BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
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(Regd. Post)

Appeal No.	**:**	**14 of 2026**
Registered on	**:**	**22.04.2026**
Date of Order	**:**	**03.08.2026**

In the matter of:

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Appeal against the order dated 06.04.2026 passed by CGRF, DHBVN Gurugram in case No 4976/2025

SATYA DEVELOPERS PVT. LTD. (HERMITAGE CONDOMINIUM ASSOCIATION) SECTOR-103, GURGAON, HARYANA, THROUGH ITS (PRESIDENT) MR. KAILASH KUMAR. **Appellant**

Versus

1. The XEN/OP, City Divn., DHBVN, Gurugram, Haryana
2. SDO/OP, Sub Division, New Palam Vihar, DHBVN, Gurugram, Haryana **Respondent**

Before:
Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:
Shri Akshay Gupta, Advocate

Present on behalf of Respondents:
Shri Vikram Singh, SDO
Ms. Aerika Singh, Advocate

ORDER

A. Satya Developers Pvt. Ltd. has filed an appeal against the order dated 06.04.2026 passed by CGRF, DHBVNL, Gurugram in case no. 4976 of 2025. The appellant has submitted as under: -

The present appeal is filed under Section 42(6) of the Electricity Act, 2003 read with Regulation 2.45 & Chapter-III of HERC (Forum & Ombudsman) Regulations, 2020) read with Regulation 3.16 of Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 by the Appellant against the order dated 06.04.2026 passed by the Ld. CGRF, DHBVN in Case No. 4976/2025, wherein without going through the case records and appreciating the merits of the case, the Ld. CGRF disposed of the case and passed an unreasoned non speaking order.

MOST RESPECTFULLY SHOWETH:

1. FACTS OF THE CASE

i. That Satya Hermitage is a Group Housing Residential Society situated at Sector-103, Gurugram, developed by M/s Satya Developers Pvt. Ltd., comprising multiple residential dwelling units constructed in a phased manner and presently maintained and managed through its Residents Welfare Association (RWA) named The Hermitage Condominium Association(Regd).

ii. That the connection bearing account 4937932079 under Bulk Supply Domestic category (sanctioned load-2000 KW) is released in the name of Satya Developer Pvt Limited.

iii. That the Hermitage Condominium Association (Residents Welfare Association), Sector-103, Gurugram, is a duly registered condominium association under the Haryana Registration and Regulation of Societies Act, 2012, having been registered on 05.09.2016 vide Registration No. HR-018-2016-02706.

iv. That Mr. Kailash Kumar is the President of the Hermitage Condominium Association (RWA) and has been duly authorized by the Board/Managing Committee of the Association to file and pursue the present proceedings on its behalf.

v. That the Department of Town and Country Planning (DTCP), Haryana, issued an Occupation Certificate in favour of the developer for Tower-6 (48 dwelling units), Tower-7 (78 dwelling units), Tower-8 (93 dwelling units) and EWS Block (48 units) vide Memo No. ZP-697/SD/BS(2016)/17022 dated 12.08.2016, thereby certifying that a total of 267 dwelling units were complete and ready for occupation as on June, 2016.

vi. That subsequently, the DTCP issued the Occupation Certificate for the remaining units comprising Cluster-1 (46 units), Cluster-2 (46 units), Studio Apartments (40 units), Unit Type-A (12 units) and Unit Type-B (1 unit), vide relevant approval, whereby an additional 145 units were declared complete, and accordingly, a total of 605 dwelling units (including EWS units) were ready and offered for possession by March, 2018.

vii. That thereafter, the DTCP issued a further Occupation Certificate in favour of the developer for Tower-3 (48 dwelling units), Tower-4 (50 dwelling units), Tower-5 (50 dwelling units) and EWS Block-2 (45 dwelling units) vide Memo No. ZP-697/SD/BS(2017)/12894 dated 13.06.2017, whereby an additional 193 dwelling units were certified as complete, taking the total number of ready units to 460, for which possession was also offered around June, 2017.

viii. That at the time of seeking electricity connection, the developer had duly submitted the approved Electrification Plan (EP) along with complete details of the number of dwelling units in the project, and based on the said sanctioned layout and dwelling units, the total connected load was duly assessed and sanctioned by the Respondent Nigam.

ix. That a sum of Rs. 34,95,600/- (Rupees Thirty-Four Lakh Ninety-Five Thousand Six Hundred only) was deposited by the Complainant towards Advance Consumption Deposit (ACD), as reflected in the first RAPDRP bill issued in June, 2020

x. That the connected load of the Complainant was duly sanctioned in accordance with the applicable regulations framed by the Haryana Electricity Regulatory Commission (HERC), and therefore, the Respondent Nigam is legally bound to act strictly in accordance with the said regulations while billing and levying charges.

xi. That as per the HERC Notification dated 09.01.2013 governing Single Point Supply to Group Housing Societies, a rebate of 4% on energy consumption is admissible where supply is at 11 kV. However, the Respondents have failed to grant the said rebate on the total energy consumption recorded at the single point meter for the period from the date of connection (i.e., mid-2016) till September, 2020, in clear violation of the applicable regulations.

xii. That as per the applicable Tariff Orders and Sales Circulars issued by DHBVN pursuant to HERC Orders for the relevant years:

A. For FY 2016-17, tariff slabs for Bulk Domestic Supply were:

i. Up to 500 units per dwelling unit: Rs. 4.70/kWh

ii. Above 500 units per dwelling unit: Rs. 5.85/kW

B. For FY 2017-18, tariff slabs were:

i. Up to 500 units per dwelling unit: Rs. 5.25/kWh

ii. Above 500 units per dwelling unit: Rs. 6.20/kWh

C. Thereafter, vide Sales Circular No. D-31/2018 dated 14.12.2018 issued pursuant to HERC Tariff Order dated 15.11.2018:

i. Up to 800 units per dwelling unit: Rs. 5.25/kWh

ii. Above 800 units per dwelling unit: Rs. 6.20/kWh

It is submitted that had the correct number of dwelling units i.e., 605 been duly updated in the records of the Respondent Nigam, the billing would have been done strictly in accordance with the above slab structure, resulting in substantially lower tariff liability for the Complainant.

xiii. That the developer had already submitted complete details of the dwelling units along with the approved Electrification Plan, and further, the Occupation Certificates issued by the DTCP were also duly submitted before the office of the Respondent. Despite this, the Respondent failed to update the correct number of dwelling units in its records, and consequently denied the Complainant the rightful slab benefit, which is arbitrary and contrary to the applicable regulations.

xiv. That upon repeated representations and follow-ups by the Complainant, the Respondent eventually updated the number of dwelling units; however, the same were incorrectly recorded as 283 units instead of the actual 605 units, thereby continuing the wrongful billing and denial of legitimate tariff benefits.

xv. That the ACD of the Complainant was subsequently enhanced to Rs. 38,18,100/-, as reflected in the electricity bills issued for the period August/September, 2025.

xvi. That as per Section 47 of the Electricity Act, 2003, the distribution licensee is mandated to pay interest on the security deposit (ACD) at the rate specified by the State Commission. Further, in terms of HERC Regulations and Sales Circular No. D-9/2016, the Respondent is required to credit such interest annually in the first billing cycle of the financial year.

xvii. It is submitted that the Respondent has failed to pay or adjust any interest on the ACD since the release of the connection, in blatant violation of statutory provisions and regulatory mandates. Further, as per the applicable regulations, in case of delay, the Respondent is liable to pay penal interest at the rate of 18% per annum for the delayed period

xviii. That as per the applicable Sales Circulars issued by the Respondent Nigam, read with the provisions of the Haryana Panchayati Raj Act, 1994 and the Haryana Municipal Corporation Act, 2017, Municipal Tax on electricity consumption is leviable only upon consumers falling within the municipal limits of the concerned Municipal Corporation.

It is submitted that the society of the Complainant was situated outside the municipal limits of Municipal Corporation Gurugram (MCG) and was brought within such limits only in or around March, 2021. Therefore, no Municipal Tax was leviable on the electricity consumption of the Complainant prior to March, 2021.

However, the Respondent has illegally levied and recovered Municipal Tax on electricity consumption for the period prior to March, 2021, which is wholly arbitrary, without authority of law, and liable to be refunded

1.1 That, being aggrieved by the non-resolution of the grievances of the Petitioner (Appellant herein), including the issuance of a baseless and illegal demand notice and non-compliance with the applicable tariff regulations, the Appellant filed a complaint before the Consumer Grievance Redressal Forum (CGRF), which was registered as Case No. 4976-2025.

(Copy of complaint attached as A-1)

1.2 That the Ld. CGRF disposed of the complaint vide order dated 06.04.2026, inter alia holding as under:

After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum observed that:

i. The complainant had prayed that 4% and 5 % rebate in the units consumed from DOC/ Date of commissioning of 33 KV feeder be granted and excess amount be refunded along with 18% interest. Against the contention of the complainant the respondent Nigam has replied that the rebate of 4% and 5% have already been given to the consumer in the monthly anergy bills, supported by detailed sheet. Against the reply of respondent Nigam, the complainant has not come up with any counter claim supported by calculation/ evidence indicating pending deficiency, therefore the Forum relying on the available evidence and reply of respondent Nigam decides that the instant matter is settled as complied by the respondent Nigam.

ii. The complainant has prayed before the Forum that slab benefit as per the occupation received be allowed and has supported his claim through OC received from the Government Civic bodies/ DCP. Respondent SDO of Nigam has replied that the certificate issued by DTCP is not the proof of actual residents residing i n the society that the slab benefit is given on the basis of actual residency and not on the basis of OC issued by DTCP. Against the reply of the SDO, the complainant through his rejoinder has maintained the acceptability of OC issued by DTCP a s valid towards the number of dwelling units. Forum observed that the basic contention is regarding the number of dwelling units to be entered in the billing system for applicability of slab/tariff benefit. Forum after considering the arguments/documentation of both parties observed that the OC issued by DCP or other similar body is generally a certificate implying that the building is now fit to be occupied and OC does not necessarily declare the actual number

of residences occupied and therefore the Forum has come up to rely on the clause 6.7 of HERC Regulation No HERC/49/2026 which states that " The Single Point Supply meter will be read and billed on monthly basis after completion of each calendar month for proper application of tariff as the reading prior to completion of month or post completion of the calendar month may affect the bulk supply (Domestic) tariff slab applicable on Single Point Supply to Employer's Colonies / GHS. The Employer /GHS shall update the occupancy status (nos. of flats/dwellings occupied a s on each billing date) in writing to the licensee for proper billing to avoid any wrong application of tariff for Single Point Supply". Further as claimed during the arguments by the complainant that electricity bills have been issued regularly to the residents by the RWA, the Forum allowed SDO 'Op' to seek and authenticate 1st electricity bill issued, by RWA to the residences of Satya Developer Pvt Ltd. so as to ascertain the actual residency status. The respondent SDO contacted RWA through letter Memo No. 216 dated 03.03.2026 but after getting no reply from the RWA, the respondent SO informed CGRF through Memo No. 408 dated 24.03.2026 that the required documents have not been provided by the developer/RWA.

On the basis of the above the Forum has decided to dismiss the claim of the complainant/petitioner and the retrospective slab benefit cannot be given as the RWA failed to update the occupancy of dwelling units on monthly basis as specified in DHBVN S.C. No. D - 17/2020. Forum further directs the respondent SO to get the site inspected and update the occupied dwelling units in their billing system for future bills so that slab benefit is given to the residence of the society in future bills.

iii. The complainant has prayed before the Forum that interest on security deposited along with penal interest as per SC-D-29/2016 be given to him and TDS certificate be also provided, if TDS deducted. The respondent Nigam in its reply has come up with ACD interest found to be refundable/adjustable as per the following details.

Period	Days	ACD Amount	Rate (%)	Interest	TDS (10%)	Total Interest
1.1.2018 to 31.3.2019	455	3495000	6.25	272299	27230	245069
31.3.2019 to 31.3.2020	366	3495000	6.25	218438	21844	196594
1.4.2022 to 31.3.2023	365	3405000	4.25	14863	29713	11860
					Total	453523

Respondent Nigam has also produced evidence of interest on ACD already refunded/adjusted to the consumer for period (1.1.2018 to 31.03.2019,01.04.2019 to 31.03.2020 & 01.04.2022 to 31.03.2023). Against the reply of the respondent the complainant has not come up with any counter claim supported by calculation/ evidence indicating pending deficiency, therefore the Forum decides that the ACD interest a s per the reply of respondent Nigam be refunded / adjusted in the consumer account. Respondent SDO of Nigam is also directed to provide the TDS certificate to the complainant.

iv. The complainant has prayed that Rs. 55,864/- which was charged as FSA in the bill issued in the month of Aug 2021 be refunded along with 18% interest. Respondent SDO of Nigam is his reply stated that FSA has been adjusted in the bill for the month of DEC 2021. The complainant in the rejoinder submitted has not raised any counter claim against the reply of the respondent Nigam except requesting again to refund the FSA charged in the bill of Aug 2021. Forum has decided that the claim of the complainant stands settled

v. The complainant has prayed to refund the M C Tax charged from the date of connection to March 2021 along with 18% interest arguing that the society of complainant petitioner falls outside the MC limit of Gurugram. Respondent SDO of Nigam in his reply stated that the premises was fed through independent feeder falls under Gurugram Metropolitan city. The complainant in his rejoinder submitted has not raised any counter claim against the reply of the respondent Nigam except praying again to refund the MC Tax charged. Forum has decided to dismiss the claim of the complainant.

vi. The Forum observed that the complainant has not submitted the self-declaration certificate for compliance of single point regulation as per Sales Circular D-17/2020. Forum while noting the non-compliance by the petitioner observed that as evidence of failure by petitioner/complainant of regularly updating the residency status as mandated under D-17/2020.

vii. Temporary connection as per BLDS regarding 4% rebate on units consumed under temporary category is not admissible in so far as temporary category does not come under BLDS category.

Hence, the interest claimed is rejected.

The case is closed. No cost on either side.

(Copy of order attached as A-2)

1.3 That a bare perusal of the aforesaid order would reveal that the Ld. CGRF has failed to deal with the specific contentions, objections, and documentary evidence placed on record by the Appellant, and has passed the impugned order in a mechanical manner without assigning cogent reasons. The findings recorded are cryptic, incomplete, and do not reflect proper application of mind, thereby rendering the impugned order a non-speaking and unreasoned order, contrary to the settled principles of law and the applicable HERC Regulations.

1.4 That a bare perusal of the impugned Order unequivocally reveals that the Learned Consumer Grievance Redressal Forum (CGRF) has failed to consider, appreciate, and adjudicate upon the specific contentions, objections, and documentary evidence placed on record by the Appellant. The impugned Order has been passed in a wholly casual, arbitrary, and haphazard manner, reflecting a complete non-application of mind and a mechanical approach to adjudication. The findings recorded are cryptic, sketchy, and bereft of any cogent reasoning, thereby demonstrating that the Forum has abdicated its statutory duty to render a reasoned and speaking order.

1.5 It is further submitted that the impugned Order suffers from patent perversity, inasmuch as the conclusions drawn are contrary to the material available on record and ignore relevant evidence while relying, if at all, on extraneous or irrelevant considerations. The Order also suffers from a jurisdictional error, as the Learned Forum has failed to exercise jurisdiction vested in it by law to adjudicate the issues in their proper perspective, and has thereby acted in excess of or with material irregularity in the exercise of its jurisdiction.

1.6 Accordingly, the impugned Order, having been passed in undue haste without proper application of mind, is ex facie illegal, perverse, and unsustainable in law, and is liable to be set aside for being a non-speaking and unreasoned Order, passed in flagrant violation of the principles of natural justice as well as the applicable HERC Regulations

2. GROUNDS OF APPEAL

2.1 Because , the Learned Consumer Grievance Redressal Forum (CGRF) has failed to pass a reasoned and speaking Order while deciding the complaint, in gross violation of Regulations 2.41 and 2.47 of the HERC (Forum and Ombudsman) Regulations, 2020, which mandatorily require that every Order shall be supported by cogent and recorded reasons. The impugned Order is ex facie non-speaking, cryptic, and bereft of any proper reasoning, and does not deal with or adjudicate upon the specific contentions, objections, and documentary evidence placed on record by the Appellant. The failure to assign reasons and to consider the material on record renders the impugned Order arbitrary, unsustainable in law, and liable to be set aside on this ground alone.

2.2 Because, the Learned Consumer Grievance Redressal Forum (CGRF) has acted in clear violation of Regulation 2.41 of the HERC (Forum and Ombudsman) Regulations, 2020, which mandates that a copy of the Order shall be communicated to the complainant within a period of 7 days from the date of passing of the Order. It is further submitted that, as per the applicable Regulations, the complaint is required to be decided within a period of 45 days; however, in the present case, although the matter was heard on 22.01.2026, the impugned Order came to be passed only on 03.04.2026, i.e., after an inordinate and unexplained delay of approximately 70 days from the date of hearing and about 120 days from the initiation of proceedings, in complete derogation of the prescribed timeline.

Further, the certified copy of the said Order was supplied to the Appellant only on 06.04.2026, which is beyond the prescribed statutory period of 7 days, and without any justification or explanation for such delay. The aforesaid unexplained and unwarranted delay, both in pronouncement as well as in communication of the Order, not only constitutes a breach of the mandatory provisions of the applicable Regulations but also reflects procedural arbitrariness and administrative laxity on the part of the Learned Forum.

Such inordinate delay defeats the very purpose of expeditious redressal envisaged under the statutory framework and has caused serious prejudice to the Appellant by impairing its valuable right to seek timely and effective legal remedy. The impugned Order, therefore, stands vitiated on account of such procedural illegality, is contrary to the mandate of law, and is liable to be set aside on this ground alone.

2.3 Because, the Learned Consumer Grievance Redressal Forum (CGRF), in Para (ii) of the impugned Order, has erroneously recorded that the Respondent SDO had contacted the RWA vide letter bearing Memo No. 216 dated 03.03.2026 and, upon receiving no response, informed the Forum vide Memo No. 408 dated 24.03.2026 that the requisite documents had not been furnished by the Developer/RWA. The said findings are wholly misconceived, factually incorrect, and contrary to the record. It is submitted that neither the alleged letter dated 03.03.2026 nor the Memo No. 408 dated 24.03.2026 was ever served upon or shared with the Appellant, its counsel, or the RWA during the pendency of the proceedings. Even the impugned Order itself records that the documents were shared with the RWA without discussing the same with the Petitioner, which clearly establishes a serious procedural irregularity and denial of fair opportunity. The alleged communications do not bear any proof of service, such as acknowledgment, email delivery, or receiving, thereby demonstrating that no valid service was ever effected.

2.4 Because, The Learned Forum has thus gravely erred in placing reliance on undisclosed and unserved material, in complete violation of the settled principles of natural justice, particularly the principle of audi alteram partem, as well as the established procedure that any document sought to be relied upon must be duly furnished to the opposite party to enable an effective response.

Further, the ultimate finding recorded by the Learned Forum, namely that "the Forum has decided to dismiss the claim of the complainant/petitioner and the retrospective slab benefit cannot be granted on the ground that the RWA failed to update the occupancy of dwelling units on a monthly basis as per DHBVN Sales Circular No. D-17/2020", is wholly erroneous, arbitrary, and unsupported by any material on record. The said conclusion has been arrived at without affording any opportunity to the Appellant to rebut the alleged non-compliance and is based on extraneous and unverified material, thereby rendering the impugned Order perverse, unsustainable, and liable to be set aside.

2.5 Because, the Learned Consumer Grievance Redressal Forum (CGRF), in Para (iii) of the impugned Order, has recorded findings which are self-contradictory, erroneous, and perverse on the face of the record. The Forum has noted that the Respondent SDO admitted that interest on ACD was not paid for the periods 01.01.2018 to 31.03.2020 and 01.04.2022 to 31.03.2023; however, in the very same breath, the Forum has proceeded to record that the Respondent Nigam has already produced evidence showing that the interest on ACD for the said periods stood refunded/adjusted in the consumer's account.

2.6 Because, The aforesaid findings are inherently contradictory and demonstrate complete non-application of mind, as once there is a categorical admission on behalf of the Respondent that the ACD interest for the relevant periods was not paid, there could not have been any valid basis for the Learned Forum to simultaneously conclude that the same stood already refunded/adjusted and duly proved on record. It is further submitted that the Learned Forum has wrongly recorded that the Complainant had not filed any counter-claim supported by calculations or evidence, whereas the Appellant had, in fact, specifically placed on record detailed written submissions along with calculations clearly setting out the amount of ACD interest refundable. The said material has been completely ignored and not even adverted to in the impugned Order.

2.7 Because, The impugned findings, being based on contradictory reasoning, misreading of the record, and ignoring material evidence placed on record by the Appellant, are ex facie perverse and unsustainable in law. The direction of the Learned Forum to accept the version of the Respondent Nigam without proper verification or adjudication further renders the impugned Order arbitrary and liable to be set aside on this ground alone.

2.8 Because, The Learned Consumer Grievance Redressal Forum (CGRF), in Para (v) of the impugned Order, has erroneously rejected the claim of the Appellant seeking refund of Municipal Corporation (MC) Tax charged from the date of connection till March, 2021, along with applicable interest, on wholly incorrect and untenable grounds.

2.9 Because, The Learned Forum has recorded that the Respondent Nigam stated that the premises falls under Gurugram Metropolitan City on account of being fed through an independent feeder, and further observed that the Complainant had not raised any counter-claim to rebut the said contention. However, the said finding is factually incorrect and contrary to the record. The Appellant had specifically placed on record all relevant and supporting documents, including the applicable Gazette Notification, which clearly establishes that MC Tax was not leviable on electricity consumption in the concerned area till January, 2021.

2.10 Because, The Learned Forum has failed to consider and appreciate the said documentary evidence and has dismissed the claim in a mechanical manner without any proper adjudication or reasoned analysis. The mere assertion of the Respondent, without any legal or documentary substantiation, could not have been accepted in preference to statutory notifications placed on record by the Appellant.

2.11 Because, The impugned finding, therefore, suffers from non-application of mind, misreading of the record, and ignoring material evidence, rendering the same perverse and unsustainable in law. The rejection of the Appellant's claim on such erroneous premises is arbitrary and liable to be set aside on this ground alone.

2.12 Because, The Learned Consumer Grievance Redressal Forum (CGRF), in Para (vi) of the impugned Order, has recorded findings which are factually incorrect, legally untenable, and reflective of a complete misappreciation of the applicable provisions. The Learned Forum has observed that the Appellant/Complainant failed to submit a self-declaration certificate for compliance with the Single Point Regulation as per Sales Circular D-17/2020, and has treated the same as evidence of non-compliance in respect of updating the residency/occupancy status.

2.13 Because, The said finding is wholly erroneous and contrary to the factual position on record. It is submitted that prior to the issuance of Sales Circular D-17/2020, there was no change in occupancy, and therefore, no occasion arose for furnishing any such declaration or undertaking. The Learned Forum has failed to appreciate that the requirement of submission of such certificate cannot be applied mechanically or retrospectively in the absence of any change in occupancy status.

Further, the issue relating to alleged non-domestic supply (NDS) charging and compliance requirements had already been adjudicated in earlier proceedings, and therefore, the insistence upon furnishing such undertaking again in the present proceedings is wholly redundant, unwarranted, and beyond the scope of the present dispute.

2.14 Because, The impugned finding thus suffers from misapplication of the relevant circular, non-consideration of the factual matrix, and an erroneous expansion of compliance requirements, rendering the same arbitrary, perverse, and unsustainable in law. The said finding is liable to be set aside on this ground alone.

2.15 Because, the Learned Consumer Grievance Redressal Forum (CGRF), in similar and identically placed matters, has granted relief to consumers on the very same issues; however, in the present case, the Learned Forum has adopted a completely inconsistent and contradictory approach without assigning any cogent reason for such deviation. Such arbitrary departure from established precedents is impermissible and violative of the doctrine of consistency.

2.16 It is a settled principle of law that quasi-judicial authorities are bound to maintain consistency in their decisions, and any deviation therefrom must be supported by cogent and recorded reasons. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in Radhasoami Satsang v. CIT, (1992) 1 SCC 659, wherein it has been held that consistency in approach should be maintained unless there are distinguishing facts. Similarly, in Union of India v. Kaumudini Narayan Dalal, (2001) 10 SCC 231, the Hon'ble Supreme Court emphasized that the State cannot take contradictory stands in identical matters.

2.17 Further, the arbitrary deviation from earlier decisions also violates the doctrine of legitimate expectation, as the Appellant had a reasonable expectation of being treated in a similar manner as other similarly situated consumers. The Hon'ble Supreme Court in Navjyoti Co-op. Group Housing Society v. Union of India, (1992) 4 SCC 477, has recognized that consistent past practice gives rise to a legitimate expectation which cannot be defeated arbitrarily.

2.18 It is further submitted that, in the instant matter, the Learned Forum has not only overlooked and disregarded the documentary evidence placed on record by the Appellant but has also travelled beyond the scope of the applicable Regulations and Sales Circulars while arriving at its conclusions, thereby committing a jurisdictional overreach.

2.19 Accordingly, the impugned Order, being inconsistent, arbitrary, contrary to settled principles of law, and passed in excess of jurisdiction, is liable to be set aside on this ground alone.

PRAYER

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

A. Set aside the impugned Order passed by the Learned Consumer Grievance Redressal Forum (CGRF) in Case No. 4976/2025, being illegal, arbitrary, perverse, non-speaking, and passed in violation of the principles of natural justice as well as the HERC (Forum and Ombudsman) Regulations, 2020;

B. Allow the present Appeal and grant the reliefs as originally prayed for before the Learned CGRF, by directing the Respondent to:

i. **Allow rebate on consumption** by granting 4% rebate on units consumed from the date of connection (including temporary connection) till September, 2020, and 5% rebate from the date of commissioning of the 33 KV feeder till date, along with refund of the excess amount charged, together with interest @ 18% per annum from the date of accrual till realization;

ii. **Grant slab benefit** in accordance with the actual occupancy/occupation status as per the OC issued by the DTCP, and refund the excess amount charged, along with interest @ 18% per annum from the date of overcharging till adjustment;

iii. **Pay interest on ACD/security deposit** at the rate prescribed by the Nigam along with penal interest @ 18% for delayed payment as per Sales Circular D-29/2016, and further direct issuance of TDS certificates for any tax deducted at source;

iv. **Refund the FSA charges** levied in the bill of August, 2021, along with interest @ 18% per annum from the date the amount became refundable till realization;

v. **Refund excess fixed charges** recovered from the Appellant, along with interest @ 18% per annum from the date of overcharging till realization;

vi. **Refund Municipal Corporation (MC) Tax** wrongly levied from the date of connection (temporary and permanent) till March, 2021, along with interest @ 18% per annum from the date of levy till realization;

vii. **Award compensation** of Rs. 1,00,000/- to the Appellant on account of harassment, mental agony, and unnecessary litigation caused due to the acts and omissions of the Respondent, along with litigation costs;

C. Pass appropriate directions to ensure strict compliance of applicable HERC Regulations and Sales Circulars by the Respondent;

D. Award interest, costs, and any other relief(s) as this Hon'ble Authority may deem fit and proper in the facts and circumstances of the case;

B. The appeal was registered on 22.04.2026 as an appeal No. 14 of 2026 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 26.05.2026.

C. On 25.05.2026, respondent has submitted as under:-

"The subject cited case pertaining to New Palam Vihar Subdivision has been fixed on dated 26.05.2026 at 11.00AM and directed undersigned to appear personally or through authorized Advocate and to submit the detailed reply.

This office sent requests to LR office HPU, Panchkula vide this office memo no.633 dated 27.04.2026 for engagement of Advocate to defend subject cited case on behalf of DHBVN and LR office engaged M/s Lex Commerci to defend the case. The reply is under preparation by the engaged Advocate. The same will be submitted in your good office within a week please.

Therefore, it requested to give time to submit the reply and it is also requested to allow the undersigned to attend the hearing through VC.

Kindly consider the above request and oblige."

D. The matter was taken up for hearing on 26.05.2026 as scheduled. The hearing was attended by the parties as noted above.

At the outset, the Respondent-SDO submitted a memo bearing No. 840 dated 25.05.2026 informing the Forum that counsel has been engaged in the matter and that the detailed reply to the appeal shall be furnished positively by 02.06.2026. The said submission was duly confirmed by the learned counsel for the Respondents.

Learned counsel for the Appellant raised a strong objection regarding the deliberate delay in filing the reply despite issuance of notice of motion on 22.04.2026, i.e., more than one month prior to the date of hearing. He further submitted that even the directions issued by the Corporate CGRF regarding crediting of ACD interest have not been complied with till date. He also highlighted the continued non-grant of rebate as per Single Point Supply Regulations and raised other issues including refund of wrongly levied Municipal Corporation Tax, grant of slab benefit from the date of issuance of Occupation Certificate, and other connected billing disputes as detailed in the appeal.

After hearing the submissions of both parties and perusing the record, the following directions are issued for proper and effective adjudication of the matter:

1. The Appellant shall file specific, point-wise written submissions/documents in support of each of its claims raised in the appeal (without any intermingling of issues). The Appellant shall also furnish:
    - Details of intimation of occupancy/updated number of occupied dwelling units submitted to the Respondent (supported by UBS portal entries or other documentary proof);
    - Copies of electricity bills issued by the RWA to individual residents along with proof of payment (Cheque/e-UPI receipt etc.);
    - Event-wise sequence of events starting from the date of request for release of regular electricity connection till date;
    - Relevant Government notifications/Gazette notifications substantiating the claim that the society was outside the municipal limits of Gurugram till March 2021.

2. The Respondents shall file a detailed and comprehensive reply to the appeal along with all supporting documents and documentary evidence in support of their contentions so as to enable fruitful adjudication of the matter.

Both parties are directed to ensure that their respective replies/rejoinders reach the office of the undersigned at least 7 days prior to the next date of hearing so that the other side may file its response, if any.

List the matter for further hearing on 15.06.2026 at 11:00 AM. Both parties shall remain present either in person or through their authorized counsel, duly prepared to address all issues.

E. On 27.05.2026, appellant counsel has submitted compliance with the interim order dated 26.05.2026 passed by the Hon'ble Electricity Ombudsman in Appeal No. 14 of 2026, the Appellant is submitting the following written submissions:

1. Grievance relating to ACD Interest That an amount of Rs. 34,95,600/- was deposited as ACD on 08.01.2014 vide Receipt No. 21120114122. The total amount of interest on ACD along with penal interest, as calculated till date, comes to Rs. 40,44,355/-. The detailed calculation sheet is attached herewith as Annexure R1/1. It is further submitted that an additional amount equivalent to approximately two times the ACD was also deposited by the Appellant, and the record of the same is presently being traced out and shall be placed on record as and when retrieved.
2. Grievance relating to Tariff Regulations / Rebate & Slab Benefit That it is an admitted fact that the intimation regarding 283 dwelling units was submitted to the Respondent department during the year 2016–2017, which is duly available on the record of the Respondent SDO. Accordingly, the Appellant became entitled to the 4% rebate along with slab benefit in terms of the applicable Single Point Supply Regulations.
3. It is submitted that the rebate and slab benefit for the period 2018–2020 comes to approximately Rs. 32 lakhs, the detailed calculations are attached herewith as annexure R1/2. It is further clarified that, as per the Occupancy Certificates, the total occupancy in the society had reached 605 units from March 2018 onwards and, therefore, the slab benefit is liable to be granted for the entire 605 occupied dwelling units from the said period.
4. it is further submitted that the Respondent SDO is the custodian of the relevant records and documents pertaining to the present matter. The Hon'ble Commission, from time to time, has issued various Regulations, Tariff Orders, and directions specifically mandating that the applicable regulations, particularly the Tariff Regulations and the Regulations governing payment of interest on ACD, are to be implemented in toto and in a time-bound manner.
5. However, despite the same, the Respondent SDO has deliberately failed and neglected to grant the admissible interest on ACD within the prescribed period, due to which the Nigam has unnecessarily been burdened with liability towards penal interest. The said delay is wholly attributable to the inaction and negligence of the concerned Respondent SDO. Infact the SDO mislead the Ombudsman and

submitted that the " interest on ACD has already been given" and also hide the actual calculation before the CGRF as well. Therefore, it is respectfully prayed that the penal interest component arising on account of such deliberate delay may kindly be recovered from the personal pocket/salary of the concerned Respondent SDO and not from the public exchequer/Nigam funds.

6. The relevant Government Notifications/Circulars pertaining to levy and applicability of Municipal Tax, relied upon by the Appellant in support of its contentions, are appended herewith for the kind consideration of this Hon'ble Authority. The said notifications clearly demonstrate that the premises/society was outside the municipal limits during the relevant period and, therefore, levy of Municipal Tax upon the Appellant was illegal, arbitrary, and liable to be refunded/adjusted accordingly.

Submitted for kind consideration of this Hon'ble Authority.

F. On 03.06.2026, counsel of respondent SDO has submitted reply which is as under:

1. The present reply is being filed through Sh. Vikram Singh, presently working as SDO'OP' S/Divn., New Palam, Dakshin Haryana Bijli Vitran Nigam Ltd. (hereinafter referred to as 'DHBVN'), who is competent to file the present reply and is fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record of the Respondent-Nigam.
2. The present Appeal has been preferred by the Appellant under Section 42(6) of the Electricity Act, 2003 (hereinafter 'EA, 2003') read with Regulation 3.16 of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 (hereinafter 'Regulations, 2020'), challenging the impugned Order dated 06.04.2026 passed by the Ld. Consumer Grievance Redressal Forum (hereinafter 'CGRF'), DHBVN, Gurugram in Case No. 4976/2025.
3. That vide the impugned Order dated 06.04.2026, the Ld. CGRF, after duly considering the reply filed by the Respondent-Nigam and the submissions advanced by the parties during the course of proceedings, closed the complaint. The Ld. CGRF has rightly rejected and dismissed the claims raised by the Appellant, and decided all issues in favour of the Respondents. Aggrieved by the said findings, the Appellant has preferred the present Appeal, inter alia, challenging the following findings of the Ld. CGRF:

> "After considering the reply of both the complainant and SDO and submissions made by them in the hearing, the Forum observed that:
>
> (i) The complainant had prayed that 4 % and 5% rebate in the units consumed from DOC/ Date of commissioning of 33 KV feeder be granted and excess amount be refunded along with 18% interest. Against the contention of the complainant the respondent Nigam has replied that the rebate of 4% and 5% have already been given to the consumer in the monthly anergy bills, supported by detailed sheet. Against the reply of respondent Nigam, the complainant has not come up with any counter claim supported by calculation/ evidence indicating pending deficiency, therefore the Forum relying on the

available evidence and reply of respondent Nigam decides that the instant matter is settled as complied by the respondent Nigam.

(ii) The complainant has prayed before the Forum that slab benefit as per the occupation received be allowed and has supported his claim through OC received from the Government Civic bodies/ DTCP. Respondent SD0 of Nigam has replied that the certificate issued by DTCP is not the proof of actual residents residing in the society that the slab benefit is given on the basis of actual residency and not on the basis of OC issued by DTCP. Against the reply of the SDO, the complainant through his rejoinder has maintained the acceptability of OC issued by DTCP as valid towards the number of dwelling units. Forum observed that the basic contention is regarding the number of dwelling units to be entered in the billing system for applicability of slab/tariff benefit. Forum after considering the arguments/ documentation of both parties observed that the OC issued by DTCP or other similar body is generally a certificate implying that the building is now fit to be occupied and OC does not necessarily declare the actual number of residences occupied and therefore the Forum has come up to rely on the clause 6.7 of HERC Regulation No HERC/49/2026 which states that " The Single Point Supply meter will be read and billed on monthly basis after completion of each calendar month for proper application of tariff as the reading prior to completion of month or post completion of the calendar month may affect the bulk supply (Domestic) tariff slab applicable on Single Point Supply to Employer's Colonies/GHS. The Employer /GHS shall update the occupancy status (nos. of flats/dwellings occupied as on each billing date) in writing to the licensee for proper billing to avoid any wrong application of tariff for Single Point Supply". Further as claimed during the arguments by the complainant that electricity bills have been issued regularly to the residents by the RWA, the Forum allowed SDO 'Op' to seek and authenticate 1st electricity bill issued, by RWA to the residences of Satya Developer Pvt Ltd. so as to ascertain the actual residency status. The respondent SDO contacted RWA through letter Memo No. 216 dated 03.03.2026 but after getting no reply from the RWA, the respondent SDO informed CGRF through Memo No. 408 dated 24.03.2026 that the required documents have not been provided by the developer/RWA. On the basis of the above the Forum has decided to dismiss the claim of the complainant/petitioner and the retrospective slab benefit cannot be given as the RWA failed to update the occupancy of dwelling units on monthly basis as specified in DHBVN S.C. No. D17/2020. Forum further directs the respondent SDO to get the site inspected and update the occupied dwelling units in their billing system for future bills so that slab benefit is given to the residence of the society in future bills.

(iii) The complainant has prayed before the Forum that interest on security deposited alongwith penal interest as per SC-D-29/2016 be given to him and TDS certificate be also provided, if TDS deducted. The respondent Nigam in its reply has come up with ACD interest found to be refundable/adjustable as per the following details.

ACD INTEREST FOUND TO BE REFUNDABLE/ADJUSTABLE OF M/S SATYA DEVELOPER SEC 10 3 GURUGRAM						
PERIOD	DAYS	ACD AMOUNT	INTEREST RATE	INTEREST	10% TDS	TOTAL INTEREST ON ACD
1.1.2018 TO 31.3.2019	455	3495000	6.25	272299	27230	245069
1.4.2019 TO 31.3.2020	366	3495000	6.25	218438	21844	196594
1.4.2022 TO 31.3.2023	365	3495000	4.25	148563	29713	118850
					GRAND TOTAL	560513

Respondent Nigam has also produced evidence of interest on ACD already refunded/adjusted to the consumer for period (1.1.2018 to 31.03.2019, 01.04.2019 31.03.2020 & 01.04.2022 to 31.03.2023). Against the reply of the respondent the complainant has not come up with any counter claim supported by calculation/ evidence indicating pending deficiency, therefore the Forum decides that the ACD interest as per the reply of respondent Nigam be refunded / adjusted in the consumer account. Respondent SD0 of Nigam is also directed to provide the TDS certificate to the complainant.

(iv) The complainant has prayed that Rs. 55,864/- which was charged as FSA in the bill issued in the month of Aug 2021 be refunded along with 18% interest. Respondent SDO of Nigam is his reply stated that FSA has been adjusted in the bill for the month of DEC 2021. The complainant in the rejoinder submitted has not raised any counter claim against the reply of the respondent Nigam except requesting again to refund the FSA charged in the bill of Aug 2021. Forum has decided that the claim of the complainant stands settled.

(v) The complainant has prayed to refund the MC Tax charged from the date of connection to March 2021 along with 18% interest arguing that the society of complainant petitioner falls outside the MC limit of Gurugram. Respondent SDO of Nigam in his reply stated that the premises was fed through independent feeder falls under Gurugram Metropolitan city. The complainant in his rejoinder submitted has not raised any counter claim against the reply of the respondent Nigam except praying again to refund the MC Tax charged. Forum has decided to dismiss the claim of the complainant.

(vi) The Forum observed that the complainant has not submitted the self-declaration certificate for compliance of single point regulation as per Sales Circular D-17/2020. Forum while noting the non-compliance by the petitioner observed that as evidence of failure by petitioner/complainant of regularly updating the residency status as mandated under D-17/2020.

(vii) Temporary connection as per BLDS regarding 4% rebate on units consumed under temporary category is not admissible in so far as temporary category does not come under BLDS category. Hence, the interest claimed is rejected."

4. All submissions are made in the alternative and without prejudice to each other. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.

PRELIMINARY SUBMISSIONS/ OBJECTIONS:

I. APPEAL NOT MAINTAINABLE FOR LACK OF AUTHORIZATION, SUPPRESSION OF MATERIAL FACTS AND RE-AGITATION OF SETTLED ISSUES

5. At the very threshold, the present Appeal is liable to be dismissed as being fundamentally non-maintainable for want of proper authorization and locus standi. It is an admitted position that the registered consumer is M/s Satya Developers Pvt. Ltd., a distinct juristic entity which can act only through duly authorized representatives. However, the present Appeal has been filed through Mr. Kailash Kumar, purportedly President of the Hermitage Condominium Association, without placing on record any Board Resolution, authorization, or Power of Attorney either from the said company or even from the Association authorizing him to institute and prosecute the present proceedings. In the absence of such authorization, the Appeal pertaining to disputes intrinsically linked to the electricity account of the said company, including ACD, tariff and billing issues is ex facie defective and not maintainable. Without prejudice thereto, the Appeal is also liable to be rejected as the Appellant is seeking to reagitate issues which are misconceived, legally untenable, and barred under the applicable framework, having suppressed material facts and prior proceedings, thereby disentitling itself from any equitable relief. It is further pertinent that even in the earlier proceedings before the Ld. CGRF in Case No. 4893/2025, the issue of locus standi of the RWA/representative vis-à-vis the registered consumer was specifically raised and recorded, which continues to remain unsubstantiated in the present proceedings as well.
6. Without prejudice to the aforesaid, the present proceedings arise from the very same electricity connection and substantially overlapping billing disputes which already stood adjudicated in Complaint No. 4893/2025 before the Ld. CGRF, culminating in Order dated 08.07.2025 (Annexure R-1), and thereafter carried in Appeal No. 39/2025 before the Electricity Ombudsman, Haryana. Vide Interim Order dated 24.11.2025 (Annexure R-2), the Ld. Ombudsman issued specific directions, inter alia, for rechecking of NDS unit calculations, extension of slab benefit, examination of MC Tax applicability, and consequential adjustments, which have since been duly complied with by the Respondent-Nigam in a bona fide manner, the benefits whereof are already being availed by the Appellant.

II. BRIEF BACKGROUND

7. That it is respectfully submitted that the Appellant is a Group Housing Residential Society known as 'Satya Hermitage', situated at Sector-103, Gurugram, developed by M/s Satya Developers Pvt. Ltd., a company incorporated under the provisions of

the Companies Act, 1956/2013. The project comprises multiple residential towers, EWS blocks, cluster apartments and allied residential units constructed in a phased manner. The electricity connection in question bearing Account No. 4937932079 was released under the Bulk Supply Domestic (hereinafter 'BLDS') category in the name of M/s Satya Developers Pvt. Ltd., with a sanctioned connected load of 2429.50 KW/2699 KVA, in accordance with the applicable HERC Regulations governing Single Point Supply (hereinafter 'SPS') to Group Housing Societies and Residential Complexes.

8. The development of the project was carried out in phases, and Occupation Certificates were issued by the Department of Town and Country Planning (DTCP), Haryana at different stages between 2016 and 2018, covering various towers, EWS blocks, cluster apartments and residential units. Initially, an Occupation Certificate dated 12.08.2016 was issued for Towers-6, 7 and 8 along with the EWS Block, followed by further certificates dated 13.06.2017 and in March 2018 for the remaining components, aggregating to approximately 605 dwelling units, as per the Appellant's own case. The permanent electricity connection under the BLDS category was thereafter released on 24.03.2018 upon completion of codal formalities and deposit of requisite ACD amounting to Rs. 34,95,600/-. Prior to such release, electricity supply was being availed through temporary connections governed by a distinct tariff framework, which position is also admitted by the Appellant.

III. ISSUE-WISE REPLY TO THE FINDINGS RECORDED BY THE LD. CGRF IN THE IMPUGNED ORDER DATED 06.04.2026

i. RE: Claim of 4% / 5% Rebate

9. That the allegation regarding non-grant of 4% and 5% rebate is wholly misconceived and contrary to the applicable tariff framework. As per the HERC Tariff Orders, such rebate is admissible only upon supply under permanent BLDS category and is not applicable during the period when supply was availed through temporary connection arrangements. Admittedly, prior to 24.03.2018, the project was under temporary supply and, therefore, no rebate was admissible for the said period. For the period subsequent thereto, the applicable rebate has already been duly granted and reflected in the energy bills and billing records (Annexure R-3). The Appellant has failed to produce any cogent material indicating any deficiency. The Ld. CGRF has, therefore, rightly concluded that the rebate stands duly granted and no further claim survives, which finding warrants no interference.

ii. RE: Non-furnishing of occupancy data and claim of slab benefit

10. That under the applicable HERC Regulations and Sales Circular No. D-17/2020, the obligation to furnish periodic occupancy/self-declaration details rests upon the Group Housing Society/Developer/RWA, and slab benefit is extendable strictly on the basis of actual occupied dwelling units as declared by the consumer. In the absence of such authenticated disclosures, the Respondent-Nigam cannot presume or retrospectively adopt occupancy figures. The relevant provision mandates furnishing of self-declaration regarding actual occupied dwelling units for proper billing. The relevant extract reads as under:

> "The Group Housing Society/Developer/RWA shall furnish self-declaration regarding actual occupied dwelling units/residency status from time to

time for updation in billing system for the purpose of extension of slab benefit."

11. In the present case, no periodic occupancy declarations or authenticated records establishing occupancy of 605 units were furnished by the Appellant. On the contrary, the Developer itself initially declared 251 units, which were subsequently verified and updated to 283 units in the billing system, and slab benefit was extended accordingly. No supported request for enhancement to 605 units was ever made during the relevant period. The reliance placed on Occupation Certificates is misplaced, as the same do not establish actual occupancy for tariff purposes. The Ld. CGRF has, therefore, rightly held that slab benefit cannot be granted retrospectively in the absence of occupancy data, particularly when the Appellant failed to comply with the mandatory requirement of furnishing periodic occupancy details despite specific opportunity. It is pertinent to note that the Respondent-SDO, vide Memo No. 216 dated 03.03.2026 (Annexure R-4), called upon the Appellant/RWA to furnish occupancy details. However, no response was received, and the same was duly reported before the Ld. CGRF vide Memo No. 408 dated 24.03.2026 (Annexure R-5). The Ld. CGRF has, therefore, rightly held that in the absence of requisite occupancy data and continued non-compliance on the part of the Appellant, the claim for retrospective slab benefit is untenable and liable to be rejected.

iii. RE: ACD interest and penal interest claim

12. That the admissible ACD interest has already been duly computed and adjusted in accordance with Section 47(4) of the Electricity Act, 2003 read with applicable HERC Regulations. The relevant calculations stand reflected in the billing records and detailed ACD calculation sheet (Annexure R-6), and the Respondent-Nigam has undertaken to provide TDS certificates as per law. The claim for penal interest is wholly untenable, as there has been no delay or default in adjustment of admissible interest. No prior dispute or deficiency was raised by the Appellant before initiating the present proceedings. The Ld. CGRF has, therefore, rightly accepted the computation furnished by the Respondent-Nigam and directed adjustment/refund accordingly, which finding is well-reasoned and warrants no interference.

iv. RE: Fuel Surcharge Adjustment (FSA) claim

13. That the allegation regarding FSA is without merit. The FSA component for August 2021 had already been duly adjusted in the subsequent bill for December 2021 in accordance with the applicable billing mechanism. The Ld. CGRF has rightly held that the issue stands settled, as no contrary material was placed on record by the Appellant to dispute such adjustment. The present claim is merely repetitive and untenable.

v. RE: Levy of MC Tax

14. That the levy of MC Tax has been imposed strictly in accordance with the applicable tariff orders and statutory framework, as the premises fall within the Gurugram metropolitan region and are supplied through an urban feeder. The Ld. CGRF has rightly dismissed the claim of the Appellant, particularly in the absence of any substantiated material to contradict the applicability of MC Tax. Further, the Respondent-Nigam has already undertaken recalculation/adjustment pursuant to

the directions of the Electricity Ombudsman, which benefit has been availed by the Appellant.

15. That it is further submitted that pursuant to the Interim Order dated 24.11.2025 passed by the Ld. Electricity Ombudsman, Haryana in Appeal No. 39/2025, the Respondent-Nigam has already undertaken the requisite recalculation and extended refund/adjustment of MC Tax to the consumer in compliance of the directions issued therein. Having already availed the benefit of such refund/adjustment, the Appellant cannot once again seek identical relief through successive proceedings before this Hon'ble Forum. Any such attempt would amount to unjust enrichment, repetitive recovery, and abuse of the adjudicatory process, which is impermissible in law.

vi. RE: Non-compliance of regulations governing Single Point Supply (SPS)

16. That it is submitted that the Appellant failed to comply with the mandatory requirement of furnishing self-declaration and occupancy details under Sales Circular D-17/2020. Such non-compliance has been duly recorded by the Ld. CGRF. The Ld. CGRF has rightly held that in the absence of such compliance, the Appellant cannot claim retrospective tariff benefits. A party cannot be permitted to take advantage of its own omission and regulatory non-compliance.

vii. RE: Temporary supply and inadmissibility of rebate

17. It is an admitted position that prior to release of permanent BLDS connection, supply was being availed through temporary connection, which is governed by a separate tariff framework. The Ld. CGRF has rightly held that rebate benefits are not admissible under temporary category, and accordingly rejected the claim of the Appellant.

IV. BAR AGAINST RE-AGITATION AND DUPLICATE RELIEF

18. It is respectfully submitted that the present Appeal seeks to reopen issues arising from the same electricity connection and billing framework, which have already been adjudicated and substantially complied with pursuant to earlier proceedings before the Ld. CGRF and the Electricity Ombudsman. The Ld. CGRF has rightly appreciated that the Respondent-Nigam has already extended slab benefit, rebate, ACD interest adjustment, and other consequential reliefs, the benefit whereof is being availed by the Appellant.

19. The present proceedings, therefore, amount to re-agitation of settled issues and an attempt to secure duplicate relief. It is settled that well-reasoned findings of fact are not to be interfered with in appellate jurisdiction unless shown to be perverse or contrary to record, which is not the case herein. The Appellant has been consistently disputing various components of billing arising out of the same connection through successive proceedings, reflecting a clear pattern of repetitive litigation and abuse of the adjudicatory process. The Appellant cannot be permitted to split causes of action and challenge different components of billing in successive proceedings arising out of the same transaction, which is impermissible in law. In State of U.P. v. Nawab Hussain AIR 1977 SC 1680, the Hon'ble Supreme Court authoritatively explained the doctrine of constructive res judicata and held that where a plea was available to a party in earlier proceedings but was not taken, such plea shall be deemed to have been constructively in issue and cannot be permitted to be raised

in subsequent proceedings, since the matter "might and ought" to have been raised in the former litigation.In Workmen of Cochin Port Trust v. Board of Trustees of the Cochin Port Trust AIR 1978 SC 1283, the Hon'ble Supreme Court held that the principles of res judicata are not confined merely to civil court proceedings but extend equally to quasi-judicial adjudications before tribunals and statutory authorities, subject to the nature and finality of the earlier adjudication.

20. That the Appellant is seeking to reopen and re-agitate issues arising out of the same electricity connection, billing framework and substantially overlapping disputes, which already stood adjudicated in earlier proceedings before the Ld. CGRF and the Ld. Electricity Ombudsman. It is a settled proposition that parties cannot split causes of action, seek repetitive adjudication of interconnected billing disputes, or claim duplicate reliefs through successive proceedings. Reliance is also placed upon the judgment of the Hon'ble Supreme Court in Puja Ferro Alloys Pvt. Ltd. v. State of Goa (2025) 3 S.C.R. 138, wherein the Hon'ble Court reiterated that the principles of res judicata and constructive res judicata apply with full force and that parties, having failed in earlier proceedings, cannot subsequently reopen the same issues by adopting a different stand in later proceedings. The Hon'ble Supreme Court further held that parties are bound by earlier adjudications which have attained finality and cannot seek to reopen settled determinations through fresh proceedings or repetitive claims.

In view of the foregoing facts and circumstances, it is most respectfully prayed that the present Appeal be dismissed as being non-maintainable, devoid of merit, and an abuse of the process of law, and the impugned Order dated 06.04.2026 passed by the Ld. CGRF be upheld in toto.

PARA-WISE REPLY

That the contents of the present para, insofar as they relate to the filing of the present Appeal under the provisions of the Electricity Act, 2003 and the applicable HERC (Forum & Ombudsman) Regulations, 2020, are a matter of record. However, it is wrong and vehemently denied that the Ld. CGRF has passed the impugned Order dated 06.04.2026 without appreciating the facts and records of the case or that the same is an unreasoned or non-speaking order. On the contrary, the Ld. CGRF has duly considered the pleadings, documents placed on record, and submissions advanced by the parties, and has passed a well-reasoned and speaking order dealing with all issues raised by the Appellant. The allegations to the contrary are misconceived, baseless and are denied.

1. RE: FACTS OF THE CASE

i. That the contents of the para i., insofar as they describe the project namely Satya Hermitage being a Group Housing Residential Society situated at Sector-103, Gurugram and developed by M/s Satya Developers Pvt. Ltd., are a matter of record. However, it is denied that the Appellant, through the Residents Welfare Association (RWA), is entitled to maintain the present Appeal in the absence of any valid authorization or locus standi, as already submitted in the preliminary objections hereinabove. The remaining averments, being incomplete, vague and not giving rise to any cause of action, do not call for any further reply and are denied to the extent contrary thereto.

ii. That the contents of the para ii., insofar as they relate to the electricity connection bearing Account No. 4937932079 under the Bulk Supply Domestic category standing in the name of M/s Satya Developers Pvt. Ltd., are a matter of record. The remaining averments do not call for any reply and are denied to the extent contrary thereto.

iii. That the contents of the para iii. are wrong and denied. It is specifically denied that the Appellant has placed on record any cogent or valid document to substantiate the alleged registration of the Hermitage Condominium Association. In the absence of any supporting document, the averments made are bald, unsubstantiated and cannot be relied upon. The Appellant is put to strict proof of the same.

iv. That the contents of the para iv. are wrong and denied. It is specifically denied that Mr. Kailash Kumar has been duly authorized by the Board/Managing Committee of the alleged Association to file and pursue the present proceedings. No valid authorization, Board Resolution or supporting document has been placed on record to substantiate the same. The averments are therefore bald and unsubstantiated and are denied. The Appellant is put to strict proof thereof.

v-vii. That the contents of the paras v. to vii. are wrong and denied. It is specifically denied that the Appellant has placed on record any cogent or admissible documents to substantiate the alleged issuance of Occupation Certificates, the details thereof, or the number of dwelling units claimed to be complete and ready for occupation. In the absence of any supporting material, the averments made are bald, unsubstantiated and cannot be relied upon. The Appellant is put to strict proof of the same.

viii – x. That the contents of the paras nos. viii to x, insofar as they relate to the Electrification Plan, details of dwelling units, sanctioned layout, deposit of ACD amount and sanction of connected load, are stated to be a matter of record. However, the same are subject to verification as the Appellant has not placed on record any cogent or supporting document in this regard. It is further denied that the Respondent Nigam has acted contrary to the applicable regulations while billing or levying charges. The Appellant is put to strict proof of all such averments. The remaining averments are misconceived, not borne out from record and are denied.

xi. That the contents of the para no. xi, insofar as they relate to the HERC Notification dated 09.01.2013 governing Single Point Supply to Group Housing Societies and admissibility of 4% rebate on energy consumption where supply is at 11 kV, are a matter of record. However, it is specifically denied that the Respondent Nigam has failed to grant the said rebate on the total energy consumption. In this regard, the submissions already made in the preliminary objections are not being repeated here for the sake of brevity. The remaining averments are denied.

xii. That the contents of the para no. xii, insofar as they relate to the applicable Tariff Orders, slab rates and Sales Circulars issued by DHBVN pursuant to HERC Orders, are a matter of record. However, it is specifically denied that the Appellant is entitled to any benefit in the manner alleged or that the billing has not been carried out in accordance with the applicable tariff framework. It is further denied that the number of dwelling units as claimed by the Appellant stood duly established or required to be adopted for billing purposes in the absence of requisite declarations and supporting records. The averments are misconceived and contrary to record. The Appellant is put to strict proof of the same.

xiii – xv. That the contents of the para nos. xiii. – xv. are wrong and denied. It is specifically denied that the Appellant has placed on record any cogent or admissible document to substantiate the alleged submission of complete details of dwelling units, Electrification Plan or Occupation Certificates before the Respondent. It is further denied that the Respondent failed to update records or that any slab benefit has been wrongfully denied. On the contrary, the records have been updated based on the information furnished and verified in accordance with the applicable regulations. It is also denied that the number of dwelling units as claimed by the Appellant stood established or was required to be adopted for billing purposes. It is further submitted that the averments regarding enhancement of ACD are a matter of record. However, the same have been carried out strictly in accordance with the applicable regulations and billing framework. The remaining averments are misconceived, not borne out from record and are denied. The Appellant is put to strict proof of all such averments.

xvi. – xvii. That the contents of the paras nos. xvi. – xvii., insofar as they relate to the provisions of Section 47 of the Electricity Act, 2003 and the requirement of payment of interest on security deposit (ACD) in accordance with applicable HERC Regulations and Sales Circulars, are a matter of record. However, it is specifically denied that the Respondent has failed to pay or adjust the admissible interest on ACD. It is further denied that there has been any violation of statutory provisions or that the Appellant is entitled to any penal interest as alleged. The averments are misconceived and contrary to record. The Appellant is put to strict proof of the same.

xviii. That the contents of the para no. xviii, insofar as they relate to the applicable statutory provisions governing levy of Municipal Tax, are a matter of record. However, it is specifically denied that the premises of the Complainant were situated outside the municipal limits in the manner alleged or that Municipal Tax was not leviable for the period in question, further there is no documentary evidence annexed with the appeal to substantiate the averments. It is further denied that the Respondent has illegally levied or recovered any Municipal Tax. The averments are misconceived, contrary to record and without any supporting material. The Appellant is put to strict proof of the same.

1.1 – 1.2 That the contents of para no. 1.1 to 1.2, insofar as they relate to the filing of the complaint before the Ld. CGRF, are a matter of record. However, it is specifically denied that there was any non-resolution of grievances or that any demand notice issued by the Respondent was baseless or illegal, or that there has been any non-compliance with the applicable tariff regulations. The averments to the contrary are misconceived and denied. Further, the contents of para 1.2, being a mere reproduction of the operative portion of the impugned order, do not call for any reply.

1.3 – 1.4 That the contents of the present paras are wrong and denied. It is specifically denied that the Ld. CGRF has failed to consider the contentions, objections or documentary evidence placed on record by the Appellant or that the impugned Order has been passed in a mechanical, arbitrary or casual manner. On the contrary, the Ld. CGRF has duly appreciated the pleadings, material on record and submissions of the parties and has passed a well-reasoned and speaking order dealing with all issues raised. The allegations that the findings are cryptic, unreasoned or reflect non-application of mind are misconceived and denied.

1.5 - 1.6 That the contents of the paras nos. 1.5-1.6, are wrong and denied. It is specifically denied that the impugned Order suffers from any perversity, jurisdictional error, or has been passed without proper application of mind. It is further denied that the conclusions drawn are contrary to the material on record or that any relevant evidence has been ignored. On the contrary, the Ld. CGRF has duly considered the entire material placed before it and has passed a well-reasoned and speaking order in accordance with law. It is also denied that the impugned Order is illegal, unsustainable or in violation of the principles of natural justice or applicable HERC Regulations. The averments are misconceived and denied.

GROUNDS OF APPEAL

2.1 That the contents of the para 2.1 are wrong and denied. It is specifically denied that the Ld. CGRF has failed to pass a reasoned and speaking Order or that there has been any violation of Regulations 2.41 and 2.47 of the HERC (Forum and Ombudsman) Regulations, 2020. On the contrary, the impugned Order has been passed after due consideration of the pleadings, documents and submissions placed on record and contains clear findings on all issues raised by the Appellant. It is further denied that the impugned Order is non-speaking, cryptic or bereft of reasoning or that it fails to deal with the contentions of the Appellant. The averments to the contrary are misconceived, baseless and denied.

2.2 That the contents of the para no. 2.2 are wrong and denied. It is specifically denied that the Ld. CGRF has acted in violation of Regulation 2.41 of the HERC (Forum and Ombudsman) Regulations, 2020 or that there has been any inordinate or unexplained delay in passing or communicating the impugned Order in the manner alleged. It is further denied that any procedural irregularity or illegality has been committed so as to vitiate the proceedings. The averments regarding delay are misconceived and do not, in any manner, render the impugned Order illegal or unsustainable, particularly when the Order has been passed after due consideration of the material on record. The remaining averments are denied.

2.3 That the contents of the para 2.3 are wrong and denied. It is specifically denied that the findings recorded by the Ld. CGRF are factually incorrect or contrary to record. It is further denied that any procedural irregularity has been committed or that the Appellant was denied any opportunity of hearing during the proceedings. It is submitted that the observations made in the impugned Order are based on the material available on record and the proceedings conducted before the Ld. CGRF. The averments regarding non-service of communications are misconceived and unsupported by any material.

2.4 That the contents of the para no. 2.4 are wrong and denied. It is specifically denied that the Ld. CGRF has relied upon any undisclosed or unserved material or that there has been any violation of the principles of natural justice, including the principle of audi alteram partem. It is further denied that the Appellant was not afforded adequate opportunity to present its case or to rebut any material relied upon during the proceedings. It is submitted that the findings recorded by the Ld. CGRF are based on the material available on record and the conduct of the Appellant during the proceedings. It is also denied that the conclusion regarding non-furnishing of occupancy details in terms of the applicable Sales Circular is erroneous, arbitrary or unsupported by record. The averments to the contrary are misconceived and denied.

2.5 That the contents of the para 2.5 are wrong and denied. It is specifically denied that the findings recorded by the Ld. CGRF are self-contradictory, erroneous or perverse as alleged. It is submitted that the Ld. CGRF has duly considered the material placed on record, including the details and computation of ACD interest placed on record by the Respondent SDO, and has passed the impugned Order accordingly. It is further denied that there exists any inconsistency in the findings or that the Respondent has failed to comply with its obligations in respect of ACD interest. The averments to the contrary are misconceived and denied.

2.6 That the contents of the para 2.6 are wrong and denied. It is specifically denied that the findings recorded by the Ld. CGRF are contradictory or reflect non-application of mind. It is submitted that the Ld. CGRF has duly considered the material placed on record, including the computation and adjustment of ACD interest, and has recorded its findings accordingly. It is further denied that any material placed by the Appellant has been ignored or not considered. The averments to the contrary are misconceived and denied.

2.7 That the contents of the para 2.7 are wrong and denied. It is specifically denied that the findings recorded in the impugned Order are perverse, based on misreading of record or that any material evidence has been ignored. It is further denied that the Ld. CGRF has accepted the version of the Respondent without due verification or adjudication. On the contrary, the Ld. CGRF has duly considered the pleadings, documents and submissions placed on record and has passed a reasoned Order in accordance with law. The averments to the contrary are misconceived and denied.

2.8 – 2.11 That the contents of the para nos. 2.8-2.11 are wrong and denied. It is specifically denied that the Ld. CGRF has erroneously rejected the claim of the Appellant regarding refund of Municipal Tax or that the findings recorded are based on incorrect or untenable grounds. It is further denied that the findings are contrary to record or that any relevant material or documentary evidence has been ignored. It is submitted that the Ld. CGRF has duly considered the submissions of the parties and the material available on record and has passed the impugned Order accordingly. It is also denied that the Appellant had placed on record any conclusive or admissible material establishing non-applicability of Municipal Tax for the relevant period. The averments to the contrary are misconceived and denied.

2.12 - 2.14 That the contents of the para nos. 2.12 – 2.14, are wrong and denied. It is specifically denied that the findings recorded by the Ld. CGRF are factually incorrect, legally untenable or based on any misappreciation of the applicable provisions. It is further denied that the requirement of furnishing self-declaration under the applicable Sales Circular has been wrongly applied or that the same is inapplicable in the present case. It is submitted that the Ld. CGRF has duly considered the material available on record and the conduct of the Appellant in not furnishing the requisite declarations/occupancy details as required under the applicable framework, and has recorded its findings accordingly. It is also denied that the issue stood concluded in earlier proceedings in the manner alleged or that the requirement of compliance was redundant. The averments to the contrary are misconceived and denied.

2.15 That the contents of the present para are wrong and denied. It is specifically denied that the Ld. CGRF has adopted any inconsistent or contradictory approach or that any relief has been granted in similarly placed matters in the manner alleged, especially when no such order has been placed on record. It is further denied that there has been any arbitrary departure from settled principles or doctrine of consistency. It is submitted that each case is decided on its own facts and circumstances and the findings recorded in the present case are based on the material available on record. The averments to the contrary are misconceived and denied.

2.16-2.17 That the contents of the para nos. 2.16 – 2.17 are wrong and denied. It is specifically denied that the Appellant can derive any benefit from the judgments relied upon or that the same are applicable to the facts and circumstances of the present case. It is further denied that there has been any inconsistency or arbitrary deviation in the findings recorded by the Ld. CGRF. The reliance placed upon Radhasoami Satsang v. CIT (1992) is wholly misconceived and distinguishable, as the said judgment pertains to consistency in income tax proceedings in identical factual situations and does not lay down any absolute proposition applicable irrespective of differing statutory frameworks and factual compliance requirements. Further, the reliance placed upon Union of India v. Kaumudini Narayan Dalal is equally misplaced and distinguishable on facts as well as in law. The said judgment was rendered in the context of tax administration and consistency of litigation policy, and does not apply to cases where entitlement is contingent upon compliance with statutory regulations. In the present case, entitlement to slab/tariff benefits is dependent upon factual verification of occupancy status and furnishing of mandatory self-declaration data under the applicable HERC Regulations and Sales Circular D-17/2020, which the Appellant has failed to comply with. It is further submitted that, unlike the cases relied upon, there is no contradictory or inconsistent stand taken by the Respondent-Nigam. On the contrary, the Respondent has consistently acted in accordance with verified data and applicable regulations, and the Appellant's failure to furnish requisite disclosures constitutes a material distinguishing factor disentitling it from claiming any relief. The reliance placed upon Navjyoti Co-operative Group Housing Society v. Union of India is also misconceived, as the doctrine of legitimate expectation cannot override statutory regulations or mandatory tariff conditions. In the absence of compliance with the prescribed requirements, no enforceable legitimate expectation arises in favour of the Appellant. It is submitted that the present case has been decided on its own facts and material available on record and does not give rise to any claim of legitimate expectation or discrimination in the manner alleged. The averments to the contrary are misconceived and denied.

2.18-2.19 That the contents of the present paras are wrong and denied. It is specifically denied that the Ld. CGRF has overlooked any documentary evidence or travelled beyond the scope of the applicable Regulations and Sales Circulars or that there has been any jurisdictional overreach. It is submitted that the impugned Order has been passed strictly in accordance with the applicable regulatory framework and based on the material available on record. It is further denied that the Order is arbitrary, inconsistent or passed in excess of jurisdiction or is liable to be set aside on the grounds alleged. The averments to the contrary are misconceived and denied. The Appellant is put to strict proof of the same.

Prayer clause is denied.

PRAYER

In view of the facts and circumstances mentioned hereinabove, it is most respectfully prayed that the present appeal may kindly be dismissed being non-maintainable and also bereft of merit, in the interest of justice.

G. The matter was taken up for hearing on 15.06.2026 as scheduled. The hearing was attended by the parties as noted above.

At the outset, learned counsel for the Appellant submitted that he had received the detailed reply filed by the Respondents. He chose to argue on the basis of the written submissions already filed vide email dated 27.05.2026. He primarily contended that the Respondents have failed to pay the admissible interest on the Additional Security Deposit (ACD) deposited by the Appellant, despite clear statutory mandates under the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (as amended from time to time). He further submitted that records regarding additional deposits equivalent to approximately twice the ACD amount are being traced and shall be submitted in due course.

During the course of arguments, it was noted that there appears to be a discrepancy in the records concerning the date of release of the connection (alleged by Respondents as 24.03.2018) vis-à-vis the ACD deposit made by the Appellant on 08.01.2014. This mismatch, coupled with the non-grant of ACD interest and penal interest (where applicable), has given rise to the present dispute. The Commission has consistently held that interest on ACD must be calculated and credited/adjusted in a time-bound manner as per the Supply Code and relevant regulations.

Learned counsel for the Appellant also referred to the order passed in Appeal No. 39 of 2025 involving the same parties, wherein certain reliefs, including refund of Municipal Tax (M. Tax), were addressed. Regarding the levy of Panchayat Tax, the Respondents produced the Haryana Government notification dated 10.07.2017, which mandates collection of 2% Panchayat Tax on electricity bills in areas outside municipal limits. The Appellant's counsel sought to contest its applicability, but the notification itself provides for its enforcement 15 days after publication.

Observations of the Electricity Ombudsman:

The Electricity Ombudsman has perused the pleadings, written submissions, annexures, and submissions made during the hearing. It is evident that several issues—particularly computation and crediting of ACD interest, slab benefits, rebates under Single Point Supply Regulations, refund of wrongly levied taxes, and billing disputes—require meticulous verification of records, joint reconciliation of accounts, and audited calculations.

It is a matter of serious concern that, despite the existence of clear provisions in the Supply Code (notified in 2014 and amended periodically), the Respondents have not proactively credited the admissible ACD interest. Such delays not only burden consumers but also expose the licensee to avoidable litigation. The tendency of the licensee's officers to escalate every dispute to higher forums (CGRF, Ombudsman, etc.) instead of resolving them at the field level through proper application of regulations and internal mechanisms reflects poorly on the complaint redressal system. This approach is detrimental to the organization and leads to harassment of consumers.

Failure on the part of the audit wing or concerned officers to reconcile accounts, verify deposits, and ensure timely compliance with regulatory obligations shall be viewed seriously as a failure to safeguard the interests of the licensee while protecting consumers from undue harassment.

Directions

In order to facilitate a just, fair, and expeditious resolution, the following directions are issued:

1. Both parties shall hold a joint meeting in the chamber of the XEN/OP, City Division, DHBVN, Gurugram, on or before 18.06.2026. The meeting shall be attended by:
    - The Appellant (or its authorized representative),
    - XEN/OP, City Division, DHBVN, Gurugram,
    - SDO/OP, New Palam Vihar,
    - Representatives from the Audit Wing of DHBVN (Hisar), and
    - Any other concerned officers.

The parties shall undertake a comprehensive reconciliation of accounts, including:

- Verification of all ACD deposits (including the Rs. 34,95,600/- deposited on 08.01.2014 and any additional amounts),
- Computation of admissible interest on ACD (along with penal interest, if applicable) till date,
- Adjustment/crediting of the same,
- Resolution of other connected issues such as slab benefits, rebates, M. Tax refunds, and applicability of Panchayat Tax, with reference to relevant Government notifications, Supply Code provisions, Sales Manual, and Electricity Act, 2003.

2. The outcome of the joint meeting shall be reduced into a Final Memorandum of Settlement, duly audited and certified by the Audit Wing of DHBVN, Hisar. This Memorandum, supported by all relevant documents, calculations, guidelines, and regulations, shall be filed before this office at least 7 days prior to the next date of hearing.
3. No further arguments on points already covered or capable of being resolved through this reconciliation process shall be entertained at subsequent hearings. Parties are expected to address all phase-wise issues comprehensively in this single proceeding, as has been done in the connected Appeal No. 39 of 2025.

Both parties shall remain present either in person or through duly authorized counsel/representatives on the next date, fully prepared to address any residual issues.

List the matter for further hearing on 06.07.2026 at 11:00 AM.

H. On 03.07.2026, respondent SDO has submitted compliance report against Hon'ble Electricity Ombudsman, HERC, Panchkula Interim order dated 15.06.2026 in appeal no 14 of 2026 titled as M/s Satya Developers Pvt. Ltd. V/s DHBVN in reference of Interim order dated 15.06.2026 which is as under:-

A joint meeting was held in the chamber of XEN 'OP' City Division, DHBVN Gurugram on dated 18.06.2026 in compliance of Hon'ble HERC Ombudsman interim order dated 15.06.2026. The meeting was attended by :-

1. Sh. Manoj Nehra XEN 'OP' City Division, DHBVN Gurugram,
2. Sh. Vikram Singh SDO 'OP' New Palam Vihar S/Divn., DHBVN, Gurugram
3. Sh. Chiranji Lal CA, New Palam Vihar S/Divn., DHBVN, Gurugram
4. Smt. Jyoti Accountant Audit Wing, DHBVN Gurugram
5. Sh. Akshay Gupta Advocate on behalf of appellant M/s Satya Developers Pvt.Ltd.
(Hermitage condominium Association) Gurugram

All the issues as mentioned in the interim order were discussed in detail.

1. Verification of all ACD deposited including Rs. 3495000/- deposited on dated 08.04.2014.

Sh. Akshay Gupta Advocate submitted a calculation sheet of Rs. 4044355/- of ACD interest w.e.f. 08.01.2014 to 21.03.2023 along with Penal Interest. SDO 'OP' New Palam Vihar S/Divn. raised an objection, stating that Penal interest circular D-29/2016 was come in existence on dated 12.09.2016. Then Sh. Akshay Gupta Advocate submitted a 2nd calculation sheet of ACD interest and 18% Penal interest of Rs. 3963709/-.

Sh. Akshay Gupta Advocate also stated that M/s Satya Developers Pvt. Ltd. have also deposited some additional ACD and he will provide the details of additional ACD deposited by M/s Satya Developers Pvt. Ltd. in addition to Rs. 3495000/- and requested to refund the ACD amount after submission of requisite application for refund of ACD by M/s Satya Developers Pvt. Ltd. SDO 'OP' New Palam Vihar S/Divn. assured that the additional ACD will be refunded to M/s Satya Developers Pvt. Ltd. if any ACD not found updated in the consumer account after receiving the request application along with requisite documents from M/s Satya Developers Pvt. Ltd. Sector-103, Gurugram.

Smt. Jyoti Accountant Audit Wing stated that the refund of ACD as well as Penal interest 18% issue will be decided after consultation with the higher authorities of the Audit Wing.

2. Resolution of other connected issues such as slab benefits, rebates, M.Tax refunds and applicability of Panchayat Tax, with reference to relevant Government notifications, Supply code provisions, Sales Manual and Electricity Act, 2003.

Sh. Akshay Gupta Advocate submitted calculation sheet for adjustment of Rs. 3247165/- regarding slab benefit, M.Tax refund and rebate on consumption by granting 4% rebate on unit consumed.

SDO 'OP' New Palam Vihar S/Divn. submitted a calculation sheet of Rs. 2582558/- on the above issues.(Copy attached as Annexure-1) The issues like 4% rebate on consumption, slab benefit rebates and M.Tax refund has been incorporated in the calculation sheet submitted by the SDO 'OP' New Palam Vihar S/Divn. The calculation sheet was submitted to Sh. Akshay Gupta Advocate and he did not raise any objection on the calculation made by SDO 'OP' New Palam Vihar S/Divn. on this issue.

SDO 'OP' New Palam Vihar S/Divn. requested to Smt. Jyoti Accountant to impart the necessary direction regarding applicability of ACD interest and Penal Interest of M/s Satya Developers Pvt. Ltd. had deposited an amount of Rs. 3495000/- as ACD on dated 08.01.2014but the connection was released on dated 24.03.2018. (Copy of MOM attached as Annexure-2).

On the above issues, 2nd meeting was organized in the chamber of XEN 'OP' City Division, DHBVN, Gurugram on dated 1.7.2026 in the presence of followings.

1. Sh. Manoj Nehra XEN 'OP' City Division, DHBVN Gurugram,
2. Sh. Vikram Singh SDO 'QP' New Palam Vihar S/Divn., DHBVN, Gurugram
3. Sh. Chiranji Lal CA, New Palam Vihar S/Divn., DHBVN, Gurugram
4. Sh. Bijender Kadian Sr. AO Audit Wing, DHBVN Gurugram
5. Sh. Akshay Gupta Adyocate on behalf of appellant M/s Satya Developers Pvt. Ltd.

   (Hermitage condominium Association) Gurugram

The meeting was organized to discuss the case of Satya Developers Vs DHBVN, Gurugram regarding payment of interest on ACD for the period from date of application i.e 2014 to the date of release of connection i.e 2018. The outcome of the meeting is as under please.

a) Interest on ACD is regulated to compensate the consumer for deposit of security while they actively use electricity. The connection was started in 2018, till then the firm was mere an applicant not a consumer as stated in HERC regulation SC 23/2016 clause no. 5.8 that the licensee shall pay interest to the consumer.

b) The review of ACD available with licensee is shown in the bill raised to consumers but no bills raised to firm till 2018. Since 2018, the firm was mere an applicant not the consumer of the Nigam so no question arises regarding payment of ACD interest to the applicant now consumer and no regulation states to pay Interest to applicant of electricity connection. In view of above, the interest to firm on ACD is not applicable for the period 2014 to 2018.

c) As per the DHBVN Sales circular no. D-23/2016 and HERC regulation, HERC/34/2016 dated 11.07.2016 in clause no. 5.8.1 is retreated as below: -

"The licensee shall pay interest to the consumer at the Bank rate as determined by the Reserve Bank of India on 1st April of each year or more as specified by the Commission payable annually on the consumer's security deposit. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year."

From the above Sales Circular it is clear that the ACD interest shall be adjusted in the consumer's bill in the 1st billing cycle. The connection of M/s Satya Developers Pvt. Ltd. Was released on dated 24.03.2018 and his 1st energy bill was issued in the month of May 2018. Before 24.03.2018, M/s Satya Developers Pvt. Ltd. was an applicant and not a consumer of DHBVN.

The Senior Accounts Officer/Audit, DHBVN, Gurugram vide his office memo no. 2609 dated 01.07.2026 addressed to XEN 'OP' City Division, DHBVN, Gurugram also clarified the instruction on ACD Interest. (Copy attached as Annexure-3).

Sh. Akshay Gupta Advocate submitted an order dated 31.01.2024 of Hon'ble Appellate Tribunal for Electricity in appeal no. 225 of 2016 regarding the interest on the security amount deposited by the consumer from the date of deposition of ACD. (Copy attached as Annexure-4). Sh. Akshay Gupta also raised an objection on the calculation sheet of Rs. 2582558/ stated that some bills for the Year 2020 were not considered in the above calculation sheet.

The ACD interest from 01.04.2018 to 31.03.2023 was calculated along with Penal interest. (Copy attached as Annexure-5). SDO Op New Palam Vihar recalculated the 4% rebate on consumption, slab benefit rebates & M.Tax benefit. (Copy of the same is attached as Annexure-6).

It is further submitted that the refund/adjustment claimed by the Appellant pertains to a period prior to the year 2020. The claim was, therefore, ex facie barred by limitation. In terms of Clause 2.8.1(i) of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) (1st Amendment) Regulations, 2022, the Corporate Forum can entertain a complaint only if it is made within two years from the date on which the cause of action arose. Since the alleged cause of action, if any, arose prior to the year 2020, the complaint was hopelessly time-barred. Accordingly, the learned Corporate Grievance Redressal Forum (CGRF) has rightly dismissed the claim on the ground of limitation. Once the original claim itself was not maintainable being barred by limitation, the Appellant cannot, by way of the present appeal, revive or circumvent the statutory bar of limitation and seek adjudication of a stale claim. The present appeal, therefore, deserves to be dismissed with exemplary costs.

This is for submitted your kind information and further necessary action please.

I. On 22.07.2026, appellant's counsel has submitted rejoinder to the reply filed by the Respondents which is as under:-

1. That at the outset, the Appellant respectfully submits that, in compliance with the interim order passed by this Hon'ble Electricity Ombudsman dated 26.05.2026, the Appellant had already filed detailed written submissions comprehensively dealing with all the surviving grievances, namely, (i) payment of interest on Advance Consumption Deposit (ACD), (ii) grant of rebate on consumption in terms of the applicable HERC Tariff Orders, (iii) grant of slab benefit after updating the actual number of dwelling units, and (iv) refund of Municipal Tax, along with all supporting documents and calculations. The said written submissions form part of the record and the contents thereof are reiterated and reaffirmed herein as if reproduced verbatim. The present rejoinder is, therefore, confined only to rebutting the new pleas and objections raised by the Respondents in their reply, all of which are specifically denied unless expressly admitted.
2. The Appellant further submits that the Respondents have deliberately attempted to mislead this Hon'ble Ombudsman by filing a lengthy and evasive reply instead of addressing the real grievances raised by the Appellant. The reply is based upon incorrect facts, selective interpretation of the applicable Regulations and is nothing but an attempt to prolong the adjudication of the matter.
3. The Appellant had originally approached the Corporate Consumer Grievance Redressal Forum (CGRF) seeking redressal of the following grievances:
   i. Grant of 4% rebate on consumed units as per the applicable HERC Tariff Orders from December, 2018 to September, 2020 and 5% rebate from the date of commissioning of the 33 KV Independent Feeder.
   ii. Grant of correct slab benefit by updating the actual number of dwelling units/flats from the date of release of the electricity connection till date.
   iii. Payment of interest on Advance Consumption Deposit (ACD) together with applicable penal interest in accordance with Section 47 of the Electricity Act, 2003 and the HERC Supply Code.
   iv. Exemption of Fuel Surcharge Adjustment (FSA) on bills issued on or after 30.07.2021.
   v. Charging of fixed charges at ₹90/KVA instead of ₹100/KVA for April 2021 to July 2021 and ₹80/KVA instead of ₹100/KVA for April 2022 to July 2022.
   vi. Refund of Municipal Committee Tax charged up to March, 2021 including tax charged on the temporary electricity connection.

4. It is submitted that during the pendency of the present proceedings, the issues relating to:
   i. Fixed Charges; and
   ii. Fuel Surcharge Adjustment (FSA)

   have substantially been resolved by the Respondents. Consequently, the surviving issues requiring adjudication are confined to:

   i. Grant of 4%/5% rebate on consumption in accordance with the HERC Tariff Orders;
   ii. Grant of slab benefit after updating the actual number of dwelling units; and
   iii. Payment of interest on ACD together with penal interest.
5. Interest on ACD
   The Respondents have once again taken an untenable stand that the Appellant is not entitled to interest on the ACD deposited prior to release of the electricity connection on the ground that the Appellant was merely an "applicant" and not a "consumer". This contention deserves outright rejection.
6. The admitted facts are that the Appellant deposited ₹34,95,600/- towards Advance Consumption Deposit on 08.01.2014vide Receipt No. 21120114122. The said amount has remained with the Respondents since the date of deposit.
   Under Section 47(4) of the Electricity Act, 2003, the Distribution Licensee is under a statutory obligation to pay interest on the security deposit. The provision nowhere stipulates that interest becomes payable only after release of the electricity connection. Rather, the obligation arises immediately upon receipt of the security amount.
7. The Respondents have completely ignored the settled legal position laid down by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 225 of 2016 (Shree Cement Ltd. v. CSERC & Anr.), decided on 31.01.2024, wherein the Hon'ble Tribunal has categorically held that interest on security deposit is payable from the date of deposit itself and not from the date of commencement of electricity supply.
   The Tribunal further held that the Distribution Licensee derives financial benefit from the deposited security amount from the very date of its receipt and, therefore, cannot deny payment of interest from the date of deposit.
8. The stand taken by the Respondents that interest is payable only after release of the electricity connection is, therefore, directly contrary to the law declared by the Hon'ble Appellate Tribunal as well as Section 47 of the Electricity Act, 2003 and deserves to be rejected.
9. The Respondents themselves, during the joint meetings held pursuant to the interim directions of this Hon'ble Ombudsman, verified the deposit of ACD amounting to ₹34,95,000/- and discussed the issue of ACD interest. The dispute raised by them pertains only to the interpretation regarding the period for which interest is payable, thereby clearly admitting the deposit of the security amount.
10. Rebate and Slab Benefit
    The Respondents have also attempted to defeat the Appellant's legitimate claim for rebate and slab benefit by raising an objection regarding limitation.

The said objection is wholly misconceived and liable to be rejected.

11. The Respondents have stated that the claim relates to a period prior to the year 2020 and is therefore barred under Clause 2.8.1(i) of the HERC (Forum & Ombudsman) Regulations, 2022.
12. The said plea is legally unsustainable.
    The grievance raised by the Appellant is not a one-time cause of action. It is a continuing and recurring cause of action.
    The Respondents have failed to update the actual number of dwelling units from the date of release of the electricity connection till date. Consequently, every monthly electricity bill issued without updating the actual dwelling units gives rise to a fresh and recurring cause of action.
13. The Occupation Certificate issued in March, 2018 clearly establishes that 605 dwelling units (including 93 EWS units)had already been completed and were ready for occupation. Therefore, the Respondents were under a statutory obligation to update all 605 dwelling units in their billing software from that date onwards.
14. However, instead of updating the actual number of dwelling units, the Respondents continued billing by considering only 281 dwelling units, thereby denying the Appellant the slab benefit and rebate admissible under the HERC Tariff Orders.
15. The Respondents have deliberately restricted their calculations only for the period from 2018 to 2020 without correcting the billing system thereafter.
16. Even today, the Respondents have not updated the actual number of dwelling units. Consequently, the wrong slab benefit and rebate continue to be reflected in every subsequent electricity bill.
    The grievance is therefore a continuing wrong, and every successive bill constitutes a fresh cause of action.
17. It is a settled principle of law that where an illegal billing practice continues month after month, the cause of action is recurring in nature and cannot be defeated merely by taking the plea of limitation.
18. Therefore, the reliance placed by the Respondents upon Clause 2.8.1(i) of the HERC Regulations is wholly misplaced.
19. The Respondents are statutorily bound to implement the HERC Tariff Orders in their true letter and spirit. They cannot arbitrarily refuse to update the actual dwelling units and thereafter take advantage of their own default by pleading limitation.
20. The Appellant further submits that the rebate of 4%/5% as well as slab benefit flows directly from the applicable Tariff Orders issued by the Hon'ble Haryana Electricity Regulatory Commission. These benefits are statutory in nature and cannot be denied merely because the Respondents failed to update the correct number of dwelling units in their billing records.
21. The Respondents have neither disputed the existence of the Occupation Certificate nor denied that the flats had already been completed and handed over for possession. Therefore, there exists no justification whatsoever for continuing the billing on the basis of only 281 dwelling units.
22. The Respondents have adopted delaying tactics throughout the proceedings by raising frivolous technical objections instead of correcting their own billing records.

Such conduct has unnecessarily prolonged the litigation and deprived the Appellant of the statutory benefits admissible under the Electricity Act, the HERC Regulations and the applicable Tariff Orders.

PRAYER

In view of the foregoing submissions, it is respectfully prayed that this Hon'ble Ombudsman may be pleased to:

A. Reject the objections raised by the Respondents as being false, frivolous and legally unsustainable;
B. Hold that the Appellant is entitled to interest on the entire ACD from the date of deposit, together with applicable penal interest in accordance with Section 47 of the Electricity Act, 2003 and the applicable HERC Regulations;
C. Direct the Respondents to update the actual number of 605 dwelling units (including 93 EWS units) from the date of release of the electricity connection and recalculate the bills by extending the correct slab benefit and rebate in accordance with the HERC Tariff Orders;
D. Hold that the claim regarding slab benefit and rebate is based upon a continuing and recurring cause of action, and is therefore not barred by limitation;
E. Pass any other order(s) which this Hon'ble Ombudsman may deem fit and proper in the facts and circumstances of the present case.

J. The matter was taken up for hearing on 27.07.2026 at 11:00 a.m. as scheduled. The hearing was attended by the counsel for the Appellant and the counsel for the Respondents along with the Respondent-SDO, Shri Vikram Singh.

At the outset, the counsel for the Appellant was called upon to apprise the Authority of the outcome of the joint meeting directed to be held between the parties pursuant to the interim order dated 15.06.2026. The counsel for the Appellant submitted that none of the grievances had been redressed. He specifically pointed out that in the Respondents' reply submitted vide Memo No. 1257 dated 03.07.2026 (point No. 2), it has been stated that the issue of interest on Advance Consumption Deposit (ACD) as well as penal interest would be decided only after consultation with higher authorities. This stand, it was contended, is wholly unacceptable and contrary to the statutory mandate.

The counsel for the Appellant further submitted that at page 2, paragraph 6 of the said reply, the Respondents have taken the position that interest on ACD of ₹34,95,000/- is payable only from 24.03.2018 (alleged date of release of connection), whereas the Appellant has consistently claimed interest from the actual date of deposit, i.e., 08.01.2014, when the amount of ₹34,95,600/- was deposited vide Receipt No. 21120114122.

On the issues of rebate on consumption, slab benefit and Municipal Tax (MTax), the counsel for the Appellant submitted that the Respondents have sought to non-suit the claims by invoking the bar of limitation under Clause 2.8.1(i) of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) (1st Amendment) Regulations, 2022, contending that the claims relate to a period prior to the year 2020 and that the Corporate Forum can entertain a complaint only if it is made within two years from the date on which the cause of action arose. The counsel for the Appellant strongly contested this plea, submitting that the denial of correct slab benefit and rebate is a continuing and recurring cause of action, inasmuch as every successive monthly bill issued without updating the actual number of dwelling units gives rise to a fresh cause of action. It was further contended that the Occupation Certificate establishes 605 dwelling units (including 93 EWS units) with effect from March 2018, and the Respondents have continued to bill only on the basis of 281/282 units.

Attention of the counsel for the Appellant was invited to the directions contained in point No. 1 of the interim order dated 26.05.2026, whereby the Appellant was specifically directed to furnish complete details of the bills of collection from the dwelling units, intimation of occupancy/updated number of occupied dwelling units (supported by UBS portal entries or other documentary proof), copies of electricity bills issued by the RWA to individual residents along with proof of payment, and an event-wise sequence of events. The counsel for the Appellant sought and was granted time till midnight of 29.07.2026 for placing the said details on record during the hearing held in the matter on 27.07.2026.

The reply dated 30.07.2026 at 19:11 hours, filed by the counsel for the appellant, is taken on record. However, the same is found to be inadequate. The accompanying sheet neither specifies the month to which it pertains nor furnishes any substantive proof of payments made by the residents, particularly in light of the period for which relief has been claimed by the appellant. Also, the details of the bills collected from the dwelling unit on a monthly basis over the passage of time are missing.

This Forum is of the considered view that the release of connections may have occurred in a phased manner rather than simultaneously. The appellant has failed to furnish the relevant particulars in this regard.

Further, the details have been submitted after an inordinate delay, in disregard of the clear and elaborate directions contained in the interim order dated 26.05.2026. Such belated filing indicates a failure on the part of the appellant to place material facts on record and to discharge the statutory responsibility of the RWA to intimate the number of dwelling units to the respondents, as mandated under Sales Circular No. 23/2022 of DHBVN.

The respondents have been maintaining a single-point connection. The RWA/appellant cannot evade its obligation to intimate the number of dwelling units in respect of which the RWA/builder has provided or released electric connections. Accordingly, the contention of the appellant seeking recognition of 605 dwelling units is not tenable.The Respondent-SDO submitted that the Respondents have taken into consideration 282 dwelling units and have calculated the admissible amount towards slab benefit, 4% rebate on consumption and MTax benefit at ₹30,94,638/-, which has been found adjustable and is reflected in Annexure-6 of the reply. The Respondent-SDO further contended that it is the responsibility of the Resident Welfare Association (RWA) to update the actual number of dwelling units in the UBS portal or to intimate the Respondents, particularly since the society is being supplied electricity under the single-point supply arrangement.

On the issue of ACD interest, the matter was deliberated at length in the light of the judgment of the Hon'ble Appellate Tribunal for Electricity in Appeal No. 225 of 2016 titled Shree Cement Ltd. v. Chhattisgarh State Electricity Regulatory Commission & Anr., decided on 31.01.2024. Particular reference was made to paragraph 26 of the said judgment, wherein the Hon'ble Tribunal has categorically held that interest on the security amount deposited by the consumer with the distribution licensee is payable from the date of deposit itself and not from the date of commencement of electricity supply. The contention of the Respondents seeking to restrict the liability by relying on the expression "consumer" was heard and found not tenable in view of the binding precedent laid down by the Hon'ble APTEL.

Decision

After hearing the parties at length, perusing the pleadings, the interim orders dated 26.05.2026 and 15.06.2026, the reply of the Respondents dated 03.07.2026, the written submissions and rejoinder filed by the Appellant, and the relevant statutory provisions, this Authority is of the considered opinion as under:

1. Interest on ACD (together with applicable penal interest) becomes due and payable from the date of deposit of the security amount with the licensee. The stand of the Respondents that interest is payable only from the date of release of connection (24.03.2018) is contrary to the law declared by the Hon'ble APTEL in Appeal No. 225 of 2016 (Shree Cement Ltd.). The Respondents are, therefore, liable to pay interest on the ACD of ₹34,95,600/- deposited on 08.01.2014 from the date of deposit itself, along with applicable penal interest in accordance with Section 47 of the Electricity Act, 2003 and the HERC Supply Code Regulations. The calculation contained in Annexure-5 of the Respondents' reply requires revision on this basis.
2. The claim for slab benefit, 4% rebate on consumption and MTax benefit for the period prior to the year 2020 is barred by limitation under Clause 2.8.1(i) of the HERC (Forum and Ombudsman) (1st Amendment) Regulations, 2022. The plea of continuing/recurring cause of action, though attractive, cannot be accepted in the facts of the present case so as to reopen claims that arose prior to 2020, particularly when the same counsel representing the Appellant in Appeal No. 39 of 2025 (Satya Developers vs. DHBVN) had not raised these claims in that proceeding. Entertaining successive and piecemeal claims on the same subject-matter would defeat the very object of the grievance-redressal mechanism and encourage multiplicity of proceedings.

3. The amount of ₹30,94,638/- calculated by the Respondents (Annexure-6) towards slab benefit (on the basis of 282 dwelling units), 4% rebate on consumption and MTax benefit for the period not barred by limitation is accepted and is directed to be credited.
4. It is the primary responsibility of the RWA/Appellant to intimate and update the actual number of dwelling units that have been given electricity connection through the single-point supply arrangement, including through the UBS portal. Mere reliance on the Occupation Certificate issued by the District Town Planner, without corresponding intimation and updation by the RWA, cannot by itself form the basis for claiming higher slab benefit or rebate.

Directions

In view of the foregoing findings, the following directions are issued:

(i) The Respondents shall revise the calculation of interest on ACD of ₹34,95,600/- (Receipt No. 21120114122 dated 08.01.2014) from the date of deposit (08.01.2014) onwards, together with applicable penal interest as per the HERC Supply Code and Section 47 of the Electricity Act, 2003, and shall credit the revised amount to the Appellant's account within 45 days from the date of this order.

(ii) The Respondents shall credit a sum of ₹30,94,638/- (as calculated and admitted in Annexure-6 of the reply dated 03.07.2026) towards slab benefit, 4% rebate on consumption and MTax benefit to the Appellant's account within 45 days from the date of this order, without any further delay.

(iii) The Chief Engineer (Commercial), DHBVN, Hisar is directed to examine the issue of grant of ACD interest from the date of deposit in the light of the binding precedent of the Hon'ble APTEL in Appeal No. 225 of 2016 and to take suitable steps either by revising the relevant commercial instructions/software or by seeking clarification from the appropriate adjudicating authority, so that similar grievances are addressed at the field level without unnecessary escalation and consumer harassment.

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 3rd August, 2026.

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

Dated: 03.08.2026

CC:

Memo No.1788-94/HERC/Appeal No. 14/2026 **Dated: 05.08.2026**

To

1. Satya developers Pvt. Ltd. (Hermitage Condominium Association) Sector-103, Gurgaon, Haryana, Through Its (President) Mr. Kailash Kumar. (juristakshayoffice@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-I, DHBVN, Gurugram (Email seop1gurugram@dhbvn.org.in)
6. The XEN/OP, City Divn., DHBVN, Gurugram, Haryana, (Email xenopcitygurugram@dhbvn.org.in)
7. SDO/OP, Sub Division, New Palam Vihar, DHBVN, Gurugram, Haryana (Email sdoopnewpalamvihar@dhbvn.org.in)