is updated on portal. This office tried to generate a bill of flat of Q-301 but due to non-updation of data on portal, no bill is getting generated. Hence you are again requested to resolve the error and depute your team to generate electricity bills of all flats/residents using unified billing portal of DHBVN. As the same is to be reported to honorable electricity Ombudsmen before the next date of hearing i.e. 28 Jan, 2026. Please do the needful.”

- J. Hearing was held on 17.02.2026, as re-scheduled. The appellant and representatives of the respondents were present as noted above.

At the outset, the status of compliance with the directions contained in the interim order dated 11.12.2025 (issued on 15.12.2025) was reviewed. Despite repeated reminders from this office, including communications dated 27.01.2026 and 09.02.2026, the progress reported remains inadequate and falls far short of the requirements stipulated therein. The Ombudsman has viewed this continued delay with grave concern, as it reflects a lack of due diligence in implementing the mandatory provisions of Sales Circular No. 23/2022 and the specific directions issued by this forum.

The SDO/OP, Sohna informed that a bill for the appellant's flat (for consumption recorded in December 2025 and billed in January 2026) has been generated through the Unified Billing Software. However, the appellant submitted that the bill does not reflect slab-wise benefits and that the amount appears higher than that raised by the builder for same period, necessitating immediate correction. The SDO/IT acknowledged the deficiency and assured expeditious incorporation of slab-wise benefits.

It was further noted that, more than three years after the issuance of Sales Circular No. 23/2022, bill presented before Electricity ombudsman was not as per format mentioned in S.C 23/2022 (page 5 & 6). Furthermore, IT wing of DHBVN is required to ensure that UBS (for residents and builder as well) provides transparency, accurate reflection of individual consumption, applicable slab benefits, clear separation of electricity dues from maintenance/CAM charges and payments made for audits. The appellant presented a sample bill from another society (Pyramid Elite) illustrating an effective model with separate wallets for electricity and maintenance charges. While maintenance charges lie outside the jurisdiction of this forum, the licensee is duty-bound to ensure that electricity billing is accurate, transparent, and fully compliant with regulatory directives.

On broader compliance within the Sohna Division, partial steps such as meetings with RWAs and creation of WhatsApp groups were reported, and some technical issues are stated to have been resolved. However, the overall migration of group housing societies to the Unified Billing Software remains unsatisfactory. Progress on rechecking of connections under Sales Circular 17/2020, conduct of special internal audit, submission of data by the builder, and filing of fortnightly reports continues to be deficient despite the lapse of over two months and repeated reminders.

The builder's counsel referred to correspondence dated 23.01.2026 regarding excess billing upon data upload, to which the SDO/IT responded that the issue stands resolved.

In light of the persistent non-compliance and to secure expeditious and complete adherence to the earlier directions while remedying the shortcomings highlighted today, the following further directions are issued:

1. SE/IT, DHBVN shall, within 15 days, finalise and notify a standardised bill format and payment interface for consumers billed through the Unified Billing Software. The format shall prominently display individual consumption, slab-wise benefits as per the approved electrification plan of the society, and ensure complete separation of electricity dues from maintenance/CAM charges. Payment modalities shall be structured to eliminate scope for disputes arising from bundling of charges.
2. All bills generated through the Unified Billing Software shall incorporate slab-wise tariff benefits in accordance with the applicable electrification plan and regulatory

provisions. Corrective action in respect of the appellant's bill shall be taken immediately.

3. **XEN/Operation, Sohna shall personally supervise and ensure strict compliance with all directions contained in the interim order dated 11.12.2025 in letter and spirit.** A detailed, society-wise compliance report shall be filed before the next date of hearing.
4. SDO/OP, Sohna shall convene a joint meeting with the appellant, RWA representatives, and the builder within 10 days to facilitate the special internal audit directed under Clause XVIII of Sales Circular 23/2022. The builder and DHBVN shall furnish all required data and records from the date of release of connections without further delay. M/s Arete India Projects Pvt. Ltd. is directed to ensure that electricity charges are not intertwined with maintenance charges and that supply to any resident, including the appellant, shall not be disconnected solely for non-payment of maintenance/CAM charges.
5. In view of the continued failure to achieve timely compliance with the directions issued vide interim order dated 11.12.2025, the XEN/Operation, Sohna and SDO/OP, Sohna shall each file an affidavit before the next date of hearing detailing the reasons why disciplinary action should not be recommended against them for non-compliance with the directions contained in the interim order dated 11.12.2025 as well as the present order.

Non-compliance with any of the above directions or with the pending directions of the interim order dated 11.12.2025 shall be viewed very seriously and shall invite appropriate disciplinary and penal action against the officers concerned.

The case is listed for further compliance and hearing on 09.03.2026 at 11:00 A.M. through video conferencing. The following shall necessarily attend:

- SE/IT, DHBVN
- XEN/Operation, Sohna
- Representative of the RWA of Our Homes-3
- Representatives of the other respondents
- The appellant

- K. On 23.02.2026, SDO respondent vide memo no. 5432 has sent a letter to M/s Arete India Projects Pvt. Ltd. for conducting the internal audit of billing since DOC of all the flats as per the DHBVN sales circular no. 23/2022 for submission to Honorable Electricity Ombudsmen in the interim order of appeal no. 42/2025 which is as under:-

“As per Sale circular 23/2022, internal audit of billing since DOC and electricity bill in a group housing societies/ builder must be generated using unified portal of DHBVN and as per appeal no. 42 of 2025 against CGRF order dated 15.12.2025 and Memo No.2178/EO/HERC/Appeal No. 42/2025 Dated:15.12.2025, same is directed strictly in the interim order.

You are hereby directed to conduct internal for past billing since DOCs and submit report within 7 days of issuing of this letter. The Internal Audit Wing of DHBVN shall conduct a special audit of the electricity billing and collection accounts of all group housing societies as strictly in terms of Clause XVIII of Sales Circular 23/2022. DHBVN shall fix and disburse honorarium to the consumer volunteers as provided in Clause XXII.

But till date no bill has been generated by Unified billing portal by your good office hence depute your technical team to conduct an internal audit of billing since DOC and generate electricity bills of all flats/residents using unified billing portal of DHBVN. As the same is to be reported to honorable electricity Ombudsmen before the next date of hearing.”

L. On 05.03.2026, M/s Arete India Projects Pvt. Ltd. has submitted as under:-

1. Preliminary / immediate position

- 1.1 We acknowledge receipt of SDO memo No.5432 dated 23.02.2026 directing Arete to “conduct internal audit of billing since DOC” and to generate bills on DHBVN’s Unified Billing Software (UBS) for submission to the Hon’ble Electricity Ombudsman.
- 1.2 We also note the Electricity Ombudsman’s interim order dated 17.02.2026 which (i) records that a bill for December-consumption (billed in Jan 2026) was generated through DHBVN-UBS but lacked slab-wise benefits; (ii) directs DHBVN IT to finalise a standardised bill format and payment interface; and (iii) directs that XEN/Operation and SDO/OP Sohna arrange a joint meeting and supervise compliance.
- 1.3 For the avoidance of doubt, Arete reiterates its cooperation: we will provide full access to our office, records and technical team for any audit conducted by DHBVN’s Chief Auditor / Internal Audit Wing as mandated in Sales Circular No. D-23/2022. However Arete cannot — and should not be required to — perform DHBVN’s internal audit obligations or to bear the consequences of defects in DHBVN’s UBS.

2. Statutory / regulatory position and allocation of duties

- 2.1 Sales Circular D-23/2022 (DHBVN) recognises that DHBVN’s IT wing shall *facilitate* the Builder / RWA / User Association with a centralized web-based billing application and that the Chief Auditor, DHBVN shall be the nodal officer for audit of billing activities performed by builders/RWAs; DHBVN is required to carry out audits (special/quarterly) and provide the standardised format and portals. Arete’s role is to provide data / access and to implement the directions of DHBVN; it is not to perform or substitute for the DHBVN internal audit function.
- 2.2 The Ombudsman has also recognised that UBS and the DHBVN IT wing must ensure transparency, slab-wise benefits, and separation of electricity dues

from maintenance/CAM. The Ombudsman has directed DHBVN to finalise bill format / payment interface and to supervise compliance.

Accordingly, Arete will not accept being made a scapegoat for deficiencies in DHBVN's UBS and IT system.

3. **Technical / operational facts which prevent immediate unilateral delinking**

- 3.1 **UBS generation is partial & incorrect.** DHBVN's UBS has produced only one bill for Arete's account (January 2026 generation for December consumption) and that bill does not reflect slab-wise benefits and is not in the format required by Sales Circular D-23/2022. The Ombudsman itself has recorded that the presented bill is not in the required format and that slab benefits were missing.
- 3.2 **Slab benefits not being reflected in DHBVN upload / master data.** The bills currently issued to Arete (copies attached) show that the main bulk supply / developer account has not, in the upload/UBS, been configured to pass slab benefits to the individual consumers. The sample DHBVN bills on record (copies attached) confirm that "*applicable tariff on read date*" and slab calculations are not being passed through correctly from DHBVN's master/tariff configuration.
- 3.3 **If DHBVN's UBS does not pass slab benefits to the main builder account, Arete cannot unilaterally pass slab benefit to residents.** The billing chain is: DHBVN tariff → bulk supply computation → UBS data upload → individual billing. Unless DHBVN IT corrects the master tariff/slab mapping and charges Arete at the correct slab and provides UBS in the correct format (as required by SC-23/2022, page 5–6), the slab benefit cannot be passed on to the consumer.

4. **Possible action at present**

- 4.1 **Office & data access for DHBVN audit:** Arete hereby invites DHBVN (Internal Audit Wing / SDO / XEN) to conduct the internal audit at Arete's office / colony office on any working day (Mon–Fri) between 10:00 and 17:00. Please provide proposed date(s) and DHBVN team list and we will make records & staff available. This is in line with Sales Circular D-23/2022 which contemplates that DHBVN's audit team will conduct the special audit.
- 4.2 **Documents / access we will produce:** consumer directory, meter logs, DOC list, copies of bills issued to residents by the maintenance operator, and correspondence with DHBVN IT. Please indicate any additional data fields required by DHBVN auditors.
- 4.3 **Technical assistance to DHBVN IT:** Arete's IT representative will coordinate with DHBVN IT to the best possible extent. Arete cannot reformat or reissue DHBVN master tariff data — that is for DHBVN IT to correct.
- 4.4 **Interim approach to avoid service collapse:** Pending DHBVN correction and the Ombudsman-directed standardised UBS format/payment interface,

Arete proposes that the present billing/collection arrangement operated by the Facility Manager/Inn4Smart for March 2026 while DHBVN IT fixes UBS slab & format issues. On DHBVN notification that UBS is issuing bills in the correct format including slab benefits, Arete and the RWA will cooperate to migrate to delinked collection with an agreed consumer communication & transition timeline of minimum 30 days.

5. **Specific requests / directions sought from SDO / DHBVN (to be implemented by DHBVN)**

- 5.1 **Immediate technical correction by DHBVN IT:** Finalise and notify the standardised bill format and payment interface within 7 days (as directed by the Ombudsman) and correct the slab mapping for the Arete bulk account so that slab benefits are passed on to Arete and then appear on UBS-generated bills.
- 5.2 **Audit to be performed by DHBVN internal audit wing:** as required by Sales Circular D-23/2022, DHBVN's Internal Audit Wing should conduct the special audit and fix any shortcoming; Arete expects DHBVN to absorb the audit role and related costs/honorarium to volunteers if applicable.
- 5.3 **Joint meeting:** convene the joint meeting (SDO / XEN / Arete / RWA / DHBVN IT) within 7 days to: (a) agree the data extracts required; (b) fix UBS tariff/slab mapping; (c) set migration timeline; (d) confirm audit dates. The Ombudsman's interim order specifically required such a joint meeting; Arete is ready and available.
- 5.4 **Certification / rectification of past bills:** DHBVN should issue corrected UB-bills (showing slab benefits) for December/January where required so that Arete can reconcile and explain to residents; this will avoid double-billing or confusion.

6. **Rebuttal to the SDO Letter**

- 6.1 Arete reiterates that it will not be held liable for:
- defects or failures in DHBVN's UBS;
 - failure of DHBVN to provide slab mapping / format in the UBS and to pass on slab benefit to Arete; or
 - non-payment of electricity charges for common area that arises due to absence of a functioning payment interface created by DHBVN or passing of slab benefit.
- 6.2 Arete will, however, voluntarily cooperate and make staff and records available to facilitate DHBVN's audit and UBS corrections.

7. **Conclusion & prayer**

In view of the above, Arete respectfully requests SDO/OP/SDO Sohna to:

- (a) accept this reply as Arete's formal response to Memo No.5432 dated 23.02.2026;
- (b) Note that the internal audit of billing is to be performed by DHBVN

Internal Audit Wing / Chief Auditor (per Sales Circular D- 23/2022) and that Arete will provide full assistance and access;

- (c) direct DHBVN IT to fix UBS slab mapping / format immediately and issue corrected bills as required;
- (d) refrain from taking any action that would require Arete to assume financial exposure for maintenance non-collection until UBS and payment interface are corrected and the migration is completed in a phased manner.

Proposed dates for DHBVN audit visit / joint meeting: any working day next week (Mon–Fri) between **10:00–17:00**. Please communicate the DHBVN audit team members and preferred date. Arete’s points of contact for coordination are:

- Mr. Mukund Kumar, Head — Operations, M/s Arete India Projects Pvt. Ltd., Mobile: 7979860072
- Miss Liza, IT Lead (Inn4Smart liaison), Mobile: 9599193802.

Enclosures (sent with this reply):

1. Copy of SDO Memo No.5432 dated 23.02.2026.
2. Copy of Ombudsman interim order dated 17.02.2026.
3. Sales Circular D-23/2022 (relevant pages on audit/UBS).
4. Representative sample of DHBVN bills / billing extracts (sample set) showing current slab/format issues.

We are filing this reply in the spirit of cooperative compliance and request that DHBVN complete the UBS corrections and the Ombudsman-directed actions urgently so that a smooth, phased migration to the standardised billing can be effected without disruption of essential services or unintended financial prejudice to Arete or the residents.

- M.** Hearing was held on 09.03.2026 through Video Conferencing. Compliance of the earlier directions dated 11.12.2025 and 17.02.2026 was called for.

SE/IT, DHBVN informed this forum that a standardised bill format incorporating old and new meter readings with explicit slab-wise tariff benefits is now available in the Unified Billing Software (UBS). The XEN/OP and SDO/OP, Sohna stated that all formalities on their part are complete, yet the builder continues to raise vague “technical issues”. SE/IT assured that bills for the appellant and all dwelling units shall be generated through the UBS portal by the end of the day.

This forum takes the gravest possible note of the persistent, deliberate and wholly unjustified delay in full migration to the mandatory Unified Billing Software. More than three years and six months have elapsed since issuance of Sales Circular No. D-23/2022 dated 30.08.2022. The continued use of the private INN4SMART platform is a flagrant violation of the HERC Single Point Supply Regulations, 2020, the said Sales Circular and the Electricity Act, 2003. It deprives consumers of slab-

wise domestic tariff benefits, illegally bundles electricity dues with CAM charges and exposes residents to arbitrary levies.

This forum records its strong displeasure at the builder's continued indifference. Consumers are being subjected to prolonged harassment and mental agony. The builder has shown complete disregard for the proceedings before this statutory forum constituted under the Electricity Act, 2003. Such conduct threatens to undermine the entire consumer grievance redressal ecosystem.

The Electricity Ombudsman enquired about the status of the special internal audit mandated under Clause XVIII read with Clauses XIX to XXII of Sales Circular D-23/2022. Both the RWA representatives and the SDO/OP, Sohna stated on record that no data whatsoever has been shared by M/s Arete India Projects Pvt. Ltd. till date. The builder's counsel merely referred to an email dated 05.03.2026 and insisted that the developer must first be "approached" for details. This evasive and dilatory stand is wholly unacceptable.

This forum draws a clear adverse inference that M/s Arete India Projects Pvt. Ltd. is deliberately avoiding compliance with the binding directions of this forum and the regulatory mandate issued for safeguarding consumer interest. The repeated assertion by the RWA that possession and operation of the electricity infrastructure has still not been handed over to the residents further aggravates the matter and raises serious questions about the builder's bonafides.

In view of the above and to enforce immediate compliance with the mandatory regulatory regime, the following peremptory and time-bound directions are issued:

1. The billing of all dwelling units in "Our Homes-3", Sohna (Account No. 2604084381) shall be shifted completely and exclusively to the Unified Billing Software of DHBVN forthwith. DHBVN authorities (SE/IT, XEN/OP and SDO/OP) shall generate and issue the first bill under the UBS portal in consultation with the builder's representative within three days i.e. by 12.03.2026 without fail. The bill must reflect individual consumption, slab-wise domestic tariff benefits as per the approved electrification plan, and complete separation of electricity dues from CAM/maintenance charges.
2. M/s Arete India Projects Pvt. Ltd. (through its Managing Director) shall file a detailed affidavit before this forum within seven days of the date of this order explaining on oath:
 - (a) why the complete billing and consumption data from the date of release of connections has not been furnished to the SDO/OP, Sohna for the special audit directed under Clause XVIII of Sales Circular D-23/2022;
 - (b) why the internal audit process has not been commenced despite repeated directions;
 - (c) under what circumstances their counsel has been making statements before this forum that are contrary to the factual position repeatedly asserted by the

RWA regarding non-handover of possession and operation of the electricity system; and

- (d) why it should not be inferred that the acts and omissions of the company are deliberate attempts to avoid compliance with the instructions/ directions of the Haryana Electricity Regulatory Commission and the provisions of Sales Circular D-23/2022 issued for safeguarding consumer interest.
3. The special internal audit under Clause XVIII of Sales Circular D-23/2022 shall commence within ten days of the date of this order. The builder shall furnish all data and records forthwith to the Internal Audit Wing of DHBVN. The appellant and five other RWA nominees shall be associated in the audit process. DHBVN shall ensure payment of honorarium to the consumer volunteers as provided in Clause XXII.
4. The SDO/OP, Sohna and XEN/Operation, Sohna shall file separate affidavits within seven days of the date of this order detailing the status of compliance and explaining why disciplinary/penal action should not be recommended against them personally for continued non-compliance with the directions contained in the interim orders dated 11.12.2025, 17.02.2026 and the present order.
5. A consolidated status report on full compliance of the above directions, including issuance of UBS bills by 12.03.2026, receipt of affidavits and commencement of audit, shall be filed before the next date of hearing.

Any failure to comply with these directions or the pending directions of the earlier interim orders shall be viewed extremely seriously and shall invite immediate recommendation for disciplinary proceedings and penal action against the erring officers and the builder under the relevant provisions of the Electricity Act, 2003 and the Regulations framed thereunder.

This forum further observes that the builder's persistent indifferent attitude towards consumer grievances and its deliberate non-compliance with orders passed by a statutory forum under the Electricity Act, 2003 amounts to gross consumer harassment. The matter squarely involves failure to provide essential services and amenities promised to home-buyers. Accordingly, copy of this order needs to be forwarded to the Haryana Real Estate Regulatory Authority (HARERA) with a request to take immediate and appropriate action against M/s Arete India Projects Pvt. Ltd. under the Real Estate (Regulation and Development) Act, 2016 for the continued harassment of home-buyers and deliberate defiance of regulatory directions.

The case is listed for further compliance and hearing on 19.03.2026 at 11:00 A.M. through Video Conferencing. The following shall necessarily attend:

- SE/IT, DHBVN
- XEN/Operation, Sohna
- SDO/OP, Sohna
- Representative of the RWA of "Our Homes-3"
- Managing Director of Arete India Projects Pvt. Ltd.

N. On email dated 18.03.2026, respondent SDO has submitted Compliance report as per the directions issued by the Hon'ble Electricity Ombudsman in the interim orders dated 11/12/2025 & 17/02/2026, in the appeal no 42/2025 which is as under:-

A. As directed by the Hon'ble Electricity Ombudsman, the electricity bill of the complainant Sh. Ankit Kumar Gupta for the consumption of December 2025, has been generated successfully through Unified Billing Software (bill copy attached). After discussing with SE/IT, DHBVN, a billing format has been standardised, which displays individual consumption, slab-wise benefits as per the approved electrification plan of the society, free from any CAM charges.

The electricity bill of the complainant with detailed bifurcation of all the charges, has been generated on 12th March 2026 & the same has already been shared with him.

B. It is submitted that a meeting was scheduled on dated 11/03/2026, Wednesday, in which the RWA of Our homes(Arete society), the complainant Sh. Ankit Kumar Gupta & Builder representatives were called upon. The same was postponed on 16/03/2026, Monday, on the request of the complainant Sh. Ankit Kumar Gupta, as he wasn't well & unable to attend the meeting.

C. The meeting was held on 16/03/2026 and the minutes of meeting are hereby attached for kind reference.

D. As per the directions issued earlier, the audit format has now been shared with the builder for carrying out the audit process mandated under relevant instructions. The builder has provided the details for the audit on dated 18.03.2026 via e-mail with consent of RWA and Sh. Ankit Kumar Gupta. The same has been sent to the Audit Wing of DHBVN, for necessary exercise. As soon as the audit team finalises the accounting report, the same will be submitted to the Hon'ble commission for further necessary action.

O. On 19.03.2026, Sh. Prashant Kapila advocate on behalf the Arete India Projects Private Limited has submitted affidavit of Mrs. Mukund, Facility Manager and authorized signatory of Arete India Projects Private Limited which is as under:-

"I, MR. MUKUND, the Facility Manager of M/s Arete India Projects Pvt. Ltd. (hereinafter "Arete"), at 2nd Floor, JMD Pacific Square, Part II, Sector 15 Part 2, Gurugram, Haryana - 122001, do hereby solemnly affirm and state on oath as under:

1. That by an Interim Order dated 09.03.2026, the Electricity Ombudsman, Haryana in Appeal No. 42 of 2025 has directed, inter alia, that (i) billing of all dwelling units in 'Our Homes-3', Sohna (Account No. 2604084381) shall be shifted to the Unified Billing Software of DHBVN forthwith and that the first UBS bill shall be issued by 12.03.2026; and (ii) that Arete shall file a detailed affidavit before this forum within seven days explaining certain matters and furnishing data/records.
2. Arete respectfully states as follows with respect to the issue of audit:
 - 2.1 That with respect to the electrical billing data and records, we have already provided the data to the SDO vide email dated 18.03.2026, as per the direction of the SDO.
 - 2.2 That it is further submitted that certain billing records are presently not available with us due to the criminal breach of trust of a former manager who had collected payments from certain consumers in his personal bank account without authorization. In order to conceal his illegal actions, the said employee also deleted certain billing data from the facility records, due to which the same is presently unavailable for audit purposes.
 - 2.3 That in relation to the above misconduct, an FIR No 327 dated 31.08.2024 has been registered against the said employee for Criminal Breach of Trust under Section 408 of the Indian Penal Code, 1860 at the police station of Sohna. The matter is presently pending before the Court of the Sub-Divisional Judicial Magistrate, Sohna, where the criminal proceedings are ongoing against the accused employee.
3. That with respect to the generation of bills using the UBS is concerned, Arete states the following:
 - 3.1 That Arete attempted to implement the UBS system; however, the system appears to be non-functional due to certain technical issues. As a result, the generation of bills and subsequent activities related thereto have been severely hampered.
 - 3.2 In particular, the following issues have been consistently observed:
 - a) The website/portal provided for operating the UBS is itself non-functional or inaccessible at various instances showing 'ERROR';
 - b) The billing format reflected on the portal does not correspond with the prescribed format communicated for the purpose of bill generation; and
 - c) The calculations generated by the system are inaccurate, including the computation of billing components, thereby leading to incorrect billing outputs.
 - 3.3 It is further submitted that the calculation of billing components such as fixed charges and common area consumption is also being reflected incorrectly.

- 3.4 That in order to resolve the above-mentioned issue, we have visited the office of the concerned Sub-Divisional Officer (SDO) as well as the IT Cell at Hisar at the DHBVN Headquarters. Despite our efforts and representations, the issue remains unresolved and no effective technical solution has been provided so far.
- 3.5 That the electricity bill for the month of February has still not been received from DHBVN, and the UBS system is presently not functioning. However, we are under an obligation to make payment of the said bill before the due date. If we are not paying the said bill, there is a possibility that your good office may impose penalties or discontinue the electricity connection, which would result in unnecessary hardship and inconvenience to the 850 families approx. residing in the premises.
- 3.6 That the officials of Arete met the concerned XEN on 16.03.2026. The XEN urged that the rectification of the system will take time and the bills cannot be properly generated through the UBS at the moment. The Appellant was also present in the meeting and has been satisfied with respect to the genuine technical issues faced by the XEN and that implementation of the UBS will require more time.
4. That with regard to the legal position concerning handover of the electrical infrastructure and the Single Point Supply connection to the RWA / Users Association, Arete respectfully states as follows:
- 4.1 The HERC Single Point Supply Regulations, 2020 and related HERC orders envisage the handover of operation & maintenance to the RWA / Users Association upon completion of the electrical infrastructure and subject to completion of statutory/technical formalities, including transfer of securities and guarantees deposited with the distribution licensee and any required bank guarantees.
- 4.2 It is a well settled law that the maintenance can only be handed over after express consent by 2/3rd allottees.
- 4.3 However, the Company is willing to hand over the entire electricity infrastructure to the Association/RWVA or any allottee(s) who may be willing to undertake the implementation and management of the electrical infrastructure in accordance with the UBS system. Such Association/RWVA or allottee(s) shall be at liberty to implement the said system, and the Company undertakes to clear all outstanding dues up to 31.03.2026. That with effect from 01.04.2026, the RWVA/Allottees may thereafter raise invoices and manage electricity billing through UBS, and they shall be responsible for clearing all electricity dues payable to DHBVN from that date onwards.
- 4.4 Arete reiterates that if this forum directs a formal and immediate transfer of the Single Point Supply connection to the RWVA after satisfaction of the above statutory / technical pre-conditions, Arete will comply with such direction subject to completion of the formalities in accordance with law.

5. That Arete respectfully submits that the portion of the Interim Order which contemplates forwarding a copy of the order to the Haryana Real Estate Regulatory Authority (HARERA) for initiation of action under the Real Estate (Regulation and Development) Act, 2016 is premature and may be prejudicial unless and until the statutory audit directed under Sales Circular D-23/2022 and DHBVN's Internal Audit are completed and Arete is given an opportunity to file its professional audit report and to present clarifications. In the circumstances, Arete prays that the learned Electricity Ombudsman may kindly: (a) withhold forwarding the order to HARERA until completion of the audit(s) and reconciliation exercise; or (b) recall or otherwise stay the forwarding of the order to HARERA pending completion of the audit and reconciliation process so as to avoid any prejudice to Arete's reputation and to ensure fairness and due process.
 6. Arete affirms that there has been no willful non-compliance with the directions of the Electricity Ombudsman, HERC or the HERC Single Point Supply Regulations, 2020. Arete has always cooperated with DHBVN and has provided information to DHBVN's officers and representatives from time to time. Any suggestion of deliberate avoidance is denied.
 7. That Arete further prays that this forum may (i) accept this affidavit as compliance with the directions of the interim order dated 09.03.2026
 8. It is affirmed that the contents of Para Nos. 1 to 6 of the above affidavit are true and correct as per the official record. Nothing contained therein is false and nothing material has been concealed therefrom.
- P.** On 01.05.2026, Section Officer/Audit, DHBVN, Faridabad has sent a letter to SDO/OP Division, DHBVN, Sohna **for conducting the special audit of electricity billing in GHS under 'op' Divn DHBVN Sohna and priority for Arete Society which is as under:-**
- “Please refer to the Chief Auditor DHBVN Hisar memo no. CA/RA/IAR-138/123 dated 28.04.2026.
- On the subject noted above, it is intimated that prior to conduct the audit, the following record may please be produce to audit as under :-
1. Detail of billing of builder's as per Sale Circular No. D-23/2022 under unified billing software.
 2. Provide the comparison sheet of complete billing as prepared by the builder as well as your office raised to residents.
 3. The record should be contained billing, consumption pattern and other relevant charges as billed to residents by M/S Arete Project in excel sheet depute with well conversant official.

In view of the above and to compliance the direction of before the Electricity Ombudsman, Haryana produced the record immediately, failing which you will be held responsible for the consequences arising at later stage.”

Q. On email dated 05.05.2026, SDO respondent has submitted details which is as under:-

1. Bills generated through UBS portal for the months of Jan-2026(23 nos), Feb-2026 (32 nos) and Mar-2026 (22 nos)
2. Affidavit on behalf of XEN 'OP' Division Sohna
3. Reply & Affidavit of SDO Sohna

R. On 09.05.2026, an email sent by the office of Electricity Ombudsman to respondent SDO which is as under:-

“The reply submitted by SDO/Op sub Divn Sohna vide memo No. 379 dated 4.5.2026 has been considered by the competent authority and after going to the record it has been observed that the complete compliance of the interim order dated 9.3.2026 has not been made as the bill of some selective residents has been attached herewith in spite of the township as a whole furthermore the approach of coming up with excuse of non compliance at the last minute by the R/SDO has been found to be entirely unprofessional and is hereby directed to come up with the compliance of the interim order dated 9.3.2026 in toto.”

S. On 04.05.2026, respondent SDO has submitted Compliance of Interim Order in Appeal No. 42 of 2025 dated 09.03.2026 which is as under:-

It is respectfully submitted that, in compliance with the Interim Order passed by the Hon'ble Electricity Ombudsman, Haryana in Appeal No. 42 of 2025 dated 09.03.2026, necessary steps have been promptly initiated by DHBVN authorities, including SDO 'Op', Sohna, for implementation of the directions issued with regard to billing and other related works in "Our Homes-3", Sohna. All concerned including mentioned builder, have been duly instructed to ensure that the directions are implemented in a time-bound and effective manner.

DHBVN has undertaken all requisite actions for shifting the billing of dwelling units to the Unified Billing Software (UBS) within the stipulated framework. Necessary coordination has been established between SDO 'Op' office and the IT wing to facilitate a smooth transition, and all preparatory activities required for operationalising UBS billing have been carried out and continuous efforts are being made with all builders and societies to ensure that the system is implemented without any discrepancies and in accordance with the prescribed guidelines.

As directed by Hon'ble commission, joint meeting was convened on dated 16.03.2026 in the office of XEN 'OP' DHBVN Sohna, in presence of SDO 'OP' Sohna, with the RWA members of M/s Arete Society, the complainant Sh. Ankit Kumar

Gupta, and all the issues were discussed thoroughly for successful implementation of Unified Billing. All the queries raised by the attendees were redressed.

The point wise compliance as directed by Hon'ble Electricity Ombudsman is as follows:-

1. The billing of all dwelling units in "Our Homes-3", Sohna (Account No. 2604084381) has been shifted completely and exclusively to the Unified Billing Software of DHBVN. The bills are reflecting individual consumption, slab-wise domestic tariff benefits as per the approved electrification plan, and complete separation of electricity dues from CAM/maintenance charges.
2. The affidavits of both SDO/Operation, Sohna and XEN/Operation, Sohna, are attached for kind consideration of the Hon'ble Electricity Ombudsman, detailing the status of compliance and explaining why disciplinary/penal action should not be recommended against them personally for continued non-compliance with the directions contained in the interim orders dated 11.12.2025, 17.02.2026 and 09.03.2026.
3. As directed in the interim orders, to conduct the special internal audit under Clause XVIII of Sales Circular D-23/2022, the builder had to furnish all data and records forthwith to the Internal Audit Wing of DHBVN for processing the audit activity, associating the appellant and five other RWA nominees in the audit process. It is pertinent to mention here that as directed in the hearing held on 09.03.2026, the builder provided the billing data via e-mail on dated 18.03.2026. After receiving the data from the builder, the same was forwarded to the audit wing and written correspondences have been made to the offices of Chief Auditor, DHBVN, Hisar and Sr. AO/Audit, Sec-16, DHBVN, Gurugram, vide letter memo no. 1739 dated 08.04.2026 and memo no. 1983 dated 20.04.2026 respectively.

The Chief Auditor office engaged Sh. Bijender, Sr. AO DHBVN, Faridabad to complete the audit process as per the data furnished by the builder. After going through the billing data provided by the builder, deputed audit team raised some observation vide letter memo no. 421 dated 01.05.2026, and directed the builder to provide the relevant data as follows:

- a. The detail of billing of builder's as per sales circular no. D-23/2022 under Unified Billing Software.
- b. To provide the comparison sheet of complete billing as prepared by the builder and raised to the residents.
- c. The furnished record should be containing billing, consumption pattern and other relevant charges as build to the residents by "Our Homes-3" Sohna (M/s Arete projects) in Excel Sheet.

The above said point wise requirement has been forwarded to the builder vide SDO /Operation DHBVN, Sohna office letter memo no. 377 dated 04.05.2026 for taking further necessary action on prompt basis. So that the requisite compliance regarding internal billing audit can be reported to the hon'ble commission. The same has been pending on part of builder.

Submissions:

It is submitted that the Operation team constantly communicated with SE/IT office and it was confirmed by SDO/IT that the UBS portal was working properly after clearing all the technical glitches by the IT wing but the builder kept on making excuses that due to error in UBS portal, the bills of dwelling units are not getting generated. To resolve this issue, SDO 'OP' Sohna himself visited the 'Our Homes-3' society on dated 22.04.2026 and logged into the UBS portal using the credentials of the builder. Flat-wise reading details of the residents was uploaded on the UBS portal in the prescribed format and the bills for the months of Jan-2026, Feb-2026 and Mar-2026 were got generated for all the 890 dwelling units. All the bills are as per the prescribed format as directed by the Hon'ble Commission.

It is regretted to point out that the builder continuously kept on misguiding both the IT Wing and 'OP' Wing that the UBS portal is not responding. During the visit of SDO 'OP' Sohna at the 'Our Homes-3' society, it was found that the builder representative was uploading incorrect excel format, due to which the bills were not getting generated. Hence it shows the sheer negligence of the builder resulting into non compliance of directions issued by Hon'ble commission and harassment of the residents.

The progress of compliance, particularly in respect of bill generation and migration to UBS, has been seriously impeded due to the persistent non-cooperation, withholding of critical and essential data, and continued non-compliance on the part of the builder, M/s Arete India Projects Pvt. Ltd.

It is submitted that repeated written as well as verbal communications were made to the builder at various levels, requesting them to provide complete, accurate, and flat-wise billing data required for implementation of UBS billing. Adequate help and reasonable time have been provided to the builder to comply with these requirements. Despite these continuous efforts and follow-ups by the 'OP' Sohna team, the builder has failed to furnish the requisite data, thereby directly obstructing and delaying compliance with the Hon'ble Ombudsman's directions. Even after multiple follow-ups, reminders, and official correspondences, the builder has deliberately failed to respond, reflecting a lack of intent to comply.

The conduct of the builder clearly indicates willful non-compliance, deliberate obstruction, and disregard towards the directions of the Hon'ble Ombudsman. Such actions are directly hampering the timely implementation of UBS billing, causing

unnecessary delay in bill generation, and adversely affecting the interests of the consumers/residents of the society, who are ultimately dependent on proper billing and electricity services.

It is submitted that DHBVN remains fully committed to comply with the directions of the Hon'ble Ombudsman in letter as well as in spirit and is making all possible efforts within its domain to ensure timely implementation. However, the continued non-cooperation, inaction, and withholding of essential data by the builder remains the sole and primary bottleneck in achieving complete and effective compliance.

In view of the above facts and circumstances, it is respectfully requested that the non-compliance and obstructive conduct of the builder may kindly be taken on record, and appropriate directions and necessary action in the matter may be considered to ensure expeditious compliance of the Hon'ble Ombudsman's order.

On 04.05.2026, SDO respondent has also submitted affidavit which is as under:-

"I, Mukesh Gour, S.D.O. /OP, Sub-Division, DHBVN, Sohna, Gurugram, do hereby solemnly affirm and declare as under:-

1. That in the above noted matter, the Hon'ble Commission directed the respondents vide its order dated 11-12-2025 and 17-02-2026 that "The billing of all dwelling units in "Our Home-3", Sohna (Account no. 2604084381) shall be shifted completely and exclusively to the Unified Billing Software of DHBVN forthwith. DHBVN authorities (SE/IT, XEN/OP and SDO/OP) shall generate and issue the first bill under the UBS portal in consultation with the builder's representative within three days i.e. by 12.03.2026 without fail. The bill must reflect individual consumption, slab-wise domestic tariff benefits as per the approved electrification plan, and complete separation of electricity dues from CAM/Maintenance Charges".
2. That the deponent performed the duty with due diligence and sincerity and after issuance of the above said direction, duly tried to generate and issue the bills under the UBS Portal in consultation with the builder's representative and the complainant Sh. Ankit Kumar Gupta, whereas, at that time the said portal was facing some technical glitches. To resolve the said technical glitches, the necessary communication made to the I.T. Wing, due to which the bill generation process got delayed and the department was unable to generate and issue the bills under the UBS Portal in time i.e. 12.03.2026. As soon as the technical error was resolved by the SE I.T. Wing, bills under the UBS Portal had been generated and issued with full satisfaction of the complainant and the directions of the Hon'ble Commission are complied with.

Further, it is also submitted that the operation wing of DHBVN put all out efforts to comply with the direction of the Hon'ble Commission and after clearance of all the technical glitches the bills through UBS Portal got generated.

In future, the deponent will be more careful to adhere the directions of the Hon'ble Commission.

3. That the deponent humbly requests not to initiate any disciplinary/penal action in the matter against the respondents.”

T. On 06.05.2026, respondent SDO has sent a letter to Section Officer/Audit, DHBVN, Faridabad **for conducting the special audit of electricity billing in GHS under Xen Divn DHBVN Sohna and priority for Arete Society as per the interim order in the appeal no. 42/2025 which is as under:-**

On the subject noted above, as per your requirement the following record is hereby provided/share by the builder for conducting the audit for compliance of Hon'ble Electricity Ombudsman.

1. Detail of billing of builder's billing data as per Sale Circular No. D-23/2022 under unified billing software. (Attached)
2. comparison sheet of complete billing as prepared by the builder. (Attached)
3. The said record is containing the consumption pattern & other relevant charges, as billed by M/s Arete Project in excel sheet.

In view of the above you are requested to submit the audit report to comply with the direction of the Hon'ble Electricity Ombudsman, Haryana. The Hon'ble Commission has already warned to initiate strict disciplinary action in case of non-submission of audit report. The next date of hearing is 22/05/2026. Please make sure the report is submitted on prompt basis so that the same can be submitted to the Commission for necessary compliance.

U. On 13.05.2026, respondent SDO has again sent a letter to Section Officer/Audit, DHBVN, Faridabad has requesting **for conducting the special audit of electricity billing in GHS under Xen Divn DHBVN Sohna and priority for Arete Society as per the interim order in the appeal no. 42/2025 in reference to Email received from Sh. Vijender SO, Audit, DHBVN, Faridabad, on dated 12/05/2026 at 11.06 AM. Which is as under:-**

On the subject noted above, Commercial Assistant of Sohna Subdivision, visited your office and as discussed, the following record is hereby provided/shared, after receiving from the Arete Society Builder, for conducting the audit for compliance of the orders of Hon'ble Electricity Ombudsman.

1. Detail of billing of builder's billing data as per Sale Circular No. D-23/2022 under Unified Billing Software. (Attached)
2. Comparison sheet of billing in the desired format as requested by your office. (Attached)

3. The said record is containing the consumption pattern & other relevant charges i.e. CAM charges, as billed by M/s Arete Project in excel sheet.
4. It is also clarified that this project falls under DDJAY i.e. affordable housing hence no DG back-up is provided by the builder.

In view of the above you are requested to submit the audit report to comply with the direction of the Hon'ble Electricity Ombudsman, Haryana. The Hon'ble Commission has already warned to initiate strict disciplinary action in case of non-submission of audit report. In case any other information is required you are requested to depute a well-versed official from your office to visit the office of Arete Society Builder with our official, so that the Audit Process can be concluded without any further delay. The next date of hearing is 22/05/2026. Please make sure the report is submitted on prompt basis so that the same can be submitted to the Commission for necessary compliance.

- V. On email dated 13.05.2026, Sh. Prashant Kapila advocate on behalf the Arete India Projects Private Limited has submitted reply which is as under:-

MOST RESPECTFULLY SUBMITTED:

1. That, at the outset, Arete India Projects Private Limited (referred to hereinafter as 'Arete') states that is an ethical and responsible developer that its actions have always been lawful and in accordance with the law.
2. The Official Respondents have however engaged in blame games and levelled scurrilous allegations to cover up their own ineptitude and failings. The Official Respondents have deliberately feigned ignorance about the data and documents already provided to them and then attributed blame on Arete for data and documents which was never sought by them. The conduct of the Official Respondents is unbecoming of a public office.
3. That vide the Reply bearing Memo No. 379 dated 04.05.2026, the SDO/OP S Division/ DHVBN, Sohna has stated that data under three heads has "been pending on part of builder".
4. This is a vexatious allegation since in the very same paragraph the SDO/OP admits that the requirement for more data is stated to be communicated to Arete on the same very date of the Reply of the SDO, i.e., 04.05.2026. It is unfair and unreasonable to expect a reply or any action on the very same day.
5. It is specifically stated here that Arete has provided all data available to it and the requisitions under the three heads has already been delivered. A comprehensive Excel sheet stands furnished to the official respondents.
6. The Official Respondents have not clarified the deficiencies in the data provided by Arete. It is evident that the requisitions under the three heads is broad, evasive and confounding. The email of the SDO dated 04.05.2026 with which the Memo No. 421 dated 01.05.2026 was attached is annexed herewith as Annexure - 1. The Memo

requisitions details which already stand provided and miserably fails to furnish any specific points on which Arete can act and provide specific data.

7. The Official Respondents in the Reply dated 04.05.2026 have further mischievously stated that Arete provided data in the wrong excel format. It may be noted here that the Official Respondents have not communicated any deficiency in the data provided by Arete till date and there is nothing on record to substantiate this false submission. Moreover, this submission of the Official Respondents is again vague since what the "wrong format" is not detailed.
8. The Affidavit of the SDO Gurugram dated 04.05.2026 is in direct contradiction to the Reply. It admits that technical glitches existed on the portal due to which the bill generation process under the UBS Portal got delayed and it was only after technical issues were resolved by the SE I.T. Wing that bills under the UBS Portal were generated. The submissions in the Affidavit thus differ substantially from that in the Reply. The SDO may not be permitted to take mutually contradictory stands. Submissions have been made by him admitting to the technical glitches on the one hand whilst at the same time trying to shirk off his responsibility by wrongly imputing blame on Arete.
9. The Affidavit by the XEN also notes that technical glitches existed on the site due to which the bill generation process got delayed and it was only after technical issues were resolved by the SE I.T. Wing that bills under the UBS Portal were generated and issued with full satisfaction of the Complainant.
10. It is evident from the Email by the SDO Sohna dated 05.05.2026 that bills have been generated on the UBS Portal for the months of January, February and March 2026.

Arete Reserves the Right to Recover Electricity Dues from Allottees

11. It is evident from the excel sheet submitted by Arete that allottees have been underbilled. The electricity charges in the bills generated by Arete are lower than as generated by the UBS Portal. Arete has incurred a loss and reserves the right to institute recovery proceedings to collect the underbilled amount, from the allottees, including the Appellant.

Submissions with Respect to Handing over of Electricity Infrastructure to the Residents Welfare Association (RWA).

12. Arete is willing to hand over the entire electricity infrastructure to the Association/RWA or any allottee(s) who may be willing to undertake the implementation and management of the electrical infrastructure in accordance with the UBS system. Such Association/RWA or allottee(s) shall be at liberty to implement the said system. Thereafter, the Association/RWA or the person(s) taking over the responsibility of the UBS system shall be entitled to generate electricity bills, recover the applicable charges from the allottees, and deposit the same with

DHBVN, and the Company shall not be held liable for any consequences arising thereafter.

13. That as per the Maintenance Agreement it is clarified that all maintenance responsibilities shall continue to be handled by Arete in the same manner as they were being handled previously. It is further stated that as far as the question of transfer of maintenance is concerned the same comes within the preview of District Registrar of firms and societies. It is a well settled law that the maintenance can only be handed over after express consent by 2/3rd allottees. As such, no such consent of 2/3rd of the Allottees has been received till date.

Submissions with Respect to Non-Availability of Certain Data

14. That it is further submitted that certain billing records are presently not available with Arete due to the criminal breach of trust of a former manager who had collected payments from certain consumers in his personal bank account without authorization. In order to conceal his illegal actions, the said employee also deleted certain billing data from the facility records, due to which the same is presently unavailable for audit purposes.
15. That in relation to the above misconduct, an FIR No. 327 dated 31.08.2024 has been registered against the said employee for Criminal Breach of Trust under Section 408 of the Indian Penal Code, 1860 at the Police Station-Sohna. The matter is presently pending before the Court of the Sub-Divisional Judicial Magistrate, Sohna, where the criminal proceedings are ongoing against the accused employee.
16. The FIR dated 31.08.2024 is annexed herewith as Annexure - 2.
17. It is humbly submitted here that Arete has provided the entire data at its disposal in the proper format. It has extended full cooperation to the Authorities. The Authorities may not be allowed to make vague requisitions and then use these vague demands to discredit Arete.
18. That Arete most respectfully submits that the contents of the Reply and Affidavit by the SDO and the XEN are frivolous and baseless and warrant no indulgence from this Hon'ble Authority.

Prayer

In view of the facts and circumstances as narrated hereinabove, it is most humbly prayed that this Hon'ble Authority may kindly:

- (i) Dismiss the present Appeal since the grievance of the Allottee stands redressed; and
- (ii) Pass any other order in favour of Arete as this Hon'ble Authority may deem fit in the facts and circumstances of the present matter.

- W.** On 08.06.2026, respondent SDO has submitted compliance of the interim order in respect of Appeal No. 42 of 2025 which is as under:-

With reference to the Interim Order dated 09.03.2026 and the reply already submitted by SDO 'Op', Sohna, it is respectfully submitted that all directions pertaining to migration of billing to the Unified Billing Software (UBS), generation of consumer bills through UBS, provision of slab-wise tariff benefits, segregation of electricity charges from CAM/maintenance charges have been complied with. The compliance status in this regard has already been submitted before this Hon'ble Forum through the SDO 'Op', Sohna Memo No. 379 dated 04.05.2026 and the same may kindly be read as part of the present submission also.

Regarding the Special Internal Audit under Sales Circular D-23/2022, it is submitted that the observations and deficiencies raised by the Audit Team were taken up. The requisite information/ records were obtained from the builder and furnished to the Audit Team. Further, to facilitate the audit process and provide all necessary assistance, an official from the office of SDO 'Op', Sohna was deputed to assist the Audit Team at Faridabad. Thereafter, no further deficiency or objection was communicated to SDO 'Op' or this office. During telephonic discussions, the Audit Team informed that the audit process was under progress and that the audit report would be submitted after completion of the audit exercise.

It is further submitted that just prior to the scheduled hearing, Memo No. CAV/RAIAR-133/148 dated 21.05.2026 was submitted from the office of the Chief Auditor stating that certain deficiencies had not been cleared by SDO 'Op', Sohna. However, no communication regarding such deficiencies had earlier been received by this office or by the office of SDO 'Op' Sohna. Immediately thereafter, the matter was pursued with the Audit Team and the deficiency issues were discussed in detail telephonically and the builder was directed to provide the requisite information as desired by audit team. However, the builder did not provide the desired information even after the lapse of 7 days. Thereafter, the data was provided by the builder on 04.06.26 and the office of SDO 'Op' Sohna forwarded all requisite data, documents, records and clarifications on the same day i.e. on 04.06.2026, as requested by the Audit Team.

Consequently, the audit process has now been completed and the Audit Report received from the competent authority is enclosed herewith for kind consideration. It is respectfully submitted that the time consumed in completion of the audit was primarily due to the requirement of additional information asked with no prior intimation and the subsequent furnishing of further clarifications and supporting documents sought during the course of audit. The respondent officers have at all times extended full cooperation and assistance to the Audit Team to ensure expeditious completion of the audit process, but due to the sheer negligence of the

builder at various stages, the audit exercise could not be concluded timely, consequently, the compliance got delayed.

In view of the above, it is respectfully prayed that the present submission along with the enclosed Audit Report may kindly be taken on record and the respondent may be treated as having complied with the directions issued.

FINAL ORDER

A. BRIEF FACTS OF THE CASE

The instant appeal was preferred by Shri Ankit Kumar Gupta, a resident of Tower Q-301, "Our Homes-3", Chungi #1, Sector-6, Sohna, Gurugram, assailing the order dated 15.05.2025 passed by the Consumer Grievances Redressal Forum (CGRF), DHBVN Gurugram in Complaint No. 4851/2025. The principal grievance pertained to the illegal bundling of Common Area Maintenance (CAM) charges with electricity bills by the builder, M/s Arete India Projects Pvt. Ltd., through a private/third-party application "Inn4Smart" — in flagrant disregard of the HERC (Single Point Supply to Employers' Colonies, Group Housing Societies, Residential Colonies, Office cum Residential Complexes and Commercial Complexes of Developers) Regulations, 2020 and DHBVN Sales Circular No. D-23/2022 dated 30.08.2022 governing the Unified Billing Software (UBS).

The appellant prayed inter alia for (i) setting aside the impugned CGRF order; (ii) impleadment of the builder and the IT service provider; (iii) delinking of CAM charges from electricity billing; (iv) refund of CAM charges illegally recovered with interest @ 12% p.a.; and (v) compensation for harassment.

B. PROCEDURAL HISTORY

The appeal was registered on 30.09.2025 and notice of motion was issued vide Memo No.1541/EO/HERC/Appeal No. 42/2025 dated 30.09.2025. The matter was heard on multiple occasions, and interim orders were passed on:

29.10.2025 - Direction to SDO/XEN to comply with Clauses XIII, XIV & XV of SC D-23/2022; both Respondents and Builder directed to file replies; ex-parte warning issued.

11.12.2025 - Direction for immediate and complete migration of billing of all 890 dwelling units of "Our Homes-3" (A/c No. 2604084381) to UBS; division-wide migration within 30 days; SE/IT (RAPDRP), Hisar to resolve all technical glitches within 35 days; special internal audit under Clause XVIII of SC D-23/2022 ordered; fortnightly progress reports directed.

17.02.2026 - Standardised bill format with slab-wise tariff benefits mandated within 15 days; complete separation of electricity and CAM dues ordered; strict prohibition on disconnection by builder for non-payment of CAM; show-cause to SDO/XEN for disciplinary action.

09.03.2026 - First UBS bill directed to be issued by 12.03.2026; affidavit from MD, Arete India sought; copy of order forwarded to HARERA for action under the Real Estate (Regulation and Development) Act, 2016.

C. PROCEEDINGS OF THE FINAL HEARING DATED 09.06.2026

The matter came up for final hearing on 09.06.2026 in the presence of all parties as noted above. The following submissions were recorded:

- (i) Status of UBS Implementation — On a pointed query by this forum, Shri Gaurav Dhiraya, XEN/Operation, Sohna, submitted that the bills for the months of 01/2026, 02/2026, 03/2026 and 04/2026 have been duly prepared through the Unified Billing Software in respect of all 890 dwelling units of the society, including that of the appellant. This forum takes this on record as a substantial — though delayed — compliance with the directions of 11.12.2025 and 09.03.2026.
- (ii) Non-supply of Bills — Shri Piyush Sharma (RWA) and the appellant pointed out that the bills for March 2026 and April 2026 have not been supplied to the residents. The Respondent SDO/OP, Sohna admitted that there was some delay in generation of April 2026 bills, but the same now stand generated and are lying with the Respondents. This forum takes a stern view of the fact that even after the bills are generated, the same are being withheld by the Respondents till June 2026 — defeating the very purpose of timely billing. The Respondents are strictly directed to forthwith hand over the said bills to the RWA / consumers concerned and to ensure timely generation and digital communication (SMS / portal upload) of all subsequent bills, in accordance with Regulation 12 of the HERC Electricity Supply Code, 2014 (as amended) read with Clause XV of SC D-23/2022.
- (iii) Continued Levy of CAM and Disconnections — Shri Piyush Sharma expressed serious dissatisfaction stating that the builder continues to recover CAM charges and is disconnecting electricity supply of consumers in the peak summer of 2026 on the ground of non-payment of maintenance dues. Shri Sanjay Bansal, Ld. Counsel for the builder, assured this forum that such disconnections shall not be effected hereafter. The Respondent SDO/OP, Sohna, however, corroborated the factum of disconnections being carried out by the builder for recovery of maintenance charges, confirming that consumers are being harassed by the builder under the pretext of electricity dues. This forum has, on more than one occasion (orders dated 17.02.2026 and 09.03.2026), categorically held that electricity supply has no nexus whatsoever with maintenance/CAM dues and any such bundling or coercive disconnection is per se illegal.
- (iv) Issue of Fixed Charges — The appellant Shri Ankit Kumar Gupta raised an important issue that pursuant to the imposition of fixed charges by the licensee through the Tariff Order, the builder is recovering fixed charges from each consumer (890 units) which collectively far exceeds the fixed charges

payable by the builder on the single-point sanctioned load of the entire township. As a result, the builder is unjustly enriching itself at the cost of the residents.

- (v) Audit Report — The Respondent XEN, Operation, Sohna informed that the audit in the matter has been concluded by the Section Officer (Audit), DHBVN under Clause XVIII of SC D-23/2022 and nothing ambiguous was found. The appellant, however, expressed dissatisfaction stating that the audit report does not explain the facts in sufficient detail. The Ld. Counsel for the builder, on the contrary, contended that the appellant and certain other consumers were being billed on the lower side earlier and therefore the builder has the right to recover the differential.

D. OBSERVATIONS AND FINDINGS

Having considered the rival submissions, the documentary record across the four interim orders, the pleadings of all parties, the audit report and the prevailing statutory framework — namely the Electricity Act, 2003, the HERC (Single Point Supply...) Regulations, 2020 (HERC/49/2020) and its amendments thereto, the HERC Electricity Supply Code, 2014 (as amended), and DHBVN Sales Circulars D-17/2020 and D-23/2022 — this forum records the following findings:

- (a) The illegal bundling of CAM charges with electricity dues by the builder through the private "Inn4Smart" platform — to the exclusion of the mandatory DHBVN UBS — was a clear and continuing violation of SC D-23/2022 and Regulation 4 read with Regulation 7 of HERC Single Point Supply Regulations, 2020. The same stood judicially recognised by this forum in its interim orders dated 11.12.2025 and 09.03.2026.
- (b) The conduct of the licensee (DHBVN) in failing to enforce its own Sales Circular since 30.08.2022 — and tolerating use of a third-party application despite credentials of UBS having been issued to the builder in September 2023 — has been deeply unsatisfactory and amounts to dereliction of statutory duty under Section 43 read with Section 50 of the Electricity Act, 2003.
- (c) The disconnection of electricity supply for recovery of non-electricity (maintenance) dues is wholly impermissible in law. Such conduct attracts liability under Section 126 / 135 / 142 of the Electricity Act, 2003 as the case may be, and falls foul of settled law including the principles laid down in Naresh Kumar Jindal v. Unitech Realty (HERC Petition No. 07 of 2022).
- (d) As regards the issue of differential fixed charges raised by the appellant, the same arises out of the structure of the Single Point Supply regulation itself and the manner in which fixed charges are determined under the relevant Tariff Order of the Commission. The

grievance is substantive and merits regulatory examination, but the same does not fall within the adjudicatory ambit of this Ombudsman, whose jurisdiction is confined to grievances arising under Section 42(6) of the Electricity Act and the HERC (Forum and Ombudsman) Regulations. The appropriate forum for the said issue is the Director (Technical), HERC, Panchkula.

- (e) As regards the DHBVN audit, while no procedural infirmity has been pointed out, the appellant's grievance regarding lack of detailed reasoning in the report cannot be dismissed offhand. In any event, Clause XVIII of SC D-23/2022 and the underlying spirit of the UBS framework mandate transparency, and the RWA is well within its right — indeed, is required — to commission an independent audit for verification.

E. DIRECTIONS / OPERATIVE PORTION

In view of the above, and exercising powers under Regulation 11 of the HERC (Forum and Ombudsman) Regulations, 2020, this forum issues the following directions:

- (i) The CGRF, DHBVN Gurugram order dated 15.05.2025 in Case No. 4851/2025 stands modified to the extent of the directions contained herein. The impugned order is held to have been infirm to the extent it failed to (a) implead the builder and IT service provider, and (b) adjudicate the core issue of delinking of CAM charges.
- (ii) The Respondent DHBVN (XEN/OP and SDO/OP, Sohna) shall forthwith supply the pending UBS bills of March 2026 and April 2026 to the RWA / consumers, and shall henceforth ensure timely generation, digital intimation (SMS/portal/email) and supply of every subsequent bill within the prescribed timelines of the HERC Electricity Supply Code, 2014.
- (iii) The Respondent builder M/s Arete India Projects Pvt. Ltd. is strictly restrained from disconnecting electricity supply of any resident — including the appellant — on the ground of non-payment of CAM / maintenance charges. The Ld. Counsel's assurance to this effect is recorded and shall be binding. Any violation of this direction shall render the builder liable to proceedings under Section 142 of the Electricity Act, 2003.
- (iv) Liberty under Section 142 — In the event any consumer of "Our Homes-3" feels aggrieved by any unjust act of disconnection of electricity supply on account of non-payment of maintenance charges, or by any other non-compliance of the directions issued herein and in earlier interim orders, the appellant / consumer / RWA is at liberty to file a petition under Section 142 of the Electricity Act, 2003 before the

Hon'ble Haryana Electricity Regulatory Commission for appropriate penal action.

- (v) Liberty before HARERA — The appellant / RWA / consumers are further at liberty to approach the Haryana Real Estate Regulatory Authority (HARERA) under the Real Estate (Regulation and Development) Act, 2016 for redressal of the grievance of harassment by the builder on the pretext of electricity bills / CAM charges.
- (vi) Issue of Fixed Charges — Revised Petition — The issue of disproportionate recovery of fixed charges by the builder vis-à-vis the fixed charges payable by it on its single-point sanctioned load, though recorded as part of this order, does not fall within the ambit of this Ombudsman, being a regulatory matter flowing from the HERC (Single Point Supply...) Regulations, 2020 (HERC/49/2020) and the DHBVN Sales Circular No. D-17/2020 dated 06.08.2020 based thereon. The appellant / RWA is at liberty to file a revised petition before the Director (Technical), HERC, Panchkula, being the appropriate authority for examination of this issue.
- (vii) Independent Audit — While the audit conducted by the Section Officer (Audit), DHBVN under Clause XVIII of SC D-23/2022 is taken on record, in the interest of transparency and consumer confidence, the Resident Welfare Association (RWA) is hereby directed to commission an independent audit at the earliest by a qualified independent agency, as is permissible under the Sales Circular governing Unified Billing. The said independent audit shall be carried out within sixty (60) days of this order. In the event of any material disparity between the DHBVN audit and the independent audit, and should the DHBVN audit be found to be deficient / of little evidentiary value, the appellant / RWA shall be at liberty to file a complaint against such auditing officials, upon which disciplinary action shall be initiated against the said audit parties by the competent authority of DHBVN.
- (viii) Continuing Supervision — The Chief Engineer, DHBVN, Delhi Zone is hereby directed to:
 - (a) continuously monitor and review the performance and stability of the Unified Billing Software in respect of "Our Homes-3", Sohna, and submit quarterly reviews; and
 - (b) ensure that the UBS is fully and seamlessly implemented across all group housing societies / colonies falling within the territorial jurisdiction of his Zone — given that the majority of UBS implementation problems pertain to this Zone. A compliance report in this regard shall be furnished to this office every quarter for a period of one year from the date of this order.

With the above directions, Appeal No. 42 of 2025 is hereby disposed of and stands closed, with no order as to costs.

F. SPECIAL NOTE OF THIS FORUM

This forum deems it imperative to place on record a special note in the matter:

The instant appeal, registered on 30.09.2025 and arising out of a simple consumer grievance against bundling of CAM charges with electricity dues, could not be disposed of within the timeline prescribed under Regulation 21 of the HERC (Forum and Ombudsman) Regulations, 2020 and that delay was wholly attributable to the licensee's failure to discharge its statutory functions. The office of the Electricity Ombudsman, Haryana, was compelled to hold five separate hearings spanning eight months (29.10.2025, 11.12.2025, 17.02.2026, 09.03.2026 and 09.06.2026), and to issue four detailed interim orders, merely to ensure that the Unified Billing Software - which was notified by DHBVN as far back as 30.08.2022 vide SC D-23/2022 and which falls squarely within the statutory duty of the licensee under Sections 43, 50 and 86 of the Electricity Act, 2003 — was actually rolled out in respect of "Our Homes-3" and similarly placed group housing societies of the Sohna Division.

The repeated efforts of this forum required, inter alia:

Coercive directions to the SE/IT (RAPDRP Wing), DHBVN Hisar to identify and rectify systemic glitches in the UBS portal — a task that was, ex facie, an internal IT obligation of the licensee and not the function of an adjudicatory forum;
Migration directions for hundreds of dwelling units, and for the entire XEN/OP Sohna division;

Format-and-payment-interface directions mandating slab-wise tariff benefits and complete separation of CAM from electricity dues;
Show-cause directions to the SDO/XEN explaining why disciplinary action ought not to be recommended against them; and
Special audit directions under Clause XVIII of SC D-23/2022 to clean up two years of opaque billing.

It bears emphasis that none of the above was, in law or in fact, the work of this forum — each was the primary, non-delegable duty of the distribution licensee under the Electricity Act, 2003 and the Regulations framed by the Commission. This forum has had to compromise the statutory timeline of disposal of the appeal to effectively set right the SE/IT and operational systems of the licensee from scratch.

This special note is being recorded so that:

The Managing Director, DHBVN may ensure that such systemic failures are not repeated in any other group housing complex in the territorial jurisdiction of the

licensee. The Managing Director, DHBVN is directed to issue suitable internal instructions within thirty (30) days of this order to all field formations to proactively implement SC D-23/2022, failing which consumers across the State shall continue to suffer and shall be compelled to approach this forum - a state of affairs that the Electricity Act, 2003 was never intended to perpetuate.

The instant appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 11th June, 2026.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated: 11.06.2026

CC:

Memo No.978-86/EO/HERC/Appeal No. 42/2025

Dated: 12.06.2026

To

1. Shri Ankit Kumar Gupta, Q-301, Chungi #1, Sector-6, Sohna, Gurugram (Email ankit.kumar.bharwari@gmail.com)
2. The Managing Director, DHBVN, Hisar (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, DHBVN, Delhi (Email ceopdelhi@dhbvn.org.in).
5. The SE/OP, Circle, Gurugram-II, DHBVN, Gurugram HVPNL Complex, Near Police Line, Mehrauli Road, Gurugram-122001 (Email seop2gurugram@dhbvn.org.in)
6. The XEN/OP, Sohna Divn., DHBVN, Gurugram, (Email xenopsohna@dhbvn.org.in)
7. SDO/OP, Sub Division, DHBVN, Sohna, Gurugram (Email sdoopsohna@dhbvn.org.in)
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