BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
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(Regd. Post)

Appeal No.	**:**	**49 of 2025**
Registered on	**:**	**22.12.2025**
Date of Order	**:**	**15.06.2026**

In the matter of:

Appeal against the order dated 28.11.2025 passed by CGRF, UHBVN Panchkula in case No 220 of 2025

Ballarpur Industries Limited, Shri Gopal Unit, Yamuna Nagar, Dist. Yamuna Nagar (Haryana) — **Appellant**

Versus

1. The XEN/OP Division, UHBVN Yamuna Nagar
2. SDO/OP, Industrial Area, Sub Division, UHBVN, Yamuna Nagar

— **Respondent**

Before:
Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:
Shri Shamsher Singh Sodi, DGM (EXI)
Shri Rajni Prakash, A.M.

Present on behalf of Respondents:
Shri Ankush Saini, SDO/OP, Ind. Area

ORDER

A. Ballarpur Industries Limited has filed an appeal against the order dated 28.11.2025 passed by CGRF, UHBVNL, Panchkula in case no. 220 of 2025. The appellant has submitted as under: -

1. That, Ballarpur Industries Limited, Yamunanagar (hereinafter referred to as the "the Appellant"), is filing the present appeal against the Order dated 28.11.2025 bearing No. CH-13/UH/CGRF-220/2025 passed by the Consumer Grievances Redressal Forum, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), situated at Flat Nos. 519–522, Power Colony, Industrial Area, Phase-II, Panchkula-134113, Haryana (hereinafter referred to as the "Impugned Order"), which is prejudicial to the rights and interests of the Appellant. A copy of the Impugned Order is attached herewith and marked as Annexure - 1.
2. That, by the Impugned Order, the Hon'ble Consumer Grievances Redressal Forum (UHBVNL) has upheld the decision of the Sub-Divisional Officer (Operations), Sub-Division, Industrial Area, UHBVNL, Yamunanagar, holding that the Maximum Demand Indicator (MDI) of the Appellant's consumer connection exceeded the sanctioned limit during the month of August, 2025 (specifically on 26.08.2025), which was reflected in the electricity bill for the month of September, 2025. Consequently, the Forum affirmed the levy and recovery of a sum of Rs 46,40,757.48/- as penalty, being 25% of the total bill amount payable by the Appellant.

3. That, the Appellant Company, after remaining closed for several years, recommenced its industrial operations on 16.08.2025. Since the entire plant and machinery of the Appellant Company had remained shut since March, 2020, the same was required to undergo testing and trial operations, which were carried out during the period from 17.08.2025 to 30.11.2025. During the aforesaid testing and trial phase, there occurred a sudden and momentary fluctuation in the electricity supply. The said fluctuation was neither intentional nor deliberate on the part of the Appellant and occurred without any knowledge, control, or fault attributable to the Appellant Company.

4. That, the sanctioned/contract demand of the Appellant Company is 7000 KVA. For the first time in the operational history of the industry, and after a prolonged closure of several years, the MDI allegedly exceeded the sanctioned limit by approximately 11%, recording a demand of 7784 KVA. The said exceedance was a one-time, momentary occurrence, confined solely to the testing/trial phase, and not reflective of the normal operational load of the Appellant Company, which ordinarily does not exceed the sanctioned contract demand of 7000 KVA.

   A copy of the Billing Report For Meter - X1118274 is attached herewith and marked as Annexure - 2.

5. That, as per established technical norms, CT ratio, and protection relay settings, the feeder supplying electricity to the Appellant's industrial unit ought to have tripped automatically upon any over-current or demand beyond the sanctioned limit. The failure of such protective mechanisms further demonstrates that the alleged MDI exceedance was neither willful nor attributable to any fault or misuse by the Appellant Company.

6. That, on account of the aforesaid minor and momentary increase in MDI which was neither intentional nor deliberate on the part of the Appellant and occurred during the testing and trial phase as stated hereinabove, the Respondents have burdened the Appellant with an excessive, arbitrary, illegal, and wholly disproportionate penalty amounting to Rs. 46,40,757.48/-, by unlawfully including the same in the electricity bill for the month of August, 2025, pertaining to Consumer Account No. 7034580000. A copy of the electricity bill for the month of August-2025 is attached herewith and marked as Annexure - 3.

7. That, the Appellant, under protest and without prejudice to its rights and contentions, has already deposited a sum of Rs 46,40,757.48/- with the Respondents, being 25% of the total billed amount. The said levy and recovery of penalty is grossly excessive, unjustified, illegal, arbitrary, and violative of the principles of natural justice, equity, and fair play, as the alleged MDI exceedance was neither willful nor deliberate and was not attributable to any fault, misuse, or negligence on the part of the Appellant Company and caused no loss or prejudice whatsoever to the distribution

licensee, rendering the impugned levy arbitrary and unreasonable. A Copy of the payment receipt of the electricity bill for the month of August-2025 is attached herewith and marked as Annexure - 4

8. That, although Clause 9.3.5 of Sales Circular No. 02/2020 prescribes a threshold for levy of MDI surcharge where demand exceeds the sanctioned load beyond 5%, the said circular does not contemplate automatic, mechanical, or punitive imposition of 25% penalty without verification, application of mind, and satisfaction that such exceedance was sustained, habitual, and attributable to the consumer.

9. That, the alleged incident was a first-time, isolated, and non-recurring occurrence during the testing and trial phase after prolonged closure, and was neither intentional nor deliberate. The Appellant had only recently recommenced operations and was in a stabilization phase. Imposition of such a heavy and punitive penalty for a trivial and technical deviation is wholly disproportionate, defeats the principles of fairness and reasonableness, and, if not refunded, would result in grave injustice and irreparable financial loss to the Appellant, whereas no prejudice would be caused to the Respondents.

10. That, the applicability of Sales Circular No. 02/2020 presupposes proper functioning of feeder protection systems, CT ratios, and over-current relays. The admitted non-tripping of the feeder despite alleged overdrawal demonstrates either system failure, supply-side fluctuation, or metering anomaly, disentitling the Respondents from invoking the penalty clause against the Appellant.

11. That, the Hon'ble Consumer Grievances Redressal Forum, without any joint inspection, verification of CT/PT ratio, testing of metering equipment, or certification of accuracy of protection relay functioning, mechanically upheld the decision of the Sub-Divisional Officer solely on the basis of billing data, without independently examining the legality, correctness, or factual validity of the alleged MDI exceedance, thereby acting with non-application of mind.

12. That, the impugned order is based on conjectures and surmises, ignores settled principles of electricity law, and is arbitrary, unreasonable, and unsustainable in the eyes of law, and is therefore liable to be set aside.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Authority may be pleased to:

1. Set aside and quash the Impugned Order dated 28.11.2025 bearing No. CH-13/UH/CGRF-220/2025 passed by the Consumer Grievances Redressal Forum, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula;

2. Declare the levy of penalty amounting to Rs 46,40,757.48/- on account of the alleged MDI exceedance for the month of August, 2025 as illegal, arbitrary, and unsustainable in law;

3. Direct the Respondents to refund to the Appellant the amount of Rs 46,40,757.48/-, recovered from the Appellant towards the impugned penalty, along with applicable interest from the date of deposit till actual refund;
4. Pass an order restraining the Respondents from adjusting, recovering, or enforcing any further amount towards the impugned MDI penalty against the Appellant in respect of the subject billing period;
5. Pending final disposal of the present appeal, stay the operation and implementation of the Impugned Order and restrain the Respondents from giving effect to or acting upon the same in any manner whatsoever.
6. Grant any other or further relief(s) as this Hon'ble Authority may deem fit and proper in the facts and circumstances of the present case, in the interest of justice and equity.

B. The appeal was registered on 22.12.2025 as an appeal No. 49 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 16.01.2026.

C. On 15.01.2026, the respondent SDO has submitted reply, which is as under:

PRELIMINARY OBJECTIONS: -

1. That the complaint of the Appellant is not legally maintainable, as the Appellant has no cause of action to file the present suit against the answering respondent.
2. That the Appellant has no locus standi to file the present suit against the answering respondent.
3. That the Appellant is stopped from filing the present complaint by his own act and conduct against the answering respondent.
4. That the suit of the Appellant is false and frivolous to the very knowledge of the Appellant and the same is liable to be dismissed.
5. That the Appellant has concealed true and material facts from this Hon'ble court and has not come to the courts with clean hand.

REPLY ON MERITS:

1. That para No.1 of the complaint, is a matter of record. However, the Appellant is strictly liable to prove the same.
2. That para No.2 of the complaint is correct.
3. That in reply to para No.3 of the complaint, is a matter of record. However, the Appellant is strictly liable to prove the same.
4. That in reply to Para No.4 of the complaint it is submitted that true and detailed facts are given above in preceding Para up to 11% recording a demand of 7784 KVA. Rest of the Para is denied for want of knowledge.
5. That Para No.5 of the complaint, the appellant having electricity account number 7034580000 in the name of M/s Ballarpur Industries. In the electricity bill dated 09-09-2025(Copy of bill enclosed as Annexure -1), the MDI exceeded from 7000 KVA to 7784 KVA so as per sale circular no U_02/2020 instruction number

9.3.5(Copy of instruction is enclosed as Annexure-2), amount of Rs. 4640757.48/- was charged against MDI penalty and the charged amount is completely legal and as per Nigam instructions.

6. That in reply to para No.6 is wrong and hence denied.
7. That in reply to para No.7 of the complaint it is correct that the appellant deposited the electricity along with MDI penalty and rest of the Para is wrong and hence denied.
8. That para No.8 of the complaint is wrong and hence denied. True and detailed facts given above in reply of Para No 5.
9. That para No.9 of the complaint is wrong and hence denied. No cause of action arise against the answering respondent.
10. That in reply to para No.10 of the complaint is wrong and hence denied.
11. That para No.8 of the complaint is wrong and hence denied.
12. That para No.9 of the complaint is wrong and hence denied.

Last para of the Complaint containing prayer clause is wrong and hence denied. The Appellant is not entitled to get any sort of relief from this court against the answering respondent, hence the complaint of the Appellant may kindly be dismissed against answering respondent.

It is, therefore, respectfully prayed that in view of facts narrated above, suit of the Appellant may kind be dismissed with costs against the answering respondent, in the interest of justice.

D. On 16.01.2026, Shri S.S. Sodhi, representative of the Appellant has submitted which is as under:-

1) Company remained shut since March 2020, and same was required to undergo testing and trial operations, which were carried out during the period from 17.08.25 to 30.11.25.
2) During this testing and trial phase load increased 11% from sanctioned demand of 7000 KVA for 20 minutes on dated 26.08.25.
3) This may happen due to jamming of machinery/ sudden fluctuation This was neither intentional nor deliberate on our part and occurred without knowledge.
4) For the first time in the operational history of our industry, and after a prolonged closure of several years.
5) No relay tripped in this period and now after this HVPN/UHBVN are on the job to replace old electro-mechanical relay with electronic relay.
6) This clearly indicates that this was neither wilful nor attributable to any fault or misuse by the Appellant Company.
7) We have burdened an excessive illogical penalty of Rs. 46,40,757.48/-, in the electricity bill for the month of August 2025, during trial phase.

8) That, although Clause 9.3.5 of Sales Circular No. 02/2020 prescribes a verge for levy of MDI surcharge where demand exceeds the sanctioned load beyond 5%, the said circular does not contemplate automatic, mechanical, or punitive imposition of 25% penalty without verification, keeping application of mind, that such exceedance was continuous, habitual, intentionally, deliberate to the consumer history or not.

9) The Appellant had only recently recommenced operations and was in a stabilization phase. Imposition of such a heavy and punitive penalty for a minor and technical deviation is totally injustice, defeats the principles of fairness and reasonableness, if not refunded, would result in grave injustice and irreparable financial loss to us.

10) That, the applicability of Sales Circular No. 02/2020 takes for granted proper functioning of feeder protection system & system failures. the decision of the SDO solely based on billing data, without independently examining the legality, correctness, or factual validity of the alleged MDI exceedance.

11) We Pray: To set aside and cancel the Order dated 28.11.2025 bearing No. CH-13/UH/CGRF-220/2025 passed by the CGRF-UHBVN and declare the levy of penalty

12) Kindy direct the Officers of UHBVN Yamunanagar to refund to the amount of Rs 46,40,757.48/-, recovered from BILT- Yamuna Nagar towards the penalty.

E. Hearing was held on 16.01.2026 as scheduled. Both parties appeared physically. During the course of hearing, Shri S.S. Sodhi, representing the Appellant, submitted that:

- The industrial unit remained closed/shut for nearly five years due to proceedings before the National Company Law Tribunal (NCLT).
- Directions to resume operations were received only on 17.08.2025.
- Trial runs were thereafter commenced in a phased manner.
- On 26.08.2025, during this trial/stabilization phase, the Maximum Demand Indicator (MDI) exceeded the sanctioned contract demand of 7000 kVA and recorded 7784 kVA (11% excess) for a very short duration of approximately 20 minutes only.
- This brief exceedance is alleged to have occurred due to sudden jamming of machinery / momentary load fluctuation.
- The energy management system was also not functioning at the relevant time.
- Most importantly, the Appellant contended that the exceedance lasted only 20 minutes, which is less than the standard 30-minute integration/block period normally required for valid MDI registration/locking as per prevailing metering specifications.
- The old electro-mechanical relays did not trip despite the momentary high demand.
- The Appellant has strongly urged verification of the MDI locking mechanism of the meter actually installed at site.

A detailed written reply incorporating the above submissions has been filed by the Appellant during today's hearing and is taken on record.

The Respondents have defended the levy of MDI penalty of ₹46,40,757.48 (25% of the total bill amount for the month of August 2025) relying upon Sales Circular No. U-02/2020, Instruction 9.3.5 and the recorded peak demand of 7784 kVA against sanctioned demand of 7000 kVA.

After careful perusal of the appeal memo, written statement of the Respondents, documents placed on record, submissions made today and the written reply filed by the Appellant, the following inference is made out:

- The dispute involves a very substantial financial implication.
- The unit had remained non-operational for several years and had only recently resumed trial operations.
- The alleged exceedance is claimed to be of extremely short duration (20 minutes only).
- There is a serious question regarding the applicability of the 30-minute MDI integration/block period vis-à-vis the actual duration of spike.
- The energy management system was admittedly non-functional.
- The electro-mechanical protection relays failed to operate/trip despite the momentary high demand, even though the same are stated to be regularly maintained by HVPNL authorities.

In these circumstances, a fair, transparent and conclusive adjudication is possible only after detailed technical verification of all relevant aspects.

Accordingly, the following directions are issued:

The Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), in coordination with HVPNL wherever necessary, is hereby directed to furnish the following information/documents/evidence positively on or before 31st January 2026:

1. Proof of deposit of the disputed MDI penalty amount of ₹46,40,757.48 by the Appellant (including date and mode of payment).
2. Complete details of metering arrangement at consumer premises (Account No. 7034580000), including:
    - Whether double metering (main + check meters) is installed and functional
    - Make, model, type, CT/PT ratio, accuracy class of all meters
    - Dates of installation, last testing/calibration
3. Independent verification of the alleged MDI exceedance from sub-station metering data (load survey for August 2025), with comparative analysis of consumer-end and sub-station-end readings.

4. Latest accuracy test/calibration reports of all meters (main, check, CT/PT) and any history of faults/anomalies in last 12 months.
5. Detailed load survey analysis specifically including:
    - Exact nature, timing and duration of the demand spike
    - Whether the spike lasted only ~20 minutes as claimed
    - Technical specification of the installed meter regarding MDI locking/integration period (whether 30 minutes or otherwise)
    - Graphical load curve(s) for the relevant period
6. Detailed information regarding protection system including:
    - Over-current relay settings (pickup value, time delay, characteristics)
    - Event logs/fault records showing why relays did not trip
    - Specific clarification from Metering & Protection (M&P) Wing of HVPNL as to why the electro-mechanical control/protection system failed to operate/trip despite regular maintenance, and how this contributed to the MDI recording the exceedance.
7. Assessment of sub-station capacity and its ability to handle the momentary increased demand without instability/tripping.

All the above aspects shall be examined jointly by a committee comprising:

- Executive Engineer and SDO level officers from Operation Wing of UHBVNL
- Representative(s) from Metering & Protection (M&P) Wing of UHBVNL/HVPNL
- Authorized representative(s) of the Appellant

The joint inspection/examination shall be conducted transparently. A consolidated report, duly signed by all committee members, clearly recording findings, data, analysis and root cause conclusion shall be submitted to this office latest by 31st January 2026 without fail. The aforesaid exercise shall be carried out in its true spirit and without any delay or default.

The matter is adjourned and shall now be listed for further hearing on 23.02.2026.

F. On 18.02.2026, the respondent SDO has submitted further reply, which is as under:

POINT WISE REPLY:

1. Copy of bill & receipt is enclosed.
2. The reply is as under:

    - One number meter is installed at substation end & having Sr. no. X1118274 and another meter is installed at VCB & having sr no. 667059.

- The detail of meters is as under :

S. No -	X1118274
Make	Secure
Model	2019
Type	3P 4W HT PT/CT
Class	0.5s
CT/PT Ratio	400/5A (MF-80), 11000/110
Date of installation	07.02.2020
Last testing report date.	20-01-2026

• Meter installed at VCB in the substation particulars are:

T. No -	667059
Make	HPL
Model	2017
Type	3P 4W HT PT/CT
CT/PT Ratio	400/5A (MF-80), 11000/110
Class	0.5s
Date of installation	06-2019 (tentative)
Last testing report date.	Not checked before current 20.01.2026

• MT-1 Performa of both the meter is enclosed.

3. The MDI of both the meter has been check and found exceeded in TOD-3 i.e. 08:00 AM to 05:30 PM. The detail of MDI is as under:

S. No	Meter S. No	MDI	TOD
1	X1118274	97	T3
2	667059	95	T3

4. Last MT-1 enclosed. No fault occurs in the last one year.

5. The detail of reply of para is as under:

- Copy of load survey attached

- From data, It could not be ascertain that the load increase only for 20 minutes as the meter record average data for the block period i.e. 30 minutes as per technical specification (15.0 DEMAND INTEGRATION PERIOD The maximum demand integration period should be set for 30 minute by manufacturer. 16.0 MD RESET It should be possible to reset MD by the following options: a) Local push button b) Auto reset at 24:00 hrs at the end of last day of every month). The MDI register will record another value of MDI only if the MDI exceeded already recorded MDI value.

- Copy of meter technical specification is enclosed (Locking period is 30 minutes slot).

- Graphical load survey not provided by M&P wing.

6. The detailed reply received from The SSE, 66 KV Sub Station paper Mill, Yamuna Nagar is here as under:

"**Subject: Detailed information regarding protection system on 11 KV Subject: Detailed information regarding protection system on 11kV M/S Ballarpur Industries Ltd.**

Please refer to your office email dated 27.01.2026 and reference to SDO OP-S/Div Area. In reference to the above, the reply of the point no. 6 is as under:

6. Detailed information regarding protection system:

- The overcurrent earth fault relay used in the 11 kV Ballarpur Industries Limited is electromechanical type. The characteristics and settings of this relay is as follows:

  The setting of relay is PSM = 5 Amp (Secondary) of CT ratio = 400/5 Amp with IDMT characteristics.

- Events logs/fault record cannot be retrieved as the relay is electromechanical type. However, the relay trips on occurrence of all types of faults and overloading (400 Amp in this case).

- The sanctioned load of Ballarpur Industries Ltd. is 7000 KVA i.e. 367.4 Amp approx. The O/C relay provided on 11kV outgoing VCB panel to supply the power to BILT is electromechanical type IDMT relay (CDG). The setting of the relay can only be done manually as per provision on the relay i.e. 2.5 Amp, 3.75 Amp, 5 Amp, 6.25 Amp, 7.5 Amp, and 10 Amp. To achieve the sanctioned load, setting of the relay has been set on 5 Amp tap which comes out to 400 Amp on 11kV side as per CT ratio. During the incident when the load reached to the sanctioned load of 367.4 Amp, the relay was not picked up. But, from 01.06.2025 to 28.01.2026 the relay gave command to circuit breaker 23 times whenever any fault occurred and whenever the load exceed 400 Amp, the relay got picked-up and tripped the circuit breaker as per settings which indicate correctness & healthiness of protection system".

7. The detailed reply received from The SSE, 66 KV Sub Station paper Mill, Yamuna Nagar is here as under:

"**Subject: - Detailed information regarding protection system on 11kV M/S Ballarpur Industries Ltd.**

In this connection, regarding the subject cited matter, the reply of point number 7 is as follows:

7. Assessment of sub-station capacity and its ability to handle the momentary increased demand without instability/tripping

• Whenever there is momentary increased demand, the substation can handle this momentary demand without instability/tripping.

Further, it is intimated that maximum load recorded on hourly basis of said feeder is 390 Amperes on dated 26.08.2025. This feeders got tripped off 23 times from 01.06.2025 to 28.01.2026.

This is for your kind information and necessary action please."

G. On 21.02.2026, the respondent SDO has submitted facts finding report of the committee framed in the appeal no 49 of 2025 by the Hon'ble Electricity Ombudsman, HERC.

In this context it is submitted that a meeting was held in the chamber of XEN/OP, Divn, UHBVN Yamunanagar to discuss the matter of exceeding MDI of M/s Ballarpur Industries Ltd. on dated 20.02.2026. The matter was discussed in the presence of consumer & the proceeding of the committee is attached herewith.

Proceeding of the committee framed by Hon,ble Electricity Ombudsman, Haryana Electricity Regulatory Commission in appeal no 49 of 2025

Point wise reply of the interim order dated 16/01/2026 is as under:

1. Copy of bill & receipt is enclosed (A1).
2. The reply is as under:

• One number meter is installed at substation end & having Sr. no. X1118274 and another meter is installed at VCB & having sr. no. 667059.

• The detail of meters is as under :

S. No -	X1118274
Make	Secure
Model	2019
Type	3P 4W HT PT/CT
Class	0.5s
CT/PT Ratio	400/5A (MF-80), 11000/110

Date of installation	07.02.2020
Last testing report date.	20-01-2026

• Meter installed at VCB in the substation particulars are:

T. No -	667059
Make	HPL
Model	2017
Type	3P 4W HT PT/CT
CT/PT Ratio	400/5A (MF-80), 11000/110
Class	0.5s
Date of installation	06-2019 (tentative)
Last testing report date.	Not checked before current 20.01.2026

➤ MT-1 Performa of both the meter is enclosed (A2).

3. The MDI of both the meter has been check and found exceeded in TOD-3 i.e. 08:00 AM to 05:30 PM. The detail of MDI is as under:

S. No	**Meter S. No**	**MDI**	**TOD**
1	X1118274	97.38	T3
2	667059	95.8	T3

4. Last MT-1 enclosed. No fault occurs in the last one year.
5. The detail of reply of para is as under:

• Copy of load survey attached (A3).
• From the recorded data, It could not be ascertained that the load increase only for 20 minutes as the meter record average data for the block period i.e. 30 minutes as per technical specification.

15.0 Demand Integration Period

The maximum demand integration period should be set for30 minute by manufacturer.

16.0 MD RESET

It should be possible to reset MD by the following options:

a) Local push button
b) Auto reset at 24:00 hrs at the end of last day of every month.

• Copy of meter technical specification is enclosed (Locking period is 30 minutes slot) - A4.

• The graphs as retrieved from the load survey data is attached herewith (A5).

6. The detailed reply received from The SSE, 66 KV Sub Station paper Mill, Yamuna Nagar is here as under (A6):

"Subject: Detailed information regarding protection system on 11 KV Subject: Detailed information regarding protection system on 11kV M/S Ballarpur Industries Ltd.

Please refer to your office email dated 27.01.2026 and reference to SDO OP-S/Div Area.

In reference to the above, the reply of the point no. 6 is as under:

6. Detailed information regarding protection system:

• The overcurrent earth fault relay used in the 11 kV Ballarpur Industries Limited is electromechanical type. The characteristics and settings of this relay is as follows:

The setting of relay is PSM = 5 Amp (Secondary) of CT ratio = 400/5 Amp with IDMT characteristics.

- Events logs/fault record cannot be retrieved as the relay is electromechanical type. However, the relay trips on occurrence of all types of faults and overloading (400 Amp in this case).

The sanctioned load of Ballarpur Industries Ltd. is 7000 KVA i.e. 367.4 Amp approx. The O/C relay provided on 11kV outgoing VCB panel to supply the power to BILT is electromechanical type IDMT relay(CDG). The setting of the relay can only be done manually as per provision on the relay i.e. 2.5 Amp, 3.75 Amp, 5 Amp, 6.25 Amp, 7.5 Amp, and 10 Amp. To achieve the sanctioned load, setting of the relay has been set on 5 Amp tap which comes out to 400 Amp on 11kV side as per CT ratio. During the incident when the load reached to the sanctioned load of 367.4 Amp, the relay was not picked up. But, from 01.06.2025 to 28.01.2026 the relay gave command to circuit breaker 23 times whenever any fault occurred and whenever the load exceed 400 Amp, the relay got picked-up and tripped the circuit breaker as per settings which indicate correctness & healthiness of protection system".

7. The detailed reply received from The SSE, 66 KV Sub Staion paper Mill, Yamuna Nagar is here as under:

"Subject: - Detailed information regarding protection system on 11kV M/S Ballarpur Industries Ltd.

In this connection, regarding the subject cited matter, the reply of point number 7 is as follows:

7. Assessment of sub-station capacity and its ability to handle the momentary increased demand without instability/tripping

• Whenever there is momentary increased demand, the substation can handle this momentary demand without instability/tripping.

Further, it is intimated that maximum load recorded on hourly basis of said feeder is 390 Amperes on dated 26.08.2025. This feeders got tripped off 23 times from 01.06.2025 to 28.01.2026 (A7).

Conclusion of the committee

From the above deliberation or data analysis it seems:

1. MDI of the consumer found exceeded in both the meters installed at substation end & VCB from the contract demand on dated 26.08.2025 during TOD-3. The MDI exceeded also confirmed from value of current reached in VCB.

1. It could not be ascertained that the load/MDI exceeded only for 20 minutes as the meter record average data for the block period i.e. 30 minutes as per technical specification.

15.0 Demand Integration Period

The maximum demand integration period should be set for30 minute by manufacturer.

2. The setting of the relay has been set on 5 Amp tap which comes out to 400 Amp on 11kV side as per CT ratio. During the incident the current reached to 390 Amperes on dated 26.08.2025, which is less than plug setting. Hence VCB could not trip.

H. On 23.02.2026, Shri S.S. Sodhi, representative of the Appellant has submitted reply to the Facts finding report" sent on 20.02.26 (Memo No. 12/Gen/IA/H) by SDO 'OP' Yamunanagar to your good office is as below: -

1) First question mark. Recorded MDI 7784KVA/1.732X11=408Ampere, which itself is above relay setting (CTR 400/5 Plug setting-5). This is average of 30 minutes, actual load was for short duration, due to jamming of the machine. Existing relay totally fails to protect system in case of overloading may be due to the aging effect. But this relay trips with high current due to short circuit/earth fault or while putting ON 10MVA transformer.

2) Second question mark. If sub-station attendant noted in logbook 390 Ampere which is above our contract demand of 367.4 Ampere. why they did not inform us for load reduction or tripped our feeder, which is a regular practice from years.

3) Third question mark. In 66KV Paper Mill Sub Station all other outgoing feeder are protected with electronics relays except our feeder. Due to this ignorance this incident happened. Immediately after this incident we received letter from SSE (Memo No: - 3048/PM-15 Dated 19.12.2025 for the replacement of this relay, but decision is still pending. 4) Fourth question mark. There is a difference in recorded MDI of main and check meter on the same date & time.

5) Fifth question mark. Why Main & Check meters are of different makes Secure/HPL and PT is common for the switchboard bus as it should be separate for metering.

6) Sixth question mark. Department cannot be able to retrieve data of 30 minutes at the time of MDI recorded slot, due to technical issue, load survey not enabled in the meter or any other reason. Whereas it is possible as per the meter manufacturer. Also, its SIP can be changed to 15,30 & 60 seconds by some simple steps. No need to approach manufacturer.

7) Seventh question mark. The applicability of Sales Circular No. U-02/2020, instruction 9.3.5 takes for granted of proper functioning of feeder protection system, time duration of the fault and % of the load increased which is 6% only from permissible limitations in our case.

We Pray to your good self to set aside Order dated 28.11.2025 bearing No. CH-13/UH/CGRF-220/2025 passed by the CGRF-UHBVN. We have burdened an excessive illogical penalty of Rs. 46,40,757.48/-. This penalty for a minor and technical deviation is totally injustice, defeats the principles of fairness and reasonableness, if not refunded, would result in grave injustice and irreparable financial loss to us.

I. Hearing was held on 23.02.2026 as scheduled. Both parties appeared physically. During the course of hearing, the Respondents submitted the fact-finding report of the committee constituted vide this office's previous interim order dated 16.01.2026. The said report, however, was not signed by the Appellant's representatives, as they refused to endorse it on account of certain discrepancies and objections. The Appellant, in turn, presented detailed objections to the committee's findings during the hearing, and a copy of the same was provided to the Respondents.

The Appellant reiterated its submissions that the exceedance of the Maximum Demand Indicator (MDI) occurred solely due to jamming of a motor in its plant, which resulted in a momentary load spike lasting approximately 20 minutes. To substantiate this claim, the Electricity Ombudsman directed the Appellant to provide supporting evidence based on the load survey data recorded in the meter, along with any other relevant documents demonstrating how the duration of the exceedance was calculated as 20 minutes, contrary to the committee's observations.

The Appellant further contended that its industrial unit had remained shut down for nearly six years, with no prior instances of MDI exceedance as per its billing records. Additionally, the Appellant asserted that it was the duty of the substation attendant to inform it of any load increase beyond 350 Amperes, as was the alleged practice prior to the unit's closure six years ago. In response, the Electricity Ombudsman observed that while such communication could be a mutual exercise for operational convenience, it cannot be imposed as a mandatory protocol after a lapse of six years, particularly considering potential changes in staffing at the 66 kV substation Paper Mill.

The Appellant emphasized that it has been a regular paying consumer of the Nigam with timely payments even during the shutdown period over the past six years. This was corroborated by the Respondent XEN, who confirmed the Appellant's consistent payment history and noted that the disputed MDI penalty has already been deposited by the Appellant.

After careful consideration of the committee's report, the Appellant's objections, documents on record, and oral submissions made today, it is deemed necessary to afford the Respondents an opportunity to address the Appellant's objections in detail for a fair and informed adjudication.

Accordingly, the following directions are issued:

1. The Appellant is directed to furnish the documentary proof, including the load survey data analysis and any supporting calculations or records substantiating the claimed duration of the MDI exceedance as approximately 20 minutes, to the Respondents and this office within seven days from the date of this order, i.e., positively on or before 02.03.2026.
2. Upon receipt of the aforesaid documentary proof from the Appellant, the Respondents (the committee already constituted vide the interim order dated 16.01.2026) are directed to examine the Appellant's objections and submit a comprehensive reply addressing the same. The reply shall specifically consider the facts of the case, existing practices within the licensee, provisions governing the protection system, and the metering regulations/specifications applicable to the installed meter. This reply shall be submitted to this office and served on the Appellant positively on or before 13.03.2026.

The matter is adjourned and shall now be listed for further hearing on 20.03.2026.

J. On 13.03.2026, SDO respondent has submitted Proceedings of the committee framed by the Hon'ble Electricity Ombudsman, Haryana Electricity Regulatory Commission in appeal no 49 of 2025 which is as under:-

The reply of the points raised by the representative M/s Ballarpur Industries Ltd in the hearing held on dated 23.02.2026 is as under:

1. The Electromechanical over current and earth fault relay provided on 11 kV Papermill Industries feeder is Inverse Definite Minimum Type (IDMT) relay where operating time inversely proportional to fault current. As the tolerance of the relay is ±5% and load current is 408 A (which is not a fault current) and increases at very slow rate, so there was not enough current that relay gave command to circuit breaker which led to tripping of circuit breaker. Although, relay gave command to circuit breaker and got tripped several times when faults occurred on the 11 kV Papermill feeder as per its IDMT characteristics.
2. As stated in the letter for non-intimation of the overloading to the firm. This is not in practice and not the duty of the substation staff to give information to the firm to reduce the running load which goes above the maximum contract demand i.e. 7000 KVA. The load was drawn by the firm themselves as per their requirement. On the other hand the power transformers were running underloaded at that time so no need to reduce the load of the 11 kV feeders. The load current on 11 kV VCB installed at firm end also recorded and monitored by the firm staff, and they should watch and reduce the load accordingly to save from the MDI penalty charges.

3. The numerical relays on 11 kV feeders at 66 kV substation Papermill has been provided, installed, and commissioned by UHBVN as per letter received from SE/Projects for CE/IT UHBVN Panchkula dated 05/XEN/AMR/RT-DAS dated 05/08/2022 (copy attached). Later on, letter from SSE 66 kV substation Papermill vide memo no. 3048/PM-15 Dated 19.12.2025 was addressed to SDO Operation UHBVN Industrial Area not Ballarpur Industries Limited for the replacement electromechanical relay with numerical relay.

4. There is approxi. 12 minutes gap in RTC of both the meters and hence the value of recorded MDI is different in both the meters. The same pattern is being followed in previous months also (may be checked from Load survey data). It is pertinent to mention here that the MDI recorded by the meter installed at VCB is also on higher side i.e. beyond the permissible limit of 5%.

5. Meters at site are installed as per the availability of meters in Nigam. Both the meters are installed at different time duration hence both the meters are of different make.

6. It could not be ascertain that the load increase only for 20 minutes as the meter record average data for the block period i.e. 30 minutes as per technical specification.

(15.0 DEMAND INTEGRATION PERIOD)

The maximum demand integration period should be set for 30 minute by manufacturer.

The MDI register will record another value of MDI only if the MDI exceeded already recorded MDI value.

7. The penalty was rightly imposed as per the instruction (9.3.5) of Nigam issued vide sale circular no U-02/2020.

K. On 08.04.2026, Sh. S.S. Sodhi representative of the company has submitted as under:-

MOST RESPECTFULLY REPLY TO HON'BLE ELECTRICITY OMBUDSMAN TO INTERIM ORDER 23.02.2026

With all the due respect our reply to your interim order of point # 1 is as below:

(I) Respondent committee framed in appeal no. 49 of 2025 is unsuccessful to submit load survey data of 30 minutes block in which MDI crossed as per Facts finding report submitted on 23.02.26. but this committee also agreed that this incident was first time in our history, only once in 30 minutes block on 26.08.25 at 11:30:00.

(II) This committee report is self-explanatory that UHBVN 11 KV side feeder protection relay was not working on overloading, it only trips on very high current/fault.

(III) My reply to this committee Fact finding report of Dt. 23.02.26 is also crystal clear that relay of UHBVN 11KV feeder not tripped as per plug setting and this over loading of sanctioned load is recorded in HVPN 66KV substation in the hourly logbook of HVPN.

(IV) My reply of 23.02.26 also proves that this is the only electromechanically relay of our feeder in this substation which has not been replaced due to ignorance of the department.

As per interim order Dt. 23.02.26 Point no.1, we are submitting following proofs as attachment with this reply, that our load exceeded only once for 15 to 20 minutes maximum on 26.08.25 due to jamming of our HT motor 400 KW, 3.3 KV, who's some rotor bars came out from the rotor cage.

Further we will show all supporting original papers in the court on the next hearing.

Attachments for Proof of the machine which became jam for 15 – 20 minutes.

1. M&P report showing that MDI increased only once on Dated 26/08/25 in 30 minutes block from 11:30:00
2. Proof of Shift Report Register of 26th August-25 in which clearly report written that HT Motor of Chipper became jam and its feeder not tripped and it was tripped manually by the Shift Engineer (Mr. Vishal Kumar) due failure of protection relay.
3. Proof of Shift Report Register of 28th August in which clearly report written that same motor was replaced with another motor as it became defective on 26.08.25 due to jamming of the machine (Mr. Vaibhav Kashyap).
4. Chipper house report copy of this date 26.08.25 in which it is clearly mentioned that power of chipper remained shut in this breakdown period.
5. This motor protection relay got tested from third party after this incident by Govt. Approved "M/S Deol Engineers" along with all plant relays testing report and this relay found defective. (Report attached)
6. Proof of this relay replaced with latest electronics motor protection relay with its commissioning report from third party (M/S Namrata Enterprises). Commissioning report of new relay attached.
7. Photographs of new relay and old relay attached.

8. Bill attached of the HT motor rotor repair of this machine from third party (M/S Nagendra Electric Works).

9. Our reply also attached to the report of the Fact-finding report given by committee interim order of Dt. 16.01.26. and interim order 23.02.26 copy also attached for reference.

In view of the facts and circumstances stated here in above, it is most respectfully prayed that this Hon'ble Authority may be pleased to declare the leavy of penalty amounting Rs. 46,40,757.48 on account of the alleged MDI exceedance for the month of August-25. Kindly direct the Respondents to refund to the appellant this penalty amount, for a minor technical deviation of 15 to 20 minutes which is totally injustice.

L. On 02.06.2026, Sh. S.S. Sodhi representative of the company has submitted as under:-

Most respectfully I am submitting some hard facts in sequence.

1. On Dated 10.08.25 we received our electricity bill with MDI penalty of Rs.4640757.48
2. After receiving bill on Dt. 10.08.25, We went to M&P to check history of meter load survey. Where SDO M&P confirmed that this incident was only once in a month of less than 20 minutes in a SIP of 30 minutes, Dt. 26.08.25 at 11.30AM value of MDI 90.48/97.38 (MPF-80) 7238/7790 KW/KVA. (Copy attached)
3. We submitted appeal against this MDI penalty in CGRF on Dt. 19.09.25 and requested to CGRF for passing order to analyse meter data which was confirmed by M&P that this incident was of less than 20 minutes only, but our appeal was turned down on Dt.28.11.25 (Our meter data of 90days expired on 24.11.25)
4. UHBVN meter SIP default setting is of 30 minutes hence this data can be remained stored for 90 days only in meter memory as per meter specifications. (Secure Make, Type E3M054, Sr. No; X1118274)
5. After decision of CGRF we further submitted our appeal to the Hon'ble Electricity Ombudsman on 19.12.25. at that time, the recorded meter data was already expired, and meter load survey was not possible.

We submitted sufficient evidence to prove that this happened due to jamming of our wood cutter (Chipper) during startup of mill after shut of five years.

I. M&P report showing that MDI increased only once on Dated 26/08/25 in 30 minutes block from 11:30:00

II. Proof of Shift Report Register of 26th August-25 in which clearly report written that HT Motor of Chipper became jam and its feeder not tripped and it was tripped manually by the Shift Engineer (Mr. Vishal Kumar) due failure of protection relay.

III. Proof of Shift Report Register of 28th August in which clearly report written that same motor was replaced with another motor as it became defective on 26.08.25 due to jamming of the machine (Mr. Vaibhav Kashyap).

IV. Chipper house report copy of this date 26.08.25 in which it is clearly mentioned that power of chipper remained shut in this breakdown period.

V. This motor protection relay got tested from third party after this incident by Govt. Approved "M/S Deol Engineers" along with all plant relays testing report and this relay found defective. (Report attached)

VI. Proof of this relay replaced with latest electronics motor protection relay with its commissioning report from third party (M/S Namrata Enterprises). Commissioning report of new relay attached.

VII. Photographs of new relay and old relay attached.

VIII. Bill attached of the HT motor rotor repair of this machine from third party (M/S Nagendra Electric Works).

IX. Our reply also attached to the report of the Fact-finding report given by committee interim order of Dt. 16.01.26. and interim order 23.02.26 copy also attached for reference that electromechanical feeder protection relay on UHBVN feeder was also not tripping on overloading, which is now being changed.

In view of the facts and circumstances stated here in above, it is most respectfully prayed that this Hon'ble Authority may be pleased to declare the levy of penalty amounting Rs. 46,40,757.48 on account of the alleged MDI exceedance for the month of August-25. Kindly direct the Respondents to refund to the appellant this penalty amount, for a minor technical deviation of 15 to 20 minutes which is totally injustice.

Decision

1. Introduction

1.1 The present appeal has been filed by Ballarpur Industries Limited, Shri Gopal Unit, Yamuna Nagar, assailing the order dated 28.11.2025 passed by the Consumer Grievances Redressal Forum, UHBVNL, Panchkula, whereby the levy of MDI penalty amounting to **Rs. 46,40,757.48** on account of recorded exceedance of sanctioned contract demand was upheld.

1.2 The appeal was registered on 22.12.2025. Notice of motion was issued to the parties and the matter was heard on 16.01.2026, 23.02.2026 and thereafter on the final date of hearing. Interim directions were issued for technical verification, production of metering/protection details, load-survey related material, and a factual report through a joint/committee exercise.

2. Factual Background

2.1 The appellant's industrial unit had remained closed for several years and resumed operations in August 2025. The case of the appellant is that the plant was in a testing/stabilization phase after restart and that on 26.08.2025 the Maximum Demand Indicator (MDI) recorded **7784 KVA** as against the sanctioned/contract demand of **7000 KVA**. On that basis, MDI penalty was levied in the bill, which amount was subsequently deposited by the appellant under protest.

2.2 The appellant does not dispute that the billing system reflected a demand above the sanctioned level; however, its principal plea is that the occurrence was isolated, of very short duration, arose during trial operations, and was allegedly associated with jamming of machinery / momentary fluctuation. The appellant further contends that if the load had actually exceeded the effective threshold in the manner alleged, the feeder protection ought to have responded, and therefore the case also discloses protection-system and/or metering-side shortcomings.

2.3 The respondents, on the other hand, have maintained that once the MDI exceeded the sanctioned contract demand beyond the applicable threshold, the levy under the governing instruction/circular followed as a billing consequence, and that the consumer was under obligation to regulate its own demand.

3. Submissions of the Appellant

3.1 The appellant has, in substance, urged that the industry had restarted after prolonged closure; that the exceedance was not habitual or deliberate; that the old electromechanical relay did not trip during the incident; that all other outgoing feeders at the 66 KV Paper Mill Sub-Station were protected by numerical relays whereas the appellant's feeder continued with an electromechanical relay; that there were issues regarding availability of detailed load-survey data; and that questions existed regarding the main/check meter configuration and use of PT.

3.2 The appellant has also relied upon its objections to the fact-finding report and contended that the protection arrangement provided on the feeder was not of the same technical standard as that on the other feeders, and that the resulting burden of a very large penalty in the peculiar facts of restart/trial phase causes disproportionate hardship.

4. Submissions and Material Produced by the Respondents

4.1 Pursuant to interim directions, technical material was brought on record. The letter issued from the office of **SDO M&P Sub Division, HVPNL, Yamuna Nagar**, bearing memo no. **87/YA-1 dated 28.01.2026**, states that the over-current/earth fault relay on the 11 KV Ballarpur feeder is of **electromechanical type**, with CT ratio **400/5 Amp**, IDMT characteristics, and setting corresponding to **400 Amp on the 11 KV side**. It also records that event logs/fault records cannot be retrieved from such relay because of its electromechanical nature, while asserting that the relay had operated on multiple other occasions and therefore, according to that office, the protection system was healthy.

4.2 The subsequent letter issued from the office of **SSE, 66 KV Sub-Station, Papermill, HVPNL, Yamuna Nagar**, bearing memo no. **3080/PM-01 dated 12.03.2026**, explains that the electromechanical relay on the feeder is an IDMT relay, with operating time inversely proportional to current, and states that because the current was about **408 Amp**, increased slowly, and was not in the nature of a fault current, the relay did not trip immediately. Significantly, the same communication also records that numerical relays on 11 KV feeders had been provided/installed/commissioned as per prior project communication, and that a proposal/letter had already been addressed for replacement of the electromechanical relay on the feeder in question.

4.3 The respondents have also disputed that there was any mandatory duty upon sub-station staff to intimate the consumer whenever load crossed a particular level, and have maintained that monitoring of running load at the consumer end was equally within the consumer's own domain.

5. Points for Determination

On the basis of the pleadings, record and rival submissions, the following points arise for consideration:

(i) Whether the recorded MDI exceedance, as reflected in the billing record, can be ignored or nullified in the present proceedings solely on the basis of the appellant's plea that the actual spike lasted for about 20 minutes only.

(ii) Whether the non-operation / delayed operation of the feeder protection system is wholly irrelevant to the controversy, or whether it discloses a material shortcoming on the part of the respondents.

(iii) Whether the appellant is entitled, in these proceedings, to direct setting aside of the MDI penalty and refund with interest.

(iv) Whether, even if the billing consequence under the governing instruction cannot be straightaway annulled by this forum, the matter nonetheless requires a considered examination by the competent administrative authority of the licensee in view of the technical shortcomings brought on record.

6. Discussion and Findings

Point No. (i): Validity of recorded MDI and effect of the appellant's "20-minute spike" plea

6.1 The appellant has consistently urged that the load excursion was momentary, approximately 20 minutes, and arose during restart/trial conditions. This plea was serious enough to warrant the interim directions issued by this office seeking detailed load survey, meter-related particulars, MDI integration/locking information and comparative metering analysis.

6.2 However, on the record ultimately placed before this office, no conclusive technical material has emerged that would justify discarding the recorded MDI figure reflected in the billing system. At the same time, the inability to produce more granular supporting data and the absence of event/log capabilities in the electromechanical relay weaken the respondents' case to the extent of explaining the incident at a finer technical level. Thus, while the appellant has not succeeded in dislodging the recorded exceedance as a billing fact, the respondents also cannot claim that every technical doubt stood fully answered.

6.3 In these circumstances, this office is not persuaded to hold that the recorded MDI exceedance deserves to be ignored altogether. The finding on record is therefore that the billing event of exceedance, as recorded, cannot be set aside merely on the basis of the appellant's assertion regarding duration, unsupported by conclusive technical proof sufficient to override the recorded demand.

Point No. (ii): Relevance of the protection-system issue

6.4 The more substantial aspect of the matter lies elsewhere. The material on record clearly establishes that the feeder in question was protected through an **ageing electromechanical IDMT relay**, that such relay did not have retrievable event/fault log capability of the kind ordinarily associated with numerical relays, and that a proposal/recommendation for replacement of the relay had already been made. The letter dated 12.03.2026 further indicates that numerical relays had already been provided on other outgoing feeders, while the Ballarpur feeder continued with an electromechanical arrangement.

6.5 This office is unable to accept the proposition that the condition, suitability and response characteristics of the protection system are wholly irrelevant. The respondents are correct in saying that a consumer must ordinarily regulate its own contract demand. Yet, when the feeder protection serving a critical industrial consumer remains on an older electromechanical platform, while replacement by numerical relay is itself under consideration or recommended, such circumstance becomes a relevant equitable and technical factor. It may not automatically nullify the billing consequence under the existing instruction, but it certainly cannot be brushed aside as immaterial.

6.6 The letters on record from the respondents' own technical side present a nuanced picture: one communication asserts overall healthiness of the relay on the basis of its operation on other occasions, whereas the later communication explains that, owing to the IDMT nature, tolerance and slow rise of current, immediate tripping did not occur in the incident in question. Read together, these communications do not exonerate the system entirely; rather, they underscore that the existing protection arrangement had inherent limitations and that the matter warranted technical upgradation.

Point No. (iii): Whether this forum can itself annul the penalty and order refund

6.7 The appellant has sought full quashing of the impugned order and refund of the deposited penalty with interest. This office has given anxious consideration to that request. However, the Ombudsman is required to act within the framework of the applicable statute, regulations, supply code and binding instructions. The mere fact that the case discloses respondent-side technical shortcomings does not, by itself, authorize this forum to rewrite or read down the applicable sales instruction in a manner not borne out by its text or by the governing regulatory framework.

6.8 In the considered view of this office, the present case does not justify an adjudicatory declaration that the recorded MDI event never occurred or that the governing instruction stood wholly inapplicable. Equally, this office is not persuaded that it can, in the teeth of the existing framework and on the present evidentiary record, directly substitute an administrative/policy relaxation by way of ordered waiver or quantified reduction. To that extent, the prayer for outright refund with interest cannot be granted by this office in the manner sought.

Point No. (iv): Whether administrative reconsideration by competent authority is warranted

6.9 Although direct quashing of the levy is not being granted, the record unmistakably shows features that call for deeper examination at the licensee's higher administrative and audit/commercial level: prolonged closure and restart of the unit; alleged first such incident after restart; continued deployment of an electromechanical relay on this feeder; acknowledged absence of advanced relay logs; existing recommendation for relay replacement; issues raised regarding main/check meters and PT arrangement; and the need for a more comprehensive review by Metering & Protection wings of both utilities.

6.10 The CGRF order, insofar as it upheld the levy, cannot be said to be unsustainable merely because the appellant raises equitable considerations. At the same time, the CGRF order did not adequately address the technical infirmities and respondent-side shortcomings which have since emerged more fully during proceedings before this office. Therefore, the appropriate course is not complete reversal of the levy by the Ombudsman, but a **modification in approach**: the billing consequence may stand for the present, yet the competent authority of the licensee must take a fresh, considered, and speaking view on whether any permissible administrative relief, mitigation, adjustment, or compensation is warranted in law, in light of the shared technical infirmity brought on record.

7. Operative Order

In view of the discussion above, the appeal is disposed of with the following directions:

7.1 The impugned order dated 28.11.2025 passed by the CGRF is **not set aside in toto**. However, it stands **modified to the limited extent** that the technical shortcomings and mitigating features noticed in the present proceedings shall not be treated as concluded against the appellant and shall receive independent consideration at the competent level of the licensee.

7.2 This office does not, on the present record, grant the prayer for outright quashing of the MDI penalty or direct refund with interest. The recorded MDI exceedance, as reflected in the billing material, is not displaced by conclusive technical evidence sufficient for that purpose in these proceedings.

7.3 At the same time, this office records that the case discloses material issues on the respondents' side, including the continued use of an ageing electromechanical protection relay on the feeder in question, the absence of retrievable event/fault logs from such relay, the existence of prior communication recommending replacement by numerical relay, and the need for fuller technical scrutiny of metering/protection aspects. These factors shall be treated as relevant mitigating/administrative considerations by the competent authority.

7.4 Accordingly, the **Whole Time Director(s) / competent authority of UHBVNL**, through its **Commercial Wing** and **Chief Auditor Wing**, with due diligence and technical inputs from the **Metering & Protection (M&P) Wings of UHBVNL and HVPNL**, shall examine the matter afresh from the standpoint of permissible administrative relief in accordance with law, instructions, delegated powers, accounting norms and technical findings. Such examination shall specifically consider:

(a) the suitability and response characteristics of the electromechanical IDMT relay installed on the Ballarpur feeder at the relevant time;

(b) the fact that replacement by numerical relay had already been proposed/recommended;

(c) whether leaving this feeder on an older protection platform, when numerical relays were being used/provided elsewhere, constituted a relevant service-side shortcoming;

(d) the non-availability or insufficiency of granular technical/event data for a more exact reconstruction of the incident;

(e) the concerns raised regarding main/check meters, PT arrangement and need for accuracy verification; and

(f) whether, in the peculiar facts of the case, any reduction, mitigation, adjustment, compensation, or other equitable administrative relief is lawfully permissible.

7.5 The aforesaid exercise shall culminate in a **reasoned speaking order** by the competent authority within **eight weeks** from the date of receipt of this order. A copy thereof shall be furnished to the appellant and also placed on the record of this office for compliance purposes.

7.6 Independently of the above, the respondents shall ensure, if not already done, that the existing electromechanical over-current/earth fault relay on the feeder serving the appellant is replaced/upgraded with a suitable **numerical relay/protection arrangement** and that proper protection coordination is verified by the competent M&P authority. Compliance in this regard shall be completed within **45 days**, with a brief compliance report to the appellant and to this office.

7.7 The respondents shall also conduct a **joint accuracy test / verification** of the main and check meters and associated metering arrangement, in the presence of the appellant or its authorized representative, through the concerned M&P wing(s), within **45 days**. The test/verification report shall be supplied to the appellant. It is clarified that this direction is issued to secure technical clarity and future certainty; the legal effect, if any, of the findings shall be considered by the competent authority while taking the speaking decision under Para 7.4 above.

7.8 It is further clarified that this office has expressed no concluded opinion on the exact quantum of administrative relief, if any, that may be permissible. The same shall be determined by the competent authority strictly in accordance with applicable law, instructions and verified technical material, uninfluenced by any observation in this order except to the extent of the issues expressly directed to be considered.

7.9 The appellant shall cooperate in the above exercise and shall make available any additional technical material/documentary support which it may wish the competent authority to consider.

7.10 With the above observations and directions, the appeal stands **disposed of**.

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

Given under my hand on 15th June, 2026.

Sd/-
(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

Dated: 15.06.2026

CC:
Memo No.1005/EO/HERC/Appeal No. 49/2025 Dated:15.06.2026

1. Ballarpur Industries Limited, Shri Gopal Unit, Yamuna Nagar, Dist. Yamuna Nagar (Haryana) (email ss.sodhi@biltpaper.in)
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer (Commercial), Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email cecommercial@uhbvn.org.in)
5. The Chief Auditor, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email chiefauditor@uhbvn.org.in)
6. The Chief Engineer (Operation), Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email ceoppanchkula@uhbvn.org.in).
7. The SE (Operations), Yamunanagar, Hydel Colony, Near Kanhiya Sahib Chowk, Yamuna Nagar (Email seopyamunanagar@uhbvn.org.in)
8. XEN/OP Division, UHBVN Saharanpur road patel nagar near 66 KV S/Station HVPNL Yamuna Nagar, (Email xenopynr@uhbvn.org.in)
9. XEN/M&P Division, UHBVN, 66KV Sub Station, Patel Nagar, Yamuna Nagar, Haryana (Email xenmnpyamunanagar@uhbvn.org.in)
10. SDO/OP Industrial Area Sub Division, UHBVN, Azad nagar road near Khalsa College Yamuna Nagar (Email sdoopindareaynr@uhbvn.org.in)