

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 536/2012
Date of Institution:02.01.2012
Date of Decision :21.02.2012

In the matter of
Sh. Shamsheer Singh S/o Sh. Mahabir Singh, V&P.O. Khairi, Tehsil, Uklana, Distt., Hisar.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Nirmal Grover, Steno to N.O.

ORDER

A petition of Sh. Shamsheer Singh S/o Sh. Mahabir Singh, V&P.O. Khairi, Tehsil, Uklana, Distt., Hisar was received regarding non-release of his tube well connection for the last four years inspite of completing all usual formalities of the Nigam.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the CA of the SDO office was present. He submitted the reply of the SDO vide memo No.4885 dated 10.02.2012, stated therein that Sh. Shamsheer Singh S/o Sh. Mahabir Singh, R/o Village Khairi applied for a tube well connection vide A&A No. 51146/AP dated 08.02.2008 under self finance execution scheme in accordance with Sales Instruction No. 12/2006. Thereafter, the applicant submitted an application on 29.12.2008 that he wants his connection under money deposit scheme. On the basis of application, this office accepted Rs.20,000/- from the petitioner vide BA-16 No. 248/3927 dated 29.12.2008. The estimate was framed and demand notice was issued on 18.10.2010 to deposit 4 span cost i.e. Rs.28,000/- which was also deposited by the applicant on 22.11.2010 vide BA-16 No.218,19/3285. Thereafter, the consumer was asked to give his option in accordance with Sales Circular No. D-12/2011 and Sales Instruction No.10/2011 under modified scheme. The applicant opted that he wants connection under Category-A of Sales Circular No. D-12/2011 and Sales Instruction No. 10/2011, whereas this office had already informed to the applicant that his connection falls under category-C of the above Sales Circular i.e. under self execution scheme. Now, as per revised Sales Circular No. 19/2011, the connection to the applicant will be given on old policy.

On the other hand, the petitioner was present. He stated that the order may kindly be passed to release his tube well connection under Category-A of the Sales Circular No. D-12/2011 and Sales Instruction No. 10/2011, as he had suffered a huge loss for not release of his tube well connection and interest on account of taken a loan. He further submitted a photo copy of an extract of the order passed by District Consumer Grievances and Redressal Forum, Bhiwani, which was published by a leading News Paper (Dainik Bhaskar) dated 15.11.2011, vide which direction has been imparted to the respondent/Nigam to release 21 No. Farmers tube well connections, who had opted in the old policy, while applying their tube well connections.

After going through the reply of the SDO and the decision of the DCGRF, Bhiwani, this forum of the firm opinion that the connection of the applicant be released by the Nigam/Respondent SDO under the old scheme as applied initially by the petitioner, while submitted the A&A form and deposited the cost of Rs.20,000/- & Rs.28,000/- with the Nigam as per the terms & conditions falls under Sales Circular No. referred to above, at the earliest by taking up the matter with the higher authorities of the Nigam and compliance be reported through the Nodal Officer.

Since, the cause of action is over, there is no idea to proceed the case further. Hence, the case is closed from this forum.

Given under my hand.

The case is closed from this forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 537/2012

Date of Institution:06.01.2012

Date of Decision: 20.03.2012

In the matter of

Sh. Sumit S/o Sh. Suraj Bhan, V&P.O. Garhi Mohalla, Hansi, Distt., Hisar.

V/s DHBVN

Present on behalf of Applicant:

Sh. P.S.Saini, Advocate.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Sumit S/o Sh. Suraj Bhan, R/o Garhi Mohalla, Hansi was received through Sh. P.S.Saini, Advocate, District Court, Hisar, counsel of the petitioner, stating therein;

1. that the consumers are owners in possession of property as per Sale Deed No. 1969 dated 07.08.2008.
2. that Sumit is the consumer of the respondent Nigam under NDS category having A/C No. A2-21-7512 and paying the bills.
3. that respondent Nigam has issued memo No.5776 dated 18.11.2011, received on 02.12.2011 demanding Rs.34697/- on account of re-sale of energy on the basis of checking report dated 17.11.2011. No checking has been carried out in the presence of the consumer. Staff of the respondent Nigam intimated that the said amount has been charged on account of supply found using in five shops. The meter is on pole in street. The Nigam has charged this amount of Rs.34697/- as sundry charges in the bill for the month of December, 2011. This demand of the Nigam is wrong and illegal and the said memo/alleged is liable to be quashed on the following grounds.
 - i) that the shops are part and parcel of the premises and the question of re-sale of energy does not lie. Hence, the consumer is not liable to pay the alleged amount.
 - ii) that the use of electricity by the consumer is proper and correct and according to rules. Shops are in the area of supply.
 - iii) that the memo in question is bad in the eyes of law as the respondent Nigam has not disclosed under which rule they are charging this amount on the presumption of re-sale of electricity.
 - iv) That the consumer filed objections against the said memo before the Nigam respondent, which have been diarized, vide receipt No.140 dated 05.12.2011, which are still lying pending. It is pertinent to mention here that the supply is running at site.

- v) That no opportunity of being heard has been afforded to the consumer nor any show cause notice, provisional notice and final notice has been issued to the consumer before issue of the raising of demand amounting to Rs.34697/- on account of penalty under re-sale of energy.
4. that the consumer went to deposit the bill of consumed units but the respondent refused to accept the payment. The due date for payment was 04.01.2012.

It is, therefore, prayed that the complaint may kindly be accepted, the impugned checking report, if any, and the memo of Rs.34697/- may kindly be quashed. The respondent be further restrained from disconnecting the supply of the premises of the complainants.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 21.02.2012, the SDO was not present but a representative of SDO office was present. He submitted the reply of the SDO vide memo No.518/19 dated 03.02.2012, stating therein that the proof of ownership of a single person of these shops and the authentic proof of assessment from Municipal Committee has not been submitted by the petitioner. Proof of ownership of all five number shops has also not been submitted by the petitioner.

After going through the reply, the representative of the SDO was directed to obtain a copy of proof of ownership from the petitioner and direction was also given to the counsel of petitioner to accommodate the SDO in furnishing the legal documents in support of their claim. This Forum further directed to the representative to bring the consumer file of the petitioner before the forum, so that the case could be decided by the next date of hearing, which is fixed for 20.03.2012.

To-day, the counsel of the petitioner was present. He stated that his client is owner of all the shops constructed by him in his premises and the connection has been got released under NDS category and making the payments of the bills regularly. He further stated that no un-authorized/resale of energy is being committed by his client. The order of penalty as issued by the SDO be quashed. He furnished the copy of ownership of the premises.

After hearing the counsel of petitioner and the statement of the SDO, this Forum has concluded that this is not a case of resale of energy and the penalty charged on this account be withdrawn. However, the load of the consumer exceed the sanctioned load, the amount can be charged on the extended load, as per

instructions of the Nigam. The counsel of petitioner was satisfied with the decision taken by this Forum.

Since, the cause of action is over, the case is not to be proceeded further and closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 538/2012

Date of Institution: 09.01.2012

Date of Decision: 17.02.2012

In the matter of

Sh. Jagmohan Aggarwal S/o Sh. Vasdev Parshad, C-19, Sarita Vihar, New Delhi.
V/s **DHBVN**

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer

ORDER

A petition was received from Sh. Jagmohan Aggarwal S/o Sh. Vasdev Parshad, C-19, Sarita Vihar, New Delhi regarding non-refunding of his security, amounting to Rs.44000/-, deposited by him while taking the temporary connection for a load of 11 KW on 03.03.2008.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the SDO was present and submitted the reply of the petition vide memo No. 48 dated 18.01.2012, stating therein that the petitioner deposited the ACD amounting to Rs.44000/- on account of temporary connection for 11 KW vide BA-16 No. 117/16231 dated 03.03.2008 and connection was released vide SCO No. 96/140 dated 03.03.2008 and effected on 05.03.2008 for 11 KW. But the billing was initially started by the billing agency (Computer Cell) for 2 KW instead of 11 KW. The billing was continued to be generated for 2 KW till PDCO. Neither the consumer has ever pointed out regarding the billing against sanctioned load of 11 KW, nor the mistake of sanctioned load of 11 KW came into the notice of this office while starting the billing of the consumer. The connection of the consumer was disconnected vide PDCO No. 96/3 dated 04.08.2010. After PDCO, the consumer has applied for refund of security. The case was forwarded to the Audit Party for pre-auditing of security for refund. The Audit Party has pointed out that account may be overhauled according to the sanctioned load of 11 KW instead of 2 KW. Accordingly, the account was overhauled from 5/2008 to 8/2010 on the basis of 11 KW and a sum of Rs.14604/- is refundable to the consumer after making adjustment of difference of load from 2 KW to 11 KW.

On the other hand, the petitioner was present and protested against the version of the SDO. He stated that his house was under construction for a period of more than two years and the load applied for taking the temporary connection, had not been fully utilized by him. If, he was intimated by the Nigam official for charging of MMC of the applied load, then he would have reduced the load according to the actual requirement at site. Moreover, the Nigam had not intimated to him for the mistake being committed by the Nigam official. The facts came to his notice only after the refund of security applied by him. He has no fault on his part and he may be allowed the refund of security as deposited by him amounting to Rs.44000/-.

After hearing both the parties, this Forum is of the firm opinion that no doubt the Nigam official had committed the mistake by knowingly or un-knowingly while entering the load particulars in the ledger, but the Nigam official after detecting the mistake had charged the amount from the petitioner's security as per the Nigam Instructions and as per the rules. The mistake committed by the Nigam official i.e. CA/UDC-R of the sub-division has been viewed very seriously, as the petitioner has been harassed due to mistake of the dealing hand and this harassment could have been averted if the Nigam official had been vigilant, while entering the consumer case in the ledger. The SE/Op. Circle, Faridabad is requested to get the matter investigated at his level and necessary action be taken against the erring official/s under intimation to this Forum. The Nodal Officer is directed to get the matter taken up with the SE/Op. Circle, Faridabad till the matter is investigated and action taken.

Since, the version of the SDO has been found in order and the benefit of charging the MMC of 2 KW instead of 11 KW cannot be granted as this is a clerical mistake which can be rectified at any stage, the case is hereby rejected and is closed.

Given under my hand.

The case is closed from this forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
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(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 539/2012
Date of Institution: 03.02.2012
Dated of Decision :06.03.2012

In the matter of
Sh. Hari Chand S/o Sh. Tulsa Ram, H.No.1002, Sector-7C, Faridabad.
V/s DHBVN

Present on behalf of Applicant: Representative of the Petitioner

Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Hari Chand S/o Sh. Tulsa Ram, H.No.1002, Sector-7C, Faridabad was received regarding quashing of penalty charged on account of theft of energy during 1996, amounting to Rs 2,56,080/- by the SDO S/Urban S/divn.DHBVN, Ballabgarh.

Accordingly, the petition of the petitioner was sent to the Nodal Officer, DHBVN, Hisar for his view point/reply.

Today, the SDO was present and he submitted the reply of the petition through the Nodal Officer, DHBVN, Hisar vide his memo No.4724 dated 5.3.2012, stating therein that the premises of the petitioner was checked by Sh. Vipin Chanda, the then AEE of the Sub-division on 22.8.1996 and found M&P seals tempered, as one seal was without impression and another seal was found broken. Accordingly, the case was treated as theft case and penalty was imposed upon the petitioner amounting to Rs 2,56,080/- according to the load found at site and as per the Nigam instructions. But the petitioner did not make the payment and filed the case before the District Consumer Disputes Redressal Forum, Faridabad and the above Forum had decided the case on 3.4.2002 against the Nigam. The Nigam had filed an appeal against the decision of District Consumer Redressal Forum, Faridabad before the State Consumer Disputes Redressal Commission Haryana, Panchkula and the Hon'ble Commission had decided the case in favour of Nigam. Thereafter, the petitioner had filed an appeal in the Hon'ble National Consumer Dispute Redressal Commission, New Delhi vide appeal No.1087 /2010 against the order of Hon'ble State Consumer Dispute Commission, Panchkula and the Hon'ble National dismissed the appeal of the petitioner.

The SDO has prayed that the petitioner had already availed legal remedies before the Hon'ble State Commission, Haryana, Panchkula and the Hon'ble National Consumer Dispute Redressal Commission, New Delhi and requested for dismissal of the petition.

On the other hand, the petitioner's representative was present and he stated that the decision of the District Consumer Dispute Redressal Forum, Faridabad may kindly be got implemented.

After hearing the petitioner and going through the reply of the respondent SDO in support of his claim, this Forum has concluded that this is a theft case and this Forum cannot adjudicate the case of the petitioner as per HERC Regulations. Moreover, the case had tried by the State Commission as well as National Commission and both the Commissions had rejected the case.

Since, this is a theft case and the case is beyond the competency of this Forum, hence, the case is hereby rejected.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
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(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 540/2012
Date of Institution:21.02.2012
Date of Decision : 06.03.2012

In the matter of
Sh. Sudama Singh, H.No.10, Gali No.01, Ravi Colony, Sehtpur, Sector-91,
Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer

ORDER

A petition of Sh. Sudama Singh, H.No.10, Gali No..01, Ravi Colony, Sehtpur, Sector-91, Faridabad was received against wrong billing and correction thereof.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the SDO as well as the petitioner were present. The SDO submitted the reply of the petition, stating therein that the petitioner was rendered the bill on an average basis and after receipt of the reading from the site, the bill of the petitioner has been rectified/overhauled and rendered the corrected bill to the petitioner. On the other hand, the petitioner was present and he was asked whether he is satisfied with the corrected bill or not? He stated that he is fully satisfied with the action taken by the SDO in correction of his bill and has given an acknowledgement to this affect.

Since, the cause of action is over, there is no idea to proceed the case further. Hence, the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 541/2012
Date of Institution: 24.01.2012
Date of Decision :28.03.2012

In the matter of
Sh. Vinod Chhibber S/o Late Sh. M.M.Chhibber, 117, Saraswati Kunj, Golf Course Road, Opp. Vatika Tower, Gurgaon-122011.

V/s DHBVN

Present on behalf of Applicant: Present in person.
Present on behalf of Respondent: Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Vinod Chhibber S/o Late Sh. M.M.Chhibber, 117, Sraswati Kunj, Golf Course Road, Opp. Vatika Tower, Gurgaon was received, stating therein that he is President of Resident Welfare Association, Saraswati Kunj, Sector-53, Gurgaon. The RWA electrified the Saraswati Kunj under Self Development Scheme by incurring a huge amount of approximately rupees forty lacs, contributed by members of Association. The Nigam is releasing connections of the other residents without obtaining NOC from RWA. The President of the RWA has requested as under;

1. That why temporary connections and permanent connections have been released without NOC from RWA.
2. Removal of temporary connections and permanent connections from T/Fs which are installed by RWA under Self Development Scheme.
3. Connection released by DHBVN without NOC should be connected to DHBVN T/Fs which are available outside the colony. This will reduce the over-loading and to avoid burning/damage of distribution T/Fs.
4. The confusion of maintenance of the T/Fs, installation of new T/Fs, HT Line & LT Line along with future wiring, erection of pole, street light maintenance etc. should be clarified by DHBVN.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 06.03.2012, the Nodal Officer was present and he stated that due to another court case of the concerned SDO in the Civil Court, Gurgaon, the SDO left the Forum premises by giving only a copy of Judgement/Order passed by Sh. B.L.Singal, Chairman, Permanent Lok Adalat (Public Utility Services), Gurgaon against the application filed by Sh. Chhattar Pal S/o Sh. Rohtash, R/o H.No.996, Saraswati Kunj, Sector-53, Gurgaon in the matter of seeking NOC from Society of Saraswati Kunj for release of power connection by Nigam for submission the same before the Forum. No reply of the petition was brought by the SDO. The Nodal Officer was asked as to why the

reply of the petition was not prepared by the SDO. The Nodal Officer has shown his inability to comment upon the query raised by the Forum.

On the other hand, the petitioner was present and he stated that their Association had spent approximately rupees forty lacs in electrifying their Society under Self Development Scheme. As per the Resolution of the Society, every member is required to contribute the cost of electrifying the Society in equal proportion and as per the connected load of each individual taken by them. The SDO is releasing the electricity connections from their T/Fs. to the other residents without NOC from RWA. Due to which, the T/Fs. are being over-loaded and can damage at any moment. They have requested the SDO not to release the connections and over-load the system but the SDO is releasing the connections at his own will. Their request is to stop this activity of over-loading the system by releasing connections. The President of the Society further insisted to get the site checked and thereafter the Forum may take action as per the report of site. The President was asked to put up the sketch/lay out plan of the erected lines and the system connected but he was unable to put up the same at the time of hearing. He stated that presently he has no sketch and can show the same on the next date.

The Nodal Officer was present and intervened in the discussions and stated that the petitioner is involving the DHBVN in their own dispute. The Nigam has no duty to take the NOC from the RWA. As per the instructions of the Nigam, the electric lines and the distribution T/Fs. which are installed by any consumer of electricity are the property of the DHBVN and thereafter, all the maintenance of the system which are laid down at site is duty of DHBVN. The Nodal Officer requested that this case is not pertaining to the DHBVN and liable for rejection.

After hearing both the parties i.e. petitioner & Nodal Officer, this Forum has decided that before the decision of the Forum in this case, the case file (A&A Form) be brought by the SDO along with the terms & conditions and the correspondence of work order of the works executed by the Contractor or any body of Nigam on the next date of hearing. In the meantime, the Secretary of the Forum will visit the site and furnish his report on or before the next date of hearing by verifying the facts of releasing the number of connections, capacity of each T/F installed at site and the connected load put on them by the SDO. The details of area and number of houses which pertains to this case and the details of other residents which are not affiliated with the Society and their connections have been released by the SDO, may also be brought out by the Secretary in his report, showing the same on sketch, so that final decision is taken on the next date of hearing.

To-day, the SDO as well as the petitioner was present. The petitioner again reiterated that the SDO is releasing the connections without the NOC from the RWA and the system is being over loaded. He further stated that the SDO is releasing the connections outside the jurisdiction of the RWA through a lengthy wires, which may kindly be got stopped. Moreover, the system is being maintained by the RWA and if the T/Fs. are damaged then it will be the responsibility of the SDO/Nigam to replace the same at the cost of the Nigam.

On the other hand, the SDO submitted the detailed reply of the petition through the Nodal Officer vide memo No. Ch-6/Forum-541/GGN dated 28.03.2012, stating therein that as per the instructions No. 9/2011, P&D & as per the provision in the T&CP Act, the developers are required to complete infrastructure without any terms & conditions. As per the provision in the Town & Country Planning Act, the developers are required to provide complete infrastructure/services before developing any residential/commercial system in the areas. The important constituent of infrastructure is electrical system. The electrical system constitute the availability of feeding source i.e. provision of Grid S/Stns., as per the requirement, transmissions lines, indoor switch/distribution S/Stn. to provide the distribution T/Fs., LT lines and service lines for feeding to the end consumers. In order to make up the electrical system, following conditions are required to be fulfilled.

1. The cost of laying of 11KV independent feeder shall be borne by the developer.
2. The developer shall also bear the cost in proportion with other consumers in case the augmentation of power T/F. is required at the feeding end S/Stn. However, the work shall be executed by HVPN/DHBVN, as the case may be.
3. Grid S/Stns. i.e. 33KV, 66KV, 132KV and 220KV shall be constructed by the developer at his own cost and shall be handed over to DHBVN/HVPN free of cost wherever required.
4. The developer will bear the cost of feeding lines from the feeding source to the Grid S/Stn. constructed by the developer.
5. At least two no. indoor switching stations-cum-complaint centers per sector shall be constructed by the developer and be handed over to the DHBVN complete in all respect for maintenance and operation.
6. For creation of above S/Stn., if required, the cost of feeding transmission lines and its right of way shall be arranged by the developer only.
7. The cost of terminal arrangement in case of transmission lines at the DHBVN/HVPN S/Stn. shall be borne by developer as per sanctioned estimate/standard design of DHBVN/HVPN.
8. For creation of S/Stn./Transmission lines material shall be used as per the specification of DHBVN/HVPN. Before erection of major items, inspection will be got carried out from DHBVN/HVPN authorities. The inspection charges @ 1.5% of the estimated cost shall be paid by the developer to the DHBVN/HVPN.

He further stated that as per the Nigam's instructions, NOC from RWA is not applicable before release of connections. As per the DTP instructions, the electricity connections shall be provided by the RWA to the residents without any conditions. As per condition No. 5,6,7,8 under Sales Instruction No. 9/2011, the developer has not completed/developed the infrastructure so far. As and when, the developer develop the infrastructure as per scheme, the system will be taken over by the Nigam for maintenance of the same. As per plan, the developer has to install the following T/Fs. as per terms & conditions.

Capacity of T/F	No. of T/F to be installed	No. of T/F installed
1000KVA	3	Nil
630KVA	6	Nil
500KVA	3	Nil
200KVA	16	5
100KVA	1	1
Total:	29	6

The SDO furnished details of connections on each transformer & stated that no T/F is over loaded. The SDO/XEN in their reply further stated that it is not possible to differentiate in release of connections by obtaining NOC from RWA and connections in the area are released to the plot holders of Saraswati Kunj Cooperative Housing Society only.

During the proceedings held on 06.03.2012, it was decided by the Forum that Secretary, CGRF, DHBVN, Hisar shall visit the site & submit his report. The Secretary, CGRF, Hisar visited the site and has submitted his report which is placed in the consumer case file. As per report, the electrification plan of society was sanctioned by CE/Op., Delhi vide No. 9/WOE-16/CGM/97-98 dated 30.06.2003. Due to some dispute, the electrification system was not laid down by the developer as per plan. The RWA with the approval of SE/Op., DHBVN, Gurgaon vide No. Ch-170/DRG-14 dated 15.02.2010 laid the part system to meet the minimum demand of the area where the society members are living. In the absence of proper/complete LD system, the connections are being released haphazardly with lengthy service lines which may lead to accidents and damage to the system.

After going through the reply of the SDO & XEN, statements of the petitioner and the report of the Secretary, CGRF, this Forum has concluded that the Developer has not complied with the terms & conditions of the electrification plan sanctioned by the Nigam for Saraswati Kunj, Golf Course Road, Gurgaon. Moreover, the existing system so provided by the RWA is not over loaded as alleged by the petitioner in his petition. The Forum is also of the view that if the present system of release of connections continues, the infrastructure cannot be laid down as per the sanctioned electrification plan. The Nigam functionaries are to insist for laying down the electrification system as per approved plan and regulate release of new connections in the area accordingly as per applicable Nigam rules. Maintenance of the electrification system provided by the developers can be taken care of by the Nigam only after it is laid down and handed over to the Nigam as per terms of the sanctioned electrification plan which has not been done in this case. The plea of the petitioner for seeking NOC from RWA before release of the connections by the SDO is also not binding on the Nigam as already upheld by Permanent Lok Adalat (Public Utility Services), Gurgaon; hence the petition of the petitioner is dismissed.

Since, the petition of the petitioner has been dismissed; the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 542/2012
Date of Institution:28.02.2012
Date of Decision :28.03.2012

In the matter of
Sh. Anuj & others, Madana Wara, Near Shiva Kund, Sohna-122103, Distt., Gurgaon.

	V/s	DHBVN
Present on behalf of Applicant:	Petitioner	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer.	

ORDER

A petition of Sh. Anuj & Others, Madana Wara, Near Shiva Kund, Sohna, Distt., Gurgaon has been received, stating therein that they are facing an acute low voltage problem due to over-loading of existing T/F, lengthy LT line which causes frequent power cuts/interruptions. They have visited the office of SDO and XEN to solve their problem but no action has been taken till date.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

In the proceedings held on 06.03.2012, the residents of Madana Wara and the SDO were present. The petitioner stated that they are facing acute low voltage problem and due to which their motors are not being run and the T/F is over loaded, which may kindly be got augmented or an additional T/F of 200 KVA capacity be got installed, so that they may not face any further low voltage problem and to avoid damage of existing T/F. They have visited the office of SDO and XEN but no action has been taken.

On the other hand, the SDO was present and he submitted the reply, stating therein that a special estimate for providing 200 KVA additional T/F at site to meet out the low voltage problem of the residents, had already been framed and got sanctioned from the competent authority. But due to non-availability of required material, the work could not be started.

After hearing the case, the SDO was directed to take up the matter with concerned authorities through his superiors and complete the work to settle the grievances of the affected consumers. The progress so made in this regard was to be intimated by the XEN in person before the Forum on the next date of hearing.

To-day, the SDO and the petitioner were present. The SDO was asked to submit the compliance as per the last proceedings held on 06.03.2012. The SDO stated that he had taken up the matter with XEN and the XEN has also taken up the matter with the SE. But no allocation of material and T/F has yet been received from the COS. Moreover, the Nigam has banned new works. He further stated that the Forum should take up the matter with the COS for allocation of 200 KVA T/F for Redressal of the grievances of the Residents of the area. The SDO submitted a copy of letter of XEN/Op. Divn., DHBVN, Sohna vide No. 1497 dated 27.03.2012, stating therein that an estimate for providing of 200 KVA additional T/F for Redressal of grievances of the complainant has already been prepared and sanctioned. The bill of material for issuance of Work

Order has been sent to SE/Op.Circle, DHBVN, Gurgaon vide memo No. 1167 dated 06.03.2012. The requirement of 200 KVA T/F has also been sent to COS, DHBVN, Hisar vide memo No. 1347 dated 19.03.2012. The work will be started after issuance of Work Order from the competent authority and the grievances of the consumer/complainants will be sorted out at the earliest.

After hearing the statement of SDO and going through the records placed before it, the Forum concluded that this is a case of deficiency in service on the part of the Nigam. As per Standards of Performance fixed by the HERC; it is the duty of Licensee to provide proper voltage level to the consumers of the area as they are facing a low voltage problem since long.

The Nigam functionaries (SDO & Xen) though have acknowledged the complaints by preparing estimates for providing additional transformer of appropriate capacity in the affected area still the deficiency in service has not been addressed. This is a work of improvement of existing LD system and not a new work as stated by the SDO in his reply. The Forum decides that the voltage levels in the area be improved to the prescribed levels by completing the requisite works within the time limits prescribed by the Haryana State Electricity Regulatory Commission (HERC) in the Standards of Performance for the Distribution licensee of July-2004 & compliance reported to all concerned. The petition is allowed to the extent and the case is closed from the Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 543/2012
Date of Institution: 28.02.2012
Date of Decision : 28.03.2012

In the matter of
Sh. D.D. Gandhi, M/s Box and Carton (India) Pvt. Ltd., 16/2, Mathura Road,
Faridabad-121002.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. D.D.Gandhi, M/s Box and Carton (India) Pvt. Ltd., 16/2, Mathura Road, Faridabad was received, stating therein that the DHBVN is charging surcharge on non-payment of energy bills by the consumers at the rate of 1.5%. Their request is that the interest on account of the excess and wrongly charged amount of Rs.5,85,561/- for the period of 10 years be paid to the petitioner by the Nigam.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 06.03.2012, a representative of the office of SDO as well as the petitioner were present. The representative of the SDO has brought the reply of the petition, which was without No. & date and also the signature of SDO was not appended on the reply. In the reply, the SDO has stated that the petitioner had filed a Civil Suit in the Hon'ble Court of Sh. Jarnail Singh, Civil Judge, (Jr. Div.), Faridabad. The Hon'ble Court had announced the order to refund the ACD amount and half margin amount and 25% LT surcharge. The order of the Hon'ble Court had already been implemented and an amount of Rs.5,85,561/- credited in the account of the consumer vide SC&AR No. 570/R-106. The Hon'ble Court did not pass the order to give interest on the excess amount charged by the Nigam.

On the other hand, the petitioner was present and requested for allowing interest on the amount charged by the Nigam amounting to Rs.5,85,561/-. He further stated that when the Nigam can charge the interest on account of non-payment of bills by the due date, why the interest is not payable by the Nigam? The Nigam had kept the amount for 10 years wrongly without any fault of theirs and this caused lot of sufferings.

After hearing both the parties, the Forum has directed the representative of the SDO to bring copy of Regulations/Instructions of showing the interest is not payable to the consumer on account of the amount charged wrongly by the Nigam. The petitioner was also asked as to why the interest has not been claimed in the petition before the court as the principal matter already decided by a Court of Law on 23.9.2008. The petitioner stated that he had forgotten the line for allowing interests at the time of filing the writ petition in the Civil Court. Now, they have come before the Forum to allow interest.

The petitioner was informed that this Forum has directed the SDO to put up the relevant instructions of the Nigam of not allowing interest on account of the amount charged wrongly from the petitioner and the matter will further be heard on the next date which is fixed for 28.03.2012.

The Forum also asked the representative of the Nigam to ensure that concerned SDO is present at the time of next proceedings along with complete details of the amount charged .refunded & demands of consumer for interest claims.

To-day, the SDO was present and he stated that there is no instructions to allow interest on account of the amount deposited from the consumer and as per instructions, no interest is payable. He further stated that the petitioner went to the court and the court has also not allowed the interest on the amount charged by the Nigam wrongly and requested for closer of the case.

On the other hand, the petitioner was present and he insisted for the interest on the amount charged by the Nigam illegally and requested for interest on the amount charged forcibly through threatening disconnection of premises, if the payment not made by the Nigam. The amount remained 10 years with the Nigam without any fault and also demanded action against the delinquent officers/officials who illegally charged the amount Rs.5,85,561/- and harassment made to him by making un-necessary correspondence in refunding the amount charged by the Nigam illegally/wrongly and the further expenditure incurred on account of filing the case before the Civil Court.

After hearing the version of the petitioner and going through the reply/ statements of the SDO and records placed in the file, this Forum is of the considered opinion that though the "Electricity Supply Code" of HERC dated 10/08/2004 duly adopted by the Licensee vide sales circular No. D-9 of 2005 provides for interest at bank saving rate of State Bank of India on the overcharged amount in case of erroneous/disputed bills deposited by the consumers under protest, this Forum cannot entertain the complaint of the petitioner at this stage as the consumer has already approached a court of law to seek relief in the principal matter and the competent court has passed the final order/decree on 23/09/2008 which has been implemented by the Licensee. The HERC regulation No. 02/2004 dated 12/04/2004 provide that no complaint where the degree/award or final order has been passed by any competent court is to be entertained by the Forum. Hence this Forum cannot entertain the complaint at this stage. The petition of the consumer is dismissed and case closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 544/2012
Date of Institution:09.03.2012
Date of Decision : 20.03.2012

In the matter of
Sh. Ram Kumar S/o Sh. Diwan Singh, Plot No.508, Navdeep Colony, Rajgarh Road, Hisar-125 004.

	V/s	DHBVN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer.	

ORDER

A petition of Sh. Ram Kumar S/o Sh. Diwan Singh, Plot No.508, Navdeep Colony, Rajgarh Road, Hisar, was received, alleging therein that the electricity connection given in his name has been changed by the Nigam based on the fake documents submitted by someone. The petitioner requested to restore the connection in his name.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Ram Kumar, petitioner was present. He stated that he had taken the connection in his name but Smt. Sunita Devi got changed the electricity connection in her name by giving fake documents on his behalf. The petitioner requested the Forum to get the matter investigated and restoration of the connection in his name.

Later on, Smt. Sunita Devi D/o Sh. Ram Kumar reported arrival before the Forum and stated that the Petitioner is her father and the allegations made in the petition are wrong and denied. The factual position is that the premises where the connection is installed was in the name of her brother and after completing all usual formalities, the premises has been allotted/transferred by her brother in her name and the legal documents in this regard are in her custody, which may kindly be seen and further action taken accordingly. She has submitted a photo copy of the transfer of plot by the society. She further stated that the case of this house is in the Civil Court.

On the other hand, the SDO respondent was present and he submitted the reply of the petition stating therein that the petitioner is not a bonafide consumer of Nigam. The file submitted for change of name from Sh. Ram Kumar to Smt. Sunita Devi was misplaced and duplicate file has been got prepared from Smt. Sunita

Devi and is lying in the records. He has further stated that his office has changed the connection from Sh. Ram Kumar to Smt. Sunita Devi on the basis of documents submitted by them for change of name and it is wrong to say that the connection has been changed illegally.

After hearing both the parties and SDO respondent, this Forum is of the considered opinion that this is a property dispute case and also sub-judiced. The change of name in the connection has been affected by the SDO based on the documents submitted by the parties, copies of which already given to the petitioner by the SDO when sought under RTI. The Forum is not to judge the genuineness and authenticity of the documents and in case the petitioner feels aggrieved on the grounds of genuineness of the documents signed by someone else on his behalf, he can take appropriate legal action in the matter.

The case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 545/2012
Date of Institution:09.03.2012
Date of Decision :10.04.2012

In the matter of
Sh. Ishwar Singh S/o Sh. Sarup Singh, H.No.639, Sector-13-P, Hisar-125 005.
V/s DHBVN

Present on behalf of Applicant: Present in person.
Present on behalf of Respondent: Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Ishwar Singh S/o Sh. Sarup Singh, H.No.639, Sector-13-P, Hisar was received against non-replacement of tilted pole.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 20.03.2012, the SDO was present and he submitted the reply of the petition stated therein that it is true that the petitioner is a bonafide consumer of Nigam having electricity connection bearing A/C No. EE01-5384. Due to non-availability of pole, this pole could not be replaced earlier and now the poles are available and the tilted pole has been replaced on 19.03.2012 and requested for closer of the case.

Since, the petitioner was not present for his viewpoint/confirmation of the replacement of pole; the case was adjourned to the next date.

Today, the petitioner was present and confirmed in writing that the tilted pole has been replaced by the SDO and requested for closer of the case.

Since the cause of action is over and grievance of consumer redressed to his satisfaction, the case is not to be proceeded further hence closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 546/2012
Date of Institution:12.03.2012
Date of Decision: 28.03.2012

In the matter of
Sh. Brijendra Jain, CGM, M/s Rico Auto Ind. Ltd., 38 KM Stone, Delhi-Jaipur Highway, Gurgaon-122 001.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Brijendra Jain, CGM, M/s Rico Auto Industries Ltd., 38 KM Stone, Delhi-Jaipur Highway, Gurgaon was received on dated 12.03.2012, in the matter of appeal against the final order of short assessment issued by Xen.KCG Division, DHBVN, Gurgaon vide his memo No.621 on 25.11.2011 for Rs. 5,60,28,411/- on account of MDI penalty for the period from January, 2010 to May 2011.

The facts of the case in brief as given by the petitioner in its petition from para 1 to 28 are:-

1. That the petitioner is a Ltd. company incorporated under the provisions of the Companies Act-1956.
2. That the company prior to December, 2005, had a sanctioned load of 9000 KW with a corresponding contract demand of 10 KVA. In view of enhanced requirement of power for its new plant, the company approached the Nigam authorities in November, 2005 to release additional load of 9000 KW with corresponding contract demand of 20,000 KVA. The SDO while forwarding the case to the higher authorities gave the technical feasibility report conveying that M/s Rico Auto Industries, Gurgaon applied through A&A No. 18971/LS dated 21.10.2005 for extension of load from 9000 KW to 18000 KW with contract demand from 10,000 KVA to 20,000 KVA.
3. The DHBVN after clearance from HVPN communicated sanction for enhancement of connected load of the petitioner from 9000 KW to 18,000 KW with corresponding contract demand of 20,000 KVA as per GM/Commercial letter dated 24/02/2006 with the condition that the additional load for the time being is allowed from 66KV S/Stn., Mehrauli Road, Gurgaon as a temporary arrangement and as final arrangement the load will be supplied from 66 KV Sub Station Sector 38, Gurgaon on certain investments by M/S Rico Auto for catering to their load from the new substation in Sector 38.

4. That the SDO sent the demand notice on 23.03.2006 asking for deposit of service connection charges, ACD and to complete other formalities. The petitioner deposited Rs.60 Lacs towards service connection charges.
5. The Director/Op., DHBVN, Hisar conveyed vide memo No. Ch-17/SE/Comml./342/05 dated 12.05.2006 that it had taken up the matter with CE/Plg. & Comml, HVPN, Panchkula, who in turn had advised that the load for the time being can be met from the 66KV Mehrauli Road though they would eventually like to shift the load to new 66KV S/Stn. under construction in Sector-38 and proposed certain investment by the petitioner for catering to their load from the new S/Stn., in Sector-38. Their petitioner deposited a sum of Rs.37.486 Lacs in Nov., 2008 towards creation of new 66KV Bay at Sector-38. Thus an additional load up to 8 MVA was released from the existing system without any augmentation with a clear understanding that the total load of 20MVA would be released on completion of new 66KV S/Stn. of Sector-38.
6. That the new 66KV S/Stn., Sector-38 Gurgaon was commissioned in Nov., 2007 which was fed from 220KV S/Stn. Sector-52, Gurgaon and as such the earlier constraint on 66KV Badshahpur-Mehrauli line was no more relevant. The company requested to SE/T&S, HVPN, Gurgaon on 20.12.2007 to shift the 66KV S/Stn. from Mehrauli Road S/Stn. to Sector-38 S/Stn. and the connection was shifted in Nov., 2008 and thus condition of system constraint was taken care of.
7. That tri-partite agreement was signed amongst the petitioner company, GM/Op. Circle, DHBVN, Gurgaon and SE/T&S Circle, HVPN, Gurgaon on 03.08.2009 which clearly mentioned the sanctioned load and enhanced contract demand 18000KW and 20000KVA respectively.
8. That the SE/Op. Circle, Gurgaon on 17.09.2010 allowed dispensation of 40% sanctioned contract demand i.e. 8000KVA as a special dispensation during peak load hours/load restriction except zero Amp. LR for a period of one year i.e. up to 16.09.2011.
9. That all of a sudden, XEN/KCG Division, DHBVN, Gurgaon raised a demand of Rs.5,60,24.471/- on 06.05.2011 for short assessment on account of MDI penalty for the period Jan., 2010 to May, 2011 considering the CD as 18000 KVA.
10. That the petitioner approached XEN/KCG, Gurgaon with all facts but he did not listen and insist for payment. The firm approached the SE/Commercial, DHBVN, Hisar for intervention but he also refused to accede to the request.
11. That the petitioner filed a civil suit in the Civil Court at Gurgaon for permanent injunction and the Hon'ble court in its orders dated 21/10/2011 directed to decide the reply/representation/objection of the plaintiff on merit, after affording a reasonable opportunity of hearing to the plaintiff and pass a final order of assessment before recovering the proposed amount as per law.
12. That the XEN/KCG Division sent a notice on 3/11/2011 calling for written submissions from the petitioner which were submitted by the petitioner on 16/11/2011. The

XEN/KCG has passed the order on 25/11/2011 without personal hearing and violated the order of the Hon'ble Court.

13. That the SDO had all along been mentioning the sanctioned load as 18000KW and contract demand of 20000KVA in all monthly electricity bills.
14. That the SDO and XEN had at no stage from January, 2010 to May, 2011 ever informed the company about the excess MDI being recorded although meter reading was taken every month and MDI recorded by the SDO. Moreover, at no stage the MDI was reset by the SDO from Jan., 2010 to May, 2011, although this was required when the MDI exceeded the CD. The facts remain that for all intents and purposes, the contract demand had been enhanced to 20000KVA and the firm had never exceeded the contract demand of 20000KVA.
15. That the M&P wing of DHBVN carried out quarterly joint checking of meter on 28/01/2010, 21/04/2010 and 27/05/2010. In the first two reports the M&P wing mentioned about exceeding the MDI but no remarks were given in the 3rd report. No action was taken by the SDO and XEN on the remarks of M&P wing. It was a duty of the SDO and XEN to take the following actions on the M&P observations:
 - a) To reset the MDI to zero in line with Sales Circular No. 17/89 and subsequent Sales Circular No. 26/90.
 - b) To issue a notice of assessment for un-authorized use of electricity as per Sales Circular No. D43/2005.
 - c) To issue a recovery notice for exceeding MDI from time to time as per approved schedule of tariff.
16. That the SDO is charging fixed charges as applicable to LS consumers in all monthly bills on CD of 20000 KVA and also mentioned the "consent accorded" as 18000 KW which is corresponding to 20000 KVA in the permission of short term open access in April 2011.
17. That the fact remains that the firm has captive generators of 20 MW capacity and had any notice of exceeding MDI ever been issued, the firm would have agitated against such illegal notice before the appropriate authority, it would have restricted the demand to 18 MVA by using its captive generators instead of facing this unjust and illegal demand of short assessment after a period of 18 months. After receipt of notice for short assessment in May, 2011, the petitioner had never exceeded the MDI.
18. That if the SDO and XEN were so certain about the reduced contract demand, then why none of the following actions were taken by the Nigam from time to time:
 - i) Revised sanctioned letter was not issued, showing reduced contract demand of 18 KVA.
 - ii) No action was taken on the M&P reports of January & April, 2010. Had the notice been issued in Jan., 2010, the petitioner would have restricted its power drawl within the restricted contract demand till the matter was settled or used captive generators.
 - iii) The MDI was not reset to zero at each instance and assessment orders issued. No mention of exceeding MDI in M&P report of July, 2010. Monthly energy bills issued

with fixed charges on CD taken as 20000 KVA. In tripartite agreement dated 3/08/2009 the CD was mentioned as 20000 KVA and mentioned the same in open access permission and approval of special dispensation during peak load hours.

The petitioner has sought following reliefs:

1. Notice for short assessment raised by XEN, KCG Divn. DHBVN Gurgaon for Rs. 5,60,28,411/- on account of MDI penalty be quashed.
2. Even if it is concluded that the petitioner exceeded the sanctioned contract demand in any month, it should be reckoned from the month when notice of assessment was issued for exceeding the contract demand and MDI was reset to zero and not from any previous date.
3. The Nigam be restrained from disconnecting the electricity connection and/or recovering these unlawful and illegal charges on a wrong pretext and save the petitioner company from this unnecessary financial burden.
4. Any other relief to which the petitioner company is found entitled.

The petition was sent to the Nodal Officer for his view point/reply and date of hearing was fixed at Gurgaon on 28/03/2012.

During the proceedings, the petitioner as well as XEN/KCG Division, DHBVN, Gurgaon were present. The XEN/KCG Division has submitted the reply of the petition vide memo No. 1647 dated 21.03.2012 through the Nodal Officer, stating that:-

1. M/s Rico Auto Industries Ltd. was having the load of 9000 KW with contract demand 10000KVA. The company applied for extension of load from 9000KW to 18000KW and contract demand 10000KVA to 20000KVA on 21/10/2005. The same was sanctioned by GM/Commercial, DHBVN, Hisar. Vide Endst.No. Ch-91/SE/Comml./342/05 dated 24.02.2006. While physically affecting the extension of load and contract demand, it was felt that the existing system cannot take up this extension load fully. So, the Director/Op., DHBVN, Hisar vide his letter dated 12.05.2006, decided that an additional 8 MVA load can safely be fed from the existing system, as such approval for additional 8 MVA (Part load out of 10MVA) was accorded. The fixed service connection charges at the rate of Rs.750/- per KVA were deposited for partial extension of contract demand of 8 MVA i.e. Rs.60 Lacs were deposited on 26.05.2006.
2. That on 24.05.2006, the firm requested for release of partial contract demand of 18000 KVA instead of total sanctioned demand of 20000 KVA and declared depositing of Rs. 60 lacs towards service connection charges for the partial extension in CD. Accordingly, SJO was issued for implementation of the extension of load from 9000 KW to 18000 KW with contract demand from 10000 KVA to 18000 KVA out of 20000 KVA on 22.06.2006.
3. That before releasing of this connection, the expert DHBVN team of M&P visited the site and checked the accuracy of meter and released 18000 KVA contract demand duly mentioned in their report which was witnessed by the company representative. Thereafter, the billing for partial extension of contract demand of 18000 KVA was started by the DHBVN. As the billings as well as ledgers were maintained manually, so due to inadvertent mistake, the contract demand has been mentioned as 20000 KVA instead of

18000 KVA in the bills and during the month of 7/2008, it was also wrongly mentioned as 20000 KVA in ledger. Despite that during all the checkings by M&P, the checking team mentioned the contract demand in their reports, duly witnessed by company representative, as 18000 KVA instead of 20000 KVA.

4. That on 5.9.2008, the firm applied for extension in contract demand from 18000 KVA to 25000 KVA on fresh A&A Form. On the basis of that, the load was sanctioned by CE/Op. Delhi from 18000 KVA to 25000KVA on dated 27.01.2009. Thus the company was aware of the fact that the CD is 18000 KVA. Furthermore, the company again declared their contract demand under VDS on dated 12.12.2011 as 18000 KVA and requested for extension of load from 18000 KVA to 20000 KVA, but the same was rejected by the Nigam due to not applying on the Format of the Nigam.
5. That during the month of 1/2010, their contract demands reached at 19300 KVA, which was more than 5% of the allowed limit of sanctioned 18000 KVA. This happened on 23.01.2010 and the meter was checked by M&P on 28.01.2010 with the remarks that the contract demand has been extended to the prescribed limit of 5% of the sanctioned load. The report duly witnessed by the company representative was also handed over to them. Due to wrong entry of 20000 KVA load in the ledgers, the amount could not be charged in the monthly bill of Jan.2010. Further, the contract demand repeatedly exceeded on 23.01.2010, 12.2.2010, 7.5.2010, 4.6.2010, 19.6.2010, 6.7.2010 and 11.1.2011. This mistake in billing system was pointed out in the month of May-2011 & penalty @ 25% SOP was imposed upon the firm on account of increase in contract demand beyond the limit of 5% and calculated the penalty amount Rs 5,60,28,471/- through a Show Cause Notice. The firm represented to the Nigam Management regarding the above penalty. The SE/Commercial, DHBVN, Hisar after hearing their request, had decided on 26/08/2011 that the action on the part of Xen .KCG Division, Gurgaon is correct and the amount is rightly chargeable. After the decision of SE/Commercial, the firm filed a writ petition in the Court of Sh.A.K.Jain,Civil Judge, Senior Divison,Gurgaon and the learned Judge dismissed the appeal of the firm with the order to hear the complainant and give the speaking order. The company was intimated to depute their representative with records and submissions and after hearing the complainant's representative in person, as per direction of the Hon'ble court, final speaking order was passed and conveyed to the complainant on 9/12/2011. The complainant then filed an appeal before the HERC under section 86(a),86(c) and 94(1) of Electricity Act-2003 and the Hon'ble HERC dismissed their appeal on 6.3.2012.
6. That keeping in view the facts as mentioned above, the amount charged on a/c of exceeding the MDI is correct and the complainant is liable to make the payment of this amount, hence it is requested that the complaint may be dismissed with the order to make the payment against above mentioned notice immediately.

The petitioner was present and stated that he had already made a complaint/appeal before the Forum for Redressal of his grievances but before finalization of case, his connection was disconnected by the Nigam on 23.03.2012, though he is a LS consumer and

in whole of Gurgaon, he is giving maximum revenue to the Nigam. He reiterated the grounds given in the appeal for quashing the demand raised by the XEN, KCG, DHBVN, besides direction to the respondent XEN not to disconnect the connection till the finalization of the case by the Forum.

After hearing both the parties and perusal of records placed before it, the Forum is of the considered opinion that this is a case of un-authorized extension of load inter-alia un-authorized use of electricity as per Licensee's sales circular No. D-43 of 2005, para (I) (c), as further amended vide sales circular No. D-37 of 2007, for the purpose of section 126 of the Electricity Act-2003. The case has also been tried in the court of law under the relevant section of the Act. Hence this Forum has no jurisdiction to entertain the present complaint of the petitioner company as per HERC Regulation No. HERC/02/2004 dated 12/04/2004. The petition is thus rejected and case closed from the Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 547/2012
Date of Institution: 20.03.2012
Date of Decision :28.03.2012

In the matter of
M/s Kamal Concrete, Vill. Baghanki, Distt., Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of M/s Kamal Concrete, Vill., Baghanki, Distt., Gurgaon was received regarding the wrong checking by Vigilance Wing, Gurgaon and the amount charged by the SDO on account of excess load shown by the Vigilance Wing at site.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the CA of the Sub-Division was present and he submitted the reply of the petition, which is as under:-

That the petitioner is a NDS category consumer with sanctioned load of 11KW. The premises of the petitioner was checked by ADV, Gurgaon and the load was found excess i.e. 20.290KW at site which was written on the LL-1 proforma by the vigilance team. After receipt of the report from vigilance, the penalty was charged under section 126. The details of the penalty is given here under:

1. Difference of ACD- $10 \times 1.5 \times 525 = 7875$
2. Difference of LSC- $10 \times 1.5 \times 750 = 11250$
3. Difference of fixed charges- $115 \times 1.5 \times 21 \times 6 = 21732$
4. Penalty for unauthorized extension of load- $10 \times 100 \times 12 = 12000$

Total Amount= Rs.52857/-.

On the other hand, the petitioner was present and stated that the load shown by the vigilance on LL-1 proforma is wrong. The checking report has not been furnished by the vigilance to the consumer, which may kindly be given/supplied. The load of welding set which was lying idle has also been shown in the checking report and also shown unnecessary extra load which may kindly be looked into. Moreover, the Meter Reader of the area is not coming for taking the meter reading for years together. In response to the statement of the petitioner,

the CA of the Sub-Division, stated that after receipt of LL-1, the details of billing were checked and as per the reading recorded in Jan., 2012 by HESL Personnel was 37067 with the remarks that the meter is defective whereas as per reading shown by ADV was in the meter 52822. The difference of 37067 and 52822 was not charged being average billing was made to the consumer from 5/2011 to 1/2012.

After hearing both the parties, this Forum has concluded that this is a case of un-authorized extension of load inter-alia un-authorized use of electricity under section-126 of Electricity Act, 2003 as clarified by Nigam vide Sales Circular No. 43/2005, hence does not comes under the purview of this Forum. Thus the complaint of the petitioner is not allowed. The CA of the Sub-Division was directed to supply a copy of checking report to the petitioner as he alleged that he had not been given the LL-1 report of checking at site by the Vigilance Wing and also to overhaul the account of consumer based on actual readings at site.

The case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 548/2012
Date of Institution:20.03.2012
Date of Decision : 28.03.2012

In the matter of
Dr. J.K.Sama, President, SARWA (Regd.), E5/103, Charmwood Village, Suraj Kund Road, Faridabad.121 009.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Dr. J.K.Sama, President, SARWA (Regd.) E5/103, Charmwood Village, Suraj Kund Road, Faridabad was received regarding incorrect billing to the Residents of Society.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Sunil Kumar, representative of SDO as well as the petitioner were present. The representative of the SDO stated that he has gone through the complaint of the petitioner and also discussed with the petitioner.

On the other hand, Dr. J.K. Sama, President of SARWA (the petitioner) has given in writing, stating therein that the complaint has been discussed with the representative of the sub-division who promised to settle the issue at the earliest. The petitioner further orally stated that in view of their discussion with officials of Sub-division, they do not wish to pursue the case before the Forum.

Since, the petitioner requested that he does not want to proceed the case further with the Forum and requested for withdrawal of the case, the request of the petitioner is acceded to and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 549/2012
Date of Institution: 20.03.2012
Date of Decision : 28.03.2012

In the matter of
Dr. J.K.Sama, President, SARWA (Regd.), E5/103, Charmwood Village, Suraj Kund Road, Faridabad.121 009.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Dr. J.K.Sama, President, SARWA (Regd.) E5/103, Charmwood Village, Suraj Kund Road, Faridabad was received regarding non-refund/transfer of the Security deposited from old A/C No. EG21-1508 to new A/C No. EG15-1649.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Sunil Kumar, representative of SDO as well as the petitioner were present. The representative of the SDO stated that he has gone through the complaint of the petitioner and also discussed with the petitioner.

On the other hand, Dr. J.K. Sama, President of SARWA (the petitioner) has given in writing, stating therein that the complaint has been discussed with the representative of the sub-division who promised to settle the issue at the earliest. The petitioner further orally stated that in view of their discussion with officials of Sub-division, they do not wish to pursue the case before the Forum.

Since, the petitioner requested that he does not want to proceed the case further with the Forum and requested for withdrawal of the case, the request of the petitioner is acceded to and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 550/2012
Date of Institution: 20.03.2012
Date of Decision: 28.03.2012

In the matter of
Dr. J.K.Sama, President, SARWA (Regd.), E5/103, Charmwood Village, Suraj Kund Road, Faridabad.121 009.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Dr. J.K.Sama, President, SARWA (Regd.) E5/103, Charmwood Village, Suraj Kund Road, Faridabad was received regarding non-crediting Rs.5000/- deposited by Smt. Shanti Rajaram, Resident of E5/111 having A/C No. EG15-1479 to her account.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Sunil Kumar, representative of SDO as well as the petitioner were present. The representative of the SDO stated that he has gone through the complaint of the petitioner and also discussed with the petitioner.

On the other hand, Dr. J.K. Sama, President of SARWA (the petitioner) has given in writing, stating therein that the complaint has been discussed with the representative of the sub-division who promised to settle the issue at the earliest. The petitioner further orally stated that in view of their discussion with officials of Sub-division, they do not wish to pursue the case before the Forum.

Since, the petitioner requested that he does not want to proceed the case further with the Forum and requested for withdrawal of the case, the request of the petitioner is acceded to and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 551/2012
Date of Institution: 20.03.2012
Date of Decision: 28.03.2012

In the matter of
Dr. J.K.Sama, President, SARWA (Regd.), E5/103, Charmwood Village, Suraj Kund Road, Faridabad.121 009.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Dr. J.K.Sama, President, SARWA (Regd.) E5/103, Charmwood Village, Suraj Kund Road, Faridabad was received regarding incorrect meter readings by the Sub-division staff.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Sunil Kumar, representative of SDO as well as the petitioner were present. The representative of the SDO stated that he has gone through the complaint of the petitioner and also discussed with the petitioner.

On the other hand, Dr. J.K. Sama, President of SARWA (the petitioner) has given in writing, stating therein that the complaint has been discussed with the representative of the sub-division who promised to settle the issue at the earliest. The petitioner further orally stated that in view of their discussion with officials of Sub-division, they do not wish to pursue the case before the Forum.

Since, the petitioner requested that he does not want to proceed the case further with the Forum and requested for withdrawal of the case, the request of the petitioner is acceded to and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 552/2012
Date of Institution: 20.03.2012
Date of Decision : 28.03.2012

In the matter of
Dr. J.K.Sama, President, SARWA (Regd.), E5/103, Charmwood Village, Suraj Kund Road, Faridabad.121 009.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer

ORDER

A petition of Dr. J.K.Sama, President, SARWA (Regd.) E5/103, Charmwood Village, Suraj Kund Road, Faridabad was received alleging therein that the JE had harassed through the Supervisor on account of non-replacement of meter of the petitioner having A/C No. EG12-2100 in Villa No. V/84 (2nd floor), which became defective during April, 2011. He further alleged that the Security deposited for 3-phase meter, but the single phase meter was installed.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, Sh. Sunil Kumar, representative of SDO as well as the petitioner were present. The representative of the SDO stated that he has gone through the complaint of the petitioner and also discussed with the petitioner.

On the other hand, Dr. J.K. Sama, President of SARWA (the petitioner) has given in writing, stating therein that the complaint has been discussed with the representative of the sub-division who promised to settle the issue at the earliest. The petitioner further orally stated that in view of their discussion with officials of Sub-division, they do not wish to pursue the case before the Forum.

Since, the petitioner requested that he does not want to proceed the case further with the Forum and requested for withdrawal of the case, the request of the petitioner is acceded to and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 553/2012
Date of Institution:20.03.2012
Date of Decision: 02.05.2012

In the matter of
Smt. Dulari Devi, H.No.46, Dev Vatika, 12 Qtr. Road, Hisar-125001.

	V/s	DHBVN
Present on behalf of Applicant:		Present in person.
Present on behalf of Respondent:		Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Smt. Dulari Devi, H.No.46, Dev Vatika, 12 Qtr. Road, Hisar was received against damage of electrical equipments due to high voltage in her house during the night of 3rd February, 2012 and demanding compensation thereof.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 10.04.2012, the SDO concerned as well as the petitioner were present. The petitioner stated that during the night of 3rd February, 2012, due to sudden high voltage in her premises, a Television set & mobile phone have burnt/damaged. The petitioner also submitted photographs of burnt/damaged devices before the Forum. She further stated that after the incident of high voltage at her premises, she made complaint to various officers of the Nigam and even after publishing the news in the Newspaper, no officer/official from Nigam side had ever visited the site till to-day to observe the loss sustained by her and to console them for the incident.

The concerned SDO was present and requested for time to enquire the facts of the complaint/incident. The request was granted and the next date was fixed for 02.05.2012.

To-day, the SDO was present and he submitted the reply under the signatures of XEN/Op. Division No.1, DHBVN, Hisar through Nodal Officer vide memo No. Ch-5/Forum-553/HSR dated 02.05.2012, stating therein that the site of the petitioner was checked by SDO, City S/Divn., Hisar and as per his report, electrical system is O.K. The area is theft prone. The damage rate of T/F fuses is very high. There are large numbers of consumers involved in pilferage of electricity by direct kundi connections at night. In the area raids by DHBVN officials have been made many times, but they remove direct kundi connection

immediately before capturing any evidence against them. Because of the these kundi connections, two phases of the line contact each other many times and caused high voltage supply in the LD system for few seconds. As per report of JE and complaint staff, it was found that no complaint has been lodged by consumer on 03.02.2012. It is pertinent to mention here that during checking, it was found that the consumer has not installed any protective device i.e. MCB. If the same has been installed by the consumer, then there was no chance of burning of equipments.

The SDO has further stated that because of theft prone area, there might be possibility of high voltage after taking the supply through kundi on the line and as per the Nigam instructions, there is no provision of compensation for damage to equipments due to high voltage or any other fault in the T/F, which is a technical fault.

After hearing both the parties and taking note of records placed before it, the Forum concluded that the damage to the consumer appliances as per complaint is not proven at the part of the Nigam. The consumer has not installed any protection devices in his electrical system and technical status of the appliances stated to be burnt due to high voltage could not be ascertained hence this Forum cannot give any relief to the petitioner. The petition is hereby dismissed and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 554/2012
Date of institution: 26.3.2012
Date of decision: 10.4.2012

In the matter of

Sh. Tej Ram, Partner of M/s Sourabh Industry, Nohar Road, Ellenabad, Distt., Sirsa-125102.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh.Tej Ram, Partner of M/s Sourabh Industry, Nohar Road, Ellenabad was received stating therein that he is having a seasonal industry with sanctioned load 149.622 KW and contract demand 166 KVA, bearing A/C No. E-45/LS, had applied for TDCO for the period 11.3.2011 to 10.09.2011 for maintenance of industry and light load etc. and the permission was granted by SE/Op. Circle, DHBVN, Sirsa. But the SDO had revoked the TDCO facility wrongly with the plea that the petitioner had violated the terms and conditions of Sales Circular No.D-7/2010 i.e. by exceeding the monthly consumption limit i.e.5% of monthly average consumption of preceding six months and charged the petitioner the normal applicable tariff. The petitioner also raised issues of applicability of tariff in his case and others as per sales circular No. D-7/2010.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner as well as the SDO were present. The SDO has submitted the detailed reply through the Nodal Officer vide his memo No. Ch-4/Forum-554/SRS dated 10.04.2012, which is placed in the file. The SDO has stated in his reply that the petitioner was granted the TDCO facility from 11/03/2011 to 10/09/2011 by the SE/Op. Circle, Sirsa vide memo No.3225/CS-31 dated 25.03.2011, and he was required to follow the instructions/terms and conditions, as contained in the Sales Circular No.D-7/2010, but the petitioner had violated the instructions contained in Sales Circular No. D-7/2010 by exceeding the consumption limits and charged the amount according to the instructions of the Nigam by revoking the TDCO facility from April, 2011. During April, 2011, the petitioner consumed power of Rs. 63,130/- (energy charges only) as against the limit of Rs. 60,000/ (150 KW X Rs. 400 per KW) as per terms of PDCO and sales circular No. D-7/2010. Thus the TDCO facility was revoked and the consumer was informed through the note given on the energy bill itself. The consumer objected the bill by approaching the office but later on paid on 21/04/2011. The SDO in his reply stated that the bill of April given to the consumer was pertaining to the period 10/03/2011 to 12/04/2011 (33 days)

The SDO further stated in reply that if the calculations are made taking 30 days consumption, the TDCO facility is not revoked in April, 2011 but in May, 2011.

The following consumption details from April, 2011 to May, 2011 are given by the SDO:-

A/C No.	NRH2-0008 LS
Sanctioned Load	149.622 KW
Contract Demand	166 KVA
Period of Seasonal TDCO	11.3.2011 to 10.09.2011
Reading Date	10th of each Month
Readings Taken Dates	10.03.2011 to 12.04.2011
Issued Month	April, 2011
Chargeable MMC (One Month Following Month of TDCO) on the basis of sanctioned connected load	150 KW x Rs.400 per KW = 60000/-
Units consumed (33 Days) 10.03.2011 to 12.04.2011	15212
Energy Charges (SOP)	15212 x Rs.4.15 per Unit = 63129.80/-
Calculation Units Consumed (30 Days) 10.03.2011 to 09.04.2011	$(15212/33) \times 30 = 13829$ Units
Energy Charges (SOP)	13829 x Rs.4.15 Per Unit = 57390/-
Balance Units	15212-13829 = 1383 Units
Balance Units of 3 Days to be carried over to Next Month May 2011 = 1383 Units.	
Readings Taken Dates	12.04.2011 to 10.05.2011
Issued Month	May 2011
Units Consumed (27 Days)	728
Previous Month Balance Units 3 Days (10.04.2011 to 12.04.2011)	1383
Total Units 30 Days	728 + 1383 = 2111
Average permissible units for having purpose during TDCO period 5% of average consumption of Last 6 Months	
November 2010	13640
December 2010	25386
January 2011	24278
February 2011	28686
March 2011	18056
April 2011	13829
Total	123875 Units

123875/6 = 20645 x 5%	1032 Units
5% Permissible Limit	1032 Units
Consumed Units	2111 Units
Excess units consumed, Hence TDCO facility is revoked	

The SDO has further stated that bill for the month of May, 2011 was prepared on MMC by taking the base of KVA by the Computer Cell on the basis of old circular, which was later on rectified/revised after the receipt of advice from Divisional Office as per Sales Circular No. D-7/2010. Moreover, the connection of the petitioner was never disconnected due to default as alleged by the petitioner in the compliant. This is confirmed by load survey that power supply was running. Regarding the consumption of petitioner, the consumption for the last four months of the TDCO period was negligible.

On the other hand, the petitioner was present and stated that the Nigam's billing staff lack knowledge of charging the amount in TDCO cases. The changes in tariff are not informed to the consumers in time and the SDO had charged the amount in his case by violating the sales circular on the basis of KW but the amount is chargeable on contract demand basis and the Nigam is charging from the other consumers on contract demand basis. The consumer further argued that Nigam's sales circular No. D-7 of 2010 is defective to the extent and needs amendment. Moreover, the bill for April, based on which his TDCO facility withdrawn, pertains to the period from 10.3.2011 to 12.4.2011 (33 days) whereas, the amount should have been calculated on 30 days consumption basis.

After hearing both the parties and considering the reply submitted by the SDO, this Forum is of the considered opinion that the action taken by the SDO for revoking the TDCO facility and applicability of tariff/charges in the case of petitioner are as per sales circular No. D-7/2010 except that the TDCO facility should have been revoked in the month of May, 2011 instead of April, 2011 as also admitted by the SDO in his reply dated 3/04/2012 by giving consumption details for these two months. This is also evident from the reference of SE/Operation Circle, Sirsa dated 19/09/2011 placed in the case file. Thus the account of the consumer be overhauled accordingly. The SDO is further to ensure that correct bills as per Nigam rules are prepared and given to the consumer. The tariff/charges prescribed under sales circular No. D-7/2010 are as determined by the State Regulator (HERC) under appropriate Act and this Forum has no jurisdiction in the matter of its reasonability in a particular case. The petition of the consumer is allowed to the extent and the case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(Rajesh Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 555/2012

Date of Institution: 29.03.2012

Date of Decision :09.05.2012

In the matter of

Smt. Pritishikha Singh, H.No.53 1st Floor, 53FF, Block-5, Eros Garden, Charmwood Village, Faridabad-121009.

V/s DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer

ORDER

A petition of Smt. Pritishikha Singh, R/o H.No.53 1st Floor, 53FF, Block-5, Eros Garden, Charmwood Village, Faridabad was received against wrong billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 18.04.2012, the petitioner was not present but the CA of the sub-division was present. The CA of the sub-division stated that the SDO has not prepared the reply of the petition but as per his knowledge, he orally stated that the sanctioned load of the petitioner is 7 KW and meter of the petitioner was defective, which was replaced recently. Prior to replacement of the meter, the petitioner was billed on average basis. The bill of the petitioner shall be got overhauled on the basis of the reading/consumption for next three billing cycles accordingly. The CA was directed that the above statement made by him orally before the Forum be confirmed in writing through the signature of SDO for reference and record. The exact date of replacement of meter and the amount charged from the petitioner on average basis also brought on the next date of hearing.

To-day, the CA was present but the petitioner was not present. The CA of the Sub-division submitted the reply of SDO concerned through the Nodal Officer vide memo No. Ch-7/Forum-555/FBD dated 09.05.2012 stating therein that the meter of the above named consumer was changed vide MCO No. 152908/11/12 dated 30.03.2012 affected on 10.04.2012. Prior to replacement of the meter, the petitioner was billed on average basis. The bill of the petitioner shall be got overhauled on the basis of the reading/consumption of new meter for next three billing cycle.

Since the petitioner is not attending the proceedings before the Forum in two consecutive hearings and meter already replaced, it is decided that the case may not be proceeded further. The SDO is to ensure that the account of the consumer is overhauled as per consumption data of replaced meter and compliance reported to the Forum through Nodal Officer.

The case is closed from this Forum.

Given under my hand.

File be consigned to record.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbn.com) (e-mail ID: cgrfdhbn@gmail.com)

Case No. 557/2012
Date of Institution: 18.04.2012
Date of Decision: 06.06.2012

In the matter of
Sh. Sant Lal S/o Sh. Dhanpat, Village, Jakhod Khera, Tehsil, Adampur, Distt., Hisar..

	V/s	DHBN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Sh. Raj Kumar, Nodal Officer.	

ORDER

A petition of Sh. Sant Lal S/o Sh. Dhanpat, Village, Jakhod Khera, Tehsil, Adampur, Distt., Hisar was received by this Forum, stating therein that he is a resident of Jakhod Khera, Tehsil, Adampur and his electricity connection bearing A/C No. FFD/0210 was taken in the name of his late father, Sh. Dhanpat Singh S/o Sh. Khyali Ram, but in the records of DHBN the name of consumer has been shown as Ghanpat Singh instead of Dhanpat Singh. The petitioner further stated that he has not received the electricity bills for the last about 5-6 years and no one has taken the meter reading during this period despite his pursuance with SDO, Adampur. The petitioner requested that his regular bills be issued enabling him to make payments accordingly.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 02.05.2012, the SDO as well as the petitioner were present. The SDO submitted the reply of the petition vide memo No. 2607 dated 02.05.2007, through the Nodal Officer, stating therein that the connection is running in the name of Sh. Ghanpat Singh and after verification the corrections in the name would be made. The bills to the consumer distributed by HESL and no application regarding the matter received from the consumer till now. The reading is taken in time by HESL. Photo copy of consumer ledger also submitted by the SDO with the reply. Besides the written submissions the SDO stated that the Meter Reader (HESL Official) is taking the meter reading of the area and the bills are being delivered to the consumers including the petitioner regularly. During his posting in the sub-division for the last 14 months, the petitioner has never met him for non receipts of the bills.

On the other hand, the petitioner was present and he insisted that no one from the Nigam is taking the readings and he has not received the bills. He further maintained that even the meter reader of the area cannot even locate his site. The consumer told the Forum that recently someone from the Sub-Divn. visited his premises and confirmed that the present meter reading is about 250 units more than that last shown in the records of the sub division. The SDO was asked as to why the connection has not been disconnected when the consumer is not paying the bills for the last 5-6 years and arrears

have accumulated. The SDO stated that the connections with defaulting amount of Rs. 50,000 and more have been disconnected and the others with lesser defaulting amount are being taken care of now. Moreover he remained busy in two by-elections held during this period.

After hearing both sides, the SDO was directed to submit all the records relating to the consumer including the consumer file/A&A form, meter reading records (Kalamzu) and complete consumer ledger pertaining to the disputed period in the next date which is fixed for 22/05/2012.

During the proceeding held on 22/05/2012, the petitioner was present but the SDO was not present. The Nodal officer informed the Forum that the SDO is on the way and stuck in a road blockade caused by the villagers/public near Agroha protesting power cuts. The petitioner stated that he has received a copy of bill with wrong name again and his bill has not been corrected so far. The case was adjourned to next hearing.

To-day, the SDO was present and submitted the case documents. He also submitted a written statement from the Sarpanch of the Village, certifying therein that the bills are delivered by the bill distributor to the villagers regularly and in case of non-availability of any consumer, such bills are given to the neighbors'. It is further stated in the reply of the SDO and the document signed by the Sarpanch of the village and others that the consumer has shifted his meter unauthorizedly to the Dhani. The SDO further stated in the reply that the advice for the change in the spellings of the name of the consumer already sent to the computer cell and would figure correctly in the next bill. A copy of the reply of the SDO given to the petitioner.

After going through the facts and records of the case, this Forum finds no merit in the complaint of the petitioner hence the complaint is hereby dismissed without any costs on either side. The case is closed from this Forum. File be consigned to records.

Given under my hand.

(K.K.Gupta)
Member

(R. K.Sharma)
Member

**FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES**

DAKSHIN HARYANA BIJLI VITRAN NIGAM

**D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)**

Case No. 558/2012

Date of Institution: 18.04.2012

Date of Decision: 10.07.2012

In the matter of

M/s Ellora Exports Pvt. Ltd., Plot No.439/4, Phase-IV, Udyog Vihar, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of M/s Ellora Exports Pvt. Ltd., Plot No.439/4, Phase-IV, Udyog Vihar, Gurgaon was received against the charges on account of exceeding of MDI for the last seven months and refund thereof.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 09.05.2012, the petitioner was not present but the SDO was present. SDO, Maruti Industrial Area Sub-division, DHBVN, Gurgaon has submitted the reply through the Nodal Officer vide memo No. Ch-4/Forum-558/GGN dated 09.05.2012, stating therein that the petitioner represented to his office for replacement of meter and resetting of MDI. Accordingly, the JE In-charge of the area checked the meter and reported that MDI portion of the meter is defective. The checking report was sent to the XEN/M&P Division for de-sealing the LT-CT meter vide his memo No. 730 dated 10.04.2012, but the report from M&P Division has not yet been received. On receipt of the report from M&P, the case shall be referred to the XEN, S/U Division, DHBVN, Gurgaon for approval of refund of excess amount if any, charged from the consumer. The SDO has requested for next date. Request granted.

During the proceedings held on 29.05.2012, the petitioner was not present. Reply of SDO was submitted by Nodal Officer vide his memo No. Ch-8/Forum-558/HSR dated 29.05.2012, stating therein that the LT-CT meter of the petitioner is defective and the MCO already issued and affected by M&P Division. But the report not delivered by M&P Division as yet. The request for withdrawal of MDI penalty already sent to XEN S/U Divn. Gurgaon and amount will be withdrawn after receiving the requisite approval. The Forum directed the SDO to put up the final and conclusive reply in the next date of hearing so that the petition is disposed accordingly.

During the proceedings held on 20.06.2012, the representative of the SDO was present and submitted the reply stating that MDI portion of the meter is defective. The MDI shown by the meter is 212 KW against the sanctioned load of 69.80KW. The case of refund of MDI penalty had already been sent to the XEN, S/U Division, DHBVN, Gurgaon.

Moreover, the report of M&P is also awaited and in the absence of report of M&P, the case cannot be settled by XEN concerned. After hearing the reply and statement of the representative, the official was directed to get the matter taken up with the M&P and concerned XEN/OP and submit the final action taken report on the next date as the case is already over delayed. The Nodal Officer has also been directed to get the matter taken up with the XEN concerned for obtaining the final report in the case and submit on the next date of hearing fixed for 10/07/2012.

To-day, the SDO was present and he submitted the reply through Nodal Officer memo No. Ch-15/Forum-558/HSR dated 10.07.2012, stated therein that the MDI portion of the meter was defective and the MDI penalty was charged to the consumer. Now the meter is changed vide MCO No.156599/11-12 dated 28.04.2012, the penalty amount of Rs.314600/- of defective MDI has been adjusted vide SC&AR No. 96/102R. The SDO requested for closer of the case. The petitioner was not present.

The Forum after considering all the facts decides that the grievance of the consumer has been redressed hence the petition is disposed without any costs on either side. The case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 559/2012
Date of Institution: 18.04.2012
Date of Decision: 09.05.2012

In the matter of
Smt. Harwati W/o Sh. Rajbir Singh, H.No.3, Gali No.21, Krishna Colony,
Sehtpur Extn., Distt., Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer.	

ORDER

A petition of Smt. Harwati W/o Sh. Rajbir Singh, H.No.3, Gali No.21, Krishna Colony, Sehtpur Extn., Faridabad was received against billing on average basis for the last eight years.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the CA of the sub-division was present but the petitioner was not present. The CA of the sub-division submitted the reply through the Nodal Officer vide memo No. Ch-4/Forum-559/FBD dated 09.05.2012, stating therein that the meter of the petitioner was changed vide MCO No.151329 dated 20.03.2012. The reading of new meter was recorded by Sh. Bir Singh, Meter Reader as 427 units. Due to non-availability of consumer data of old meter, the account of the consumer will be overhauled after six months consumption data of new meter.

The petitioner was not present to give his viewpoint on the action taken by the Nigam to redress the grievance. As the meter already replaced and consumer account is to be overhauled after reading of three billing cycle of new meter, the Forum decided not to proceed the case further. The SDO is directed to ensure overhauling the consumer account as per Nigam instructions and report compliance to the Forum through the Nodal officer. The case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 560/2012
Date of Institution:18.04.2012
Date of Decision: 09.05.2012

In the matter of
Smt. Dharmwati W/o Sh. Ram Lal Yadav, H.No.2/34, Shyam Colony, Sehtpur, Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer.	

ORDER

A petition of Smt. Dharmwati W/o Sh. Ram Lal Yadav, H.No.2/34, Shyam Colony, Sehtpur, Faridabad was received against inflated billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner was not present but the CA of the sub-division was present and he submitted the reply of the SDO through Nodal Officer vide memo No. Ch-4/Forum-560/FBD dated 09.05.2012, stating therein that the consumer was billed on average basis during the month of 11/2011 & 1/2012 at the rate of 488 KWH. The reading was recorded by Meter Reader during the month of 04/2012 and "N-Code" billing has been adjusted by Computer Cell and he furnished a copy of overhauled bill of the petitioner for the month of March, 2012.

The petitioner was not present for her viewpoint on the action taken by the Nigam to redress her grievance. As the account of the consumer already overhauled by adjusting 'N' code billing, the Forum decided not to proceed the case further. The case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

BEFORE THE CHAIRMAN
FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 561/2012
Date of Institution:30.04.2012
Date of Decision: 22.05.2012

In the matter of
Sh. Daya Nand Prasar S/o Sh. Shri Niwas, Village, Sahuwas, P.O. Fatehgarh.,
Distt., Bhiwani.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh.S.S.Kantura, Nodal Officer.	

ORDER

A petition of Sh. Daya Nand Prasar S/o Sh. Shri Niwas, Village, Sahuwas, P.O. Fatehgarh, Distt., Bhiwani was received against billing without connection and non providing of specified material to the BPL consumer with the electricity connection under RGVVY Scheme.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 02.05.2012, the JE of the sub-division was present and he submitted the reply of the petition through the Nodal Officer, stating therein that the work of BPL connections under RGVV executed by Construction Division, Bhiwani and meters installed at site by the contractor as per the list received from the District Administration. The consumer case file was completed at site after depositing Rs.10/- from the applicant vide application No. 42018/DS and accordingly, connection was released vide SCO No. 78/823 dated 15.07.2011 with A/C No. SAID-0345. The site was checked and found that single phase secure make meter exist on the pole near second number house as per sketch attached and Smt. Manita made the signature on the paper as evidence of installation of meter at site and receipt of bills. No complaint received by his office regarding wrong billing.

The complaint site again checked by Sh. Jai Parkash, JE, I/C of the area and as per his report the meter does not exist on the pole where it was initially installed and removed by the consumer at his own and now they want it to be installed in another premises which is under construction. The JE present told the Forum that meter has been removed from its original site and is lying in an adjoining house (under construction) and the petitioner's view is that the same

meter be installed at an another site. The petitioner is adopting tactics to shift the meter from that site to the other site and get the benefit of electricity from the same meter which was released under BPL scheme. So, the petition of the petitioner is untenable and liable for rejection.

Since the petitioner was not present to give his version of facts during the proceedings held on 2/05/2012, the Forum has decided to give another opportunity to the petitioner to be present at the next date of hearing i.e. 22/05/2012 so that the case is decided accordingly.

The petitioner or his representative was not present before the Forum on 22/05/2012. The reply from Nigam already submitted during the last proceedings held on 2/05/2011 and taken on records. As the petitioner has not appeared before the Forum in two consecutive hearings in spite of giving opportunity, the Forum while considering the reply of the Nigam in order, decides to dismiss the petition. The case is closed from this Forum.

Given under my hand.

The case is closed from this Forum.

File be consigned to record.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 562/2012
Date of Institution:20.04.2012
Date of Decision: 26.06.2012

In the matter of
Smt. Bachni Devi W/o Sh. Ishwar Chander Gupta, Farm House, Plot No.8,
Village, Beer, Sirsa Road, Behind Hotel The Point, Hisar.

	V/s	DHBVN
Present on behalf of Applicant:	Sh. P.S.Saini, Advocate.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer.	

ORDER

A petition of Smt. Bachni Devi W/o Sh. Ishwar Chander Gupta, R/o Hisar was received through her counsel Sh. P.S.Saini, Advocate, stating therein that the consumer has taken electricity connection bearing A/C No. EE21-4673/NDS from Nigam with connected load of 1.72 KW in January, 2010 after observing all formalities. Accordingly, the SDO has issued the bill for 139 units in February, 2010 which was paid by his client. The SDO had issued 2nd bill in April, 2010 showing meter reading new 145 and old 145 and billed units 203 on average basis due to figure defective meter. Similarly, 3rd bill for the month of June, 2010 was issued for 210 units on average basis. In all the three bills connected load has been shown 1.72 KW under NDS category. The defective meter was replaced with another old and defective meter at reading 1394. The Nigam has suo-motto presumed and shown the sanctioned load as 12.100 KW in place of 1.72 KW which is excess by 10.38KW. The consumer has never extended her load nor deposited any security for the extension of load. The impugned extension is illegal, wrong, and arbitrary against facts. The consumer is using 1.72 KW and not 12.100 KW as presumed. The Nigam had issued wrong bills for charging MMC on 12.00 KW since May, 2010 to-date. The respondent SDO had accepted part payments of the bills from time to time, ensuring the correction of the bills.

The SDO had disconnected the supply on 22.02.2012 and had restored after receipt of Rs.10,000/- on 22.02.2012. His client had made many representations for rectification of bills, but the bills have not been corrected and the supply was disconnected again on 12.04.2012. It is prayed that the connection may kindly be got reconnected and the bill may also be overhauled/corrected.

Accordingly the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 02.05.2012, the counsel of petitioner as well as the SDO were present. The counsel of petitioner during arguments insisted for written reply from SDO and restoration of supply immediately. On the other hand, the SDO was present

and he was asked to submit the reply of the petition. The SDO stated that due to short notice of receipt of complaint, the reply of the petition could not be prepared and requested for the next date. The counsel of petitioner stated that till the settlement of case, the supply of her client be got restored as in the hot summer season, the life is difficult without electricity.

After hearing both the parties, the SDO was asked to submit written reply along with all the relevant records on the next date of hearing and in the mean time, the connection of the petitioner be restored after depositing the 40% amount outstanding against the petitioner keeping in view the hardship without electricity.

During the proceedings held on 06.06.2012, SDO submitted the reply of the petition and copy of the same was handed over to the counsel of petitioner for his reference and further arguments. The counsel of petitioner stated that he is not in a position to argue the same and requested for the next date. His request was granted and the next date was fixed for 26.06.2012.

To-day, the SDO as well as the counsel of petitioner were present. The counsel of petitioner stated that the order of the Forum regarding depositing 40% payment for restoring the supply of his client has not been honoured by the SDO. Moreover, a wrong theft case had also been made by the SDO. Due to making of theft case by the SDO and non-depositing of 40% payment against outstanding amount, he filed a case in the Civil Court and the court has given direction to accept 40% payment in the case filed by the counsel of petitioner before the Forum and 50% payment of the total amount of penalty in the theft of energy case, filed before the civil court.

The CA of the sub-division denied the statements made by the Counsel and stated that sub division has already filed a written reply before the Forum and copy of the same was also handed over to the counsel of petitioner during the proceedings held on 06.06.2012. Regarding the allegation/charge for not accepting the 40% payment as per the order of the Forum, the CA stated that this is incorrect and denied. In fact the consumer submitted an application in the sub division on 4/05/12 and left the office without actually depositing the amount. Afterwards a letter through speed post sent but no draft for the payments enclosed. On 14/05/12 the consumer again submitted an application but left office without actually depositing the amount. The sub division on 16/05/12 has sent a notice to the consumer to deposit the amount. The consumer later on filed a court case in the theft of energy case and on 29/05/12 deposited the 40% amount as per Forum order. On 30/05/12, the amount against the theft case was deposited. RCO issued on the same date and supply restored.

After hearing both the parties and considering all the facts of the case, the Forum observed that the counsel of petitioner has already raised the issues of the present complaint in the civil court as per the statement given before the Forum on dated 26.06.2012 and further a notice under section 135 for theft of energy processed and matter in the civil court, the complaint of the petitioner is not to be proceeded further in the

Forum. The complaint is disposed without any costs on either side and case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 563/2012

Date of Institution: 30.04.2012

Date of Decision: 06.06.2012.

In the matter of

Sh. Subhash S/o Sh. Deen Dayal, Village, Aghiar, P.O. Pathera, Tehsil, Narnaul, Distt., M/garh.

V/s

DHBVN

Present on behalf of Applicant:

Representative.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Subhash S/o Sh. Deen Dayal, Village, Aghiar, P.O. Pathera, Tehsil, Narnaul, Distt., Mohindergarh was received, stating therein that at the time of electricity bill arrear waiver scheme in 2005 his meter was shown as defective in the records whereas the meter was ok. The mistake was corrected and amount due under arrear waiver scheme was deposited. But his bill has not been corrected due to which he is unable to pay the current bills. The consumer requested for correction of his bills so as to make payment to the Nigam.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 22.05.2012, the representative of SDO and the petitioner were present. The petitioner stated that he wanted to clear the outstanding amount pending with him, but the Nigam is not providing the correct bill as per their load and reading inspite of several visits to the sub-division. He further stated that he had already cleared the dues of the Nigam up to the year 2007. On the other hand, the representative of SDO verbally stated that the bill of the petitioner has been rectified as per the instructions of the Nigam and the same has been handed over to the HESL staff for delivering the same to the consumer. He was asked to submit the copy of bill and written reply in the matter but he could not produce the same and asked for next date to file the relevant details.

The Forum directed the SDO to submit the written reply along-with complete details of the bill pending with the petitioner and the amount so adjusted/corrected viz. a viz. reasons for not disconnecting the supply when the consumer is in default for several years on the next date of hearing.

To-day, the representative of SDO was present and he submitted the reply of the SDO which was endorsed by Nodal Officer vide his memo No. Ch-4/Forum-563/NNL dated 06.06.2012, stating therein that the consumer had paid Rs.2836/- on dated 27.09.2007 under waiver scheme but the original application had not been submitted in

the office, so the account could not be overhauled. Now, the account of the consumer has been overhauled vide SC&AR No. 483/R-98 and a benefit of Rs.25918/- out of the total bill has been given and Rs.14070/- is now payable by the petitioner upto 03/2012.

The petitioner's representative stated that the complainant would make the payment of the corrected bill.

Since, the grievance of the consumer redressed the petition is hereby disposed without any costs on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 564/2012

Date of Institution: 30.04.2012

Date of Decision: 26.06.2012

In the matter of

Sh. Kartar Singh S/o Sh. Munshi Singh, Village, Aghiar, P.O. Pathera, Tehsil, Narnaul, Distt., M/garh.

V/s

DHBVN

Present on behalf of Applicant:

Representative.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Kartar Singh S/o Sh. Munshi Singh, Village, Aghiar, P.O. Pathera, Tehsil, Narnaul, Distt., Mohindergarh WAS received, stating therein that though his meter is O.K. but the billing is made on average basis, which may kindly be got corrected/rectified.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 22.05.2012, the representatives of the SDO and the petitioner were present. The representative of the petitioner stated that he wanted to clear the outstanding dues pending with the petitioner for the last 10 years and the connection is running, but the Nigam is not furnishing the correct bill inspite of several requests. He further stated that the meter is O.K. but the billing is made on average basis. The meter is mechanical and they are ready to supply the meter, if the meter is defective. Their load is less than 1 KW and the billing be done on the basis of consumption of new meter.

On the other hand, the representative of SDO who was present verbally stated that the meter of the petitioner is defective and the billing is made on average basis. But the petitioner is not making the payment of energy bill for the last many years and the connection of the petitioner is still connected.

The SDO was directed to submit the written reply along-with complete details of the bill pending with the petitioner and status of the meter viz. viz. reasons for not disconnecting the supply when the consumer is in default for several years on the next date of hearing, which is fixed for 06.06.2012.

During the proceedings held on 06.06.2012, the representative of the SDO was present and he submitted the reply of the petition through the Nodal Officer vide his memo No. Ch-4/Forum-564/NNL dated 06.06.2012, stating therein that the electromechanical meter of consumer checked and found ok. The consumer account has been overhauled for the period from 11/2003 to 3/2012 on the basis of actual consumption vide SC&AR No.503/R98 and after adjusting Rs.43484/- on account of average charges the net payable amount by the petitioner is Rs.50808/- upto 3/2012. The meter has also been replaced with electronic meter on 5/06/2012. The premises could not be disconnected in the past due to consumer protest/agitation.

On the other hand, the representative of the petitioner was present and protested against the averages charged by the respondent SDO and stated that the actual consumption of the petitioner was very less than the averages charged by the respondent SDO, i.e. the consumption was only 40 to 50 units bi-monthly and he also made excess payment than the consumption made under waiver scheme to the Nigam but the benefit had not been given to the petitioner. He stated that the benefit of waiver scheme be given to the petitioner. The representative insisted for another date for submission of proofs of payments made under EAWS-2005 and other documents. Request granted and the next date fixed for 26.06.2012.

To-day, the representative of the petitioner and the SDO were present. The representative of petitioner has not submitted any additional documents pertaining to the case including that of payments made under waiver scheme as claimed in last hearing. There was no mention of the benefits under EAWS in the original complaint filed by the petitioner.

The SDO stated that the bill has already been corrected on the basis of actual consumption/MMC and given to the petitioner for depositing the same, but the petitioner is not depositing the amount and delaying the things on one or the other pretext.

After considering all the facts of the case the Forum observed that the grievance of the consumer regarding billing/overhauling the account on actual basis has been sorted out. Since the bill has been corrected and already been delivered to the petitioner, the petition is disposed without any costs on the either side. The SDO is to take action as per Nigam instructions. The case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 565/2012

Date of Institution: 30.04.2012

Date of Decision: 29.05.2012

In the matter of

M/s Indus Tower Ltd., Building No.10, Tower-B, 9th Floor, DLF Cyber City, Gurgaon.

Present on behalf of Applicant: **V/s DHBVN**
Representative.

Present on behalf of Respondent: Sh.Raj Kumar, Nodal Officer

ORDER

A petition of M/s Indus Tower Ltd., Building No.10, Tower-B, 9th Floor, DLF Cyber City, Gurgaon was received against wrong billing and disconnection of their connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 09.05.2012, the SDO as well as the petitioner were present. The SDO submitted the reply of the petition vide his memo No. 817 dated 08.05.2012, stating therein that the premises of the petitioner was checked by the ADV/Vigilance vide LL-1 No.24/188 dated 02.06.2011 and found 354310 units blocked. On the basis of checking report, of Vigilance Rs.16,86,516/- were charged vide SC&AR No.208/30R, but the advice of charge not sent at the time of billing. Thereafter, Meter Reader of the area taken the actual reading and the billing was done on actual consumption basis and the amount of units blocked for 354310 units was again charged to the petitioner. The petitioner represented to his office on dated 30.01.2012 for adjustment of the excess amount charged by the Nigam. The complete case has already been sent to the XEN S/U Divn., Gurgaon on 14/02/2012 for approval of refund. The SDO requested for next date of hearing for final reply/compliance. The SDO during submissions confirmed that this is not a case of theft but charging of units blocked in the first instance.

On the other hand, the petitioner stated that he already made the double payment of the pending bills, but instead of refunding the amount, the Nigam had disconnected his connection in November, 2011 and requested for restoration of supply immediately.

After hearing both the parties, the Forum directed the SDO to restore the supply of the petitioner immediately as he has already been charged twice, account of the petitioner be adjusted and copy of corrected bill submitted in the next date of hearing. The Forum further directed that action, including recovery of interest on delayed realization, be taken against the meter reader/HESL staffer for blocking such huge units causing financial loss to the Nigam on account of non realization of its legitimate dues in time, and report in this regard also put up to the Forum on the next date of hearing.

To-day, a representative of petitioner was present and on the other side, CA of the Sub-division was also present. The SDO submitted in his reply that a penalty of Rs.1684540/- already charged vide SC&AR No. 208/30R has been withdrawn vide sundry item No. 232/99R and credited to the consumer account vide sundry item No. ID NO-1052433 dated 28.05.2012. Supply of the petitioner has also been restored on 09.05.2012 and the next bill will be issued to the petitioner on the basis of his actual consumption.

A copy of the reply along with other papers were given to the representative of the firm who confirmed that he is satisfied with the action taken and does want to pursue the case further. The SDO is to submit final compliance report in the matter including action taken against Meter Reader/HESL Staffer for blocking huge units causing financial loss to the Nigam on account of non realization of its legitimate dues in time, in due course through the Nodal Officer.

The grievance of the consumer has been redressed. The petition is hereby disposed of without any cost on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 566/2012

Date of Institution: 07.05.2012

Date of Decision: 29.05.2012

In the matter of

Sh. Kavi Jain, H.No. 62, Basement B-III, C1/105, Charmwood Village, Faridabad.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer

ORDER

A petition of Sh. Kavi Jain, H.No.62, Basement B-III, C1/105, Charmwood Village Faridabad was received, stating therein that they are having a store for storage of items/material where minimum electricity is consumed but the Nigam is charging average billing instead of actual consumption.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner was present and a representative of SDO was present. The SDO has submitted the reply through the Nodal Officer, stating therein that the bill of the petitioner has been rectified and a sum of Rs.7832/- is in minus and this amount shall be adjusted against the future bills of the petitioner.

The petitioner was present and confirmed that he was satisfied with the action taken by the SDO in his case and does not want to pursue the case further.

The Forum considered the facts and observed that the grievance of the consumer has been redressed. The petition is hereby disposed of without any cost on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 567/2012
Date of Institution:07.05.2012
Date of Decision: 29.05.2012

In the matter of
Smt. Sunita Yadav W/o Sh. Vinod Kumar, H.No.460, Gali No. 15, Near Vashist Book Depot, Vijay Nagar, Rewari.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer	

ORDER

A petition of Smt. Sunita Yadav W/o Sh. Vinod Kumar, H.No.460, Gali No. 15, Near Vashist Book Depot, Vijay Nagar, Rewari was received against wrong billing on account of non-recording of meter reading by the Meter Reader.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner was not present but the SDO was present. He submitted the reply vide memo No. 1030 dated 28.05.2012, stating therein that the bill to the consumer was issued on average basis for the period from 2/2011 to 2/2012 due to non taking the reading by the HESL staff. During the month of 4/2012, the reading was shown as 2320 KWh by HESL and the account of the petitioner has been overhauled from 2/2011 to till date and excess amount adjusted vide SC&AR No. 33/29/R-7. All other pending issues of difference in development charges and wrong postings also set right in the consumer account vide SC&AR No. 18/R-3.

The Forum considered the facts and observed that the grievance of the consumer has been redressed. The petition is hereby disposed of without any cost on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 568/2012
Date of Institution:07.05.2012
Date of Decision: 29.05.2012

In the matter of
Sh. Rattan Lal, H.No.1389, Gali No.51, 22ft. Road, Sanjay Colony, Sector-23,
Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh.Raj Kumar, Nodal Officer	

ORDER

A petition of Sh. Rattan Lal, H.No.1389, Gali No. 51, 22ft. Road, Sanjay Colony, Sector-23, Faridabad was received against wrong billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner was not present but a representative of the SDO was present. The Nodal Officer submitted the reply of the petition vide memo No. Ch-4/Forum-568/FBD dated 29.05.2012, stating therein that in the month of 2/2011 and 4/2011, the petitioner was charged average 25559 and 17060 on F Code (meter defective). After verification by the JE and on the basis of his report, the account was overhauled and a sum of Rs.205142/- was adjusted vide SC&AR No. 38/R-19. The amount charged for the period from 6/2010 to 12/2010 on account of F Code has also been adjusted amounting to Rs.16298/-. The amount charged on account of PL has also been adjusted and the same amount shall be reflected in the bill for the month of 5/2012. The summary of amount charged and refunded is attached with the reply placed in the case file.

The Forum considered the facts and observed that the grievance of the consumer has been redressed. The petition is hereby disposed of without any cost on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 569/2012

Date of Institution: 08.05.2012

Date of Decision: 26.06.2012

**In the matter of
M/s Mehta Container, Plot No.57, Sector-27-28, Hisar.**

	V/s	DHBVN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Sh. Raj Kumar, Nodal Officer.	

ORDER

A petition of M/s Mehta Container, Plot No.57, Sector-27-28, Hisar was received through Sh. P.S.Saini, Advocate, counsel of the petitioner, stating therein that his client had taken electricity connection with A/C No.SE-31-0038/MS and made the payment for the month of April, 2012 on 24.04.2012. The Nigam has raised illegal demand of Rs.96661/- vide their letter dated 18.04.2012 on the basis of slowness of meter, checked by M&P, whereas the meter is O.K. The Meter Reader never pointed out any deficiency while taking the reading. There was nominal consumption prior to 10/2011 to 12/2011 and the consumer was not using the electricity as per sanctioned load. No calculations of amount charged supplied to the consumer hence its correctness is denied. His client is not liable to pay the illegal demand as raised by the Nigam on the basis of checking of M&P report, which may kindly be quashed.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 22.05.2012, the counsel of petitioner as well as the SDO were not present. The SDO was required to submit the written reply in the matter. The Nodal Officer informed the Forum that the SDO become occupied in connection with an accident involving a sub division staffer. Since both the parties were not present, the case was adjourned to next date fixed for 6/06/2012.

On 25.05.2012, the counsel of petitioner visited the Forum and requested for 50% part payment of the amount charged by the SDO on account of slowness of meter i.e. Rs. 96661/- along with the payment of current bill till the finalization of the case, to avoid disconnection, as the last date of the bill was 25th May, 2012. The Forum considered the request of the counsel and an Interim Order passed, directing the SDO to accept the part payment of the amount in dispute (Rs.96661/-), which is pending before the Forum for decision along with other amount of the current bill after taking an undertaking from the consumer to this affect.

During the proceedings held on 06.06.2012, the SDO was present and he submitted the reply of the petition refuting the plea taken by the complainant in the petition

and stating that the consumer premises was checked by the M&P staff on 12/03/2012 and meter found slow to the tune of 33.33% as blue phase PT was missing whereas blue phase out put was there and the amount of Rs. 96661/ is rightly chargeable from the consumer as per Nigam rules. The SDO further stated that the application filed by the complainant is utterly false, frivolous and liable to be dismissed with costs as the complainant has not come to this Forum with clean hands and have suppressed and concealed many true and material facts.

On the other hand, the counsel of petitioner was present. He was given a copy of reply of the respondent SDO. He submitted that the respondent SDO has charged the amount for slowness of meter of 33.33% wrongly without following due process of law. The meter has not been tested mechanically in the presence of his client. In the report of M&P, the period of slowness of meter has not been pointed out. No details of charges amount has been supplied to the complainant. His client was not using the sanctioned load prior to 2/2012. Meter is working O.K. and there is no slowness. The Counsel insisted for further argument after submission of requisite documents by the SDO and sought further date for the same.

After hearing the case, the SDO was directed to submit the basis/calculations and other relevant documents on the next date of hearing fixed for 26.06.2012.

To-day, the petitioner presented himself before the Forum with a written request to allow him to withdraw the complaint stating that his account has been settled and problem solved. The Forum considered the request and while allowing the same decides to impose a cost of Rs. 500/- on the consumer on this account. This amount is to be recovered from the next bill and compliance reported through the Nodal Officer.

The case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 570/2012

Date of Institution: 11.05.2012

Date of Decision: 10.07.2012

In the matter of

Smt. Nirmla Devi, N.R.P.Bass Road, Near HDFC Bank, Adarsh Nagar, Dharuhera, Distt., Rewari.

V/s DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Smt. Nirmla Devi, N.R.P.Bass Road, Near HDFC Bank, Adarsh Nagar, Dharuhera, Distt., Rewari was received against tilting of 33KV line by the owner of adjacent plot owner thereby endangering her house.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 29.05.2012, the SDO was present. The SDO has submitted the reply of the petition through XEN/Op. Division, DHBVN, Dharuhera vide memo No. Ch-33/PMC/GMC dated 25.05.2012, stating therein that the matter has been investigated by SDO, Dharuhera. In his report, the SDO has intimated that the petitioner is residing in Adarsh Nagar, Near HDFC Bank, Dharuhera. The complainant is constructing 1st Floor of her house, beneath 33KV Hero Honda Line. A notice has also been served upon to the petitioner not to construct the house under the line. The petitioner represented before the authorities of Nigam and as per their directions, an additional 11 meter pole has been provided beneath the 33KV line passing over the house to maintain the height and the grievance of the consumer has been sorted out. The SDO maintained that the petitioner is satisfied with the action taken to redress her grievance.

The complainant stated that the version of the SDO is wrong as no shifting of line has been done by the SDO nor any pole has been erected near to the residence of the petitioner and the grievances is still pending.

After hearing the petitioner the case adjourned to next hearing. The SDO was directed to produce photographs of the site along with report in the matter of tilting of existing 33 kv line by one of the residents of the area as alleged by the petitioner in her complaint and extent guidelines of the Nigam in this regard.

During the hearings on 20/06/2012 the SDO as well as the petitioner were present. The petitioner maintained that safety of her life and house put to risk particularly by unauthorized tilting of existing 33 kv line by the neighboring plot holder in connivance with the Nigam officials with providing angles on his house. The SDO maintained that he had already taken the preventive measures for the safety of the petitioner and an additional

pole has been erected to maintain the height of the line. All the nearby colonies are unauthorized and construction done by the residents at their own risk by avoiding safety norms. The Nigam cannot shift the line as the entire area is heavily populated. The residents are extending the construction by adding upper floors to their existing houses despite notices given by the Nigam and risk to the lives of residents exists in the process.

The SDO presented photographs of the site however; no report regarding tilting of existing line was presented. Though the SDO stated in the reply and submissions that additional pole to maintain the height of the line at the end of the petitioner has been provided, the complainant still maintains her safety at risk and alleged favoritism at the part of local sub division. The Forum directs Nodal Office to obtain a report from the XEN 'OP' Dharuhera regarding tilting of the existing 33 kv line route to the advantage of some resident of the area if any, as alleged in the complaint and adequacy of the arrangements stated to be made by the sub division for the safety of the complainant on this account and put up the same on the next date of hearing for disposing the complaint accordingly.

To-day, the petitioner was not present but the SDO was present. The SDO has submitted reply of the observations raised during the last proceedings through Nodal Officer memo No. Ch-12/Forum-570/Rewari dated 10.07.2012, stating therein that the rail pole has been provided near the house of Smt. Raj Bala and the angle has been removed. The angles were provided temporarily to avoid breakdown due to heavy winds as the line was passing adjacent to one of the house. The height of the line near to the house of the petitioner already maintained by providing additional pole and all possible arrangements in the have been made to ensure safety to all the residents of the area including that of the petitioner.

On the other hand, the petitioner was not present. The Forum tried to contact the petitioner but she expressed inability to attend the proceedings.

After taking into consideration all the facts of the case this Forum is of the opinion that possible safety arrangements in the circumstances have been made by the local Nigam authorities and height of the line maintained by providing additional pole, the petition is hereby disposed without any cost on either side and case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 571/2012

Date of Institution:15.05.2012

Date of Decision: 17.07.2012

In the matter of

Sh. Nand Lal, Shop No.20, Bishnoi Mandir Market, Hisar.

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

1.Sh.Raj Kumar, Nodal Officer.

2.SDO City Sub Divn. Hisar

ORDER

A petition from Sh. Nand Lal S/o Sh. Ram Karan was received, stating therein that he is having an electric connection in Shop No.20, Bishnoi Mandir Market, Hisar in the name of Sh. Nand Lal with A/C No.P2-21-0554. His normal consumption is about 150 units in a month and during the checking by the SDO, the reading is found 34512 as per report. The last unit shown by the Meter Reader in the bill was 5100 units as old reading. Sh. Mohinder Singh, Meter Reader of HESL Staffer of the area and Supervisor have also given in writing of the last reading taken by him and that no unit left un-recorded up to last reading. The consumption data since, 2006 to till-date has also been obtained from the office, which is attached with the petition for reference and record. It is requested that the matter may be looked into and necessary order for overhauling of bill may kindly be ordered.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 22.05.2012, the petitioner was present but the SDO was not present. The Nodal Officer informed the Forum that the SDO is attending Civil Court in connection with some other case and would attend the Forum proceedings after relieving from the Court. The case was adjourned to next date fixed for 6/06/2012.

During the proceedings held on 06.06.2012, the SDO was present and he submitted the reply of the petition, stated therein that the premises of the petitioner was got checked through Sh. Gori Shankar, JE, Sh. Vishal Garg, JE, Sh. Lilu Ram, JE along with other staff on 04.05.2012 and found both the M&P seals intact and reading was 34512 in the meter at that time against the reading of 5100 recorded in the ledger upto 27.04.2012. Keeping in view the difference of 29412 units, the meter of the petitioner sent to M&T Lab for its accuracy and the meter found O.K. by the lab. The sanctioned load of the aforesaid consumer is 3 KW and in comparison of load, the consumption recorded through energy meter of consumer from 12/2006 to 4/2012 is very low. Hence, it is case of accumulation of reading instead of any abnormality/fastness/jumping of reading of

meter as claimed by the complainant in his complaint. Keeping in view the above facts in view, it is prayed that the complaint of complainant may kindly be dismissed without cost.

On the other hand, the petitioner was present and he stated that he has never tried to hide his actual consumption nor connived with any Nigam official/reading agency to leave the consumption un-recorded and this thing cannot be manipulated for such a long period of 5-6 years. The new meter installed by the SDO for checking the load/consumption has recorded consumption of 140 units in about one month and the meter is installed outside the premises i.e. wall outside shop. The consumption recorded by the new meter is consistent with his consumption pattern recorded in the past in old meter. The previous/old meter was also installed outside the premises. It is requested that he may be given justice and the amount charged by the respondent SDO may kindly be set aside. He further requested that till the case is pending, the SDO may be directed to accept the payment of current bill.

After considering the reply and submissions of the consumer, the Forum directs the SDO to furnish the following details in the next date so as to decide the case accordingly:

1. Date of installation of the said meter with initial reading.
2. Details of checking's carried out by the Nigam, routine or under special campaigns, in respect of this consumer meter in the last about 5 years for which the consumption data submitted with the reply and findings thereof.
3. Position of installation of meter whether on pole outside premises or inside the shop.
4. Details of similar complaints if any, from the consumers for this particular make of meter (Avon)

During the hearing held on 26.6.2012, the CA of the sub-division as well as the petitioner were present. The CA has stated that the bill has been prepared as per the actual consumption and the same is O.K. The meter is installed in the veranda and it is a case of accumulation of reading and not jumping of digits and the reply has already been furnished before the Forum. The sub-division has no power to accept the plea of petitioner that the digits of meter had jumped. Moreover, the lab authority is also unable to confirm the jumping of digits. The CA has not furnished reply to the points (1 to 4) raised by the Forum in the last hearing.

On the other hand, the petitioner maintained his earlier stand that this is a case of faulty meter behavior.

After hearing both the parties, the CA was directed to get the meter again sent to the Lab with the specific reference of the complaint of the consumer and submit the report along with the reply on the points (Sr. No. 1 to 4) raised in the hearing held on 06/06/2012, on the next date so as to decide the case accordingly.

Today, the SDO was present and he was asked to submit the report of checking of M&P lab as was directed during the last proceedings. The SDO has stated that the matter was taken up with the concerned SDO M&P lab as per the directions of the Forum and he has stated that he had already checked the meter and submitted the report and no further checking of meter is required from the lab. The SDO was further asked to submit

any documentary proof in support of his claim, he stated that he already submitted the report before the Forum. The SDO has further stated that no checking of this premises had ever been done.

On the other hand, the petitioner was present and he stated that no consumption is exceeded after the installation of new meter and the consumption pattern is of the same as was prior to replacement of the meter and after replacement of meter.

After hearing both the parties and the consumption data of the petitioner from the date of connection. It is evident that it is not a accumulation of reading case with the connivance of any Nigam officials, it is a case of jumping of meter reading and the SDO has been directed to charge the petitioner by taking the base of higher consumption in any month from the date of connection after pre-audited the same.

Since, the cause of action is over, there is no idea to proceed the case further. Hence, the case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 572/2012

Date of Institution: 18.05.2012

Date of Decision : 29.05.2012

In the matter of

Sh. Bishan Chand Garg, H.No.633, Khand-B, Jawahar Colony, NIT, Faridabad.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar, Nodal Officer

ORDER

A petition of Sh. Bishan Chand Garg, H.No.633, Khand-B, Jawahar Colony, NIT, Faridabad has been received against wrong billing and demanding bribe of Rs one lac by the SDO/CA of the sub division to set right the grievance.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner as well as the SDO were present. The SDO submitted in his reply dated 28/05/2012 that the amount of bill Rs. 194110/- is rightly chargeable from the consumer on account of left out consumption of the old meter after change of meter and adding up the defaulting amount of another connection (A/C No.KK36/4170) in his name which went into default for non payment of dues of Rs.72605/-.TO also stated before the Forum that the petitioner has changed/removed the original meter from the site and installed a fake meter through some un authorized person to steal electricity. The SDO also brought a meter stated to be removed from the consumer premises which was not initially installed at consumer premises by the Nigam as the make and serial number do not tally with Nigam records.

On the other hand, the petitioner has given in writing that he wants to withdraw his complaint as it was made by him on instigation of some other person during his illness.

Since the petitioner has withdrawn his complaint, it is decided not to pursue the case before the Forum. The Forum further directs the SDO to refer the case of change of meter/installing of unauthorized meter by the consumer to Vigilance for investigation and appropriate action. The petition is hereby disposed of without any cost on either side. The case is closed from this Forum. File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 573/2012

Date of Institution: 21.05.2012

Date of Decision: 10.07.2012

In the matter of

Smt. Geeta Mani, F-4/304, 3th Floor, Southened Apartments, Eros Garden, Charmwood Village, Suraj Kund Road, Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh. Raj Kumar, Nodal Officer.	

ORDER

A petition of Smt. Geeta Mani, F-4/304, 3th Floor, Southened Apartments, Eros Garden, Charmwood Village, Suraj Kund Road, Faridabad was received against excess/wrong billing.

The complaint of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 29.05.2012, the petitioner was not present but a representative of SDO was present. The representative of the SDO stated that the reply of the petition could not be prepared due to short notice and requested for next date. The request was granted and next date fixed for 20.6.2012.

During the proceedings held on 20.06.2012, the representative of SDO was present but no reply was submitted. The Forum directed the Nodal Officer to report the matter to the CE/HR & Admn. and also ensure presence of the SDO/representative and reply of the petition on the next date of hearing fixed for 10.07.2012.

To-day, the SDO was present but the petitioner was not present. The SDO has submitted the reply stating therein that the defective meter of the petitioner already replaced vide MCO No. 149109 dated 02.03.2012. The average charged during the defective period shall be adjusted in the next three billing cycles based on the consumption recorded by the new meter as per Nigam rules.

The complainant is not attending the proceedings before the Forum.

After considering all the facts this Forum decides that since meter of the consumer already replaced and account to be overhauled as per consumption of new meter, the petition of the consumer is disposed of without any cost on either side and case closed from the Forum. The Nodal Officer to report compliance regarding the overhauling of consumer account in due course.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 574/2012

Date of Institution: 21.05.2012

Date of last hearing: 10.07.2012

In the matter of

Sr. General Manager, M/s Urban Improvement Co. (P) Ltd., F-32, Connaught Place, New Delhi.

V/s DHBVN

Representative.

Present on behalf of Applicant:

Sh. Raj Kumar, Nodal Officer.

Present on behalf of Respondent:

Sh. Jitender Dhull SDO MR Sub Divn.

ORDER

A petition of Sr. General Manager, M/s Urban Improvement Co. (P) Ltd., F-32, Connaught Place, New Delhi was received, mentioning therein:-

1. That the approved layout plan of the colony was submitted to erstwhile HSEB. The electrification scheme as per the proposal was executed and duly taken over by the competent authority.
2. That in 2001 the respondent pointed out certain deficiencies in the system and prepared revised estimate for augmentation. Under this scheme, petitioner was directed to make the payment of share cost of augmentation amounting to Rs.90 lacs against which the petitioner paid Rs.75 lacs under duress, so as to ensure redressal of grievances of inhabitants of the colony.
3. That new connections to applicant were since being rejected irrespective of the facts that the occupancy of the area was hardly 25% and there were numerous complaints of low voltage and frequent break downs because of deficiencies in the system. Instead of doing the maintenance of system, the respondent yet again changed the stand and came up with the new proposal. The petitioner agreed and scheme was executed.
4. That the petitioner failed to understand as to why the scheme time and again is being changed. In this non-ending process, the petitioner has sent another demand of 7.94 crores. Under this the respondent wants to utilize the land of 1 acre allotted by the petitioner to the respondent.
5. That the respondent had planned for erecting 66KV S/Stn. at the cost of the petitioner. The demand is un-called for and illegal. The detailed history of the case and documentary evidences are as under:-
 - i) The electricity plan was got approved from CE/Op., Delhi vide memo No. Ch-44/WO/E-33/FBD/91-92 dated 21.06.93 for total amount of Rs.1,71,22,899/-. The work was carried out and inspected by the SDO/OP Mathura Road. Demand of Rs. Rs.4537568/- was raised by SDO against O&M charges for 5 years @ 5% of the total cost and inspection charges @ 1.5% on 20.01.1995 and the same was deposited on 26.03.1997.

- ii) After lapse of two years time, the respondent SDO directed the company to relay the entire system as per the changed approved design, despite the fact that electrification plan was approved as per field conditions. The work was carried out as per approved design and the material used was got inspected by SDO Mathura Road vide Memo dated 25.01.2000.
- iii) SE/Op. Faridabad was approached to do the needful. He visited the site and directed to lay double feeder of 11KV line from 66KV S/Stn., Sector-46 since they were not able to provide power from proposed S/Stn. in Green Fields Colony.
- iv) That an amount of Rs.75 Lacs was deposited with XEN/Const., HVPNL, towards the share cost of 66KV S/Stn. at Sector-46 vide pay order dated 27/07/2001 as per direction of SE/Const., O&M Circle, HVPNL.
- v) The work of laying 11 kv double feeder from 66 kv sub station sector 46 to Green field colony was carried out by the Company as per approved design and was inspected by DHBVN authorities & CEI, Haryana. The LD system was energized and SDO/OP DHBVN, Mathura Road started releasing power connections to the residence of the colony.
- vi) Though almost seven years had passed, the maintenance of LD system was not being carried out by DHBVN. Petitioner approached GM/Op. vide letter dated 22/03/2007 to start maintaining the system as he already paid O&M charges long back.
- vii) The GM/OP vide letter dated 16/03/2007 asked the petitioner to supply list of electrical equipments/accessories with copies to DGM and AGM/MR sub Divn., so that further action could be taken regarding taking over the maintenance of LD system.
- viii) A reply to above query was sent to GM/OP vide letter dated 30/04/2007 with all relevant documents.
- ix) The XEN/Old Faridabad vide letter dated 2/06/2008 wrote a letter to SDO/MR Sub Divn. regarding clarification in the subject matter of taking over of LD system of Greenfield colony with a copy to petitioner.
- x) SE/OP, Faridabad vide DO dated 20.08.008 to XEN/Op. intimated that proper maintenance of LD system and complaints of the area had to be properly attended to as Green Fields Colony already stood taken over, with a copy to petitioner.
- xi) Vide Memo No. 31 dated 12/01/2011 the XEN/OP Old Faridabad asked the petitioner to deposit Rs. 7.94 crores towards the cost of creating infrastructure in respect of inadequacy of 43451 KW.
- xii) After perusal of above points, it is clear that the matter of maintenance of LD system by DHBVN had been taken up ever since the payment of O&M charges by petitioner in 1997 but the same was not operated upon and respondent has now come up for yet another scheme for augmentation.
- xiii) The petitioner prays that the respondent may be ordered to remove the deficiencies of system is still existing at their cost and also to allow connections to the residents forthwith failing which the penalties as provided by HERC Supply Code may be ordered.

xiv) The revision of scheme after every 2-3 years gap has lead the problems viz. existing consumers are being provided deficient services, numerous complaints of low voltage and breakdowns thereby harassing the consumers, new connection applications are not being entertained though the system is laid down in the area and responsibility of maintaining the system lies with respondent and not with petitioner.

xv) It is prayed that Respondent may be ordered immediately to;

1. to remove the difficulties if still, existing in the system at their cost as the petitioner under duress has already cooperated with the augmentation proposals twice,
2. to allow new connections to new incumbents as per their requirement;
3. set aside the demand of Rs. 7.94 crores towards modification of the scheme.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 29.05.2012, the petitioner was present and argued that the Instructions are being changed by the Nigam from time to time and he is not to be penalized on this account. He is only responsible for the charges, if pending, against him as per the instructions prevailing at that time and not as per instructions if any, amended by the Nigam frequently thereafter.

The SDO was not present. A representative of SDO stated that due to transfer of the SDO, the reply of the petition could not be prepared by the new SDO and requested that the case be adjourned to the next date. The request was allowed and it was directed that on the next date complete reply duly signed by the XEN be put up.

In the proceedings held on 20/06/2012, the representative of SDO was present and again asked for next date for filing the reply without any cogent reasons. The Forum directed the Nodal Officer to take up the matter with Nigam Management and ensure reply and presence of concerned officer on the next date.

To-day, the SDO was present and he submitted the reply of the petition stating that:

1. The lay out plan approved by CE/Op. Delhi vide his memo No. Ch-44/WO/E-33/FBD-1991-92 dated 21.06.1993.
2. The estimate was prepared by his office and O&M charges for 5 years and inspection charges got deposited vide receipt No.290/00286 dated 27.03.1997 & 72/990280 dated 13.03.1997 respectively.
3. The maintenance of system has not been taken by DHBVN since so far.
4. The supply of electricity was connected from 66KV S/Stn. Sector-46, Faridabad and the supply is running smoothly. The petitioner had paid Rs.75,00,000/- as share cost of augmentation of feeder on 30/07/2001.
5. The release of new connections in the area has been stopped due to non-compliance of the instructions contained in the XEN/Op. Division, Old Faridabad memo No. 31 dated 12.03.2011 in-adequacy in electric infrastructure of financial implications i.e. Rs.7.94 Crores is outstanding against the Society. The low voltage and frequent breakdown are due to deficiency in system. The existing LD

system provided by the Green Field Society is not able to take up the present load. As per norms of the Nigam, a fresh demand was raised to the Society for upkeep the system. The system was got checked and lot of fluctuation in the voltage, low voltage at tail found. The earthing of T/Fs. & poles are not as per the norms.

6. The demand of electricity is increasing day by day in the area, so the demand of Rs.7.94 Crores was raised to the Urban Improvement Co. (P) Ltd. Which they did not deposit.
7. The title of land is not given in the name of HVPN where the 66KV S/Stn. in the area is proposed. The electrical system of Green Field Colony cannot said to be taken over by the DHBVN. At present the load requirement are to be calculated as per the P&D instruction No. 08/2006. The distribution system and transmission is required to be augmented to the extent of 40 MVA capacity.

A copy of reply furnished by the SDO was handed over to the petitioner for his viewpoint.

After going through the reply of the SDO, the petitioner protested against the demand for depositing Rs.7.94 Crores. The petitioner stated that right from the beginning, the Nigam had raised the demand in the name of infrastructure and up-gradation of the system and they have deposited the same. Now the demand of Nigam again & again is wrong and un-justified, which may kindly be set-aside and the SDO be directed to release the connections and also the maintenance of the system/complaints may also be got carried out. They have further stated that about 3000 connections have already been released by the Nigam. But about 800 Nos. new houses which are under construction/completed are being denied connections with the reason that the petitioner had not completed infrastructure as per the agreement and an amount of Rs.7.94 Crores are required to be deposited by the petitioner. In such a hot summer season, no body can live without the electricity. The demand of SDO as raised in his reply is not justified as the residents cannot cope with the demand of such a huge amount from time to time. The petitioner further stated that he may be given 4 days time to file a rejoinder on the reply furnished by the Nigam. His demand was accepted and he was advised to file a rejoinder within 4 days. The rejoinder filed on 13/07/2012 is re-iteration of the points raised by the petitioner in the original petition and taken on records.

The other stakeholders in the case i.e. plot holders in the colony also made submissions before the Forum on 10/07/2012 and insisted for release of electricity connections to the residents immediately pending decision on other issues which they say may take time as some title suits relating to the colony are in the civil courts.

The Nigam's main contentions in the case as per paper book are that the existing electrical system in the Greenfield colony laid down by the developer have deficiencies hence not formally taken over, non compliance with regards to the title of land where the 66 KV substation is proposed, maintenance of the system of the colony as yet by the petitioner and apartments being built on the colony plots as against the single houses

thereby increasing the load requirements which are to be calculated as per revised norms of the licensee to the extent of 40 MVA capacity to efficiently cater to the demand.

After going through the records and statements this Forum is of the considered opinion that the petitioner is yet to fully comply with the terms of the proper electrification of the colony and related guidelines of the licensee applicable to the said case for adequately, efficiently and safely cater to the power demands of the residents of the colony. The Forum, therefore, cannot provide relief sought by the petitioner with regards to the points raised in the petition. The petition is hereby dismissed without any cost on either side and case is closed from the Forum.

The petitioner can file an appeal before the Electricity Ombudsman against this decision of this Forum if feel aggrieved, in the manner prescribed in regulations of the HERC.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 575/2012

Date of Institution:22.05.2012

Date of Decision: 06.06.2012

In the matter of

**Sh. Vishwa Nath H/O Smt. Bhagwati, Brijwashi Colony, Near Medician
Factory, Bhiwani..**

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh.Raj Kumar,Nodal Officer.

ORDER

A petition from Sh. Vishwa Nath H/O Smt. Bhagwati , Brijwashi Colony, Near Medicine Factory, Bhiwani was received, regarding imposing of penalty for unauthorized use of electricity.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner as well as the SDO were present. The SDO submitted the reply of the petition, through the Nodal Officer, stating therein that the meter installed at the premises of petitioner was checked by himself along with staff and found installed the motor/machine for making wooden pearls. Hence the category of connection was changed from DS to NDS and Rs.23254/- was charged as per Sales Circular No. D-43/2007.

On the other hand, the petitioner was present and stated that he is a poor retired person and lot of liabilities upon his shoulders and to make his livelihood he planned for making wooden pearls by purchasing a motor on 10.01.2012, from the market as per bill attached, which is yet to be installed. During the checking the SDO found the motor which was lying there and imposed the penalty for change of category from DS to NDS and Rs.23254/- has been charged for the last 6 months. The petitioner requested that since the motor was not connected with the system, the penalty should not be imposed & if necessary, be charged from the date of purchase of motor.

After considering the facts of the case, the Forum is of the opinion that this case is of un-authorized use of electricity/theft of electricity for the purpose of Section 126 and 135 of the Electricity Act-2003 as per clarification of the Nigam vide SC No. D-9/2009 hence to be processed and decided accordingly. This Forum cannot give any relief to the consumer in the said case. The petition is dismissed and case is closed from the Forum.

File be consigned to record.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbn.com) (e-mail ID: cgrfdhbn@gmail.com)

Case No. 576/2012

Date of Institution: 28.05.2012

Date of Decision : 10.07.2012

In the matter of

Sh. Vishal Bajaj S/o Sh. Ashok Bajaj, 108, CA, DLF Phase-II, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Vishal Bajaj S/o Sh. Ashok Bajaj, 108, CA, DLF Phase-II, Gurgaon was received regarding excess billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 20.06.2012, the SDO as well as the petitioner were present. The SDO has submitted the reply of the petition vide his memo No. 531 dated 11.06.2012, stating therein that the meter of the petitioner remained burnt from March, 2007 to November, 2010. The billing was done on average basis. The account was pre-audited by Audit Party on 27.01.2011 and the account was overhauled by taking the consumption base of 9/06 to 3/07 (O.K. period) @ 2085 units bi-monthly and a sum of Rs.123445/- charged for the burnt period 5/2008 to 9/2010 vide SC&AR No. 122/34R as per half margin.

On the other hand, the petitioner was present and protested against the reply of the SDO. He stated that the SDO had charged the amount excessively against the Nigam rules. He further stated that he had filed a petition before the Forum during the period May/June, 2011 and the Forum had decided the case in his favour by refunding the excess amount charged by the Nigam at that time. Now the same amount had again been charged which is wrong and should be waived off. The petitioner demanded a copy of earlier order of the Forum dated 27.06.2011 which was given to him after taking a request in this regard.

The SDO expressed his ignorance about any such decision in the matter. On charging the petitioner for a period of 15 billing cycles and non implementation of earlier decision of the Forum which the Nigam implements as per directives of the HERC in terms of Section 142 of the Electricity Act., the SDO stated that he has to consult the records and requested for next date.

To-day, the SDO was present and he submitted the reply vide his memo No. Spl-1 dated 10.07.2012, stating therein that the account of the consumer was overhauled by the Audit Party for the period of 5/2008 to 9/2010 on account of burnt meter by taking the

consumption base of O.K. period i.e. 3.09.2006 to 1.03.2007 i.e. 2085 units, in terms of Sales Manual 4.14.

The Sales Manual 4.14 stipulates that in all cases whether dead stop, burnt meter or inaccurate meter found at the premises of the consumer, the adjustment of consumers account shall be carried out for a period not exceeding six months and accordingly it is mandatory on the part of field officers to conduct regular checking of the meter and all the dead stop/ burnt/defective meters must be replaced within a period of six months failing which the responsibility for loss of revenue of the Nigam beyond six months will rest with the concerned field staff.

The issue of non-implementing the earlier order of the Forum in the same case (No. 494/2011) was also raised by the petitioner as the same is relevant here.

After considering all the facts of the case the Forum decides that the adjustment of consumer's account be carried out for a period not exceeding six months on this account and for the remaining amount if any, responsibility in terms of the sales manual 4.14 fixed. The account of the consumer overhauled accordingly and compliance reported through the Nodal Officer. The Nodal Officer is to ensure compliance of earlier decision of the Forum in the case. The petition of the consumer is disposed and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

Forum for Redressal of Consumer Grievances
DAKSHIN HARYANA BIJLI VITRAN NIGAM
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(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 577/2012

Date of Institution: 28.05.2012

Date of Decision: 17.07.2012

In the matter of

M/s A.T.Pipes (India) Pvt. Ltd., Village Talwandi Rana, Distt., Hisar.

V/s

DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

1. Sh. Raj Kumar, Nodal Officer.
2. SDO City Sub Divn. Hisar

ORDER

A petition from M/s A.T.Pipes (India) Pvt. Ltd., Village, Talwani Rana, Distt., Hisar was received regarding levy of extra charges in the bill on account of release of their connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 06.06.2012, the petitioner as well as the SDO were present. The petitioner submitted that he had already deposited the required amount including the inspection charges for release of their connection under self finance scheme. The Nigam has charged certain amount in their energy bill on this account without any details which needs to be withdrawn.

On the other hand, the SDO was present and he stated that the consumer case file has been misplaced by the CC and explanation in this regard has been called for. Moreover, the Audit Party has raised half margin over the deficiencies in release of the connection hence the amount charged. No written reply submitted by the SDO and next date was sought for the same.

After hearing both the parties, the Forum has directed the SDO to file written reply along with details and relevant records on the next date of hearing fixed for 26.06.2012.

During the proceedings held on 26.06.2012 final reply was again not filed by the Nigam representative. The SDO was directed that a final chance is given to trace out the file and submit the complete reply on the next date of hearing, failing which ex-party decision shall be passed on the basis of available record before the Forum.

To-day, the SDO was present and he submitted the reply of the petition stating that:

1. The complainant had applied for new electricity connection vide A&A No.15030-LS on dated 14.07.2010 with load of 220KW and contact demand 220KVA and the same was sanctioned by XEN/Op. Division No.1, DHBVN, Hisar vide his memo No. TR-1/HSR/SOL-16079 on dated 04.10.2010 and accordingly, a sum of Rs.155500/- was deposited by the complainant as ADC, processing fees & meter installation charges as per the Nigam instructions.

2. An estimate was framed to cover the cost of material, labour and transportation charges amounting to Rs.94500/- and demand notice was issued on 13.10.2010 for completion the formalities as per the demand notice. A sum of Rs.1418/- was also got deposited as supervision charges in view of Sales Circular No. 1/2008 and consent had been given to get the work completed under self execution scheme. After completion of formalities, the connection was released on 01.04.2011 under A/C No. TJHT-0012.
3. The Audit Party raised observation for an amount of Rs.129860/- to be charged from the petitioner (i.e. a sum of Rs.94500/- on account of deposit estimate, Rs.10560/- as Fixed Service Charges, Rs.9800/- as Meter Cost and Rs.15000/- for cost of 11KV CT & PT) respectively.
4. That out of total amount charged to the consumer Rs. 129860/-, the actual amount chargeable was Rs. 20360/- i.e. Rs.10560/- as Fixed Service Charges and Rs.9800/- as cost of HT Trivactor Meter provided by the Nigam as the work was done under self execution scheme.
5. That the matter has been taken up with the Audit against the observations raised vide half margin No. 45&46/155/2010 and further withdrawal of the excess amount, the concurrence of the audit is still awaited. The account shall be overhauled as soon as the concurrence of audit is received.

The Nigam representative agreed that the complaint is genuine. The consumer case file was not available at that time of audit hence observations taken. Now the file has been completed and sub division agreed to refund/overhaul the account.

After considering all the facts the Forum directed the Sub Division to overhaul the consumer account as per reply filed within a month's time after completing requisite formalities and compliance reported through the Nodal officer. Meanwhile the consumer may not be insisted upon to deposit the amount charged excessively to his account if not already deposited. The petition is disposed with the direction without any cost on either side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
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Case No. 578/2012
Date of Institution: 31.05/2012
Date of Decision :20.06.2012

In the matter of
Sh. H.L.Kalsi, E/265-268 (Double Storey), Ramesh Nagar, New Delhi.

	V/s	DHBVN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Sh.S.S.Kantura, Nodal Officer	

ORDER

A petition of Sh. H.L.Kalsi, E/265-268 (Double Storey), Ramesh Nagar, New Delhi a domestic category consumer at S/City subdivision, Gurgaon was received against non-payment of interests of securities.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the petitioner as well as the SDO were present. The SDO has submitted the reply of petition vide his memo No. 1009 dated 05.06.2012, stating therein that the petitioner deposited the security for temporary connection amounting to Rs.9470/- on 31.08.2009 and the connection was released on 16.04.2010. The petitioner applied for the interest on security on 27.03.2012 @ 6% yearly and Rs.960/- as interest was given to the petitioner for the year 2010-11 and 2011-12 by adjusting credit in his bill for April, 2012.

On the other hand, the petitioner stated that the interest should have given to him earlier without any demand as it envisaged in the HERC regulations. The petitioner further stated that the Nigam is not paying the interest with one pretext or the other and interest is only allowed when some consumer presses for the same. The petitioner requested a direction to provide interest on all type of securities from its deposit to all consumers.

The Forum considered the facts of the case and observed that the HERC regulations of July, 2005 (No.5.7) provides for interest on consumption security and meter security deposited by the consumer at specified rates and manner. The interest on consumption security for the period 2010-11 and 2011-12 already allowed by the Nigam to the consumer by crediting his account/bill for April, 2012. The Forum directs the SDO to settle the balance claim of the consumer with regards to consumption and meter security within a period of one month's time and send compliance report through the Nodal officer.

The petition is disposed without any costs on either side.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
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Case No. 579/2012
Date of Institution:31.05.2012
Date of Decision: 17.07.2012

In the matter of
Sh. Ram Chander S/o Sh. Lilu Ram, V&P.O. Chang, Distt., Bhiwani.
V/s DHBVN

Present on behalf of Applicant: None.
Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Ram Chander S/o Sh. Lilu Ram, V&P.O. Chang, Distt., Bhiwani was received regarding wrong billing.

Accordingly, the petition was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 06.06.2012, the petitioner as well as the SDO were present. The SDO submitted the reply of the petition stating therein that the consumer bill was prepared on 'N' code due to not taking of meter reading by the Meter Reader and the bill shall automatically be adjusted in the next billing cycles when the reading is recorded by HESL staff.

The SDO was directed to ensure requisite corrections in the bill for redressal of the grievance of the consumer. The case was adjourned to next date fixed for 26/06/2012.

During the proceedings held on 26.06.2012, the SDO as well as the petitioner were not present. The Nodal Officer requested for next date. Request granted. The Nodal Officer was directed to ensure submission of final action taken report on the next date of hearing.

To-day, the representative of SDO was present and he submitted the reply of the SDO through the Nodal Officer vide memo No. Ch-10/Forum-579/BWN dated 17.07.2012, stating therein that the account of the petitioner has been overhauled on the basis of actual consumption in the meter and the remaining excess amount charged has been refunded to the petitioner.

Since, the grievance of the consumer is redressed; the petition is disposed without any cost on either side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 580/2012

Date of Institution: 20.06.2012

Date of Decision: 10.07.2012

In the matter of

Sh. Gopal Verma, R/o 33, Akash Neem Marg, DLF Phase-II, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Gopal Verma, R/o 33, Akash Neem Marg, DLF Phase-II, Gurgaon was received regarding transfer of amount of other connection to his connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the petitioner as well as the SDO were present. The SDO has submitted the reply of petition vide memo No. 530 dated 11.06.2012, stated therein that:

1. A connection was taken by Sh. K.G.Arora at this property vide A/C No. D2TM-0010 (Old A/C No. TC-1440) and a sum of Rs.128045/- was pending on account of defaulting amount against this connection. The connection already disconnected on defaulting amount.
2. The regular new connection was released in the name of Sh. Gopal Verma bearing A/C No. LM14-0043 as he had purchased the property from Sh. K.G.Arora, the then owner of A/C No. D2TM-0010.
3. The premises was checked by JE Incharge of the area who informed that a sum of Rs.128045/- is outstanding against this premises and the same amount was transferred to the new owner of the premises.

On the other hand, the petitioner was present and he stated that he is not aware of any defaulting amount on previous connection in the same premises. Since his case is of new connection and he purchased the property in all legal manner and observing usual formalities of the Nigam and nothing to do with the defaulting amount in the name of previous connection the amount is wrongly transferred in his account for which he is not responsible. The petitioner requested that the SDO be directed to accept the payment of his current account and the

liability of outstanding defaulting amount should be recovered from the concerned person only.

After hearing the version of the petitioner, the SDO was asked as to how new connection was allowed on the same premises when there was defaulting amount outstanding in spite of clear instructions of the Nigam in this regard. The SDO requested for time to check up the records as he taken charge of the sub division very recently. The request was granted and next date of hearing fixed for 10/07/2012. The SDO was directed not to disconnect the power supply of the consumer in the meantime and submit final reply on the next date.

To-day, the SDO submitted the reply stating therein that the temporary connection was released in the name of Sh. K.G.Arora, bearing A/C No. D2TM-0010 and thereafter, the new regular connection was also released by SDO Maruti I/A sub Divn. The consumer case file was transferred to this Sub-Division after bifurcation in 6/2008. The above said property was sold out by Sh. K.G.Arora to Sh. Gopal Verma. The matter was taken up with the SDO Maruti regarding the record of the above consumer and the details of defaulting amount. After receipt the record of the consumer from the SDO, Maruti, it was pointed out that the wrong average billing Rs. 128045/- done from 5/2007 to 1/2008 which has now been adjusted vide SC&AR No.45/37R dated 09.07.2012 and after adjustment, only a sum of Rs.483/- is outstanding against the above consumer.

On the other hand, the petitioner was present and he stated that he is satisfied with the action taken by the SDO and requested for closer of the case.

Since, the grievance of the consumer is redressed the petition of the consumer is hereby disposed without any cost on either side. The case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 581/2012

Date of Institution: 06.06.2012

Date of Decision: 20.06.2012

In the matter of

**M/s Indus Tower Ltd., Building No.10, Tower-B, 9th Floor, DLF Cyber City,
Gurgaon –A/C No.MN11-2994.**

V/s DHBVN

Present on behalf of Applicant:

Representative.

Present on behalf of Respondent:

Sh.S.S.Kantura, Nodal Officer

ORDER

A petition of M/s Indus Tower Ltd., Building No.10, Tower-B, 9th Floor, DLF Cyber City, Gurgaon was received against wrong billing and disconnection of their power supply.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the SDO as well as the petitioner were present. The SDO submitted the reply of the petition vide his memo No. 2953 dated 20.06.2012, stating therein that the premises of the petitioner cannot be connected as the petitioner is still a defaulter for Rs.443514/- after adjustment on account of provisional billing Rs.814574/- and Rs.624557/- vide SC&AR No. 98/81R.

On the other hand, the petitioner was present and he shown the data of billing supplied by the Nigam. As per the data, the amount stated to be adjusted is lesser and requires to be checked. The sub division representative explained the adjustments to the petitioner on the spot to which the petitioner convinced and requested that he may be given one week's time to get the amount as per latest adjustments deposited with the Nigam.

The petition is disposed without any costs on either side. The case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 582/2012

Date of Institution: 06.06.2012

Date of Hearing: 26.06.2012

In the matter of

Sh. Monu Soni S/o Sh. Ram Kumar, 24, Neel Kanth Complex, Krishna Nagar, Hisar.

V/s

DHBVN

Present on behalf of Applicant:

Sh. P.S.Saini, Advocate.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Monu Soni S/o Sh. Ram Kumar, 24, Neel Kanth Complex, Krishna Nagar, Hisar was received through Sh. P.S.Saini, Advocate, against making a false case of theft of energy and charging penalty from the consumer on this account.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the counsel of petitioner as well as the SDO were present. The SDO submitted the reply of the petition stating therein that the complainant has no locus standi to file the complaint as the connection is not in the name of the complainant nor any kind of mentioning of the name of the complainant is in the record of the Nigam. The complainant has filed the petition in the capacity of proxy litigant and the actual consumer is Sh. Prem Kumar S/o Sh. Mohan Lal, 24, Neel Kanth Complex, Krishna Nagar, Hisar, bearing A/C No. M121-0785. This premises of Sh. Prem Kumar got checked by the Nigam staff on 8/05/2012 in the presence of the complainant and during checking the consumer was found indulging in theft of energy by taking a direct supply from LT line with the help of 2 core PVC. That upon further checking it was found that supply was also being extended to shop No. 15 through changeover switch without having any authority. The theft of electricity was duly proved at site, recorded and meter and cable taken into custody after disconnection of supply. The complainant voluntarily signed the checking report in token of correctness and charged as per sales circular No. D-43 of 2007. The consumer deposited Rs. 400638/- on 10/05/2012. The SDO contended that the case is not covered under SC No. D-1/2003. Rather the consumer was found indulging in theft of energy by taking direct supply and extending the supply to shop No. 15 without any right and basis. Notice of assessment for offence of theft of electricity under section 135 of the Electricity Act-2003 was served to the consumer but it was returned back as the consumer refused to take the same. The SDO further stated that the case is beyond the jurisdiction of the Forum being theft of electricity case.

On the other hand, the counsel of petitioner maintained that his client Sh. Monu Soni is using the complex and making the payment prior to detection of the theft and the case has been made falsely by the SDO and requested for refunding of penalty. The Counsel stressed that the present case covers under SC No. D-1/2003 as the meter was burnt and no theft case is to be made out. During the course of hearing the Counsel insisted that he may be allowed to file the rejoinder over the reply of the Nigam within two days which he filed on 28/06/2012. The counsel refuted the reply of the Nigam by maintaining that the present case is covered under SC No. D-1/2003 and not under section 135 of the Electricity Act, 2003. That no videography and changeover switch produced by the Nigam officials before the Forum. That the consumer has made a written complaint regarding his meter being burnt to the Nigam on 4/05/2012 i.e. before the checking of the premises on 8/05/2012 and attached a photocopy of the reference stated to be made by the consumer and directly addressed to the XEN OP Divn. No. 1, DHBVN, Hisar. Though there is no mention of any such request from the consumer in the original complaint/petition dated 6/06/2012, the photocopy of which bears No. 4157/ 4-05-12 without any office stamp and directly addressed to the XEN OP Divn No. 1, Hisar with no reference of previous request to the concerned sub division where such complaints are made and attended to in the first instance.

After considering all the facts of the case this Forum is of the opinion that the present petition is filed to seek relief in the matter of proceedings of the Licensee under section 135 of the Electricity Act, 2003. The Forum does not have the jurisdiction to entertain the same hence the petition is hereby dismissed and the case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 583/2012

Date of Institution:06.06.2012

Date of Decision :26.06.2012

In the matter of

Sh. Om Parkash Singh S/o Sh. Maman Singh, Village, Aghiar, P.O. Pathera, Distt., Mohindergarh.

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Om Parkash Singh S/o Sh. Maman Singh, Village, Aghiar, P.O. Pathera, Distt., Mohindergarh was received regarding wrong billing in respect of his TWC connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner as well as the SDO were present. The SDO submitted the reply vide memo No.957 dated 25.06.2012, stating therein that the HESL Meter Reader had shown the same meter reading during the month of 2/2011 & 3/2011 under 'B' code and consumer was billed on flat rate basis. Now the meter of the petitioner has been changed vide MCO No.67/417 dated 10.02.2012 IR=03 against FR-24765. The account of the petitioner is overhauled on the basis of previous six months consumption and an amount of Rs.1575/- has been adjusted vide SC&AR No. 497/R93.

On the other hand, the petitioner stated that he is not satisfied with the amount adjusted by the SDO. Moreover, the SDO had disconnected his connection on defaulting amount and requested for restoration of supply.

After hearing both the parties, the Forum observed that since the meter of consumer changed and account already overhauled the grievance of the consumer redressed. The petitioner was asked to deposit the amount pending against him so that his connection be restored. The petition is disposed without any costs on either side and case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 584/2012

Date of Institution:06.06.2012

Date of Decision :26.06.2012

In the matter of

Sh. Om Parkash Singh S/o Sh. Maman Singh, Village, Aghiar, P.O. Pathera, Distt., Mohindergarh – A/C No.PA1D-0221.

V/s

DHBVN

Present on behalf of Applicant:

Representative.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Om Parkash Singh S/o Sh. Maman Singh, Village, Aghiar, P.O. Pathera, Distt., Mohindergarh was received regarding wrong billing in respect of his domestic connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the petitioner as well as the SDO were present. The SDO submitted the reply vide memo No.957 dated 25.06.2012, stating therein that the bill of the petitioner raised during the month of 5/2012 on actual consumption upto 798 Kwh as per consumer ledger. Now, as per verification report of Sh. Ramesh, JE on 23.06.2012, the reading in the meter is 1422.4Kwh, meter working, blinking make Bentex Sr. No. 613558 installed in box. The energy bill of the petitioner is correct and payable.

On the other hand, the petitioner stated that he is not satisfied with the reply of SDO. The fact is that when the Meter Reader come in the area to note the reading, the electricity is not available and arbitrary readings are noted by the meter reader at his wisdom. His request is that some arrangement be made for appointing more HESL Personnel to take the reading in the area as per the number of connections as the problem is due to shortage of meter reading staff.

After considering all the facts the Forum decides that the current bill of the consumer is rightly payable as the units already billed are far less than the actual reading in the meter as per verification report of the JE. The SDO to bill the balance units as per Nigam instructions. The petitioner is directed to settle the bill and not to make frivolous complaints without checking the facts for which the Forum may impose suitable costs in future. The petition is disposed without any costs on either side. The case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 585/2012

Date of Institution: 15.06.2012

Date of Decision: 17.07.2012

In the matter of

Manager, Syndicate Bank, New Shopping Complex, Red Square Market, Hisar –A/C No. P421-0101.

V/s

DHBVN

Present on behalf of Applicant:

Manager, Syndicate Bank

Present on behalf of Respondent:

1. Sh. Raj Kumar, Nodal Officer.

2. SDO City S/D, Hisar

ORDER

A petition from Manager, Syndicate Bank, New Shopping Complex, Red Square Market, Hisar was received regarding jumping of digits in the meter and subsequently excess billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 26.06.2012, the SDO as well as the petitioner were present. The SDO submitted the reply of the petition stating therein that it is true that the complainant is a bonafide consumer of the Nigam with sanctioned load of 10 KW. The reading of the meter as recorded by the Meter Reader on 29.07.2011 was 88456 Kwh. The reading was recorded as 365 kwh by the Meter Reader on 31.08.2011, after completion of meter round/circle. The consumer was billed for actual consumption recorded through O.K. energy meter as per meter reading i.e. for 11909 units. (1,00,000-88456+365=11909). The consumer has lodged a complaint regarding challenging the accuracy of meter. An MTO bearing No. 15208 was issued on 18.04.2012 and it was found that consumption recorded by both the meters were same. So it is not a case of jumping of meter or incorrect reading.

On the other hand, the petitioner was present and stated that consumption for 12 months before this problem is 30196 units with monthly average of 2516 units and even after change of meter the average monthly consumption is about 2295 units with total consumption as 16065 units. He further argued that this is a Govt. (Public Sector Bank) connection and no peculiar personal gains/interests are served either by accumulation of units or hiding of actual consumption with the connivance of Nigam staff. He further stated that such wide variation of consumption is due to faulty behavior of the meter as it also completed its cycle in this period and for no other reasons as the account/reading was regular and consumption was consistent before this event.

After hearing both the parties, the Forum decides to get the meter checked from the Lab. with specific reference of the complaint i.e. jumping at the completion of cycle and put up report on the next date along with details of checking's carried out by the Nigam,

routine or under special campaigns, in respect of this consumer meter if any and position of installation of meter whether on pole outside premises or otherwise, to decide the case accordingly.

Today, the SDO was present and submitted the meter checking report which was shown within limit. The SDO further confirmed that the meter is on pole outside the Bank. The SDO has further stated that no checking of this premise had been done in the recent times.

On the other hand, the bank's representative was present and he stated that his consumption pattern is consistent before the change of meter and even thereafter, the meter is on the pole outside bank's premises and this is a Govt. (PSU Bank) connection and no individual interests are involved and this is a genuine case of faulty behavior of the meter. Their bill be got amended as per the consumption pattern.

After considering all the facts of the case the Forum noted that the consumer's consumption pattern is consistent. The readings have been taken regularly by the Nigam and bills paid by the bank. The meter is installed on the pole outside bank's premises hence accumulation of reading not proved. The Forum therefore decides that the consumer's account for the disputed period be overhauled by charging for average consumption of the last six months or the consumption of the corresponding month in the last two years whichever is higher.

The petition is disposed without any costs on either side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 586/2012

Date of Institution:19.06.2012

Date of Decision :26.06.2012

In the matter of

Sh. Harbans Lal Pruthi, H.No. A-7, Education Board Colony, Bhiwani.

V/s

DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Harbans Lal Pruthi, H.No. A-7, Education Board Colony, Bhiwani was received regarding wrong billing due to defective meter installed at the premises and non adjustment of excess billing as per the reading of check meter.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the representative of SDO was present and he submitted the reply of the petition through the Nodal Officer vide his memo No. 1189 dated 26.06.2012, stating therein that the meter of the petitioner has been replaced vide MCO No. 27/24 dated 25.06.2012 and the account of the petitioner is overhauled vide SC&AR No. 140/184 dated 25.06.2012 and an amount of Rs.33460/- SOP plus Rs.692/- as ED refunded. The SDO requested for closer of the case.

Since the grievance of the consumer has been redressed the petition is hereby disposed without any costs on either side and the case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 587/2012
Date of Institution: 19.06.2012
Date of Decision: 17.07.2012

In the matter of
M/s Sheodan Mal & Co., Hanumangarh Road, Ellenabad, Distt., Sirsa.
V/s DHBVN

Present on behalf of Applicant:
Present on behalf of Respondent:

Present in person.
1. Sh. Raj Kumar, Nodal Officer.
2. SDO 'OP' S/Divn. Ellnabad.

ORDER

A petition from M/s Sheodan Mal & Co. Hanumangarh Road, Ellenabad, Distt., Sirsa has been received regarding irregular withdrawal of TDCO facility and excess/irregular charging in respect of his rice mill connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 26.06.2012, the petitioner as well as the representative of the Sub-Division were present. The petitioner stated that he had applied for TDCO facility from 4/3/2011 to 3/9/2011 for 6 months. Thereafter, this facility had been withdrawn by the Nigam without any valid reasons. He stated that wrong bill for the period 4/3/2011 to 2/5/2011 rendered to him on the basis of fixed charges without MMC. He further stated that for the period from 3/5/2011 to 3/6/2011, again wrong bill rendered to him on the old pattern i.e. $MMC\ 56 \times 150 = 8400 + \text{Fixed charges Rs.}4200/-$. The petitioner did not pay the bills as the same were not prepared as per terms of TDCO. The Nigam has withdrawn TDCO facility stating that the consumer has consumed power in excess of permissible limits during TDCO period. The matter was referred to the XEN and it was assured that TDCO facility would be extended for two months. He was asked to deposit the outstanding payments of bills and Rs.9420/- deposited by him on 8/07/2011. New application for extending TDCO for two months from 3/05/11 to 3/11/11 was given vide No. 1847 dated 08/07/2011. The petitioner stated that the Nigam did not honor the assurance and TDCO application dated 8/07/2011 was rejected and a notice was served upon him on 25/08/2011 for depositing the outstanding amount stating that his TDCO facility was revoked in June, 2011 itself. The consumer requested the Forum that his TDCO facility be restored and excess amount charged from him refunded with surcharge.

The representative of SDO was present and he was asked to submit the reply of the petition. The representative of the SDO stated that the petition was received late in his office hence the reply could not be prepared and requested for next date to file the complete reply after consulting the relevant records. The request granted.

To-day, the SDO as well as the petitioner were present. SDO submitted the reply, stating therein that it is true that the facility for availing TDCO for the period 4.3.2011 to 3.9.2011 was approved by XEN, S/U Division, DHBVN, Sirsa, vide his memo No. 2842/TM-14 dated 15.03.2012 under Sales Circular No. D-7/2010. Under this TDCO facility, the permissible limit of consumption is 5% of average consumption of last six months for repairing and lighting purposes as prescribed under Sales Circular No. D-7/2010. The petitioner consumed the electricity in excess of the permissible limit of TDCO and the facility was revoked as per instructions of the Nigam and the bill was raised on normal tariff. The point of complainant that billing for the period 3/3/11 to 3/4/11 was done by taking fixed charges as per normal tariff without MMC is correct. This bill was paid by the consumer. The bill for the period 3/4/11 to 2/5/2011 was also prepared by levying fixed charges. The consumer at this point contacted the sub division. The consumer was informed that billing error if any would be set right in next bill. The consumer did not pay this bill. The consumer account was then checked and it was found that the prescribed limit and his TDCO facility was revoked as per Nigam instructions and this was informed to the consumer vide sub division letter No. 1232 dated 2/6/2011. The bill for the period 3/5/11 to 3/6/11 was also corrected accordingly. The consumer represented on 16/06/11 for maintaining his TDCO which was forwarded to the XEN office on 21/06/2011. However there is no provision of revision of TDCO in the rules. The consumer deposited outstanding amount of Rs. 9420/-towards bills for 5 & 6/2011 on 8/7/2011. The petitioner submitted a request on 8/07/11 stating therein that during the rain, the rain water accumulated in the premises of the factory and due to the de-watering from the plant, the consumption was exceeded the limit i.e.180 units as against 56 units and his TDCO facility be treated from 3/05/11 to 3/11/11. The request of the consumer was forwarded by the sub division office to XEN office on the same day i.e. 8/7/2011. Part payment from the consumer accepted keeping in view his request for revised TDCO. The application of consumer for revised TDCO was rejected as it did not cover under the instructions of D-7/2010 and SI 25/2010 which require the application from the consumer beforehand from the date from which the TDCO is to be effected and the consumer was informed on 19/08/2011 with the request to submit revised request as per Nigam instructions i.e. from prospective date. The consumer refused to give revised request on 29/08/2011. The petitioner's connection is 35 years old and every year, the consumer is being granted the permission for TDCO and the provision regarding limiting the power consumption during TDCO period is old one hence the stand of the consumer that new dispute on account of limiting the consumption to 5% of average consumption of last six months created by the Nigam is not tenable.

On the other hand, the petitioner was present and protested against the reply of the SDO. He alleged that he had taken a meeting with the XEN along with SDO. The XEN had promised to consider his case for revised TDCO and asked for part payment which he made. Now the XEN & SDO have denied the above meeting. The consumer

requested that keeping in view the facts in record and assurance made, the Hon'ble Forum give justice in the case.

After considering all the facts of the case the Forum noted that revocation of TDCO facility was as per prevailing instructions of the Nigam i.e. for exceeding the consumption limits as per terms of the TDCO prescribed under SC No. D-7 of 2010. The consumer sought revised TDCO vide his application dated 8/07/2011 with retrospective effect which was not allowed by the Nigam vide sub division letter dated 19/08/2011 stating that TDCO application is required before the date from which the TDCO is to be effected and requested the consumer to give the TDCO application from prospective date which was not accepted by the consumer as communicated to the SDO vide letter dated 29/08/2011. The Forum therefore finds no merit in the complaint. The petition is dismissed without any costs on either side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 587/2012

Date of Institution: 19.06.2012

Date of Decision: 17.07.2012

In the matter of

M/s Sheodan Mal & Co., Hanumangarh Road, Ellenabad, Distt., Sirsa.

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

1. Sh. Raj Kumar, Nodal Officer.

2. SDO 'OP' S/Divn. Ellnabad.

ORDER

A petition from M/s Sheodan Mal & Co. Hanumangarh Road, Ellenabad, Distt., Sirsa has been received regarding irregular withdrawal of TDCO facility and excess/irregular charging in respect of his rice mill connection.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 26.06.2012, the petitioner as well as the representative of the Sub-Division were present. The petitioner stated that he had applied for TDCO facility from 4/3/2011 to 3/9/2011 for 6 months. Thereafter, this facility had been withdrawn by the Nigam without any valid reasons. He stated that wrong bill for the period 4/3/2011 to 2/5/2011 rendered to him on the basis of fixed charges without MMC. He further stated that for the period from 3/5/2011 to 3/6/2011, again wrong bill rendered to him on the old pattern i.e. $MMC\ 56 \times 150 = 8400 + \text{Fixed charges Rs.}4200/-$. The petitioner did not pay the bills as the same were not prepared as per terms of TDCO. The Nigam has withdrawn TDCO facility stating that the consumer has consumed power in excess of permissible limits during TDCO period. The matter was referred to the XEN and it was assured that TDCO facility would be extended for two months. He was asked to deposit the outstanding payments of bills and Rs.9420/- deposited by him on 8/07/2011. New application for extending TDCO for two months from 3/05/11 to 3/11/11 was given vide No. 1847 dated 08/07/2011. The petitioner stated that the Nigam did not honor the assurance and TDCO application dated 8/07/2011 was rejected and a notice was served upon him on 25/08/2011 for depositing the outstanding amount stating that his TDCO facility was revoked in June, 2011 itself. The consumer requested the Forum that his TDCO facility be restored and excess amount charged from him refunded with surcharge.

The representative of SDO was present and he was asked to submit the reply of the petition. The representative of the SDO stated that the petition was received late in his office hence the reply could not be prepared and requested for next date to file the complete reply after consulting the relevant records. The request granted.

To-day, the SDO as well as the petitioner were present. SDO submitted the reply, stating therein that it is true that the facility for availing TDCO for the period 4.3.2011 to 3.9.2011 was approved by XEN, S/U Division, DHBVN, Sirsa, vide his memo No. 2842/TM-14 dated 15.03.2012 under Sales Circular No. D-7/2010. Under this TDCO facility, the permissible limit of consumption is 5% of average consumption of last six months for repairing and lighting purposes as prescribed under Sales Circular No. D-7/2010. The petitioner consumed the electricity in excess of the permissible limit of TDCO and the facility was revoked as per instructions of the Nigam and the bill was raised on normal tariff. The point of complainant that billing for the period 3/3/11 to 3/4/11 was done by taking fixed charges as per normal tariff without MMC is correct. This bill was paid by the consumer. The bill for the period 3/4/11 to 2/5/2011 was also prepared by levying fixed charges. The consumer at this point contacted the sub division. The consumer was informed that billing error if any would be set right in next bill. The consumer did not pay this bill. The consumer account was then checked and it was found that the prescribed limit and his TDCO facility was revoked as per Nigam instructions and this was informed to the consumer vide sub division letter No. 1232 dated 2/6/2011. The bill for the period 3/5/11 to 3/6/11 was also corrected accordingly. The consumer represented on 16/06/11 for maintaining his TDCO which was forwarded to the XEN office on 21/06/2011. However there is no provision of revision of TDCO in the rules. The consumer deposited outstanding amount of Rs. 9420/-towards bills for 5 & 6/2011 on 8/7/2011. The petitioner submitted a request on 8/07/11 stating therein that during the rain, the rain water accumulated in the premises of the factory and due to the de-watering from the plant, the consumption was exceeded the limit i.e.180 units as against 56 units and his TDCO facility be treated from 3/05/11 to 3/11/11. The request of the consumer was forwarded by the sub division office to XEN office on the same day i.e. 8/7/2011. Part payment from the consumer accepted keeping in view his request for revised TDCO. The application of consumer for revised TDCO was rejected as it did not cover under the instructions of D-7/2010 and SI 25/2010 which require the application from the consumer beforehand from the date from which the TDCO is to be effected and the consumer was informed on 19/08/2011 with the request to submit revised request as per Nigam instructions i.e. from prospective date. The consumer refused to give revised request on 29/08/2011. The petitioner's connection is 35 years old and every year, the consumer is being granted the permission for TDCO and the provision regarding limiting the power consumption during TDCO period is old one hence the stand of the consumer that new dispute on account of limiting the consumption to 5% of average consumption of last six months created by the Nigam is not tenable.

On the other hand, the petitioner was present and protested against the reply of the SDO. He alleged that he had taken a meeting with the XEN along with SDO. The XEN had promised to consider his case for revised TDCO and asked for part payment which he made. Now the XEN & SDO have denied the above meeting. The consumer

requested that keeping in view the facts in record and assurance made, the Hon'ble Forum give justice in the case.

After considering all the facts of the case the Forum noted that revocation of TDCO facility was as per prevailing instructions of the Nigam i.e. for exceeding the consumption limits as per terms of the TDCO prescribed under SC No. D-7 of 2010. The consumer sought revised TDCO vide his application dated 8/07/2011 with retrospective effect which was not allowed by the Nigam vide sub division letter dated 19/08/2011 stating that TDCO application is required before the date from which the TDCO is to be effected and requested the consumer to give the TDCO application from prospective date which was not accepted by the consumer as communicated to the SDO vide letter dated 29/08/2011. The Forum therefore finds no merit in the complaint. The petition is dismissed without any costs on either side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 588/2012
Date of Institution:28.06.2012
Date of decision: 30/07/2012

In the matter of
M/s Bharti Cellular Ltd. (A/C No. KR-12/2791) Building No.10, Tower-B, 9th
Floor, DLF Cyber City, Gurgaon.

Present on behalf of Applicant:	V/s	DHBVN
Present on behalf of Respondent:	Present in person.	
	Sh. Raj Kumar, Nodal Officer.	
	SDO CCC, Kadipur, Gurgaon	

ORDER

A petition of M/s Bharti Cellular Ltd. (A/C No. K-12/2791), Building No.10, Tower-B, 9th Floor, DLF Cyber City, Gurgaon was received regarding inflated billing and re-connection of supply.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 10.07.2012, the petitioner as well as the SDO were present. The SDO submitted the reply through Nodal Officer memo No. Ch-4/Forum-588/GGN dated 10.07.2012, stating therein that the bill of the petitioner has been corrected vide SC&AR No. 59/80R on dated 23.05.2012 and now the outstanding amount is Rs.(-)86643/- as against Rs. 1058985/-. He further stated that the connection shall be restored as per Nigam instructions.

On the other hand, the petitioner was present and stated that the corrected amount shown by the SDO is wrong and needs to be further corrected as per consumption shown in the meter and their supply to be restored.

After hearing both the parties, the Forum directed SDO to reconcile the consumer account, restore the supply after getting the due amount deposited and completion of Nigam formalities and file a final report in the case on the next date fixed for 30/07/2012.

To-day, the SDO was present but the petitioner was not present and submitted that the bill of the petitioner rectified and now outstanding amount is Rs.(-)86643/-. RCO issued vide No.170938/11/12 dated 25.07.2012, but LT CT of ratio 20/5 is required and the letter in this regard has been issued to the consumer to supply the LT CT as the same is not available in the store. The petitioner was not present when their case was listed and arrived late. A copy of submissions made by SDO was provided to the petitioner. The petitioner stated that bill has

been corrected to their satisfaction and they are in the process of providing requisite LT CT for reconnection.

Since the bill of the consumer rectified to their satisfaction, RCO issued and to be executed after supply of requisite equipment by the consumer for which they agreed, the Forum decides to close the case without any costs on either side. The petition is disposed and case closed from the Forum. The Nodal officer to furnish the final compliance in the case in due course.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 589/2012
Date of Institution: 28/06/2012
Date of Decision :30.07.2012

In the matter of
Sh. Partap Bhardwaj, F-4, Lajpat Nagar-III, New Delhi.

	V/s	DHBVN
Present on behalf of Applicant:	None.	
Present on behalf of Respondent:	Sh. Raj Kumar, Nodal Officer.	
	Representative of City S/D, Ballabgarh	

ORDER

A petition of Sh. Partap Bhardwaj, F-4, Lajpat Nagar-III, New Delhi was received regarding inflated billing and harassment by sub division.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 10.07.2012, the SDO was present and he submitted the reply through the Nodal Officer vide his memo No. Ch-4/Forum-589/FBD dated 10.07.2012 stating therein that the petitioner has not come with clean hands before the Forum. The complainant has concealed the facts. The fact is that the electric connection was released in the name of Kalpna W/o Sh. Jagdish, R/o Malerna Road, Adarsh Nagar, Ballabgarh in the year 1996. The complainant was running a Play School in the name of Gyan Peeth Play School in his premises. In the year 2008, the complainant through his daughter-in-law Smt. Mahima Bhardwaj applied a new electric connection, which was released on 07.03.2008. The complainant was irregular in payment of electricity consumption charges against the above said connections i.e. A/C No. KDS-2540 and KK-20/6305. Up to March, 2010, Rs.9024/- was outstanding against A/C No. KK-20/6305 which was deposited by the complainant. Thereafter, the supply was restored vide RCO No.69/78 dated 26.03.2010. After restoration of supply, the petitioner again become defaulter and the PDCO was issued on dated 21.11.2011 for defaulting amount of Rs.84613/-. As on 5/2012, the petitioner is defaulter for Rs.1.26 Lacs.

The Vigilance checked A/C No. KDS-2510 on 21.01.2012 and found that the petitioner was running school by extending supply to 8 no. rooms and LL-1 was filled by the Vigilance Team and demand was raised by the Nigam for Rs.316813/- on consumption/reading basis. Later on it was found that the petitioner had made

the payment of Rs.44268/- in the year 2003 hence total outstanding amount left against the complainant was Rs. 272545/-. The petitioner filed a civil suit in the Court of Civil Judge, Faridabad against the demand of Rs. 316813/- and for restoration of supply, but the Hon'ble Court had dismissed his petition on dated 31.05.2012. Copy of court decision attached with the reply of SDO.

The SDO stated that the petitioner is defaulter for Rs. 3.99 lacs (1.26+2.73), habitual of non payment of energy bills hence not entitled for any relief.

The SDO further denied that the consumer has not been given the bills or any fictitious bills were ever generated and served. He however admitted that bills on average basis were raised as the meter was defective. Regarding bill of Rs. 9024/-, as mentioned by the complainant the SDO stated that the consumer deposited the same and supply restored on the same day but PDCO issued on 21/11/2011 for continuous nonpayment of bills thereafter.

The reply of the SDO taken on record. The petitioner or his representative was not present to give his view point. The Forum decided to give another opportunity to the petitioner to appear before the Forum on the next date so that the case is decided accordingly. Notice to the petitioner be served.

To-day, the representative of sub division was present but the petitioner or his representative was not present in spite of written and telephonic communication. The sub division representative stated that they have acted as per instructions of the Nigam and no harassment of any kind had ever been made to the petitioner as alleged by the petitioner in his complaint. The petitioner has defaulted in payment of electricity consumption charges hence supply disconnected and the petitioner is not entitled for any relief.

After considering all the facts of the case, reply submitted by the SDO and taking note of the absence of the petitioner, the Forum is of the considered opinion that the petitioner has defaulted in payments of electricity consumption charges and not coming forward to settle the account for restoration of the supply. The Forum finds no merit in the complaint and therefore dismisses the same without any cost on either side. The case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 590/2012

Date of Institution: 28.06.2012

Date of Decision: 10.07.2012

In the matter of

Smt. Raj Bala W/o Sh. Rajender, V&P.O. Gudyani, Sub-Tehsil, Kosli, Distt., Rewari.

Present on behalf of Applicant:
Present on behalf of Respondent:

V/s **DHBVN**
Present in person.
Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Smt. Raj Bala W/o Sh. Rejender, V&P.O. Gudyani, Sub-Tehsil, Kosli, Distt., Rewari was received regarding wrong billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the SDO was present and he submitted the reply through the Nodal Officer vide memo No. Spl-1 dated 10.07.2012, stating therein that the reading was not recorded by the Meter Reader due to premises Lock and now the reading has been taken and the bill of the petitioner has been corrected vide SC&AR No. 156/33/58, and the chart of correction/adjustment of the bill is placed in the file and requested for closer of the case.

Since, the cause of action is over, the petition is disposed without any costs on either side and case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 591/2012
Date of institution: 2/07/2012
Date of Decision: 06.09.2012

In the matter of
Sh. Raj Bir Singh S/o Sh. Parsadi, Mohalla Gariawala, Hodal, Distt., Palwal.
V/s DHBVN

Present on behalf of Applicant : None.
Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.
SDO 'OP' Hodel

ORDER

A petition of Sh. Raj Bir Singh S/o Parsadi, Mohalla Garia Hodal, Distt., Palwal was received regarding faulty meter and excess billing in his account.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

The case was listed for first hearing on 10.07.2012 but adjourned due to non-submission of reply by the Nigam. At the adjourned date of 30/07/2012, the Nigam has again not filed the reply citing northern grid failure on the day. The case was adjourned to next date. The consumer did not attend the proceedings on both dates.

To-day, the SDO was present and submitted reply through Nodal Officer vide memo No. Ch-8/Forum-591/FBD dated 06.09.2012, stating therein that the account and consumer details do not tally with the official records of the sub division hence they are unable to take any action in the matter.

The complainant has simply stated in the complaint that his meter is fast, bills of higher amounts are issued and readings of meter jumped without giving any details and documents in support of his complaint. The consumer has not attended the proceedings of the Forum.

The Forum noted that the complaint is incomplete and no details of bills, amounts charged by the Nigam and period of such charging are given. It is also not clear whether the consumer has exhausted the channels as per prescribed complaint handling procedure before filing the present complaint before the Forum. The consumer is also not attending the proceedings before the Forum. The Forum therefore dismisses the compliant. The case is closed from the Forum.

File be consigned to records.

Given under my hand on 6th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
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D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 592/2012
Date of Institution:04.07.2012
Date of Decision: 10.07.2012

In the matter of
Smt. Papiya Tahiliani, C-1, 509 Mayfair Towers, Charmwood Village,
Faridabad.

	V/s	DHBVN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Sh. Raj Kumar, Nodal Officer.	

ORDER

A petition of Smt. Papiya Tahiliani, C-1, 509 Mayfair Towers, Charmwood Village, Faridabad was received against inflated billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the SDO as well as the petitioner were present. The SDO has submitted the reply vide his memo No. 1039 dated 09.07.2012, stating therein that the meter of the petitioner became defective during March, 2012 and was replaced vide MCO No. 149478 dated 06.03.2012. During the period when the meter remains defective bills were raised on average basis which is to be adjustable after 6 months of installation of new meter and consumption thereof as per Nigam instructions.

On the other hand, the petitioner was present and stated that she had been harassed by the Nigam for not correcting the bill as per her consumption inspite of several visits to the office.

After considering all the facts and meter already replaced, the Forum decides that the consumer's account be overhauled on the basis of new meter consumption in next cycles and compliance submitted through the Nodal Officer. The petition is disposed without any costs on either side and case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 593/2012

Date of Institution: 04.07.2012

Date of Decision: 10.07.2012

In the matter of

Sh. Sushil Kumar Aggarwal, H.No.D-172, Rose Wood City, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Sushil Kumar Aggarwal, H.No.D-172, Rose Wood City, Gurgaon has been received regarding wrong billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the petitioner as well as the SDO were present. The SDO has submitted the reply vide his memo No. 1140 dated 09.07.2012, stating therein that the bill to the petitioner was issued for 1055 units for the period 24.01.2012 to 16.02.2012 and 16.02.2012 to 14.04.2012 on "N" code. The site was got checked through Sh. Dharam Singh, JE on 05.05.2012 and reading was taken by him and the bill of the petitioner rectified vide SC&AR No.63/63R on dated 14.05.2012, amounting to Rs.9775/-. Bill will be delivered through HESL.

The petitioner was present and stated that the amount so adjusted by the SDO is correct and he is satisfied with the action taken by the SDO.

Since the grievance of the consumer is redressed, the petition is disposed without any cost on either side and case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 594/2012

Date of Institution: 04.07.2012

Date of Decision: 30.07.2012

In the matter of

Sh. M.S.Mann, H.No.147, Sector-17-A, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer

ORDER

A petition of Sh. M.S.Mann, H.No.147, Sector-17-A, Gurgaon was received regarding replacement of their meter. The petitioner stated in the complaint that the L&T meter purchased by them was installed at the site and working ok. The meter was removed from the site by the Nigam staff without any valid reason and replaced with secure meter and removed L&T meter was not returned to him.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 10.07.2012, the petitioner was not present but a representative of SDO was present. The representative of the SDO stated that due to late receipt of the petition from the Nodal Officer, DHBVN, Hisar, the reply could not be prepared and requested for next date. Request granted.

To-day, the representative of SDO was present and he submitted the reply of the SDO through Nodal Officer, DHBVN, Hisar vide memo No. Ch-6/Forum-594/GGN dated 30.07.2012, stating therein that the meter of the petitioner was reported defective during the month of April, 2012 and as per the instructions of the Nigam, all the defective meters are required to be changed and accordingly the meter of the petitioner was changed vide MCO No.171903/11-12 dated 22.06.2012 IR-1, FR-417. The meter was installed outside the premises of consumer hence no interference at consumer level required. The defective meter was handed over to the JE In-charge for completion of usual formalities. The meter of the petitioner has already been sent to the M&P Lab for accuracy of meter seal etc. and on receipt of the same, the meter shall be handed over to the petitioner as per Nigam procedure.

The petitioner was not present.

The Forum considered all the facts and noted that action taken by the SDO regarding replacement of meter was as per Nigam rules hence finds no merit in the complaint and therefore rejects the same.

The case is closed from this Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 595/2012

Date of Institution: 06.07.2012

Date of Decision: 17.07.2012

In the matter of

Sh. Nitin Singla S/o Sh. Hanuman, Mohalla Chaudhrian, Hansi, Distt., Hisar..

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Sh. Nitin Singla S/o Sh. Hanuman, Mohalla Chaudhrian, Hansi, Distt., Hisar was received regarding the amount charged for theft of energy case.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the SDO had submitted the reply of the petition through the Nodal Officer, stating therein that the complaint is covered under Section-135 (b) and Section-152 of Electricity Act, 2003 i.e. theft of electricity. As such, the Hon'ble Forum cannot entertain the case in view of sub-section (ii) of Section 7 of HERC Regulation, issued vide Regulation No. HERC/02/2004 dated 12.04.2004. The notices under section-135 (b) and section-152 of electricity Act, 2003 have already been issued to the consumer vide this office memo No. 377/80 dated 03.02.2011 and memo No.381/84 dated 03.02.2011 and requested to reject the case.

The Counsel of the petitioner arrived after the proceeding and a copy of the reply of SDO handed over to the counsel for his reference and record.

The Forum after considering the facts decided not to pursue the case as proceedings under section 135 already initiated. The petition is rejected.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
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(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 596/2012
Date of Institution:06.07.2012
Date of Decision: 30.07.2012

In the matter of
M/s Idea Cellular Ltd., (A/C No. ZC01-0129), 9th Floor, Building No. 10-B, DLF Cyber City, Gurgaon.

Present on behalf of Applicant:	V/s	DHBVN
Present on behalf of Respondent:	Present in person.	
	Sh. Raj Kumar, Nodal Officer.	
	SDO, CCC, Kadipur, Gurgaon	

ORDER

A petition of M/s Idea Cellular Ltd., (A/C No. ZC01-0129), 9th Floor, Building No. 10-B, DLF Cyber City, Gurgaon was received regarding inflated billing and reconnection of their supply.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 10.07.2012, the petitioner as well as the SDO were present. The SDO has stated orally that the record of the reading is being checked out and some of details are required for adjustment of the bill of the petitioner. After hearing, the SDO was directed that the details of the case may be checked up thoroughly and detailed reply along with corrected bill submitted on the next date of hearing, so that the petition of the petitioner could be decided accordingly.

To-day, the SDO was present and he submitted the reply stated therein that the bill of the petitioner has been rectified and now the outstanding amount is Rs.1,25,950/-. The reconnection of supply shall be made after clearance of outstanding amount. The copy of the reply was handed over to the petitioner who expressed satisfaction on the action taken by the sub division. The petitioner assured the Forum that he will get the amount deposited very shortly. Accordingly, the SDO was directed to restore the supply after receipt of the outstanding amount.

Since, the grievance of the consumer redressed, the petition is disposed without any cost on both side and case closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 597/2012

Date of institution: 29/06/2012

**Date of hearings: 30.07.2012 &
21.08.2012**

Date of Decision: 27.09.2012.

In the matter of

Sh. Rajeev Sharma, S-324, 1st Floor, Uppals Southened, Sohna Road, Sector-49, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Nodal Officer, DHBVN

SDO, OP. South City, Gurgaon.

ORDER

A complaint of Sh. Rajeev Sharma, S-324, 1st Floor, Uppals Southened, Sohna Road, Sector-49, Gurgaon was filed before the Forum regarding excess billing compared to his actual consumption/load.

Notices were issued to complainant and concerned SDO operation, DHBVN to appear in person or through authorized representative on the day of first hearing fixed for 30/07/2012 at Gurgaon.

During the proceedings held on 30.07.2012, the representative of the SDO and the petitioner were present. The petitioner stated that he is a tenant in that premises and the actual connected load is minimum as per his requirement. They are a small family and use one air conditioner. The load of 15.38 KW got sanctioned by his land lord which is not being used. He moved in the premises recently and the billing is very much on higher side. He requested that a check meter be installed to verify the correctness of consumption/meter be replaced as he believes the consumption recorded in the existing meter on higher side.

The Nodal Officer submitted the reply of the petition prepared by the SDO stating therein that the site was checked by Sh. Dharam Singh, JE on 25.07.2012 and the meter found O.K. The sanctioned load of the premises is 15.380 KW and as per meter reading, the bill is correct. The consumption of the petitioner during 6/2011 and 8/2011 was 1716 and 2255 units respectively, which shows a consistent pattern hence there is no excess billing.

After considering the reply of the SDO and submissions of the petitioner, the Forum directed the SDO to get a check meter installed at consumer premises and submit report of consumption so as to decide the petition accordingly. The case was adjourned to next date.

In the proceedings held on 21/08/2012, the SDO was present but the petitioner was not present. The SDO submitted the reply vide memo No. Spl-1 dated 21.8.2012, stating therein that as per the direction, a check meter was installed on dated 21.8.2012 vide SJO No.89/382 dated 17.8.2012 by Sh. Dharam Singh, JE (F). The SDO further submitted that the consumption of minimum 15 days is to be compared before the account of consumer is overhauled as per consumption of check meter and requested for some more time. The Forum directed the SDO and Nodal Officer to file a final report in the case for disposal of the consumer petition accordingly.

The SDO submitted the action taken report in the matter vide letter dated 21/09/2012 confirming that the check meter installed at consumer premises on 21.08.2012. The display of old meter is reported off by the JE in-charge of the area and now the check meter is installed as permanent meter at the premises. The consumer bill rectified as per new meter consumption/last year same period consumption as per Nigam rules.

After considering all the facts of the case and change of consumer meter, as per his request, the Forum decides that the consumer account be overhauled as per consumption recorded in new meter as prescribed under Nigam instructions and compliance submitted through the Nodal officer. The petition of the consumer is disposed off without any cost on either side and case is closed from the Forum. The file be consigned to record.

Given under my hand on 27th of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 598/2012

Date of institution: 01.07.2012

Date of Decision: 06.09.2012

In the matter of

Sh. Vijay Saini, F-695, Bhola Nagar, Kotla Mubarakpur, New Delhi.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

SDO 'OP' M/Road Faridabad

ORDER

A petition of Sh. Vijay Saini, F-695, Bhola Nagar, Kotla Mubarakpur, New Delhi was received regarding reconnection of his premises A/C No. GF-12-1158 at Green Field Colony, Old Faridabad earlier disconnected due to non-payment of bills raised by DHBVN.

The petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 30.07.2012, the petitioner was present and stated that his meter was taken off in 2010 due to non-payment of bills. Now he paid all the dues amounting to Rs.23834/- on dated 17.05.2012. He applied for reconnection but the Nigam is refusing his reconnection. He further stated that the Nigam is taking the plea of non-releasing the connections in the Green Field Colony due to non-fulfilling of the terms & conditions by the developer. He stated that the Nigam has stopped release of new connection, but his connection is old one and earlier disconnected due to non-release of payment as he was not residing in the premises at that time because his posting was out of Faridabad, which he now cleared and his case be dealt with differently and supply reconnected as he is residing outside the Green Field Colony and incurring loss on rent etc. despite having house in the green field colony. The petitioner insisted for directions from the Forum regarding his reconnection even without waiting for the reply from the Nigam.

The SDO was not present. The Forum has taken on record the fact that Nigam officers in the field were preoccupied in connection with northern grid failure on the day and the case is adjourned to the next date and directed the Nodal Officer to ensure submission of reply on the next date.

To-day, the SDO was present and submitted the reply of the petition through Nodal Officer vide memo No. Ch-6/Forum598/FBD dated 06.09.2012, stating therein that the premises of the petitioner remained defaulter for more than one year with defaulting amount Rs.23834/-. The petitioner has deposited this amount on 17.05.2012 and

requested for reconnection. The reply further states that as per standing instructions of the Nigam, the RCO can be allowed within six months from the date of PDCO and if the consumer wants a new connection he may apply for fresh connection. Further as per orders of DHBVN management, new connections have been stopped due to non depositing of amount of Rs. 7.94 crores by the developer against the inadequacy in green field colony and as and when the colonizer pay the demand of Nigam, connections in the colony will be reopened.

On the other hand, the petitioner was present and requested for reconnection of his supply keeping in view the hardship faced by him.

The Forum considered all the facts of the case and is of the opinion that reconnection can be allowed without reckoning as new case provided the consumer (except agriculture pump set consumers in whose case the period allowed is 2 years) applies within six months of termination of agreement and permanent disconnection as also prescribed in HERC regulation No. 12 (6) of 10/08/2004 as adopted by the DHBVN vide Sales Circular No. D-9 of 2005. Thus the present case is to be treated as a new connection and dealt with as per extent instructions of the Nigam. The petition is therefore not allowed and rejected. The case is closed from the Forum.

File be consigned to records.

Given under my hand on 6th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 599/2012

Date of Institution: 06.07.2012

Date of Decision: 21.08.2012

In the matter of

Sh. Sandeep Dixit, H.No.794, Sector-9, Gurgaon.

V/s

DHBVN

Present on behalf of Applicant:

None.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Sh. Sandeep Dixit, H.No.794, Sector-9, Gurgaon was received regarding wrong and excess billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 30.07.2012, the petitioner was present but the SDO was not present. The Forum has taken on record the fact that Nigam officers in the field were preoccupied in connection with northern grid failure on the day and the case was adjourned to the next date.

To-day, the consumer was not present. The SDO, CCC, New Colony, Gurgaon submitted the reply through Nodal Officer on dated 08.08.2012 vide memo No. Ch-4/Forum-599/GGN dated 30.07.2012, stating therein that the grievance of the petitioner has been resolved on dated 11.07.2012 and the petitioner is satisfied. A copy of confirmation from the consumer to this effect also placed on records.

Since the grievance of the consumer already redressed to his satisfaction, the Forum decides to dispose the petition of the consumer without any cost on either side. The case is closed from the Forum.

Given under my hand on 21st August of 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 600/2012

Date of Institution: 09.07.2012

Date of Decision: 06.09.2012

In the matter of

Sh. Devender Kumar, Gali No.8, Block-C, Roshan Nagar, Bhagwanpur, Faridabad.

V/s DHBVN

Present on behalf of Applicant : Present in person.

Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.
SDO 'OP' M/Road Sub Divn. Faridabad

ORDER

A petition of Sh. Devender Kumar, Gali No.8, Block-C, Roshan Nagar, Bhagwanpur, Faridabad was received regarding inflated billing in his account No. TD-12-2853.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 30.07.2012, the petitioner was present but the SDO was not present. The petitioner stated that he had been harassed by the SDO for not correcting his bill in spite of several visits. He further stated that he is working as Security Guard in a private factory and he cannot frequently take the leave for correction of his energy bill. He requested that his bill be got rectified and necessary disciplinary action against the delinquent official be initiated for not correcting his bill and harassment made to him.

The SDO was not present. The Forum has taken on record the fact that Nigam officers in the field were preoccupied in connection with northern grid failure on the day and the case was adjourned to the next date. However keeping in view the circumstances narrated by the consumer who is working as a security guard in a private firm and cannot spare time for getting his bills corrected every time, the Nodal Officer was directed to take up the matter with the sub division and get the bill of the consumer corrected as per Nigam rules immediately besides entering the requisite corrections in the automated billing system/computer if required so that the consumer is not harassed in future on this account and ensure submission of final compliance on the next date.

To-day, the SDO was present but the petitioner was not present. The SDO submitted the reply through Nodal Officer vide his memo No. Ch-6/Forum-600/FBD dated 06.09.2012, stating therein that wrong reading has been taken by Meter Reader for the

month of Feb., 2012 i.e. 1800 units. The consumer represented his office on dated 17.04.2012 and Sh. Janak Raj, JE has verified the reading as 1289. As per report of JE, the bill of the consumer has been corrected vide SC&AR No.86/R-103 adjusting Rs.15977/-. Necessary credit has been posted in his A/c for the month of Aug., 2012 and now the balance amount is only Rs. 1553/- which the consumer be asked to pay to avoid disconnection of supply. The SDO also spoken to the complainant over phone and informed of the action taken.

Since, the grievance of the consumer redressed, the Forum decides to dispose the petition without any costs on either side and case is closed from the Forum.

The file may be consigned to records.

Given under my hand on 6th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbn.com) (e-mail ID: cgrfdhbn@gmail.com)

Case No. 601/2012
Date of Institution:09.07.2012
Date of Hearing: 30/07/2012 &
21/08/2012
Date of decision: 24/09/2012

In the matter of
Smt. Shivali Motiwal, T-7/16, DLF Phase-III, Gurgaon.

V/s DHBVN

Present on behalf of Applicant: Present in person.
Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.
SDO, DLF, City S/Divn. Gurgaon

ORDER

A petition of Smt. Shivali Motiwal, T-7/16, DLF Phase-III, Gurgaon was received regarding inflated billing in her account No. AB-15-1272.

Accordingly, notices were issued to both the parties to appear in person or through authorized representative on the date of hearing fixed for 30.07.2012. The representative of SDO as well as the petitioner was present. The representative of SDO submitted the reply of the petition vide his memo No.710 dated 27.07.2012, stating therein that the existing meter was got checked by Sh. Mohinder Singh, JE on 27.07.2012 and reading found 28837 Kwh and meter working O.K. The billing of 5134 units was done during 7/2012 up to 24500 Kwh, which is correct and there is no dispute regarding billing.

On the other hand, the petitioner was present and stated that she is a tenant in the premises and were getting bills of about Rs.7000/- in the past which now increased to Rs.30374/- . The petitioner stated that both husband and wife are working and stay away from home all day and use only CFLs and one AC and to their belief there is some incorrect consumption reading/meter not taking correct reading. Her request is that the meter be got checked and necessary correction of bill made as they understand the meter is running fast.

After hearing the case, the Forum decides that a check meter be installed at the consumer premises and report of 15 days consumption of both the meters submitted on the next date to decide the petition accordingly. In the mean time, the part payment (50% of the current bill) be accepted from the petitioner and the supply may not be disconnected till the case is decided by the Forum.

The final hearing of the case was held at Gurgaon on 21.08.2012 wherein the respondent SDO has submitted that a check meter has already been installed at consumer premises and time of 15 days required to compare the readings of both the

meters to ascertain the inaccuracy in the existing meter if any, and account of the consumer shall be overhauled accordingly.

The SDO, DLF City Sub-Division, DHBVN, Gurgaon has submitted final status vide his letter dated 29/08/2012 stating therein that the old meter of the consumer was removed on 27.08.2012 due to fast running. The account of the consumer has been overhauled and an amount of Rs.20,031/- as outcome of the calculation has been adjusted in the consumer account and the same has also been intimated to the consumer.

After considering all the facts of the case, the Forum concluded that the meter of the consumer has been changed and account already overhauled by adjusting an amount of Rs.20,031/- and consumer grievance stands redressed. The petition is hereby allowed to the extent without any cost on another side and case is closed from this Forum. The file be consigned to record.

The Nodal Officer, CGRF, DHBVN, Hisar to file the final compliance within a month's time.

Given under my hand on 24th day of September 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 602/2012
Date of Institution: 09/07/2012
Date of hearings: 30.07.2012 &
21.08.2012
Date of Decision: 27.09.2012.

In the matter of
M/s Bharti Cellular Ltd., (A/C No. DC-292-MN-2994), 9th Floor, Building No.10-B, DLF
Cyber City, Near Shanker Chowk, Gurgaon.

	V/s	DHBVN
Present on behalf of Applicant:	Present in person.	
Present on behalf of Respondent:	Nodal Officer, DHBVN SDO, CCC, Kadipur, Gurgaon.	

ORDER

A complaint of M/s Bharti Cellulat Ltd. (A/C No.MN-11/2994), 9th Floor, Building No.10-B, DLF Cyber City, Near Shanker Chowk, Gurgaon was filed before the Forum regarding wrong billing and seeking details of adjustments made in their account No. -11/ MN 2994.

Notices were issued to complainant and concerned SDO operation, DHBVN to appear in person or through authorized representative on the day of first hearing fixed for 30/07/2012 at Gurgaon.

During the proceedings held on 30.07.2012, the SDO as well as the petitioner were present. The petitioner stated that tentative billings have been made in their account and as a result excess amount charged. He stated that the firm has paid Rs.2016728/- since June, 2006 and as per the consumption recorded in the meter, they are entitled for refund of Rs.1051477/-. They got refund of Rs.657778/- without any calculation. The petitioner requested that complete account statement and calculations of refundable amount be made available to them.

The SDO submitted the reply through the Nodal Officer vide Ch-4/Forum-602/GGN dated 30.07.2012, stating therein that the consumer bill has been corrected and after adjustment an amounting of Rs. 6,57,778/- is refundable to the consumer which has been taken as minus in the consumer account to be adjustable in future bills.

The SDO was directed to submit the final reply giving requisite calculations of the adjustments made in the consumer account and the case was adjourned to the next date fixed for 21/08/2012.

During the proceedings held on 21/08/2012, the SDO as well as the petitioner were present. The petitioner maintained that the detailed calculation of refund of Rs.6,57,778/- given in the consumer account has not been provided which may be made available to

them. The SDO on the other side maintained that the detailed calculations of adjustments made in the account are as per Nigam instructions and details shall be provided to the consumer. The SDO further confirmed that the reconnection of supply has already been processed and RCO issued on 25/07/2012 and the consumer has been requested to provide LT/CT ratio 20/5 as the same is not available with the Nigam, to restore the supply and sought further time to file the final report on the grounds of strike by the field staff. The Forum considered the request of SDO and 15 days time was allowed to file the final report in the case.

The SDO has filed a report on 19.09.2012 giving therein the details of amount refundable to the consumer, Rs. 657778/- with details of payments in the account since June 2006 to July, 2011 and stating that RCO has already been issued on 25/07/2012 and the consumer has been requested to provide LT-CT ratio 20/5 for the reconnection of supply as the same is not available in the departmental store.

After considering all the facts of the case, the Forum has concluded that requisite adjustments on account of average/excess billing has already been made and bill of the consumer has been corrected with a minus amount of Rs. 657778/- & RCO issued. The Forum decides to dispose of the complaint with the direction to the SDO to provide the details of adjustments of 657778/- to the consumer with a copy of the account for the relevant period and regulate the reconnection as per Nigam instructions. Nodal officer to file compliance of this order within a month's time.

The case is closed from this Forum and file consigned to records.

Given under my hand on 27th of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 603/2012

Date of Institution: 10.07.2012

Date of Decision: 30.07.2012

In the matter of

Smt. Savitri Devi W/o Sh. Kishan Chand Sharma, H.No.134, Moti Colony, Palwal.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Smt. Savitri Devi W/o Sh. Kishan Chand Sharma, H.No.134, Moti Colony, Palwal was received regarding harassment made by the Nigam's official for not replacing meter and incorrect billing.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the SDO as well as the petitioner were present. The SDO submitted the reply through Nodal Officer vide memo No. Ch-4/Forum-603/FBD dated 30.07.2012 stating that the meter of the consumer was checked on dated 12.07.2008 with reading 7802.9 and found burnt. The MCO was issued on 15.07.2008 after depositing the meter cost of Rs.690/-. But the meter was actually replaced on 09.12.2011. The consumer was billed on average basis. The adjustment of average basis bills has been done according to Sales Manual Instruction No. 4.14, Sales Circular No.68/2002, Sales instruction No.4/2011 and HERC Regulation No.6/2004. The supply has not been disconnected. Most of the time during last few years, there was scarcity of meters in the Nigam.

That the explanation of delinquent officials Sh. Sunil Dutt, JE and Sh. Yogender Sharma, Meter Reader have been called by the office vide memo No. 565 dated 23.07.2012 for non-replacement of the meter for a long period and wrong reading respectively. In his view point, no harassment had been made to the petitioner intentionally. Now an amount of Rs.23462/- has been adjusted vide SC&AR No. 82 item No.305 dated 27.07.2012.

On the other hand, the petitioner was present and he has stated that he is satisfied with the amount adjusted by the SDO, but his appeal is that the delinquent officials be got punished as they kept him harassing for many years inspite of several visits to the sub-division.

The Forum considered all the facts and keeping in view that the consumer account already overhauled to his satisfaction, decides to dispose the petition. The Forum however, noted that there was abnormal delay in replacement of defective meter at the part of sub division staff as the Nigam instructions provide for replacement of all such meters within six months period. Hence action against staff found responsible be taken as per explanation already called for and compliance reported in due course through the Nodal Officer.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 604/2012
Date of Institution:11.07.2012
Date of decision: 9/08/2012

In the matter of
Sh. Rajender Singh S/o Sh. Hari Singh, V&P.O. Nangthala, Distt., Hisar.
V/s DHBVN

Present on behalf of Applicant:
Present on behalf of Respondent:

Present in person.
Sh. Raj Kumar, Nodal Officer.
Er. Incharge of Agroha Sub Office

ORDER

A petition from Sh. Rajender Singh S/o Sh. Hari Singh, V&P.O. Nangthala, Distt., Hisar has been received regarding release of connection at his premises.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

During the proceedings held on 17.07.2012, the petitioner was present and stated that he purchased the house from one Sh Puran Singh on 19/05/2010 and at that time there was no electricity connection/meter was installed. He applied for a new connection on 17/08/2011 but the connection has not been released on the ground that the previous owner is defaulter of the Nigam. The petitioner insisted that he has no connection with the defaulting amount against the previous owner and his connection be released.

The representative of the Sub-office was present. The Nodal Officer stated that written reply has not been prepared by the SDO due to late receipt of the petition. He further stated that the premise where the connection is applied is a defaulter premises and as per instructions of the Nigam, the connection cannot be released at defaulter premises and requested for closer of the case.

Since, the written reply in the matter was not filed the case was adjourned to the next.

To-day, the JE In-charge of sub office as well as the petitioner were present. The JE, In-charge, Sub-Office, Agroha has submitted the reply, stating therein that Sh. Rajender Singh S/o Sh. Hari Singh, R/o Nangthala applied for new domestic connection vide App. No.22537 DS dated 17.08.2011. The premise of the consumer is a defaulter of the Nigam. There was a domestic connection, A/C No. NG-205, in the name of Sh. Puran Singh who is defaulter of Nigam for Rs.30426/-. As the premises for which the new connection is being applied is a defaulter of the Nigam, meter could not be installed in the premises. Sh. Rajender Singh has represented the Nigam on dated 25.04.2012 regarding adjustment of average basis billing of account No. 205 which has now been adjusted vide SC&AR No. 68/166 and now net defaulting amount against the premises is Rs. 17499/- The JE in-charge also produced the A&A form of the petitioner where the defaulting amount was shown at the time of verification of the premises by the technical staff.

On the other hand, the petitioner who was present insisted that the defaulting amount be transferred in the account of Sh. Puran Singh's son who is having electricity connection in the Dhani in his name under A/C No. is 1482.

The JE in-charge intervened and stated that the amount outstanding against Sh. Puran Singh was earlier transferred to the account of his son but it was objected on the grounds that his connection is separate and independent. Sh. Puran Singh's son did not pay the said amount and also become defaulter. Later on he made a request to the Nigam authorities and considering his request the amount outstanding against his father's connection, A/C No. 205 was withdrawn from his account No. 1482.

After considering all the facts of the case the Forum decides that the connection at defaulting premises can be released as per procedure laid down under instruction No. 7.6 of Nigam's Sales Manual. Further the amount outstanding against Sh. Puran Singh A/C No. 205 cannot be transferred to the account No. 1482 in the name of his son who is having an independent and separate connection in his name for the purpose of release of connection to the petitioner. The Forum therefore finds no merit in the present petition and dismisses the same without any cost on either side. The case is closed from the Forum.

Given under my hand on 9th day of August 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 606/2012
Date of Institution: 16.07.2012
Date of Decision: 06.09.2012

In the matter of
Sh. Inderjeet Singh, H.No.50, Gandhi Colony, Sector-21-B, Faridabad.
V/s DHBVN

Present on behalf of Applicant : Present in person.
Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.
SDO Sub Divn. No. 4, Faridabad

ORDER

A petition of Sh. Inderjeet Singh, H.No.50, Gandhi Colony, Sector-21-B, Faridabad was received regarding excess billing/non- settlement of his account.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

During the proceedings held on 30.07.2012, the SDO was not present but the petitioner was present. The petitioner stated that his case was agreed to be settled under out of court scheme in 2009 for which he deposited Rs. 12000/- Thereafter, the Nigam had again charged the amount with surcharge and is not implementing the out of court settlement scheme. The petitioner requested for relief in the matter by settling his account.

The SDO or his representative was not present. It was brought before the Forum that field officers are occupied with the situation arisen due to northern grid failure on the day and next date requested on this ground. The request granted and case adjourned to next date.

To-day, the SDO as well as the petitioner were present. The SDO submitted the reply through Nodal Officer vide memo No. Ch-6/Forum-606/FBD dated 06.09.2012, stating therein that the consumer's father Sh. Inderjeet defaulted for Rs.22791/. Sh. Inderjeet filed the case in the Court on 07.02.2002 and court decided the case in favour of Nigam on dated 28.05.2007, but Sh. Pawan Sharma S/o Sh. Inderjeet Sharma submitted an affidavit for out of court settlement on dated 03.03.2009. The case could not be settled because Hon'ble court already decided the case in favour of Nigam. A copy of order was also placed on records.

On the other hand, the petitioner was present and stated that the fact of filing the court case by his father was not in his knowledge.

After hearing both the parties and considering the records the Forum finds no merit in the complaint of the consumer as he already availed the legal remedies. The petition is dismissed without any costs on the either side. The case is closed from the Forum.

The file be consigned to records.

Given under my hand on 6th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 607/2012

Date of Institution: 18.07.2012

Date of Decision: 30.07.2012

In the matter of

Smt. Manjeet Kaur, H.No.43, Sector-16A, Faridabad.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition of Smt. Manjeet Kaur, H.No.43, Sector-16A, Faridabad was received regarding fictitious billing despite connection not being released in the first instance at the site.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

To-day, the petitioner as well as the representative of the SDO was present. The petitioner stated that he had applied for the DS connection and deposited the security during 2009 but the connection was not released due to non availability of meter. After about one year when the connection was not released the petitioner decided to take his application and security back from the Nigam as the purpose for which the connection was required ceased. The security was refunded to him however the Nigam generated and issued fictitious bills to him without releasing the connection.

On the other hand, the Nodal Officer submitted the reply of the SDO vide his memo No.Ch-4/Forum-607/FBD dated 30.07.2012, stating therein that Smt. Manjeet Kaur W/o Sh. Narender Singh had applied for release of new connection vide A&A No.1301/DS on dated 10.11.2009 and SCO bearing No.48/111 dated 20.11.2009 was issued and A/C No.PP15/1493 allotted which later changed to new A/C No.PP15/492. Sh. Prem Singh, JE was asked to intimate the present status of the meter and as per report the meter was not installed at site but wrongly entered in SCO. Keeping in view the report of JE, the bill wrongly raised by sub division office against A/C No. PP15/4921 for Rs.1,63,625/- at the end of 6/2012 has been withdrawn vide SC&AR No.209/R-151. A copy of reply of SDO was handed over to the petitioner who after going through the same expressed satisfaction in the matter.

Since, the grievance of the consumer redressed to his satisfaction, the Forum disposed the petition without any costs on either side and case is closed from the Forum.

Given under my hand.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com)

(e-mail ID: cgrfdhbvn@gmail.com)

Case No. 608/2012

Date of Institution:18.07.2012

Date of Decision :09.08.2012

In the matter of

Smt. Raj Rani W/o Sh. Chetan Parkash, H.No.9A, Bank Colony, Hisar.

V/s

DHBVN

Present on behalf of Applicant:

Representative.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

ORDER

A petition from Smt. Raj Rani W/o Sh. Chetan Parkash, H.No.9A, Bank Colony, Hisar was received regarding excess billing on average basis and non affecting PDCO as per her request.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his viewpoint/reply.

To-day, the CA of the sub-division as well as the petitioner were present. The representative of the SDO has submitted the reply through Nodal Officer, DHBVN, Hisar vide memo No. Ch-4/Forum-608/HSR dated 08.08.2012 stating therein that the bill of the consumer for the month of 5/2012 to 7/2012 was on average basis. On the representation of the petitioner, the account of the petitioner has been overhauled and an amount of Rs.6541/- credited to the petitioner account vide SC&AR No.301/78. Furthermore, the petitioner applied for permanent disconnection of his commercial connection and the same also affected vide PDCO No.171054 dated 24.07.2012.

The petitioner's representative was present and filed a written statement that grievance of consumer has been redressed by the concerned office.

Since, the consumer grievance already redressed to her satisfaction the petition is hereby disposed without any cost on either side and case is closed from the Forum.

Given under my hand on 9th day of August 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 610/2012

Date of Institution: 30.07.2012

Date of Hearing: 21/08/2012

Date of decision: 24/09/2012

In the matter of

Sh. Pardeep Kumar, Plot No.916, Sector-37, Pace City-II, Gurgaon.

V/s DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

SDO, CCC, Kadipur, Gurgaon.

ORDER

A petition of Sh. Pardeep Kumar, Plot No. 916, Sector-37, Pace City-II, Gurgaon was received regarding wrong and excess billing of Rs. 2,03,071/- as sundry charges in his account No. HS 41-0189.

Accordingly, notices were issued to both the parties to appear in person or through authorized representative on the date of hearing fixed for 21/08/2012.

On the date of hearing, the consumer was present and stated that he has received a bill for Rs.203071/-, as sundry charges showing the meter defective, which is wrong. He has given a complaint to SDO, Gurgaon on dated 12.05.2010 and sent reminder on dated 21.5.2010, but no response has been given by the SDO. The petitioner again submitted his complaint with relevant documents but the case is still pending.

The respondent SDO assured submission of final compliance report in the matter with 15 days time. The SDO has submitted a report vide No. 3906 dated 14/09/2012 stating therein that the connection was released on 20.07.2006 for sanctioned load of 49KW and meter No. HRB-13118/2006 secure GC-299/06 was installed. The consumer was billed on average basis from 8/2006 to 9/2007. The Private Audit Party has raised an half margin in January, 2007 for charging an amount of Rs.203071/- on the load basis instead of actual consumption basis which was charged through SCA&R item No.54/155R & 557/141R in April, 2010. The consumer meter never changed and M&P checked the meter on 04.09.2007 and meter working found O.K. Now on verification of the record and M&P checking report, amount is not chargeable & adjusted in the consumer account.

In view of the written submission by the respondent SDO filed before the Forum, confirming that the amount challenged by the consumer through the present petition, is not chargeable the Forum decides to allow the petition of the consumer in full and directs the respondent SDO to issue the corrected bill to the consumer within a month's time. The petition is disposed off with the directions without any cost on other side and case is closed from this Forum. File be consigned to record.

The Nodal Officer, CGRF, DHBVN, Hisar to file the final compliance within a month's time.

Given under my hand on 24th August of 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 609/2012 No. 613/2012
Date of Institution: 19/07/2012 & 14.08 .2012
Date of Decision: 06.09.2012

In the matter of

Dr. J.K.Sama, President, Sterling Apartments, Resident Welfare Association, Charmwood Village, Surajkund Road, Faridabad.

V/s DHBVN

Present on behalf of Applicant : Present in person.
Present on behalf of Respondent: Sh. Raj Kumar, Nodal Officer.
SDO 'OP' M/Road, Faridabad.

ORDER

A petition of Dr. J.K. Sama, President, Sterling Apartments, Resident Welfare Association, Charmwood Village, Surajkund Road, Faridabad was received regarding excess billing in their building account No. EG-15/1649 and harassment at the end Nigam.

Accordingly, the petition of the petitioner was sent to the Nodal Officer for his view point/reply.

The petitioner stated that the sub division is not redressing their grievances pending for long time and they are being harassed on one pretext or the other. The bills are not being issued as per the readings taken by the Meter Reader jointly with the electrician of the apartment. The petitioner also produced registers of readings where signatures of Nigam's meter reader in token of reading exist. Inflated and arbitrary bills are given and not rectified even after numerous visits to the sub division office. The petitioner requested that their grievances as mentioned in the petition be got set right at the earliest.

To-day, the SDO as well as the petitioner were present. SDO submitted the reply of the petition through Nodal Officer vide memo No. Ch-6/Forum-609/FBD dated 06.09.2012 stated therein that the Meter Reader has recorded wrong reading for the month of April, 2012 as 12196 units instead of 196 units. An explanation of Meter Reader has been called vide memo No. 1169 dated 28.07.2012. Now Sh. Neeraj Tyagi, JE has verified the reading as 324 units on dated 27.08.2012 and as per verified reading the bill has been corrected vide SC&AR No. 371/R103 and revised bill issued to the consumer for Rs. (-) 12140/-.

The petitioner was present and a copy of reply submitted by the respondent SDO was given to the petitioner. The petitioner after going through the reply expressed his satisfaction.

Further, the petitioner filed another case No. 609/2012 instituted on 19/07/2012 which also pertains to the same account.

Since the grievance of the petitioner with regards to their account No. EG15-1649 already redressed to their satisfaction, the Forum decides to dispose both the petition No. 609/2012 and 613/2012 with this order by clubbing the same. Both the cases are closed from this Forum.

Files be consigned to records.

Given under my hand on 6th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
DAKSHIN HARYANA BIJLI VITRAN NIGAM
D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005
(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)**

**Case No. 614/2012
Date of Institution: 13/08/2012
Date of hearing: 21.08.2012
Date of Decision: 27.09.2012**

**In the matter of
Smt. Rashmi Shukla, C-1/186 FF, Palam Vihar, Gurgaon.**

V/s DHBVN

Present on behalf of Applicant: None.
Present on behalf of Respondent: Nodal Officer, DHBVN
CA, Maruti Ind. Area Sub Divn.

ORDER

A petition of Smt. Rashmi Shukla, C-1/186 FF, Palam Vihar, Gurgaon was filed before the Forum regarding inflated billing in their account No. PX-05-0062.

Notices were issued to complainant and concerned SDO operation, DHBVN to appear in person or through authorized representative on the day of first hearing fixed for 21/08/2012 at Gurgaon.

No one from the complainant side appeared. In the complaint, it is stated that her electricity bill is very much on higher side for the last six months. The house is locked as no one is residing there. Her electricity bills for February & March was for Rs.7000/-, for April & May around Rs.10,000/- and for June & July was Rs.12637/-. In October, 2011, the bill increased to Rs.25000/-, she had to go all the way from Bangalore to the electricity office in Gurgaon to get the bill corrected. She stated in her petition that her father is a resident of the house who is a retired person, seriously ill and living in Hyderabad with her brother since February for treatment and the house is locked. The petitioner requested the Forum to adjust the amount of average billing paid by her.

The representative of SDO was present and submitted the reply of SDO through Nodal Officer vide memo No. Ch-4/Forum-614/GGN dated 21.08.2012 stating that premises of the consumer was permanently locked and billing done on average basis as actual readings cannot be taken. Now the premises checked by Sh. Suresh Kumar (MR-HESL Staff) and found the meter inside the locked premises. Average billing already charged is adjustable after taking the actual reading.

The sub division representative suggested that some local known person to the petitioner may contact the sub division and get the meter installed outside the consumer premises so that the actual reading can be taken and account of the consumer is overhauled accordingly.

The Forum after considering reply of the SDO, decides that the petitioner be asked to depute some local representative to contact the sub division and get the actual meter

reading done or meter installed outside the premises so that the actual reading can be taken and account of the consumer is overhauled accordingly. A reference to this effect sent to the complainant. The complainant on 11/09/2012 has submitted to the Forum that her representative reached at Gurgaon and contacted sub division staff for actual readings which was 20149 at that time.

The respondent SDO vide his letter memo No.1680 dated 26.09.2012 has filed a written reply before the Forum stating that the consumer bill has been corrected based on the actual readings and an amount of Rs.27,530/- is minus balance to be adjusted in next billing cycle.

After considering all the facts, this Forum concluded that the grievance of the consumer has been redressed as the bill has been prepared on actual readings basis and excess amount charged in the account adjusted. The Forum, therefore, decides to dispose of the petition without any cost of other side. The case is closed and file be consigned to records.

Given under my hand on 27th Day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 615/2012

Date of Institution: 13.08.2012

Date of Decision: 11.09.2012

In the matter of

Sh Jai Parkash S/o Sh. Attar Singh, R/O Shiv Nagar, 12 Quarter Mill Gate, Gali No.17, Near Mela Kothi Hisar.

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

SDO City OP Sub Divn. Hisar.

ORDER

Sh Jai Parkash S/o Sh. Attar Singh, R/O Shiv Nagar, 12 Quarter Mill Gate, Gali No.17, Near Mela Kothi Hisar has filed a complaint regarding continuous billing in his account No. T-101-0952 though the supply was permanently disconnected as per PDCO dated 26.03.2010 and he cleared all the dues of the Nigam and meter also removed from connection site.

The complaint of the petitioner was sent to the Nodal Officer on 14.08.2012 for reply/comments. The case was listed for first hearing on 11/09/2012. The petitioner as well as SDO City S/Divn., Hisar were present. The petitioner stated that he had an electricity connection in his name vide Account No. T101-952. The subject cited connection was disconnected on 26.03.2010 after he deposited all the dues of the Nigam and meter was also removed. However, the bill of Rs. 36544/- has been raised by the respondent Nigam to the complainant. The Nigam is insisting for payment despite his various applications and meeting of concerned Officers. The SDO 'OP' City S/D Hisar has filed written reply vide Nodal Officer memo No. Ch.4/Forum-615/HSR dated 11.09.2012 stating therein that PDCO of the connection was issued 26.03.2010 but was not affected and billing on average basis continued. Now the consumer account has been closed on 09/04/2012. The meter is also not installed at the consumer premises. The consumer A/C has been overhauled and the billings of average basis converted into MMC billing vide SC&AR No. 450/53. The CA of sub division also stated that an amount of Rs. 4,000/- approximately is due in consumer account as against Rs. 36544/- intimated in the first instance.

After considering all the facts of the case this Forum concluded that the consumer is not at fault as he got his supply disconnected after clearing the dues of the Nigam and completing other formalities viz. getting the PDCO issued and the meter also removed from the site by the Nigam. Hence the consumer cannot be made liable for bills raised thereafter. The PDCO issued on 26/03/2010 was to be affected and entered in the billing records by the concerned sub division staff. The consumer account be settled accordingly and amount in the Nigam records if any, pertaining to the period after PDCO and removal of meter be recovered from the officials responsible for affecting/entering of PDCO in time. The consumer's petition is allowed without any costs on either side. The case is closed from the Forum.

The file be consigned to rerecords.

Given under my hand on 11th day of September. 2012.

(K.K.Gupta)
Member

(R.K. Sharma)
Member

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

DAKSHIN HARYANA BIJLI VITRAN NIGAM

D-BLOCK, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125 005

(website: www.dhbvn.com) (e-mail ID: cgrfdhbvn@gmail.com)

Case No. 616/2012

Date of Institution: 13.08.2012

Date of Decision: 19.09.2012

In the matter of

Sh. Rajender Kumar S/o Sh. Jagan Nath, Kanina Road, Ch.Dadri.

V/s

DHBVN

Present on behalf of Applicant:

Present in person.

Present on behalf of Respondent:

Sh. Raj Kumar, Nodal Officer.

SDO/OP Sub Divn.Ch.Dadri.

ORDER

A petition of Sh. Rajender Kumar S/o Sh. Jagan Nath, Kanina Road, Charkhi Dadri was received regarding excess billing in respect of his A/C No.LS-35 pertaining to Op. Sub-Division, Ch.Dadri. The complainant stated that due to non recording of meter reading in the month of 11/2011, the bill was issued on average basis for 76000 units and again in 12/2011, the bill was issued on average basis of 127016 units. The complainant further stated that in the month of January, 2012, the actual consumption in meter was 66740 units but bill was raised for 76000 units and similarly in the month of February, 2012, the bill was raised for the same 76000 units by taking average consumption, though the actual meter reading shown in the meter was 76656 and 62620 units in these months respectively. The consumer prayed that an amount of Rs.4.56 Lacs refundable to him be got adjusted/refunded to him.

Notices were issued to both the parties for appearing in the hearing schedule for 19.09.2012 at Bhiwani.

During the proceedings held on 19.09.2012, the respondent SDO was present and filed a written reply in the matter vide Nodal Officer memo No. Ch-4/Forum-616/BWN dated 19.09.2012, stating therein that the bill of the subject cited consumer has been corrected and an amount of Rs.4,56,316/- is rightly refundable to the consumer. A copy of the reply filed by the Nigam was provided to the consumer on his demand.

The consumer was present and expressed his satisfaction on the action taken by the respondent SDO in the matter. The consumer has also confirmed this in writing before the Forum which was taken on records.

After considering all the facts, the Forum decides that since the grievance of the consumer regarding adjustment of average charged in the account already redressed, the petition of the consumer is allowed without any cost on either side and case is closed from the Forum.

The Nodal Officer is to report final compliance of the decision within a month's time.

The File be consigned to record.

Given under my hand on 19th day of September, 2012.

(K.K.Gupta)
Member

(R. K. Sharma)
Member