

**SECTION – X  
MISCELLANEOUS INSTRUCTION**

**INSTRUCTION NO. 10.1**

**Procedure to be followed in the submission of a copy of the judgment of a court to Head Office.**

In order that the interests of the Nigam are not jeopardized by any delay in procuring a copy of the judgement of a court, the following procedure should be adopted.

1. Copy of the judgement should be obtained by the office concerned to whom the case relates immediately after the announcement of the judgement & decree. After obtaining the certified copy of judgement & decree, the same be sent to the L.R./Legal Wing of the Nigam alongwith the comments of the concerned office for seeking final advice for taking further necessary action within two weeks from the pronouncement of the judgement.
2. Where the judgement is against the Nigam it must be ensured that a copy of the judgement & decree reaches the Head Office within a week without fail so that necessary action be taken to file an appeal or a revision application as the case may be. The comments of the competent authority alongwith its opinion on the judgement be also supplied to L.R/Legal Wing of the Nigam alongwith the certified copy of the judgement & decree.

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**INSTRUCTION NO. 10.2**

**Intimation of Shut Down of Supply:**

Whenever it is found necessary to shut down either a section or the whole of the supply system, intimation should invariably be given to the consumers by publishing news/notice in the local papers etc..

2. General consumers should be notified through cassette playing on mobile vehicle, if considered necessary.
3. In case of scheduled shut down effecting supply to important localities or a no. of town/Villages, a prior intimation should also be sent to the Public Relation Officer of the Nigam for getting the same broadcast over the A.I.R. and published in the newspapers for the information of the public.

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**INSTRUCTION NO. 10.3****Authorization of the Legal documents:**

The following officers are authorized vide (Punjab State Electricity Board office order No.88 dated 22<sup>nd</sup> April, 1959, read with office order No.19 dated 10<sup>th</sup> May, 1967 of Haryana State Electricity Board) to sign, attest & authenticate any plaint, application, petition, written statement, replication, affidavit and any other legal instruments or document or power of attorney to any counsel on behalf of erstwhile HSEB now Nigam in connection with any fresh or pending case of proceedings in any court or in any fresh or pending reference to Arbitration by or on behalf of the erstwhile HSEB now Nigam (Dakshin Haryana Bijli Vitran Nigam Ltd.).

- (i) General Manager/ Administration & H.R./SE/Admn. of the Dakshin Haryana Bijli Vitran Nigam Ltd. generally for all cases arising on behalf of or against the Dakshin Haryana Bijli Vitran Nigam Ltd. in any court or arbitration proceedings within or outside the Haryana State. However, in the case involving policy matters of the Nigam all the legal documents should be signed & verified by the SE/Admn.
- (ii) All the officers not below the rank of Executive Engineer and above upto the Chief Engineer in respect of cases/proceedings arising within their jurisdiction.

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**INSTRUCTION NO. 10.4****Refund of Securities:**

After a connection has been disconnected, the JE should, without any delay, return the Service Connection Order (in case of temporary connection where the same has not been returned already) and the Disconnection order to the Sub Divisional Office. Immediate action should, then be taken to prepare the final bill which should be rendered to the consumer the same day.

2. The bill should be sent to the consumer with a forwarding letter informing him the charges due from him and balance of security available after adjustment of recoverable charges.

Alongwith that letter, a Hand Receipt purporting to be acknowledgement of money received by the consumer may be enclosed for signature of the consumer and return of the same alongwith the original receipt of security. The consumer should also be advised to stamp the hand receipt in case the amount to be refunded is more than Rs.500/-.

3. The consumer may collect the balance amount of security personally from the Sub Divisional Office or he may give his consent

and the address for remitting the same by money order after deducting the money order charges. On receiving the Hand Receipt and original security receipt the amount should be paid or remitted by money order without any further delay. In case the consumer attends the SDOs office with the original security receipt, refund should be allowed to him on the same day if the amount to be refunded does not exceed Rs. 100/- but if the amount is more, the papers/documents should be passed on to the XEN for immediate payment.

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### **INSTRUCTION NO. 10.5**

#### **Dishonor of cheque.**

In order to provide efficient services to the consumers, the Nigam has given the facility of accepting the payment by means of cheque. Some consumers particularly the industrial units and in large number of cases the domestic consumers also are issuing the cheques which get bounced. On account of this problem, the Nigam has to suffer financial loss.

The matter has received the attention of the Nigam and it has been decided that in future if a cheque deposited by the consumer of any category is bounced, further payment(s) will be accepted by means of demand draft only. The consumer will also be informed to deposit three times ACD at the prevalent rates with the Nigam as the bouncing of the cheque amounts to non-payment of the energy bill by the due date & shall be considered as a default in payment.

While issuing the notices to the consumers for depositing three times ACD, the consumers may also be informed that the Nigam reserves his right to take action against them under Section 138 of Negotiable Instrument Act 1881 as well as disconnection of supply for not depositing the additional ACD.

However, before asking the consumers to deposit three times ACD, it should be ensured by the SDO that the cheque has been bounced on account of shortage of funds and not on any other technical reasons and the consumer has not deposited the entire amount within 30 days of the bouncing of cheque.

The clause of three times ACD at the prevailing rates will be applicable in the cases where amount of the bill is in excess of Rs. 10,000/-.

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**INSTRUCTION NO. 10.6****instruction regarding implementations of awards**

As per latest instruction issued vide No. CS/Advice/ WTD/301 dated 25.09.2001, the Chief Engineer (OP), Delhi and Chief Engineer (OP) Hisar will be arbitrator for the adjudication of billing disputes between the consumers and Nigam. In case any court of law appoints any Arbitrator other than the above, the Legal Secretary shall take up the matter with the judicial authority to nominate the Arbitrator as per Nigam's instruction. The Xen concerned will be presenting officer in case of arbitration dispute upto Rs.50,000/-. In case the amount exceeds Rs.50,000/- the Law Officer of concerned area will associate with the Xen. The award shall be self-speaking and judicious after considering duly recorded written/oral arguments of the parties.

2. When the award is announced by the arbitrator, a copy of the same shall be sent to Chief Auditor invariably which will be examined in his office within 15 days of its receipt. After giving his opinion. Chief Auditor will seek the orders of management for implementation of awards or for the challenge of the award. Chief Auditor will also report to management whether the Nigam's rules/regulations/procedure needs any modification to avoid misinterpretation of rules and for the better delivery of justice in future. Thereafter, the management decision will be conveyed to concerned authority to take further action. The award shall be implemented or challenged within three months period.

Note:

- i) It has been noticed that the awards are not being implemented for months together, therefore, the implementation of awards requires close and regular monitoring. Therefore, the Chief Engineer (OP) of concerned zone should monitor such cases quarterly.
- ii) In case the award is in favour of Nigam, the surcharge will be recovered from the consumer and in the case it is in favour of the consumer, then simple interest as prescribed by the Nigam from time to time shall be charged on the amount found recoverable. However, where the arbitrator has given a specific order regarding charging of interest/surcharge the same shall be charged accordingly unless the award is challenged.

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