

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT
PANCHKULA**

Case No. HERC/P. No. 46 of 2024

Date of Hearing : 08/04/2026
Date of Order : 14/05/2026

IN THE MATTER OF:

Petition under Section 142 read with Section 146 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 for issuance of directions to the Respondents to forthwith comply with the orders dated 09.01.2023 (DH/CGRF/4075/2022) of the Forum for Redressal of Consumer grievances DHBVNL Gurugram.

Petitioner

Savana Welfare Association, Sector 88, Greater Faridabad.

VERSUS

Respondent(s)

1. XEN(OP) Divn., DHBVN, Greater Faridabad & SDO(OP) S/Divn., DHBVN, KheriKalan.
2. RPS Infrastructure Ltd, 1117-1120, 11th Floor, Tower-B, DLF Towers, Jasola District Centre, New Delhi.
3. M/s ClaireHeights Estate Services P Ltd RPS Savana, RPS City, Sector 88, Greater Faridabad.

Present

On behalf of the Petitioner

1. Sh. Umesh Kr. Prabhakar, Authorised Representative

On behalf of the Respondent

1. Ms. Aerika Singh, Advocate for R-1
2. Sh. Lovepreet Singh, Advocate for R-1
3. Sh. Anjanpreet Singh, Advocate for R-2
4. Sh. Sunil Kumar Chawla, SDO, DHBVN
5. Sh. Sanjeev Chopra, Representative

QUORUM

Shri Nand Lal Sharma, Chairman
Shri Mukesh Garg, Member
Shri Shiv Kumar, Member

ORDER

1. Petition

- 1.1 That the instant Petition is filed by the Group Housing Society in the name and style of "RPS SAVANA" duly approved and developed by the Respondent No. 2.
- 1.2 That the above said society is developed at an area admeasuring 49.081 Acres in Sector 88, Faridabad and the Respondent No. 2 was granted License Nos 1029-1031 on 29.06.2006.
- 1.3 That the said society was granted OC on dated 21.06.2017 vide DTCP, Haryana Memo No. ZP-181-Vol-II/SD(DK)/2017/13882.
- 1.4 That there are 2402 dwelling units of different size, 270 EWS dwelling units with one Community Centre, One Religious Building, Commercial Complex, School and One hospital site and all the said dwelling units, EWS units and commercial complex are occupied by now.
- 1.5 That the present petition is filed before the Hon'ble Commission for the partially compliance of order dated 09.01.2023 pronounced by Hon'ble CGRF for Redressal of Consumer grievances DHBVN Ltd, GURUGRAM, (hereinafter called as "The Forum") vide Complaint No. DH/CGRF/4075/2022.
- 1.6 That the petitioner brought to the notice of Hon'ble Forum the issues of lack of External and Internal Electrical Infrastructure which are plaguing, causing grievous injuries to the allottees/consumers despite paying the cost of laying the said infrastructure for the society duly developed by R/2, Sector 88, Greater Faridabad.
- 1.7 That the undersigned is incumbent President of the Petitioner Society and is one of the thousands of consumers under section 1.6(i)(i) of Haryana Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2019. The consumer is representing the group of consumers of Respondent No.2 i.e. RPS INFRASTRUCTURE Ltd and who are aggrieved by inadequate and incomplete external and internal electrical infrastructure within the society.
- 1.8 That the petitioner through his petition is seeking an expedient intervention of the Hon'ble Commission action, in accordance with law, is taken by Hon'ble Commission against the erring, delinquent developer as Respondent No. 2 in the instant Petition.
- 1.9 That the Petitioner society is forced to file this petition mentioning in the succeeding paragraphs and seeking urgent relief to ameliorate the hardships faced by the thousands of allottees of Respondent No. 2 seeking adequate/sanctioned electricity connections/additional load for the Petitioner Society situated in Sector 88, Greater Faridabad where Respondent No. 2 has not installed the adequate external and internal electrical infrastructure because of which the petitioner/s are finding it difficult to get approval and release of connection/s directly from Respondent No. 1.
- 1.10 That the Petitioner Society had filed Complaint No. DH / CGRF / 4075 / 2022 titled as " SAVANA WELFARE ASSOCIATION(REGD) V/S

DHBVN LTD & Ors.” before Forum for Redressal of Grievances of the Consumers Dakshin Haryana Bijli Vitran Nigam (“CGRF-DHBVN”) in respect of the aforesaid inadequate and incomplete External and Internal electrical infrastructure by the Respondent No. 2.

1.11 That the Petitioner Society has filed an additional grievance before Hon’ble CGRF about the billing which is presently resolved by way of handover of maintenance of society in question to the incumbent Resident Welfare Association herein called as Petitioner.

1.12 That vide its order dated 09.01.2023, the CGRF-DHBVN disposed of the complaint with several directions.

1.13 That in the aforesaid order dated 09.01.2023, the CGRF-DHBVN issued the following directions in para 1 thereof:

“That the developer/RWA Shall not charge tariff over and above the rates as per approved by HERC.”

That in para 2 of the said order, the CGRF-DHBVN directed Respondent No 2, as follows:

“That the developer/RWA pass the slab rate charging and other benefits allowed by DHBVN to each consumer having electricity connection.”

That the Para 2 shall be challenged through a fresh complaint before hon’ble CGRF, Gurugram.

That in Para 3 of the said order, the Forum directed Respondent No. 2, as

“That the developer/RWA shall not mix the invoices for electricity consumption with other expenses like common area maintenance charges/Electricity charges/Generator Charges.”

That the Para 3 continues to be resolved on dated 01.02.2024 as the handover of maintenance of society is taken over by Petitioner Society and continues to send electricity bills to its residents.

That in Para 4 of the said order, the Forum directed Respondent No. 2, as follows:

“That the residents/electricity consumers of DHBVN must be billed strictly in accordance with the tariff order of Hon’ble HERC for different categories of consumers.”

That in Para 5 of the said order, the Forum directed Respondent No. 2, as follows:

“The timeline of availability of 33 Kv level from DHBVN for catering the untimate load of complainant as desired, which as per the current scenario of work being done by construction wing of DHBVN is scheduled for completion of 33Kv switching station at Sector-88 upto the month of July, 2023.

Thus the builder M/s RPS Infrastructure Ltd.(R/2) directed to create the infrastructure of internal as well as external of 33 Kv level ready upto July-August,2023 or before as per readiness of 33 Kv level fro DHBVN side which ever is earlier so that the grievance of the complainant may be resolved.”

1.14 That the resolution of the society to file a petition before Hon’ble Commission is annexed.

- 1.15 That the Authority letter in the name of Umesh Kumar Prabhakar S/o Late Sh Radha Kishan Prabhakar, R/o AVE-28, second Floor, Park 81, Sector 81, Greater Faridabad-121002 who is thoroughly conversant to the facts of CGRF Complaint/Order dated 09.01.2023 and the instant petition to plead, argue, to receive and file pleadings, if any before Hon'ble Commission is annexed.
- 1.16 That the Respondent No. 2 has completely failed to comply the Direction Nos. 3- 5 of the order of CGRF-DHBVN vide Complaint No. DH/CGRF/4075/2023 even after the period of execution has lapsed on 31.08.2023. Therefore, the Respondent No.2 and the directors who are in charge of and are responsible for the day to day functioning of Respondent No.2 are liable to be prosecuted under Section 142 read with 146 of the Electricity Act,2003 and Section 146 is reproduced as below:
- 1.17 That the Officers of Respondent No. 2 are punished with an imprisonment of three months or with fine, which may extend to One Lakh Rupees or with both in respect of each offence and the case of continuing failure, with an additional which may extend to five thousand rupees every day during which the failure continues after conviction of the first such offence.

PRAYER

It is therefore respectfully prayed that this Hon'ble Commission may be pleased to direct as follows:

- i. To permit the said petition to be heard and decided under Section 142 of the Electricity Act,2003 for total non-compliance of the Forum's order No. DH/CGRF/4075/2022 annexed.
 - ii. To take on record the facts stated in the above said petition.
 - iii. To direct Respondent No.2 and its responsible directors to comply with the directions in letter and spirit herein contained in para 3-5 of its order dated 09.01.2023 passed in the Complaint No. DH / CGRF / 4075 / 2023.
 - iv. To direct Respondent No.2 and its responsible directors to cure the inadequacies in INTERNAL and External electrical infrastructure for the Petitioner Society situated in Sector 88, Greater Faridabad within a shortest period of time as the ordeal of the society residents shall start cropping immediately after the onset of Summer which is likely to start within two months of the instant petition.
 - v. To direct prosecution and punishment of the Respondent No.2 and its responsible directors and officers under section 142 and 146 of the Electricity Act,2003
2. The case was heard on 06/11/2024. Sh. Umesh Kr. Prabhakar appearing on behalf of petitioner submitted that the petition was filed for non-compliance of the orders of CGRF dated 09/01/2023 but in due course compliance has been made for points 1 to 4 to the satisfaction of the petitioner. As such, he will press for compliance of point no. 5 only. Sh. Shubhmit Hans, counsel for the respondent -2, requested to grant time

for filing reply and submitted that his reply will be limited to the point No. 5 of directions of CGRF. Ms.Sonia Madan counsel for respondent-1 also requested for some time to file the status report by DHBVN. Acceding to the request of the respondents, the Commission adjourned the matter and directed the respondents to submit their responses, within three weeks with an advance copy to the petitioner. The petitioner may also file its response, if any, thereafter

3. The case was heard on 03/12/2024. Sh. Shubhmit Hans, counsel for the respondent -2, submitted the reply to the petition. Ms. Sonia Madan counsel for respondent-1 also submitted the status report on behalf of DHBVN. The Commission questioned the authenticity of the authority letter submitted by sh. Umesh Kumar Prabhakar and observed that the authority letter should contain the name and designations of the office bearers of the RWA and directed to ensure the same in future cases. Sh. Umesh Kumar Prabhakar appearing on behalf of petitioner received the copies of the reply submitted by the respondent-2 and status report submitted by the respondent-1 and requested for some time to file the re-joinder. He further requested the Commission to fix the date of hearing after winter season. Acceding to the request of the petitioner, the Commission adjourned the matter and directed the petitioner to submit his response, if any, five days prior to next date of hearing

4. **Status Report dated 03/12/2024:**

- 4.1 That the present matter was last heard by the Hon'ble Commission on 11.11.2024. Pursuant to the said hearing, Mr. Sunil Chawla, S.D.O, 'OP' S/divn. DHBVN, Kheri Kalan along with Satish Chand, JE visited RPS Savana Group Housing Society, Sector 88, Faridabad on 30.11.2024 and met Mr. Veerman, President RWA and Mr. BK Singh, who looks after electrical infrastructure maintenance works.
- 4.2 That the above-named officials of the Respondent No. 1 inspected the Electrical Infrastructure installed at RPS Savana Group Housing Society. At the outset, it is submitted that the Electrification Plan comprising of ultimate load of 12321kw or 13690KVA was sanctioned by the Respondent for the RPS Savana Group Housing Society. Further, M/s RPS infrastructure Ltd had applied for extension of load from 4000KW to 7000KW, which was sanctioned on 11.12.2023 at 33KV/0.433KV level to be fed from 33KV Switching Station, Sector 89, Faridabad. A deposit estimate for providing 33KV independent feeder from 33KV Switching Station, Sector 89, Faridabad to RPS Savana Group Housing Society was sanctioned on 09.10.2023.
- 4.3 That the developer has erected 33KV independent feeder from 33KV Switching Station, Sector 89, Faridabad which connects to RPS

Savana Group Housing Society. A copy of CEI report dated 18.12.2023.

- 4.4 That, as inspected on 30.11.2024, 6 Transformers i.e. 1X7.5MVA 33/11KV, 1X2500KVA 11/0.433KV and 4X2000KVA 11/0.433KV have been installed and energized at the site. A copy of CEI of all T/F's dated 30.01.2024, 05.02.2024, 08.05.2024 and 10.09.2024.
- 4.5 That, as on today, one transformer i.e. 1X7.5MVA 33/11KV is pending installation and energization as per the approved electrification plan. It was intimated during the site visit that the said transformer shall be installed and energized in two weeks. Currently 7000KW load at 33KV/11KV instead of 33KV/0.433KV Level is running in RPS Savana Group Housing Society.

5. Reply of R-2 dated 25/11/2024:

That the present reply is being filed on behalf of Respondent No.2 Company through its authorized Signatory Mr. Rajesh Jain who has been duly authorized by the Board of Directors of the Respondent Company in this regard vide Board Resolution dated 12.11.2018.

PRELIMINARY SUBMISSIONS AND OBJECTIONS:

- 5.1 That instant petition under reply is neither maintainable in law nor on facts. Instant petition is without any cause of action. Instant petition has been filed with malafide. Instant petition is liable to be dismissed.
- 5.2 That at the very outset all the contents of the Petition under reply are vehemently denied in their entirety, except wherein the same are specifically admitted by the Respondent No. 2 Company.
- 5.3 That all the averments made, and the relief claimed by the Petitioner are false and vexatious and no cause of action arises in favour of the Petitioner and against the Respondent No. 2 Company, in the present set of facts and in the submissions made herein below on behalf of the Respondent Company.

Brief facts :

- 5.4 That the petitioner has preferred the captioned Petition under Section 142 read with 146 of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations 2020 issuance of directions to the Respondent no. 2 to forthwith comply with the orders dated 09.01.2023 DH/CGRF/4075/2022 of the Forum Redressal of Consumer grievances DHBVN Gurugram.
- 5.5 That the Forum for redressal of consumer grievances DHBVN Ltd. Gurugram, (hereinafter called as "The Forum") vide Complaint NO. DH/CGRF/4075/2022 issued the following directions:
- i. Direction No. 1 : That the developer/ RWA shall not change tariff over and above the rates as approved by HERC.
 - ii. Direction No. 2: That the developer/RWA pass the slab rate charging and other benefits allowed by DHBVN to each consumer having electricity connection.
 - iii. Direction No. 3: That the developer/ RWA shall not mix the invoices for electricity consumption With other expenses like

common maintenance charges/ Electricity Charges/ Generator Charges.

- iv. Direction No. 4: That the resident/electricity consumer of DHBVN must be billed strictly in accordance with the tariff order of Hon'ble HERC for different categories of consumers.
- v. Direction No. 5: That timeline of availability of 33KV level from DHBVN for catering the ultimate load of complaint as desired, which as per the current scenario of work at sec-88 up to the month of July 2023.

5.6 That on the last date of hearing, Petitioner had admitted before the Hon'ble Commission that direction no. 1-4 above as passed by the Forum, stands fully satisfied, as since February 2024 the day-to-day maintenance of the Project is being looked after and taken care of by the Petitioner society through themselves or through their own nominated maintenance agency as they have taken over the maintenance of the Project from Respondent No.2 Company. Therefore, the Petitioner is not pressing relief qua direction nos. 1-4, passed by the Forum in the impugned order dated 09.03.202. Hence, the Respondent no.2 is restricting its reply qua the direction no. 5 passed by the Forum.

It is pivotal to bring to the notice of this Hon'ble Commission that the maintenance of the Project RPS Savana, Sector-88 Faridabad has been taken over by the Resident Welfare Association/Petitioner herein from the Respondent no. 2 Company without any mutual handover and takeover Agreement.

5.7 That it is submitted that in view of the preliminary submissions made the foregoing para 6, the Respondent No.3, the then nominated maintenance agency of Respondent No. 2 Company, is neither necessary nor proper party to the present Petition as the maintenance of the Project is already being carried On by the Petitioner itself. Therefore, the Respondent No.3 at the discretion of the Ld. Commission can be deleted from the array of parties, being irrelevant to the issue at hand.

5.8 That at the very outset, the Respondent no. 2 Company states that Sh. Jitender Bhalla, in whose name the captioned petition is filed is not the president of the Savana Welfare Association/Petitioner Society, anymore and as such has no right to file the captioned Petition, which makes the captioned Petition not maintainable and bad in law. In fact, such information has been actively concealed by the Petitioner herein for the reasons best known to the Petitioner.

5.9 That further as far as the compliance regarding direction no. 5 is concerned, the Respondent No. 2 Company has already complied with all the pre-requisites on its part and the same are detailed herein below for the ready reference of this Hon'ble Commission:

- a) That the Respondent No: 2 had applied to Dakshin Haryana Bijli Vitran Nigam, Haryana DHBVN, Faridabad for the approval of the revised electrification plan comprising of ultimate load of 12321 KW or 13690KVA along with the sanction of interim/partial load of 2000KW or 2222KVA under I-IT/BDS category for their Group

housing colony over an area measuring 49.018 acres in Sector-88, Faridabad which was duly approved vide Memo No. CH-III/SE/R-APDRP/OLNCHT/FBD/EP-78 dated 11.03.2021.

- b) That the Respondent No.: 2 as per the applicable Circulars of (DHBVN) had to provide DHBVN the land admeasuring 419.06 Sq. Mtr. Or 500 Sq. yards for the purpose of developing 33 KV switching station for the supply of electricity to the residents of the RPS SAVANA colony. Accordingly, Respondent No. 2 executed a Gift Deed dated 10.01.2022 in favour Hon'ble Governor of State of Haryana acting through DHBVN, Haryana for a piece and parcel of land admeasuring 419.06 Sq. Mtr. Or 500 Sq. Yards bearing rectangle No.37, Killa No.23 located in Sector 88 Village Palwali, Tehsil & District Faridabad, Haryana.
- c) That the Office of the Executive Engineer, Electrical Inspectorate, Haryana conducted the inspection for HT installations comprising 1x7.5 MVA 33/11 KV T/F to his satisfaction vide Memo No. 15255 dated 05.10.2023.
- d) That the Office of Executive Engineer, Electrical Inspectorate, Haryana conducted the inspection of 33 KV independent Feeder (approx. 2.1 KM with XLPE/UG cable) emanating from 33KV Switching station site no. 51, Sector-89 Faridabad to his satisfaction vide Memo No. 18519 dated 18.12.2023.
- e) That Respondent No. 2 also installed the 2 no. of Distribution transformer and the Office of Executive Engineer, Electrical Inspectorate, Haryana also conducted inspection for HT installations comprising of 1x7.5 MVA 33/11 KV T/F to his satisfaction on 12.11.2024.

5.10 That the Respondent No. 2 has also submitted the extended 4 Nos. of Bank Guarantees to the DHBVN as required for the compliance of direction no.5 of the Forum. Details of the BGs submitted with the DHBVN is tabulated below.

S. No.	BG No. & Date of Issue	BG AMOUNT (In Rs.)	Valid upto	Submitted towards
1.	047921GL00 01421 dated 09.07.2021	1,34,00,000/-	08/07/2025	Cost of 2.5 Km 33 KV Line from prop 220/33KV S/Stn, sector-89, Faridabad to premises of Respondent No.2
2.	047921GL00 01521 dated 09.07.2021	1,75,00,000/-	08/07/2025	Cost of 33kV Switching Stn. (25MVA) inc. Civil works
3.	047921GL00 01321 dated 09.07.2021	1,06,00,000/-	08.07.2024	Internal Infrastructure Phase- 1

4.	047921GL00 00622 dated 07.03.2022	1,06,00,000/-	06/06/2025	Internal Infrastructure Phase- 1
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- 5.11 That the Respondent No. 2 is also placing on record the pictures showing the setup of the Distribution Transformer.
- 5.12 That the Petitioner have failed to tender any cogent evidence to prove that the order of CGRF-DHBVN vide Complaint No. DH/CGRF/4075/2022 has not been complied with, whereas the onus should be upon Petitioner to prove its own case.
- 5.13 That it is now the Responsibility of the DHBVN, Haryana to carry out the necessary requirements and compliances for further proper functioning of the sub-station.
- 5.14 Be that as it may, the Respondent No. 2 Company has complied with all the necessary requirements needed for the completion of the sub-station. Hence, the captioned petition may be dismissed with heavy costs.

PARAWISE REPLY ON MERITS:

- 5R.1-3 That the contents of paras 1 to 3 are matter of record and hence, need no reply.
- 5R.4 That the contents of para 4 under reply to the extent it relates to the no. of EWS flats, one Community Centre, One Religious Building, Commercial Complex School and One Hospital Site are matter of record. It is however denied that there are 2402 dwelling Units. On the contrary, it is submitted that there are only 2344 dwelling Units in the Project RPS Savana.
- 5R.5 That the contents of para 5 are wrong and denied. In response, it is submitted that the Petitioner has admitted before the Hon'ble Commission that direction no. 1-4 stands fully satisfied as since February 2024 the day-to-day maintenance of the Project is being looked after and taken care of by the spPetitioner society through themselves or through their own nominated maintenance agency as they have taken over the maintenance of the Project from the Respondent No.2 Company (which in fact has been forcibly taken over by Petitioner Society). It is further submitted that compliances pertaining to Direction No. 5 has already been complied with by the Respondent No. 2 as stated hereinabove in the Preliminary Submissions and Objections and the same are not being reproduced herein for the sake of brevity.
- 5R.6 That the contents of para 6 are wrong and denied. It is denied that the issues of lack of External and Internal Electrical Infrastructure which are plaguing, causing grievous injuries to the allottees/consumers is the responsibility of the Respondent No. 2. In response, it is submitted that it is evident from the Order dated 09.01.2023 passed by the Hon'ble Forum that the Petitioner had led no evidence to substantiate its baseless: and malicious claims as reiterated herein and hence, the Hon'ble Forum did not return any adverse finding against the Respondent No. 2 with respect to such claims of the Petitioner. It is further submitted that compliances pertaining to Direction No. 5 has already been complied with by the Respondent No. 2 as stated hereinabove in the Preliminary Submissions and Objections and the

same are not being reproduced herein for the sake of brevity. It is therefore the responsibility of DHBVN, Haryana to address the grievances of residents regarding lack of External & Internal Electrical Infrastructure.

- 5R.7 That the contents of para 7 are not denied as such as the same are a record. It is denied that there exists/remains any grievance of the customers of the Respondent no.2 for the reason of inadequate and incomplete external and internal electrification infrastructure within the society as the compliances incumbent upon the Respondent No. 2 with respect to internal and external electrical works have already been fulfilled, as explained hereinabove in the preliminary submissions and objections. The contents of preliminary submissions above may be referred to for the sake of brevity and to avoid repetition.
- 5R.8 That the contents of para 8 are wrong and denied. It is denied that any cause of action arose for the Petitioner to file this false and frivolous Petition. Furthermore, the Petitioner has failed to file even a single piece of evidence to substantiate its claims in the present Petition,
- 5R.9 That the contents of para 9 are denied for want of knowledge as no documentary proof and/or any other piece of evidence has been annexed in support of the averments made. It is denied that the Respondent has not installed adequate internal and external electrical infrastructure. In response, it is submitted herein that the Respondent No. 2 has fulfilled all the compliances incumbent upon the Respondent No. 2 with respect to the internal and external electrical works have already been fulfilled as explained hereinabove in the preliminary submissions and objections.
- 5R.10 That the contents of para 10 are not denied to the extent that the Petitioner has filed Complaint No. DH/CGFR/4075/2022 titled as "SAVANA WELFARE ASSOCIATION (REGD) V/S DHBVN LTD & Ors." Before Forum for Redressal of Grievances of the consumer Dakshin Haryana Bijli Vitran Nigam ("CGRF-DHBVN") in respect of the aforesaid inadequate and incomplete External & Internal electrical infrastructure. However, it is pertinent to mention here that it is evident from the Order dated 09.01.2023 passed by the Hon'ble Forum that the Petitioner had led no evidence to substantiate its baseless and malicious claims as reiterated herein and hence the Hon'ble Forum did not return any adverse finding against the Respondent No. 2 with respect to such claims of the Petitioner.
- 5R.11 That the contents of para 11 are denied for want of knowledge as no documentary proof has been annexed in support of the averment made. However, it is pertinent to mention here that the day-to-day maintenance of the Project has been forcibly taken over by the Resident Welfare Association/Petitioner herein from the Respondent no. 2 Company, since February 2024 and the Petitioner is providing the maintenance of the Project through themselves or through their own nominated maintenance agency.
- 5R.12 That the contents of Para 12 are not denied being the order of Hon'ble CGRF-DHBVN and the same is matter of record. However, it is pertinent to mention here that it is evident from the Order dated 09.01.2023 passed by the Hon'ble Forum that the Petitioner had led no evidence to

substantiate its baseless and malicious claims as reiterated herein and hence, the Hon'ble Forum did not return any adverse finding against the Respondent No. 2 with respect to such claims of the Petitioner.

- 5R.13 That the contents of Para 13 are not denied as such the same being the directions issued by the Hon'ble CGRF-DHBVN and matter of record. However, it is submitted that the Petitioner has admitted before the Hon'ble Commission that direction no. 1-4 Stands fully satisfied as since February 2024 the Petitioner is providing the maintenance of the Project through themselves or through their own nominated maintenance agency. It is further submitted that compliances pertaining to Direction No. 5 has already been complied with by the Respondent No. 2 as stated hereinabove in Preliminary Submissions and Objections and in response stated hereinabove to the respective paragraphs of the present petition and the same are not being reproduced herein for the sake of brevity.
- 5R.14 That the contents of para 14 are denied and the document annexed with present petition is without any authority in as much as, at present Mr. Jitender. Bhalla is no more the President of the Petitioner Association and hence, the present Petition is not liable to be maintained in his name and under his Authority.
- 5R.15 That the contents of para 15 are for want of knowledge and the Petitioner may be put to strict proof of contentions raised therein.
- 5R.16 That the contents of Para 16 are wrong and denied. It is denied that the Respondent no. 2 has completely failed to comply with the Direction Nos.3-5 of the order of CGRF-DHBVN vide complaint No.. DH/CGRF/4075/2023 even after the period of execution has lapsed on 31.08.2023. It is further denied that the Respondent No. 2 and the directors who are in charge of and responsible for the day-to-day functioning of Respondent No. 2 are liable to be prosecuted under Section 142 read with 146 of Electricity Act, 2003. The Contents of Preliminary Submissions and Objections and response stated hereinabove to the respective paragraphs of the present petition may be referred to in response to this para, the same are not being reproduced herein for the sake of brevity. It is pertinent to mention here that the temporary lines respecting 33 KV has already been provided by the Respondent No.2 from the nearest sub-station (i.e. Amma hospital). Also, the Respondent No. 2 has satisfied all the pre- requisites of HERC before handing over the switching Station, so it. is the responsibility of DHBVN, Haryana now to address the grievances of the residents of Sawana and provide the sub-station at sector-89 Faridabad.
- 5R.17 That the contents of para 17 are denied as there exists no cause of action against the Respondent No. 2 or its directors for the reasons and averments stated hereinabove in the Preliminary Submissions and Objections and in response stated hereinabove to the respective paragraphs of the present petition and the same are not being reproduced herein for the sake of brevity.

REPLY TO PRAYER CLAUSE:

That the prayer clause of the Petitioner is wrong, false, and hence denied. At the cost of repetition, it is submitted that the directions passed by Forum already stands complied with and hence, no cause of

action accrues in favour of the Petitioner to file the instant petition under reply. The contents of Preliminary Submissions and Objections and in response stated hereinabove to the respective paragraphs of the present petition be referred to as the same are not being reproduced herein for the sake of brevity.

It is therefore, most respectfully prayed that present Petition under reply may kindly be dismissed as not maintainable with costs.

6. The case was heard on 13/02/2025, the Commission was apprised that the petitioner through its representative vide email dated 13/02/2025 has sought adjournment due to his ill health. Acceding to the request of the petitioner, the Commission adjourned the matter.
7. The case was heard on 05/03/2025, Sh. Umesh Kumar Prabhakar submitted that the required infrastructure has not been created by respondents till date specifically the creation of switching station at Sector – 88 as per CGRF order, providing required no. of DTs to cater the ultimate load of 12321 kW. Infrastructure has only been created for 7000 kW load and even the DG sets have not been provided as per load requirements which are essential for backup power for lifts. He also submitted a list of the outages (from 03/05/2024 to 30/01/2025 in the area alleging that the outages are mainly due to inadequate infrastructure. The occupancy of the project is 100% including the functional Club, Hospital, School and shops etc. The total load as per electrification plan is 12321 kW whereas the sanctioned load is only 7000 kW therefore there is a deficiency of infrastructure of 5321 kW. The proxy counsel for the respondent-DHBVN requested for short adjournment.

The Counsel for the respondent-developer submitted that all the directions of the CGRF order have been complied with. As on date 2x7.5 MVA 33/11 kV transformer have been energised from sector -89 switching station Faridabad and 4 nos. 2000 kVA DTs have been installed.

To the query of the Commission on the outages, the counsel submitted that the maximum load recorded is only 6000 kW against installed infrastructure of 7000 kW and the existing infrastructure is sufficient to meet the load requirement. The reason for outages cannot be attributed to the insufficiency of infrastructure. The counsel argued that the data supplied by the petitioner for outages cannot be relied upon.

Further, the respondent R-2 submitted that the respondent R-3 is maintenance agency and need not be made party to this case and hence

his name may be deleted from this case. The petitioner agreed with the submission of developer R-2. The Commission agrees to the same.

The Commission observed that the developers are insensitive to the plight of consumers and the consumers are left in lurch and compelled to run from pillar to post to get the basic requirement of power in the project. The respondents could not explain, why the infrastructure against approved ultimate load of 12321 kW has not been erected till date as per CGRF order. The Commission directed parties to file affidavit with following details:

- a. The R-1 to provide:
 - i. Reason for not creating 33 kV switching station at sector – 88 as directed by CGRF.
 - ii. Submit comments on the outages data submitted by the petitioner, after due verification, alongwith reasons of excessive outages.
 - iii. The internal / external infrastructure required to be created as per approved electrification plan, infrastructure created by developer and infrastructure pending to be created if any on the part of developer.
 - b. The R-2 to provide:
 - i. The maximum load recorded in the meter in last one year.
8. The case was heard on 26/03/2025. Ms. Sonia Madan counsel for the respondent-DHBVN submitted reply in compliance to the Commission Interim order dated 05.03.2025 with a copy to other parties. The counsel for the respondent-developer also submitted the reply to the query of the Commission raised vide Interim order dated 05.03.2025 and provided copy of the same to other parties.

The Petitioner acknowledged the receipt of the reply filed by respondents and submitted that he has to go through these replies and submit rejoinder within two weeks, if required. The Commission allowed the petitioner to file rejoinder within two weeks, if any, with an advance copy to the respondents.

9. Affidavit of Respondent no. 2 dated 26.03.2025

9.1 That I am the Authorized Representative of Respondent No.2 and am fully conversant with the facts of the captioned case.

That this affidavit is being filed in compliance with the directions of the Haryana Electricity Regulatory Commission (HERC) as per its order dated 05/03/2025, specifically regarding the maximum load recorded in the meter in the last one year.

That RPS Savana Group Housing Colony was forcefully taken over by the Petitioner/Savana Welfare Association (SWA) effectively from

01.02.2024 and since then, SWA has been managing all electrical matters, including electricity bill payments.

That Respondent No. 2 has had no access to electricity bills for RPS Savana since the forceful takeover effectively from 01.02.2024, and the Petitioner (SWA) is in exclusive possession of the relevant records. That, as per the electricity bills from the January 2024 to March 2025, issued by respondent no. 1 (DHBVN), each bill contains the maximum Demand Indicator (MDI) recorded in the "Previous Consumption. Pattern" Column. These records denote the MDI from December 2023 to March 2025 with the maximum recorded load being 4776 KVA in bill month of July 2024 at RPS Savana.

10. Affidavit of Respondent no. 1 dated 26.03.2025

I, Pankaj Panwar, presently working as Executive Engineer DHBVN, Division Greater Faridabad respectfully submits as under:

- 10.1 The present affidavit is being filed on behalf of Respondent No. 1- Dakshin Haryana Bijli Vitran Nigam Limited ("DHBVN") in compliance with the directions issued by the Hon'ble Commission vide interim order dated 05.03.2025.
- 10.2 That the present matter was last heard by the Hon'ble Commission on 05.03.2025, wherein it was directed as under –
"The R-1 to provide:
- i. Reason for not creating 33 kV switching station at sector – 88 as directed by CGRF.*
 - ii. Submit comments on the outages data submitted by the petitioner, after due verification, alongwith reasons of excessive outages.*
 - iii. The internal / external infrastructure required to be created as per approved electrification plan, infrastructure created by developer and infrastructure pending to be created if any on the part of developer."*
- 10.3 That as regards the direction to provide the reasons for not creating 33kV Switching Station at Sector 88, it is submitted that as per the direction of CGRF, the 33kV Switching Station at Sector 89 was energized by DHBVN within stipulated time on 19.07.2023 to provide 33KV level to the builder and has been operational since then. There was no delay for providing 33KV level to the builder as per the timeline specified in the Order of the CGRF i.e. by July-Aug 2023. A copy of Meter Reading Report dated 19.07.2023 is appended herewith. However, 33KV Switching Station Sector-88 has to be created by the builder in his premises. The land for same i.e. 419.06 Sq. meter has been handed over to DHBVN through Gift Deed. The requisite BGs for creating the 33KV Switching Station has already been deposited by the builder. It is further submitted that 2X7.5MVA 33/11KV power transformers were already installed and energized by the builder as per Sales Circular D-06/2018, a copy of which is attached herewith.
- 10.4 That as regards outage data submitted by the Petitioner, as per the directions of the Hon'ble Commission, the Respondent no. 1 has duly verified the outages data. At the outset, it is submitted that the outage data, as projected by the Petitioner is incorrect and fails to reflect the

reason for alleged outages, which in various cases is not attributable to Nigam. Out of the entries in the data provided by the Petitioner, the following outages have been mentioned as incorrect as no tripping has been recorded for the mentioned time and date and the load of RPS society at the recorded time and date has been found running –

Date	Site	Total Time (in hrs)	Remarks
16.10.2024	Savana	2:04	No tripping, RPS load running
10.09.2024	Savana	0:42	No tripping, RPS load running
07.09.2024	Savana	0:58	No tripping, RPS load running
04.09.2024	Savana	1:22	No tripping, RPS load running
24.08.2024	Savana	1:49	No tripping, RPS load running
06.08.2024	Savana	0:40	No tripping, RPS load running
27.06.2024	Savana	1:04	No tripping, RPS load running
03.06.2024	Savana	1:01	No tripping, RPS load running
11.05.2024	Savana	0:50	No tripping, RPS load running

10.5 That further, out of the entries in the data provided by the Petitioner, the following outages are owing to the fault at the end of RPS Society i.e. cable box damage, CTPT damage at yard end etc. and the same is not attributable to the Nigam. In fact, various instances of long outages are owing to internal fault at the end of the RPS Society where in one of the case main supplies of 33KV Switching Station failed due to incoming cable box damage which led to disruption in the power supply of RPS Society. Also, there were various outages for maintenance and safety related purpose, which are unavoidable. The remarks in respect of above-mentioned outages are as under-

Date	Site	Total Time (in hrs)	Remarks
30.01.2025	Savana	7:59	RPS yard meter CT & PT damage (08:50 to 16:50 hrs)
28.01.2025	Savana	4:35	RPS line tripped (08:55 to 13:15 hrs)
21.01.2025	Savana	0:45	Safety purpose due to Fidato work (14:08 to 14:51 hrs)
17.01.2025	Savana	1:15	For MTC purpose (14:30 to 15:40 hrs)
28.12.2024	Savana	9:22	RPS tripped due to internal cable box damage (03:30 to 16:15 hrs)
27.12.2024	Savana	13:39	Main supply fails due to cable box damage at incoming 33kv S/Stn. 89
13.11.2024	Savana	1:09	Due to Maintenance of 220KV Substation

			(11:10 to 11:55 hrs)
15.10.2024	Savana	3:10	Supply failed due to RPS consumer end (07:45 to 11:10 hrs)
03.05.2024	Savana	06:40	RPS trip (12:05 to 12:17) only 12min tripping.

10.6 That furthermore, for rest of the outages shown in the outage data provided by the Petitioner, it is pertinent to highlight that there are three adjoining society/institution in the area in which RPS society is located i.e. MVN School, Amrita Hospital and Fidato Society. Until January, 2025, if fault occur in one of the societies, then this fault reflected at 220 KV Sub-Station sec-78 and for any internal fault in electrical infrastructure of one of the society/institutions, the supply to each was being disrupted. This also led to outages for other society/institutions as well. However, in January, 2025, to address this grievance, the Respondent Nigam has got the relay settings changed at 33KV Switching Station sec-89 and now, there are minimal outages.

10.7 That as regards the status of internal / external infrastructure required to be created as per approved electrification plan, it is submitted that as per the Electrification plan, the ultimate load was approved by the Competent Authority as 12321 KW with CD 13690 KVA. As per the Electrification Plan, the ultimate load will be released from 220/33KV Substation, Sector-89. The said sub-station will be energized up to June-25. The work of external infrastructure i.e. premises to 220KV Substation Sector-89 is not started yet by the builder and the BGs against this 33KV line has also not been deposited by the builder.

10.8 That it is further submitted that 33KV Switching Station Sector -88 has also to be created by the builder in his premises. For the said work, as stated above, the land admeasuring 419.06 Sq. meter has been handed over to DHBVN through Gift Deed and the requisite BGs for creating the 33KV Switching Station has already been deposited by the builder.

10.9 That the Builder/Developer has also installed the internal electrical infrastructure i.e. 2X7.5MVA 33/11KV Power Transformers & 4X2000KVA 11/.433KV and 1X2500KVA 11/.433KV Distribution Transformers at site i.e. total capacity 10.5MVA capacity against the load of 13.69MVA up to the phase-IV. The phase wise load declared by the builder is as under-

Sr.No.	Phase Wise	Load (in KW)	Load (in KVA)	Time Line
1.	Phase-I	2000	2222	31.03.2021
2.	Phase-II	2000	2222	31.03.2022
3.	Phase-III	3000	3333	31.08.2023
4.	Phase-IV	5321	5913	31.01.2025
Total		12321	13690	

A copy of Chief Electrical Inspection report of the Transformers is appended herewith marked as of DTs is attached.

- 10.10 That the builder has also represented for reapproval of ultimate load 9466.92KW or 10518.80KVA as per revised load norms vide letter dated 23.01.2025, which is under consideration. It is also submitted the maximum MDI of this connection was recorded as 4776KVA in the month of June 2024 (FY 2024-25). XEN (OP) Division Greater Faridabad office has demanded BGs for an amount Rs 3.25Cr. against pending internal work vide memo no ch-39/BG-07 dated 20.01.2025 but the same has not been deposited by the builder as yet. A copy of the letters dated 23.01.2025 and 20.01.2025 referred above are appended herewith.
- 10.11 That the foregoing submissions are being made in compliance to the Order of the Hon'ble Commission. However, the Respondent Nigam shall submit any further information/documents, if so, directed by the Hon'ble Commission.
11. The case was heard on 14/05/2025. Ms. Sonia Madan counsel for the respondent-1 intimated that reply has already been submitted during the previous hearing. The counsel for the respondent-developer submitted affidavit for clarifications and submissions, on the submissions made by the respondent-1 in their affidavit dated 25.03.2025. The representative of the petitioner submitted that the petitioner is not interested to file rejoinder and ready to argue the case on any following date. The Commission adjourned the matter and directs parties to appear for final arguments on next date of hearing.
- 12. Affidavit of Respondent no. 2 submitted on 14.05.2025**
- 12.2 In compliance with the Order dated 05.03.2025, R-2 had submitted its affidavit on the last date of hearing on 26.03.2025 and Respondent No. 1 (R-1) filed their affidavit before the Hon'ble Commission on 26.03.2025, with a copy to us, it has been observed that some of the submissions are factually incorrect and misleading. Accordingly, clarification and submissions in this regard are being submitted herein below:
- 12.3 Thus, this additional affidavit is being filed in addition to the earlier affidavit dated 26.03.2025 and in response to the affidavit filed on behalf of Respondent No. 1 which follows as under:
- A. Point No. 3 of the Affidavit filed by R-1 (DHBVN):
Load of RPS Savana has been sanctioned by DHBVN from 220/33 kV substation at Sector 89 which admittedly is still under construction by the transmission licensee Haryana Vidyut Prasaran Nigam (HVPN). It may take some more months before it gets commissioned, as also admitted by the respondent R-1 in his affidavit in para 7. As an obligation on part of R-2 as Builder / Developer of RPS Savana, one no. 33 kV Switching Station has to be created on R-2's own land and

at its own cost for which one no. 33 kV line has also to be laid from the upcoming 220/33 kV substation at Sector 89. The piece of land for 33 kV Switching Station has already been handed over to DHBVN and the Bank Guarantees (BGs) for both the works i.e. 33 kV Switching Station and the 33 kV line have already been deposited with DHBVN as detailed in para 10 of Reply filed by R-2 to the captioned Complaint. Therefore, as on date, there is nothing pending on part of R-2/ developer of RPS Savana.

Feeding, the present load of RPS Savana from 33 kV Switching station at Sector 88 is only a Stop gap arrangement which will be discontinued, once the supply from 220/33 kV Substation at Sector-89 gets commissioned. It is also pertinent to mention here that till such time, the 33 kV Switching Station at Sector-88 came up and got commissioned, R-2 had to bring in power supply at 11 kV from 66 kV substation Bhopani.

R-2 had erected the 11 kV line at its own cost to get supply from Bhopani which is now lying unused as a total waste. The 33 kV line on which the load is running at present from Sector 88 will also become a waste once the supply from 220/33 kV substation Sector 89 gets commissioned, which costed more than Rs- 2 Crores to R-2, for getting the same erected and commissioned.

The R-2 respectfully seeks to apprise the Hon'ble Commission of the fact that R-2 would not receive any buyback or compensation from DHBVN, even though this wasteful expenditure had to be incurred by us entirely due to inaction on the part of DHBVN and HVPN.

The Respondent No.1 respectfully seeks to apprise the Hon'ble Commission of the fact that R-2 would not receive

B. Point No. 4, 5 & 6 of the Affidavit filed by R-1(DHBVN)

The RWA of RPS Savana had taken over the control of society and its affairs from us, forcefully, including electricity, w.e.f. 01.02.2024 and therefore the matter of power outages is a matter of issue, between the petitioners and the DHBVN / HVPN.

C. Point No. 7 & 8 of the Affidavit filed by R-1 (DHBVN)

The contents of the para are factually incorrect. Respondent no.2 is fully aware of its responsibility to construct a 33 kV Switching Station and to lay a 33 kV line from the under-construction 220/33 kV substation at Sector 89. R-2 has already submitted the requisite BGs against both these works, as also stated at Sr. no. 1 above. As far as the construction of 33 kV Switching Station and laying of 33 kV line is concerned, we shall start the work after the 220/33 kV Substation gets commissioned as per instruction and norms of the DI-IBVN. Getting them ready beforehand was of no use because there is always a possibility of erosion and theft of unused material at site, which will be additional financial loss to R-2.

D. Point No. 9 & 10 of the Affidavit filed by R-1 (DHBVN)

The contents of the para relate to the development of internal infrastructure. The load originally sanctioned was 12321 kW or 13690 kVA against which the following infrastructure stands erected within the premises of RPS Savana:

- i. 33/11 kV Transformers = 2 x 7500 kVA= 15000 kVA
- ii. 11/0.433 kV Transformers= 4 x 2000kVA= 8000kVA
- iii. 11/0.433 kV Transformers= 1 x 2500kVA= 2500 kVA

In addition to above, when the load in the beginning was given to us on 11 kV from Bhopani Substation, as also explained in para at Sr. no. "1 " above, we had installed one no. 2500 kVA 11/0.433 in the premises of adjoining RPS Palm to feed power supply to RPS Savana. This 2500 kVA transformer at RPS Palm is to be shifted to RPS Savana as and when permitted by DHBVN.

Therefore, the total internal installed infrastructure adds up to as under:

- i. 33/11 kV Transformers = 2 x 7500 kVA= 15000 kVA
- ii. Total 33/11 kV Capacity = 15000 kVA
- iii. 11/0.433 kV Transformers = 4 x kVA= 8000 kVA
- iv. 11/0.433 kV Transformers = 2 x 2500 kVA = 5000 kVA
- Total 11/0.433 kV Capacity = 13000 kVA

As per the revised load norms of DHBVN, the originally sanctioned load of 12321 kW / 13690 kVA would now reduce to 8961.30 kW / 9957.00 kVA for which the application has already been filed with DHBVN according to the revised load norms as per Sales Circular No. D-25/2024. After the load sanctioning is revised, the total 33/11 kV as well as 11/0.433 kV infrastructure as per DHBVN norms already stands erected against which no further BG is to be deposited. Rather, the BGs amount to Rs. 2.12 Crores, which we had deposited with DI-IBVN against Phase I & Phase II of the scheduled development plan, now need to be returned to us by DHBVN.

- E. The only BG which DHBVN can demand now is against the Advanced Consumption Deposit (ACD) which we require to deposit with them as per the revised sanctioned load of 8961.30kW at the time of balance load release by the DHBVN/HVPN as per our Sanctioned Letter. The Hon'ble Commission is apprised that out of this 8961.30 kW, an ACD against 7000 kW already stands deposited with DI-IBVN at the time of release of connection. However, against this 7000 kW or 7777kVA, the maximum demand which has reached so far with 100% occupancy is just 4776 kVA.

R-2 would deposit the balance ACD corresponding to 8961.30 — 7000 = 1961.30kW after the 33 kV supply gets commissioned from 220/33 kV substation at Sector 89.

- 12.4 That R-2 has submitted an undertaking before DHBVN (R-1) to deposit the BG within 15 days as may be demanded by the DHBVN post re-approval and re-phasing of the sanctioned load. A Copy of the Undertaking dated 30.04.2025 along with the acknowledgement of the same by DI-IBVN is annexed herewith as Annexure R-2/D.

- 12.5 The facts and figures brought up above in the affidavit prove that R-2, has not defaulted in discharging its obligations. Our submissions above may kindly be taken on record.

- 13. The case was heard on 16.07.2026, None appeared on behalf of petitioner. At the outset, Ms. Sonia Madan counsel for the respondent-1 submitted

that the factual report regarding the infrastructure has already been filed with the Hon'ble Commission. The Respondent-2 has applied for revision of the electrification plan as per revised load norms. The counsel for the respondent-developer submitted that compliance to CGRF order has been made. The Commission adjourned the matter and directed parties to appear for final arguments on next date of hearing.

14. The case was heard on 09.10.2026, The petitioner submitted that the compliance to the CGRF order has not been made till date. Ms. Sonia Madan counsel for the respondent-1 submitted that the work of construction of 220/33 kV substation has been awarded to ensure adequacy of infrastructure for ultimate load. The counsel for the respondent-2 requested to allow him to file additional affidavit. Acceding to request of the respondent-2, the Commission adjourns the matter and allows R-2 to submit the additional affidavit with advance copies to other parties within one week. The matter to come up next on 03/12/2025 for arguments.

15. Supplementary Affidavit by R-2 submitted on 06/11/2025

15.1 That the present supplementary affidavit is being filed on behalf of respondent No. 2, i.e. RPS Infrastructure Ltd, (RPSIL), pursuant to order dated 15.10.2025 for hearing held on 09.10.2025 whereby, this Hon'ble Commission has been pleased to allow request of Respondent No.2 to submit further additional affidavit supplemental to the additional affidavit filed on 16.07.2025, as certain relevant documents were inadvertently missed out to be produced and further during the pendency of the captioned case, new developments have arisen in the matter.

15.2 Respondent No. 2 (R-2), in its Additional Affidavit filed on the last date of hearing, i.e., 16.07.2025, had already stated in paragraph 3, subparagraph (D), that one transformer of capacity 1x2500 kVA/, presently lying at RPS Palm, was installed to cater for the initial load of 2000 kW released for RPS Savana from RPS Palms' 11 KV Independent Feeder line. However, inadvertently, copies of the transformer Inspection Reports were not filed before this Hon'ble Commission. The copies of the transformer inspection reports by the office of Chief Electrical Inspectorate, dated 05.10.2016, 24.09-2020, 30.08.2022 and 21.08.2023 of 2 nos. of 2500 kVA transformers of RPS Savana project are now being annexed herewith as Annexure R-2/1 (Colly) respectively.

15.3 Lastly, on 02.07.2025, Respondent No. 2 filed an e-application bearing Application No. 1019377 seeking approval for the periodical inspection of the aforesaid installation of 1x2500 kVA substation transformer for RPS Savana. Pursuant thereto, DHBVN carried out the inspection and, vide Memo No. HT1/Faridabad/006477/2025 dated 04.07.2025, accorded approval for the said installation as found

generally complying with CEA Regulations, 2023. A copy of the Inspection/Approval dated 04.07.2025 is annexed herewith as Annexure R-2/2.

- 15.4 It is further pertinent to submit that in the Additional Affidavit filed on 16.07.2025, Respondent No. 2 (RPSIL) had already mentioned in Para 3, Sub-para-D, that an application for reduction of the load as originally sanctioned in accordance with the revised load norms as per Sale Circular No. D -25/2024 had been duly filed before the authority concerned. pursuant thereto, DHBVN, vide Memo No. Ch-243/OLNC-HT/FBD/EP78 dated 10,09.2025, issued a notification revising the ultimate load under the earlier approved electrification plan in the name of Respondent No. 2 for RPS Savana. The revised sanctioned load now works out to 9182.68 kW / 10202.98 kVA, as against the immediate previous sanctioned load of 9845.93 kW / 10939.92 k VA. Accordingly, the internal electrical infrastructure that needs to be created comes out to $10202.98 / 0.80 = 12753.72$ kVA.
- 15.5 Accordingly, the total installed internal infrastructure of Respondent No. 2 is more than the required one:

S. No.	Transformer Type	Capacity	Last CEI No. & Date	Location
1	33/11 kV	7500	12665 Dated 10-09-2024	RPS Savana
2	33/11 kV	7500	15756 dated 12-11-2024	RPS Savana
	Total 33/11kV	15000		
3	11/0.433 kV	2000	16425 Dated 27-11-2024	RPS Savana
4	11/0.433 kV	2000	16636 Dated 29-11-2024	RPS Savana
5	11/0.433 kV	2000	6462 Dated 08-05-2024	RPS Savana
6	11/0.433 kV	2000	6462 Dated 08-05-2024	RPS Savana
7	11/0.433 kV	2500	12665 Dated 10-09-2024	RPS Savana
8	11/0.433 kV	2500	06477 Dated 04-07-2025	RPS Palms
	Total 11/0.433kV	13000		

Thus, the total installed capacity available is 13,000 kVA, which exceeds the re-sanctioned transformation capacity of 12753.72 kVA. A Copy of the above-stated all 8 Nos. Transformers CEI reports, and the notification dated 10.09.2025 of the revision of ultimate load for RPS Savana, Group Housing Colony in Sector-88, Faridabad, is annexed herewith Annexure- R2/3.

It is further pertinent to mention that the Internal Electrical Infrastructure has already been completed by Respondent No. 2. However, it is relevant to mention that the DHBVN has not yet completed the construction work of 220/33kV Substation at Sector-89, Faridabad. as is evident from the statement made by the counsel for Respondent No. I on the last date of hearing before this Hon'ble Commission.

16. The case was heard on 03/12/2025, as scheduled, in the court room of the Commission. Sh. Umesh Kumar Prabhakar submitted that the compliance to the CGRF order has not been made till date. Sh. Sunil Kumar Chawla SDO submitted that 220/33 kV S/Stn. is likely to be

commissioned by march, 2026 as intimated by HVPN. The counsel for the respondent-2 submitted that the Compliance on the part of R-2 has also been made as internal infrastructure has already been provided over and above requirement. The BG for erection of 33 kV line from 220 kV S/Stn. has also been deposited with R-1. The Commission observes that the authorisation submitted by Sh.Umesh Kr. Prabhakar is not valid on legal grounds. The Commission directs the petitioner to submit revised resolution, authorisation letter and affidavit from the present governing body with proper seals and verifications. Further respondent-1 is directed to check and confirm the installation of adequate internal infrastructure.

17. The case was heard on 08/04/2026, Sh. Umesh Kumar Prabhakar submitted the revised authorisation and affidavit in compliance to the directions of the Commission. He further submitted that the compliance to the CGRF order has not been made till date. The Power supply from 220/33 kV S/Stn. to cater ultimate load has not been provided due to which there are no. of outages.

Sh. Sunil Kumar Chawla SDO in compliance to directions submitted that the internal infrastructure has been created as per requirement. He further submitted that 220/33 kV S/Stn. is ready for commissioning as intimated by HVPN. The work of erection of 33 kV line is pending due to stay granted by Hon'ble High Court.

After hearing submissions made by the parties, the Commission reserves the order and directs the parties to submit their written arguments within 15 days. The respondent SDO is directed to submit the copy of the stay orders of the Hon'ble High Court alongwith copy of the petition,

18. **Written Arguments of Petitioner Society**

Petition is filed by the Petitioner Society U/s 142 R/w 146 of Electricity Act,2003 for Non Compliance against order dated 09.01.2023 bearing Complaint No. DH/CGRF/4075 OF 2022 passed by the Forum for Redressal of Consumer grievances DHBVNL Gurugram seeking imposition of Section 142 against R/1(The DHBVN) and R/2 (THE DEVELOPER) for Non Compliance of the limited to Direction No.5 passed by Hon'ble CGRF, GURUGRAM.

BRIEF FACTS OF THE CASE:

That the Petitioner Society is facing humongous difficulties or long power outages especially during summer and rainy days and suffer hardships of removing faults on account of deficient, delinquent external and internal electrical infrastructure laid by R/1 as well R/2 despite the allottees of society paid huge amount to both the parties in the form of

EDC (External development Charges) and IDW(Internal Development Works) respectively even after six long years passed of approval of ultimate sanctioned load of 12,321 KW as on the date of passing the order on 09.01.2023. (Log details of power cuts, details of frequent replacement of CT/PT and cable boxes for both outside and inside infrastructure may also be annexed, if possible and allowed)

PARA 1 OF DIRECTION NO. 5 OF CGRF ORDER:

- A. "The timelines of availability of 33 Kv level from DHBVN for catering the ultimate load of complainant as desired, which as per the current scenario of work being done by construction wing of DHBVN is scheduled for completion of 33 Kv switching station at sec-88 upto the month of July,2023."
- i. The plain reading of above direction duly admitted by R/1 has not been complied by R/1 till the date of last and final hearing of the instant matter.i.e. 08.04.2026 as admitted by the SDO(OP) present during the course of hearing and he himself was Non-Committal of completion of 220 KV Substation because of which the ultimate load of 12,321 KW cannot be released to the Petitioner Society.
- ii. That the R/1 has itself admitted the above in its PARA 7 of affidavit dated 25.03.2025.
- iii. Also the R/1 is deficient of constructing & commissioning the 33KV Switching station in Sector 88 which the R/2 was obliged to create. On the contrary the R/2 has submitted the required Bank Guarantee along the a land parcel admeasuring 419.06 Sq meter to R/1 quite a long back but the R/1 is sitting calm and ignorant whereas R/1 should have taken a possession of the land parcel, encashed the BG and created the 33 KV Switching Station and completed the laying of Two nos. 33 KV line from the proposed 220/33 KV Substation to the premises of R/2.
- iv. That as on date, there is a gross deficit in the external infrastructure in accordance with the originally approved electrification plan and CGRF order.

Hence the R/1(The DHBVN) deserves to be imposed Section 142 on account of Non Compliant of MAKING 220/33kv Sub Station functional and 33 KV Switching Station creation.

PARA 2 OF DIRECTION NO. 5 OF CGRF ORDER:

Thus, the builder M/s RPS Infrastructure Ltd directed to create the infrastructure of internal as well as external of 33 Kv level ready upto July-Aug 2023 or before as per readiness of 33kv level from DHBVN side which ever is earlier so that the grievance of the Complainant may be resolved".

- B. That as per the ultimate load of 12,321 KW applicable on the date of the order the R/2 (The developer) was directed to keep ready the external and internal electrical infrastructure ready as per the ultimate load of 12321 KW.
- C. That the R/2 has only partially completed the formalities of creating External Infrastructure of 33KV Switching Station Sector

88 by way of handing over the required land and requisite BG to R/1.

- D. That the R/2 has failed to accomplish the creation of 33KV Switching Station and laying of two 33 KV cables (approximately 2.5 Kms) from the proposed 220/33 KV S/S to 33KV Switching Substation by the given date of July-August,2023.
- E. That the averment made in Para 8 of the affidavit dated 25.03.2025 filed by Respondent No. 1 (R/1), stating that Respondent No. 2 (R/2) has created internal electrical infrastructure up to the level of 10.5 MVA as against the sanctioned load of 12,321 kW till the last date of hearing i.e., 08.04.2026, is incorrect and misleading. It is submitted that the infrastructure developed is neither complete nor in conformity with the approved drawings and sanctioned plans, and therefore cannot be treated as compliant with the directions of this Hon'ble Authority.
- F. That as per originally approved electrification plan, there are 1+1 configuration of distribution transformers at FIVE (5) locations in the petitioner's premises i.e. 2x2500 kVA, 2x2000kVA, 2x2000kVA, 2x2000kVA, 2x2000kVA, whereas R/2 has installed 1x2500 kVA, 1x2000kVA, 1x2000kVA, 1x2000kVA, 1x2000kVA at those FIVE (5) locations. Hence, there is a deficiency of total 5 distribution transformers wrt. originally approved electrification plan for which R/2 had already collected the payment / charges from the residents of the petitioner's society.
- G. That the R/2 is short of installing FOUR transformers of 4x2000 kVA and One transformer of 1x2500 kVA capacity, along with associated panels, bus couplers, cables etc., which are part of the original service Plan and SLD of Internal infrastructure of Petitioner Society.
- H. That the admission by SDO (OP) present on last date of hearing on dt 08.04.2026 that R/2 has completed infrastructure up to 10.5 MVA as against 12,321 kW in terms of order dated 09.01.2023, is factually incorrect. It is respectfully submitted that the said infrastructure is deficient, incomplete, and not in alignment with the approved electrification plan, SLD and technical specifications, and thus does not meet the required standards or compliance criteria.
- I. That the R/2 in its own Supplementary/Additional affidavit dated 27.10.2025 in PARAGRAPH NO. 7 shown a table of number of Transformers wherein the R/2 has tried to mislead and confuse the Hon'ble Commission by way of including one 11/0.433kv type transformer of 2500 capacity of RPS PALMS which is altogether a separate society of same developer but in the near vicinity.
- J. That the R/2's declaration in its Supplementary/Additional affidavit dated 27.10.2025 in PARAGRAPH NO. 4 that one transformer of capacity 1x2500 kVA, presently installed at RPS Palms has been released for RPS Savana, is absolutely false. Till

date, no such transformer has been shifted from RPS Palms to RPS Savana.

- K. That Both R/1 and R/2 have deliberately attempted to confuse and misguide the honorable authority regarding these significant deficiencies in the internal infrastructure.
- L. That till date, both internal as well external infrastructure have not been completed as per originally approved electrification plan and in line with CGRF order.

Hence the R/2(The Developer) deserves to be imposed Section 142 on account of Non Compliant of creating internal Infrastructure upto the capacity of 12,321 KW of ultimate load which was applicable on the date of the order of CGRF.

That the R/1(The DHBVN) deserves to be imposed Section 142 on account of Non Compliant of MAKING 220/33kv Sub Station functional and 33 KV Switching Station creation.

AND

THAT the R/2(The Developer) deserves to be imposed Section 142 on account of Non Compliant of creating internal Infrastructure upto the capacity of 12,321 KW of ultimate load which was applicable on the date of the order of CGRF.

19. Written Arguments of Respondent -2 dated 22.04.2026:

19.1 That the present written submissions are being filed on behalf of Respondent No. 2, RPS Infrastructure Ltd., and are in addition to the submissions made thus far, before this Ld. Commission. These submissions are intended to render further and better assistance to the Hon'ble Commission and are being filed supplemental to and in continuation of the earlier pleadings and affidavits already placed on record by Respondent No. 2.

19.2 That the captioned Petition has been filed by the Petitioners under Section 142, read with Section 146 of the Electricity Act, 2003, for non-compliance with the Order dated 09.01.2023 passed by the Ld. Forum for Redressal of Consumer Grievances, DHBVN, Gurugram ("CGRF"), in case No. DH/CGRF/4075/2022, annexed, at Pg 8—14 of the said Petition), whereby 5 directions were passed by the Ld. CGRF. The Petitioner has, however, duly admitted that point Nos. 1 to 4 of the said Order/ directions have already been resolved to the satisfaction of the Petitioner, and the same was duly recorded in the Order dated 11.11.2024 passed by this Hon'ble Commission. The grievance of the Petitioner, before this Hon'ble Commission, thus remained only with respect to compliance of point/direction no.5, which reads as under:

"5. The timeline for availability of 33 kV level from DHBVN for catering to the ultimate load of the complainants, which as per the current progress of work being carried out by the Construction Wing of DHBVN, is scheduled such that the 33 kV Switching Station at Sector-88 is expected to be completed by July 2023. Accordingly, the builder, M/S RPS Infrastructure Ltd., is directed to create the internal as well as

external infrastructure at the 33 kV level and keep the same ready by July-August 2023, or earlier if DHBVN completes its 33 kV readiness sooner, so that the grievance of the complainants may be resolved."

- 19.3 During the proceedings of the matter, the Hon'ble Commission vide - its order dated 05.03.2025 directed Respondent No. 1 (DHBVN) to file their submissions by way of an affidavit, specifically mentioning whether the electrical infrastructure had been erected as per the required norms and at the same time, Respondent No. 2 (RPS Infrastructure Ltd.) was directed to submit an affidavit specifically mentioning the maximum load recorded in respect of the Petitioners' electricity single-point connection in the name of RPS Savana for last one year. In compliance whereof, an affidavit dated 25.03.2025 was filed by Respondent No. 1. Respondent No.2/RPS also filed Its affidavit dated 24.03.2025, along with documentary evidence, wherein the maximum load for the bill month July 2024 was shown as 4776 KVA (MDI).
- 19.4 The contents of the affidavit dated 25.03.2025 filed by Respondent No. 1 (DHBVN) revealed that certain submissions made therein regarding the latest position of erection of the electrical infrastructure were not factually correct, and that an unwarranted attempt had been made to shift the blame onto Respondent No. 2, even though the inadequacy persisted on the part of Respondent No. 1.
- 19.5 Respondent No. 2, by way of an Additional Affidavit dated 09.05.2025, clarified that all compliances within its scope stand duly completed. It was specifically submitted that the 220/33 kV Sub-Station, from which the final 33 kV feeding is to be laid, has neither been constructed nor commissioned by Respondent No. 1 (DHBVN), which itself has stated that the same would be energized only by June 2025. It is further submitted that, as recorded in the order dated 08.04.2026, Sh.Sunil Kumar Chawla, SDO, appearing on behalf of Respondent No. 1, stated that the internal infrastructure by Respondent no. 2 has been completed as per norms and also the BGs against 33 kV switching station and 33 kV line have been submitted, which are valid up to July 2026. He further apprised the Hon'ble Commission that 220/33 kV Sub-Station was ready for commissioning but it has not been possible to energize it because it's feeding 220 kV line has not yet been erected due to stay by the Hon'ble High Court. However, no such stay order has been placed on record or forms part of the pleadings of Respondent No. 1, rendering the said submission wholly unsubstantiated and liable to be scrutinized further. But he again acknowledged that all required compliances on the part of Respondent No. 2 stood completed.
- In light of the facts placed above, it may kindly be appreciated that erection of 220/33 kV substation and it's feeding 220 kV line are solely the responsibility of Respondent no. 1. Therefore, whatever compliances are left are on the part of Respondent no. 1. It is further submitted that Respondent No. 2 has already fulfilled all requirements relating to external infrastructure, including handing over 500 sq. yards of land for the 33 kV Switching Station and

depositing the requisite Bank Guarantees for both the 33 kV Line and Switching Station. Accordingly, no compliance remains pending on the part of Respondent No. 2.

19.6 As certain new developments, as stated above, arose during the pendency of the matter, it became imperative for Respondent No. 2 to file another Supplementary Affidavit dated 27.10.2025 in addition to the affidavit dated 09.05.2025 (submitted on 14.05.2025). The relevant facts submitted therein are as under:

- i. That in the additional affidavit dated 09.05.2025 itself, at paragraph 3, subparagraph (D), it had already been clearly stated that one transformer of capacity kVA—though temporarily installed in the adjacent premises of RPS Palm—had actually been installed to cater to the initial load of 2000 kW of RPS Savana, which load was to be fed through the same 11 kV feeder laid for feeding RPS Palm.
- ii. The office of the Chief Electrical Inspectorate had also been periodically inspecting the said 2500 kVA transformer as an installation meant exclusively for RPS Savana. On 02.07.2025, Respondent No. 2 filed an e-application bearing Application No. 1019377 seeking approval for the periodical inspection of the aforesaid installation of 1x2500 kVA transformer for RPS Savana, which is installed in the premises of RPS Palm. Pursuant thereto, Respondent no. 1 (DHBVN) carried out the inspection and accorded approval for the said installation vide Memo No. HT1/Faridabad/006477/2025 dated 04.07.2025. copies of all such inspection reports have already been placed on record along with (Affidavit dated 27.10.2025, Ann-R-2/1 and 2/2 Pg- 5-9).
- iii. Vide Memo No. Ch-243/OLNC-HT/FBD/EP-78 dated 10.09.2025 Respondent no. 1 (DHBVN) has conveyed sanctioning of a revised electrification plan of RPS Savana for a load of 9182.68 kW / 10202.98 kVA in place of 9845.93 kW / 10939.92 kVA sanctioned earlier.
- iv. Accordingly, the internal electrical infrastructure, which now needs to be created, comes out to $10202.98 / 0.80 = 12753.72$ kVA. (Supplementary Affidavit dated 27.10.2025, Ann R-2/3 (colly), Pg 15)

19.9 On the date, the total installed internal infrastructure of Respondent No. 2 is given as under, which is more than the required capacity of 12753.72 kVA:

- | | | |
|------|-------------------------|--|
| i. | 33/11 kV Transformer | 2 x 7500kVA =15000kVA
(Both the transformers installed at RPS Savana) |
| ii. | 11/0.433 kV Transformer | 4 x 2000 kVA= 8000 kVA
(all the transformers installed at RPS Savana) |
| iii. | 11/0.433 kV Transformer | 2x 2500 kVA= 5000 kVA
(one at RPS Palm and the 2 nd at RPS Savana) |

Total 11/0.433 kV Capacity = 13000 kVA

19.10 It is thus evident from the above facts and figures that, so far as installed internal infrastructure is concerned, it is 15000 kVA at

33/11 kV level and 13000 kVA at 11/0.433 level, both of which are more than the stipulated capacity of 12753.72 kVA. Hence, the obligation on the part of Respondent no. 2 (RPS Infrastructure Ltd.) for creating internal as well as external electrical infrastructures has already been completed.

- 19.11 In view of the foregoing facts and submissions, it is respectfully submitted that there is no deficiency, lapse, or non-compliances attributable to Respondent No. 2. Further, even as acknowledged by the officer of Respondent No. 1 in the proceedings recorded in the order dated 08.04.2026, all required compliances on the part of Respondent No. 2 stand duly completed. The delay, if any, is solely attributable to Respondent No. 1 on account of non-commissioning of the 220/33 kV Sub-Station and the alleged pendency of erection of its feeding 220 kV line. It is, therefore, respectfully prayed that no adverse order be passed against Respondent No. 2 and the present proceedings, insofar as Respondent No. 2 is concerned, deserve to be dismissed.
- 19.12 That the present Written Submission / Arguments is being filed bona fide and in the utmost interest of justice. It is respectfully prayed that this Hon'ble Commission may kindly be pleased to take it on record, read and refer to the contents of the same, in addition to the Reply and the affidavits / additional affidavits already filed before this Hon'ble Commission in response to the present petition.

Commission's Order:

1. The petition has been examined in detail along with the reply, additional submissions and rejoinder on record. The pleadings, written statements and oral submissions show that the core grievance of the petitioners is alleged non-compliance of the CGRF order.
2. While the initial complaint before the CGRF addressed issues ranging from tariff overcharging to billing irregularities, the petitioner subsequently admitted that directions regarding billing and tariff (Points 1 to 4) were satisfied following the resident welfare association's takeover of maintenance on 01/02/2024.
3. The core issue pertains to Direction No. 5, which mandated the developer to complete internal and external electrical infrastructure to cater to the ultimate sanctioned load and adequacy of the electrical infrastructure compared to the approved electrification plan, which specified an ultimate load of 12,321 kW (13,690 kVA). The petitioner averred that despite residents paying for internal development works, they face frequent power outages due to deficient infrastructure. The petitioner relies on the HERC Regulations, 2019, and the Electricity Act to argue that the failure to provide the sanctioned infrastructure constitutes a punishable offense under Section 142, In their rejoinder and final arguments, the petitioner

highlighted a significant deficit, in installation of distribution transformers.

4. Respondent No. 2, vehemently denied these claims of negligence, asserting that it has fulfilled all pre-requisites within its control. The developer pointed to the execution of a Gift Deed on 10/01/2022, transferring 419.06 square meters (500 square yards) of land to the Governor of Haryana for the construction of a 33 kV switching station. The developer also provided details of four Bank Guarantees (BGs) submitted to Dakshin Haryana Bijli Vitran Nigam (DHBVN): BG No. 047921GL0001421 for Rs. 1.34 crore for the 33 kV line, BG No. 047921GL0001521 for Rs. 1.75 crore for the switching station, and two BGs of Rs. 1.06 crore each for internal infrastructure. Regarding internal capacity, the developer argued that while the original sanctioned load was 12,321 kW, revised load norms under Sales Circular No. D-25/2024 have reduced the requirement to 9,182.68 kW (10,202.98 kVA) and the current installed capacity of 13,000 kVA—comprising four 2000 kVA and two 2500 kVA distribution transformers—exceeds the revised requirement. The Maximum Demand Indicator (MDI) recorded in July 2024 was only 4,776 kVA, indicating the current 7,000 kW load release is sufficient for actual consumption.
5. DHBVN confirmed that the developer had indeed provided the land and BGs, and that a 33 kV switching station at Sector 89 was energized on 19/07/2023. However, the ultimate release of the full load is stalled because the construction of the 220/33 kV substation and its feeding line is currently pending due to a stay order granted by the Hon'ble High Court. Regarding the outages, submitted that many reported incidents were either non-existent or due to internal faults at the RPS Savana end, such as cable box damage on 28/12/2024, which lasted over nine hours, rather than systemic infrastructure failure. DHBVN also submitted that while the developer had installed 10.5 MVA of capacity by early 2025, additional BGs of Rs. 3.25 crore had been demanded for pending internal work as of 20/01/2025.
6. The Commission observes that while there has been substantial progress and a demonstrated intent to comply by the developer through land transfers and significant financial guarantees, the infrastructure remains technically incomplete in light of the original 12,321 kW sanctioned plan. The developer's reliance on revised load norms under Sales Circular No. D-25/2024 to claim over-capacity is a contested regulatory interpretation that does not fully absolve them of the specific configuration requirements of the originally approved EP. However, a significant portion of the delay in external infrastructure is attributable to the pending 220 kV line, which

is currently stayed by a Hon'ble High Court order—a factor beyond the immediate control of the parties.

7. The Commission finds that while the prosecution under Section 142 seems premature given these external legal impediments, the developer must adhere to a strict timeline to synchronize internal infrastructure with the original plan. As directions at Sr. 1 to 4 have been complied to the satisfaction of the petitioner, punitive reliefs are declined at this stage, the Commission deems it necessary to ensure regulatory discipline and future compliance. Accordingly, the commissions directs that:
 - 7.1 The CGRF order dated 09/01/2023 shall be implemented in letter and spirit within 4 months from the date of this order except for matter pending for adjudication in Hon'ble High Court.
 - 7.2 The concerned SDO and XEN shall actively supervise compliance, including scrutiny of past and present billing records, segregation of electricity charges, and adherence to tariff orders.
 - 7.3 Non-Compliance to above directions shall invite action under Section 142 of the Electricity Act, 2003 without further indulgence.
8. The petition is disposed of in the above terms. While punitive reliefs as prayed are declined at this stage, regulatory obligations are reaffirmed in unequivocal terms. Compliance is mandatory; regulatory tolerance is not indefinite.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 14/05/2026.

Date: 14/05/2026	Sd/- (Shiv Kumar)	Sd/- (Mukesh Garg)	Sd/- (Nand Lal Sharma)
Place: Panchkula	Member	Member	Chairman