

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

**Case No. HERC/ P. No. 91 of 2025**

**Date of Hearing : 14/05/2026**

**Date of Order : 26/05/2026**

**IN THE MATTER OF:**

**Violations of the Electricity Act, 2003 and Non-compliance of CGRF  
Order dated 08.09.2025.**

**Petitioner**

1. Ankur Gupta, AL-1802, Antriksh Heights Apartments, Sec.84, Gurugram.
2. Gopal Krishan AG-2004, Antriksh Heights Apartments, Sec.84, Gurugram.
3. Ashish Pratap Rao AG-1803, Antriksh Heights Apartments, Sec.84, Gurugram.
4. Karandeep Singh, AF-1102, Antriksh Heights Apartments, Sec.84, Gurugram.

Versus

**Respondents**

1. Antriksh Heights Resident Welfare Association Through its Office Bearers:
  - a) President - Smt. Kirti Singh, AJ-1602, Antriksh Heights Apartments, Sector 84, Gurugram.
  - b) Secretary - Sh. Ram Chander Pandey, AD-802, Antriksh Heights Apartments, Sector 84, Gurugram.
2. XEN/Operation Division, DHBVN, Manesar.
3. SDO/Operation Division, DHBVN, Kherki Daula.
4. Chairman/Managing Director, DHBVN, Haryana

**Present**

**On behalf of the Petitioner**

Sh. Gopal Krishan

**On behalf of the Respondents**

1. Sh. Raghujeet Singh Madan, Advocate for R-2 to 4
2. Ms. Aerika Singh, Advocate
3. Sh. Lovepreet Singh, Advocate
4. Sh. Naresh, Advocate for R-1
5. Sh. Yashvir Singh, Advocate
6. Ms. Suman Kashyap, SDO, DHBVN
7. Ms. Kirti Singh, President, RWA
8. Sh. Nitin, Manager, RWA

**QUORUM**

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

## ORDER

### 1. **Petition:**

- 1.1 That, we are the residents and lawful apartment owners of *Antriksh Heights Condominium* (hereinafter referred to as the 'Condominium'), situated in Sector 84, Gurugram, Haryana-122004. For the purpose of this petition, we shall be referred to as the 'Petitioners'. The Condominium comprises a total of 1,141 apartments, and the issues raised herein affect a substantial number of residents who are similarly aggrieved.
- 1.2 That, the Complainants are consumers of Dakshin Haryana Bijli Vitran Nigam (DHBVN) through a single-point electricity connection bearing Account Number 9266714386, which is currently registered in the name of M/s Reliable Realtech Pvt. Ltd., the Promoter/Builder of the project. It is submitted that the said electricity connection has not yet been transferred to the name of Antriksh Heights Residents Welfare Association (hereinafter referred to as the 'RWA'), which is presently managing the affairs of the condominium.
- 1.3 That, the Antriksh Heights Residents Welfare Association is registered under the act "The Haryana Registration and Regulations of Societies Act, 2012" with registration number HR-018-2020-02421. The said association is presently responsible for the management and administration of the Antriksh Heights condominium.
- 1.4 That as per Regulation No. HERC/49/2020 section 5.3 of the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Residential Cum Commercial/Commercial Complexes of Developers and Industrial Estates/IT Parks/SEZ) Regulations, 2020: -  
*"The individual consumers in the GHS/Employer's Colonies/Residential cum Commercial/Commercial Complexes/ Shopping Malls/Industrial Estates/IT Park where Single Point Supply has been provided shall be treated at par with the consumers of the distribution licensees and shall have the same rights and obligations as that of other consumers of distribution licensee. These consumers shall also be covered under all other relevant Regulations of the Commission including CGRF and Ombudsman Regulations, and tariff order issued by the Commission, provided that in case of the provision of section 126, 135 and 138 of the Act the distribution licensee shall be authorized to take necessary action as per these provisions of the Act in coordination with such Employer's Colony/GHS/ RWAs/Users Associations."*
- 1.5 That as per Regulation No. HERC/49/2020 section 6.6(b) of the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Residential Cum Commercial/Commercial Complexes of Developers and Industrial Estates/IT Parks/SEZ) Regulations, 2020: -  
*"In case any Employer/GHS/Users Association charge the individual consumers within its complex for electricity supplied at rates higher than the Domestic supply tariff/ other relevant category tariff (as per*

*usage of electricity) approved by the Commission, the aggrieved Residents/Members shall have the right to jointly file a complaint against such GHS/Employer/Users Associations before the CGRF/Ombudsman as per these Regulations for Redressal of their grievances.”*

*“That, the Commission in its various order(s) has made it clear that common area maintenance charges (CAM)/backup supply charges should not be clubbed with the licensee’s supply charges and the connection ought not be disconnected in case the consumer has paid the charges for grid supply.”*

- 1.6 That, on 31<sup>st</sup> July 2025, the Complainants received a notice from the President of AHRWA via the condominium management application and through individual email communications. The said notice informed residents about the continued collection of Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges through their respective pre-paid electricity meters. This practice was communicated despite prior objections and ongoing regulatory proceedings, thereby aggravating the grievance and raising serious concerns regarding its legality and compliance with the Electricity Act, 2003 and applicable HERC regulations.
- 1.7 That the Respondent No. 01(one) has willfully tampered with the Complainants’ prepaid electricity smart meters by inserting unauthorized codes or programming, thereby manipulating the meters to levy charges beyond the actual energy consumption. This deliberate interference with the proper and accurate metering of electricity constitutes a serious offence under Section 135(1)(c) of the Electricity Act, 2003, which deals with the act of “interfering with meters or works of the licensee” with the intent to dishonestly abstract, consume, or use electricity. Such tampering not only violates the statutory provisions but also results in financial exploitation of consumers and undermines the integrity of the electricity distribution system. The Complainants reserve the right to seek penal action against the Respondent under the said provision. The said Section 135(1)(c) of the Electricity Act, 2003, which reads as follows:  
*“Section 135 – Theft of Electricity (1) Whoever, dishonestly – (c) damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity.”*  
The Respondents’ actions, as described above, fall squarely within the ambit of this provision and attract penal consequences as prescribed under the said Act.
- 1.8 That the Respondents have maliciously interfered with the Complainants’ prepaid electricity smart meter, which is the property of the licensee, by fraudulently altering its programming and index to manipulate billing and prevent accurate registration of electricity consumption. Such deliberate tampering constitutes a clear violation of Section 138(1)(d) of the Electricity Act, 2003, which states:  
*“Section 138 – Interference with meters or works of licensee (1) Whoever – (d) maliciously injures any meter, indicator, or apparatus belonging to*

*a licensee or willfully or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator, or apparatus from duly registering, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees.”*

The Respondents’ actions, therefore, attract penal liability under the aforementioned provision.

- 1.9 That the Hon’ble Haryana Electricity Regulatory Commission (HERC), in its final order dated 16.01.2019 in Case No. HERC/PRO-38 of 2018, has categorically held that disconnection of electricity supply should not ordinarily be carried out for non-payment of charges other than the Discom Supply charges. This includes Maintenance Charges, Backup Supply Charges, and other Miscellaneous Charges. The relevant portion of Section 3 (Commission’s Analysis and Order), clause (iv), is reproduced below:

*“ iv) Further, the disconnection of electricity should not normally be done on account of nonpayment of charges other than Discom Supply charges i.e. on account of Maintenance charges, Backup Supply charges and other Misc. charges etc. The Commission directs Respondent No. 1 & 2 to take remedial measures to ensure disconnection of supply of Discom shall not take place, if the Petitioners or residents or users pay the electricity bill raised by the Respondent for Discom supply.”*

This observation by the Commission reinforces the principle that essential electricity supply should not be disrupted due to disputes or defaults relating to ancillary or non-energy charges.

- 1.10 That, as per the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, the term “Meter” is defined as follows:

*“Meter” means a device suitable for measuring, indicating and recording the conveyance of electricity or any other quantity related with electrical system.*

This statutory definition clearly confines the function and purpose of an electricity meter to the measurement and recording of electricity and related electrical parameters only. Therefore, any attempt to use the meter for purposes beyond its defined scope—such as levying unrelated charges or manipulating billing unrelated to actual energy consumption—would be contrary to the regulatory framework and ultra vires the intended use of such metering equipment.

- 1.11 That the Complainants have formally lodged a complaint dated 11.08.2025 before the Corporate Forum for Redressal of Consumer Grievances, Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN), Gurugram (hereinafter referred as “Forum”), seeking appropriate action against the Respondents for their illegal and unauthorized conduct as detailed hereinabove. The said complaint pertains to the deliberate tampering of the prepaid electricity smart meter and the imposition of charges beyond lawful energy consumption, which constitutes a violation of statutory provisions and consumer rights.

1.12 That the Hon'ble Forum conducted proceedings on 25.08.2025 in response to the complaint lodged by the Complainants. During the said hearing, the SDO (Operation), Kherki Daula, appeared and submitted that a formal notice had already been issued to the RWA President/Facility Manager of Antriksh Heights Apartments. The notice strictly advised against disconnecting the electricity supply on the grounds of non-payment of non-energy charges, such as Maintenance Charges, Backup Supply Charges, or other Miscellaneous Charges, in line with regulatory directives and consumer protection norms.

1.13 That the Hon'ble Forum pronounced its order on 08.09.2025. The operative part of the said order is reproduced hereinbelow:

*"The reply is forwarded to Complainants. After considering the reply of SDO and discussion held in the hearing, the Forum directs the SDO (OP) to visit the society and give directions verbally and in form of detailed notice to concerned person for implementing DHBVN instructions within a week, to the Builder and RWA in the presence of both the group of complainants for following issues and ensure the billing is done as per HERC regulations: -*

1. *Status of Common Area Maintenance charges & status of meter installed in Common area.*
2. *Status of installation of pre-paid meter as per SC D-17/2020.*
3. *Charging done as per DHBVN tariff or not. If not done, then submit detailed report.*
4. *Electricity charges shouldn't be clubbed with CAM Charges.*
5. *The SDO is directed to make sure that supply is not disconnected due to non-payment of CAM charges.*

*The implementation as above may be intimated to the Forum, by SDO (OP) Kherki Daula, DHBVN, Gurugram as it is his duty to ensure compliance of HERC Regulations by Builder/RWA. The complainant should approach SDO (OP) Kherki Daula for resolution of grievance, if any.*

*As required under Haryana State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-No. HERC/48/2020/1st Amendment/2022 dated 6<sup>th</sup> April, 2022, the implementation of this decision may be intimated to this office within 21 days from the date of its receipt."*

1.14 That, as per the speaking order dated 08.09.2025 issued by the Hon'ble Forum, necessary actions and rectifications were mandated to ensure that non-electrical charges specifically Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges are not levied through the pre-paid electricity meters installed for the Complainants. The Forum emphasized that such charges must be billed separately and not clubbed with electricity consumption, in accordance with the applicable DHBVN tariff and HERC regulations.

1.15 That, in accordance with the directions issued by the Hon'ble Forum in its order dated 08.09.2025, the SDO (OP), Kherki Daula, DHBVN, Gurugram was instructed to visit the society and serve a formal notice to the Resident Welfare Association (RWA) to immediately cease the

ongoing practice of deducting Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges from the pre-paid electricity meters of the residents. Furthermore, the Forum directed that the billing of all residents in the society be carried out through the Unified Billing Portal, strictly in accordance with Sale Circular No. D-23/2022, thereby ensuring compliance with DHBVN's prescribed billing procedures and regulatory standards.

- 1.16 That, as of the date of filing this petition, the Respondents have wilfully failed to comply with the directions issued by the Hon'ble Consumer Grievance Redressal Forum (CGRF) vide its order dated 08.09.2025. Despite repeated visits and requests made by the Complainants to the concerned authorities for implementation of the said order, no concrete action has been taken by the competent authorities/Respondents, thereby demonstrating a continued disregard for the Forum's directives and the applicable regulatory framework.
- 1.17 That, the continued non-compliance by the Respondents with the directions issued by the Hon'ble Forum constitutes a direct violation of the statutory provisions enshrined under Section 142 and Section 146 of the Electricity Act, 2003. These sections clearly mandate that all parties are legally bound to adhere to the orders passed by the Consumer Grievance Redressal Forum (CGRF), and any failure to do so attracts penal consequences, including fines and prosecution, as prescribed under the Act.
- 1.18 That, the Respondents, by continuing the unauthorized practice of deducting non-electrical charges such as Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges from the pre-paid electricity meters, have misused the billing mechanism in a manner that amounts to harassment of the residents. This conduct effectively served as a tool for coercive recovery and financial exploitation, thereby causing undue hardship and monetary loss to the Complainants and other residents of the society.
- 1.19 That, a pertinent question of law arises in the present matter, whether the actions of a group of individuals, including the Builder and/or RWA, in contravention of the provisions of the Electricity Act, 2003, can be deemed lawful in the eyes of law. If such actions are indeed illegal, it raises a further concern as to whether all more than one thousand of residents of the condominium are individually required to file complaints before the Haryana Electricity Regulatory Commission (HERC) or approach a competent court of law to seek redressal and removal of the said illegality. The Complainants submit that such collective hardship warrants immediate and decisive intervention by the appropriate regulatory and judicial authorities to prevent further exploitation and ensure compliance with statutory obligations.
- 1.20 That, the violation of multiple provisions under the Electricity Act, 2003, coupled with the deliberate non-compliance of the Hon'ble Consumer Grievance Redressal Forum (CGRF) order dated 08.09.2025, not only undermines the integrity and credibility of the

consumer redressal mechanism but also triggers serious legal consequences under the said Act. Such disregard for statutory obligations erodes consumer trust and weakens the enforcement of regulatory safeguards. As a consumer, we assert our right to expect that the regulatory framework established under the Electricity Act, 2003 is duly upheld, and We are entitled to the protections, remedies, and enforcement mechanisms provided therein.

**GROUND FOR RELIEF:**

- i. **Regulatory Authority of HERC:**  
Regulation No. HERC/49/2020 was issued by the Haryana Electricity Regulatory Commission in exercise of powers conferred under Section 61(d) and Section 181 of the Electricity Act, 2003, thereby establishing the legal framework for consumer rights under single-point supply systems.
- ii. **Equal Rights for Individual Consumers:**  
As per Section 5.3 of Regulation No. HERC/49/2020, individual consumers in Group Housing Societies (GHS), Employer's Colonies, Residential-cum-Commercial Complexes, Shopping Malls, Industrial Estates, and IT Parks with single-point supply shall be treated at par with other consumers of the distribution licensee and shall enjoy the same rights and obligations.
- iii. **Violation of Section 135 – Theft of Electricity:**  
The Respondents' alleged tampering of prepaid electricity meters by inserting unauthorized codes constitutes interference with accurate metering, punishable under Section 135(1)(c) of the Electricity Act, 2003. The Act prescribes imprisonment up to three years or fine or both, with enhanced penalties for repeated offences.
- iv. **Violation of Section 138 – Interference with Licensee's Equipment:**  
Malicious or fraudulent alteration of meter readings or programming by the Respondents falls under Section 138(1)(d) of the Electricity Act, 2003, which provides for imprisonment up to three years, or fine up to ₹10,000, or both, along with daily fines for continuing offences.
- v. **Violation of Section 142 – Non-compliance with Commission Directions:**  
The Respondents have failed to comply with directions issued by the Appropriate Commission and CGRF. Section 142 empowers the Commission to impose penalties up to ₹1 lakh per contravention and ₹6,000 per day for continuing non-compliance.
- vi. **Violation of Section 146 – Disobedience of Orders:**  
The Respondents' failure to implement the CGRF order dated 08.09.2025 constitutes an offence under Section 146 of the Electricity Act, 2003, punishable with imprisonment up to three months or fine up to ₹1 lakh, or both, with additional daily fines for continued disobedience.
- vii. **Contravention of HERC Notification dated 22.04.2020:**  
The Respondents' practice of clubbing Common Area Maintenance (CAM) and backup charges with electricity supply charges violates para (iii) of the HERC notification, which clearly prohibits such

bundling and disconnection of supply for non-payment of non-energy charges.

viii. Violation of Section 62(6) – Excess Recovery of Charges:

Any recovery of charges beyond the tariff determined under Section 62 of the Electricity Act, 2003 is illegal. The excess amount is recoverable by the consumer along with interest at the prevailing bank rate.

ix. Violation of HERC/PRO-38 of 2018:

Para (iv) of the said order prohibits disconnection of electricity supply for non-payment of charges other than Discom supply charges, reinforcing that prepaid meters must not be used to recover CAM or other miscellaneous charges.

x. Violation of CEA Metering Regulations, 2006:

As per the Central Electricity Authority's regulations, a meter is defined solely for measuring and recording electricity conveyance. Its use for non-electricity charges is unauthorized and contrary to regulatory intent.

xi. Non-compliance with CGRF Order dated 08.09.2025:

Despite the CGRF's clear directions in Case No. 4935 of 2025, the Respondents have failed to implement the order, thereby violating consumer protection norms and regulatory mandates.

xii. Section 149 – Offences by Companies:

The actions of the Respondents (RWA, DHBVN), including M/s Reliable Realtech Pvt. Ltd., fall under Section 149(2) of the Electricity Act, 2003. Directors, managers, and officers responsible for the misconduct are individually liable for prosecution.

xiii. Section 94 – Powers of the Commission:

The Appropriate Commission is empowered under Section 94 of the Electricity Act, 2003 to summon witnesses, receive evidence, review orders, and pass interim directions. The Commission may also authorize representation of consumer interests in proceedings.

xiv. Contempt and Wilful Disobedience – Judicial Precedents:

While invoking Section 142 and 146, it is submitted that the element of wilful disobedience is essential for contempt proceedings. Reliance is placed on the judgments of the Hon'ble Supreme Court in:

- Ashok Paper Kamgar Union v. Dharam Godha & Others, (2003) 11 SCC 1
  - Ram Kishan v. Tarun Bajaj & Others, (2014) 16 SCC 204
- These judgments clarify that contempt requires deliberate and intentional disobedience with a bad motive or purpose, and the order must be executable under normal circumstances.

**PRAYERS/RELIEFS SOUGHT:**

In light of the foregoing facts, submissions, and violations of statutory provisions, the Complainant respectfully prays that the Hon'ble Commission may be pleased to:

- i. Penalize Respondents number 1 (one) under Section 135 of the Electricity Act, 2003 (Theft of Electricity), by imposing the maximum imprisonment and fine as prescribed under law.

- ii. Impose maximum imprisonment and fine on Respondents number 1 (one) under Section 138 of the Electricity Act, 2003 (Interference with meters or works of licensee).
  - iii. Impose maximum penalty and imprisonment on Respondents 1 to 4 under Sections 142 and 146 of the Electricity Act, 2003 for non-compliance and violation of regulatory orders.
  - iv. Impose maximum penalty and imprisonment on Respondents number 3 (SDO Operation Kherki Daula) under Sections 142 and 146 of the Electricity Act, 2003 for failure to discharge their statutory duties and non-compliance with the CGRF order dated 08.09.2025.
  - v. Direct the Respondents to refund/reimburse the excess amount charged to consumer beyond energy consumption from 01.08.2025 till date, along with applicable interest, in accordance with Section 62 of the Electricity Act, 2003.
  - vi. Award the cost and penalty amounts imposed on all Respondents to the harassed and aggrieved Complainants, as compensation for mental agony and financial loss.
  - vii. Pass an order to immediately stop the collection of Common Area Maintenance (CAM) and Common Area Electricity (CAE) charges through electricity meters of all residents of the condominium, in accordance with Regulation No. HERC/49/2020.
  - viii. Initiate contempt proceedings against all Respondents for their failure to implement the CGRF order dated 08.09.2025, under Section 94 of the Electricity Act, 2003.
  - ix. Levy a legal cost of ₹ 50,000 (Rupees Fifty Thousand only) on each Respondent for habitual non-compliance and repeated disregard for the law.
  - x. Pass any other order or direction that the Hon'ble Commission may deem fit and proper in the interest of justice and equity.
2. The case was heard on 03/02/2026, to the query of the Commission, counsel for the respondents-DHBVN submitted that the XEN is unable to attend the Court due to shoulder surgery. The Commission noted with concern that no exemption has been sought by the XEN. The case pertains to non-compliance of CGRF order and XEN is violating even the orders of the Commission. Thus, decides to impose cost of Rs. 25,000/- and issue show cause notice under section 142 of the Electricity Act, 2003. Ms. Aerika Singh counsel for petitioner, requested for 3 weeks' time to file the reply. The Commission adjourns the matter and directs the concerned SDO and XEN as well as President and Secretary RWA to be present in the court on next hearing. The respondents to submit their replies within two (2) weeks and the petitioner may submit its rejoinder, if any, within one week thereafter with advance copies to each other.

3. The case was heard on 05/03/2026, To the query of the Commission, counsel for the respondents-DHBVN submitted medical prescription in support of the absence of the XEN during last hearing and requested for waiver of the cost imposed. The representative of the respondents 1(a) & (b) also failed to convince the Commission by justifying the absence of the president and secretary of RWA. The Commission noted with concern that no exemption has been sought by respondents. The representative is also not conversant with the facts of the case. No status report has been filed till date. Thus, decides to impose cost of Rs. 25,000/- each on president and secretary of RWA. Ms. Aerika Singh counsel for respondent submitted the reply in the court but the Commission directed to submit the same through registry after following due procedure and further to submit detailed reasons of absence of the concerned XEN with medical certificate. The Commission adjourns the matter and directs the concerned SDO and XEN as well as President and Secretary RWA to be present in the court on next hearing. The respondents to submit their replies with in two (2) weeks and the petitioner may submit its rejoinder, if any, within one week thereafter with advance copies to each other. Further, the electricity connection is on the name of the builder which has not been made party to the case, the commission directs petitioner to implead the builder also as a party to the case.

**4. Reply by Respondent 2 to 4 submitted on 6/4/2026**

4.1 The present reply is being filed through Amit Kamboj, presently working as Executive Engineer Manesar, Dakshin Haryana Bijli Vitran Nigam, (hereinafter referred to as "DHBVN"), who is competent to file the present reply as well as fully conversant with the facts and circumstances of the case on the basis of knowledge derived from the record, on behalf of Respondents.

4.2 The present petition has been filed under Section 142, 146 and 149 of the Electricity Act, 2003, by the Petitioners- being residents Antriksh Heights Condominium, situated at Sector-84, Gurugram, Haryana122004, alleging violation of the order dated 08.09.2025 (Annexure-2) passed by I-d. Corporate Consumer Grievance Redressal Forum (CGRF), Gurugram and seeking consequent directions. The relevant part of the order dated 08.09.2025 passed by the Ld. CGRF is reproduced below:

*After considering the reply of SDO and discussion held in the hearing, the Forum directs the SDO (OP) to visit the society and give directions verbally and in form of detailed notice to concerned person for implementing DHBVN instructions within a week to the Builder and RWA in the presence of both the group of complainants for following issues and ensure the billing is done as per HERC regulations:-*

- i *Status of Common Area Maintenance charges & status of meter installed in Common area*
- ii *Status of installation of pre-paid meter as per SC D17/2020.*
- iii *Charging done as per DHBVN tariff or not. If not done, then submit detailed report.*
- iv *The SDO is directed to make sure that supply is not disconnected due to non-payment of CAM charges.*  
*The implementation as above may be intimated to the Forum, by SDO (OP) Kherki Daula, DHBVN, Gurugram as it is his duty to ensure compliance of HERC Regulations by Builder/RWA. The complainant should approach SDO (OP) KherkiDaula for resolution of grievance, if any.*

4.3 That the hearing of the matter before Ld. CGRF took place on 25.08.2025 and the order had been passed subsequently on 08-09.2025 (Annexure-2). It is humbly submitted that immediately after the hearing of the matter and in compliance of the directions of the Ld. CGRF, the following actions were taken by the Answering Respondent DHBVNL:

- a. A letter dated 22.08.2025 was addressed by the Answering Respondent to the President of the Residents' Welfare Association/Facility Manager, being the Respondent No. 1 herein, wherein it was categorically stated that electricity units were being billed at unnecessary and unjustified rates not in conformity with the applicable tariff and regulatory framework. The RWA was expressly directed to immediately correct its billing practices, to ensure that electricity billing of residents is carried out only through the designated Unified Billing Platform developed by DHBVN, and that such billing strictly adheres to the tariff rates notified annually pursuant to the orders of the Hon'ble Commission. It was further unequivocally directed that electricity supply shall not be disconnected, nor recharge denied, on account of outstanding CAM, CAE or any other non-consumption related dues. A copy of the letter dated 22.08.2025 is appended herewith and marked as Annexure R-2/1.
- b. It may kindly be noted that despite the issuance of the aforesaid letter, repeated complaints were being received from the residents alleging continued inclusion of CAM charges with electricity bills and coercive disconnection of electricity supply. In response thereto, the Respondents issued successive written communications, including:
  - i. Memo No. 2300 dated 04.09.2025,
  - ii. Memo No. 367 dated 30.10.2025,
  - iii. Memo No. 3811 dated 17/12/2025
  - iv. Memo No. 3811 dated 17.12.2025 and
  - v. Memo No. 4310 dated 02.01.2026,

Vide the aforesaid letters it was consistently recorded that despite earlier directions and assurances given by the Developer/RWA, non-compliance with the regulatory mandate continued. Through the said communications, the RWA was repeatedly and categorically directed to forthwith delink CAM and other non-electricity charges from

electricity billing, to ensure proper metering and transparent billing strictly in accordance with the approved tariff, and to immediately desist from disconnecting electricity supply for reasons unconnected with electricity consumption. For ready reference of the Hon'ble Commission, the a relevant excerpt from one of the aforesaid communications, i.e., Memo dated 02.01.2026 is reproduced below:

*"You are hereby strictly directed to:*

- Implement the Unified Billing System immediately, without any further delay.*
- Cease the practice of adding CAM or any nonelectricity charges to electricity bills.*

*Refrain from disconnecting electricity supply of any resident for non-payment of charges unrelated to electricity consumption.*

*Any further non-compliance of the above instructions shall be treated as a serious violation of HERC guidelines, and appropriate action will be initiated against the RWA as per applicable rules. Furthermore, the complaint received from the residents of your society is hereby being forwarded to you for further action in the matter at your end under intimation to this office within 7 days."*

It is pertinent to mention that the Petitioners have also appended the letter addressed by the Answering Respondents to the RWA. As such, due compliance of the direction passed by the Ld. CGRF by the Answering Respondents, is not being denied by the Petitioner.

- c. Apart from the aforesaid written communications, in compliance with the directions issued by the I-d. CGRF vide order dated 08.09.2025, the SDO (OP), Kherki Daula, undertook a site visit on 06.10.2025 and issued both written and verbal directions to the Developer/RWA in the presence of stakeholders, specifically requiring strict adherence to the applicable tariff orders, Regulations passed by the Hon'ble Commission, and billing to be undertaken through the Unified Billing Software.

It is pertinent to mention here that w.r.t. the allegation that electricity supply was being disconnected on account of nonpayment of CAM charges, certain residents asserted that such instances had occurred. The RWA, however, categorically denied resorting to disconnection on such grounds. In view of these mutually contradictory assertions, and in the absence of objective documentary evidence demonstrating disconnection initiated through the Distribution Licensee's supply system, no conclusive finding could be recorded.

- 4.4 That, it is humbly submitted that, as is evident from the order passed by Ld. CGRF as well as the present petition, the electricity connection for the society stands in the name of M/S Reliable Realtech Pvt. Ltd., the builder, under a single-point supply system, and that the Petitioners are consumers downstream of such arrangement. The Answering Respondent-DHBVNL raises a consolidated/ lump sum electricity bill and has no role to play in the issuance of the individual electricity bills. The Answering Respondent-DHBVNL does not maintain and has no role to play in any individual consumer accounts for the residents of the society/ Petitioner herein. The downstream

apportionment of electricity charges, preparation of bills, recovery of amounts, including any ancillary charges such as CAM or CAE are matters entirely within the domain of the Developer/RWA. The responsibility for installation, operation and maintenance of internal distribution infrastructure, segregation of common area load, issuance of monthly bills to individual residents, recovery of charges and maintenance of billing records squarely rests upon the developer/builder/RWA.

- 4.5 That, further insofar as the allegations of the Petitioners regarding the unauthorised tampering with the prepaid electricity smart meters by inserting unauthorised codes or altering programming, is concerned, Petitioners/residents were requested to furnish documentary substantiation of the internal electricity bills allegedly raised upon them, no such records were produced before the field officer. A perusal of the petition also shows that only allegations have been raised by the Petitioners, however, document has been placed on record to show any such tampering.
- 4.6 That, lastly, it is humbly submitted that the Answering Respondents holds the Hon'ble Commission as well as the orders passed by the Ld. CGRF in its highest regard and esteem. All the orders/ directions/ rules/ regulations/ guidelines issued by the Hon'ble Commission as well as the Ld. CGRF are articles of faith for the Answering Respondent who has always endeavoured to abide by the same in letter and spirit. It is humbly submitted that the Respondents have acted in good faith and in adherence to the directions of the Ld. CGRF and there is no noncompliance on the part of the Answering Respondent-DHBVNL. In view of the facts and circumstances stated hereinabove, the parawise reply is as under:

PARA-WISE REPLY:

- i. That the contents of para no. 1 are a matter of record and do not call for any reply.
- ii. That the contents of para no. 2 insofar as it relates to the Single Point Supply being in the name of M/S Reliable Realtech Pvt. Ltd., the same is a matter of record.
- iii. That the contents of para no. 3 are denied for the want of knowledge.
- iv. That the contents of para no. 4 insofar as it relates to Regulation 5.3 of the HERC (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Residential cum Commercial/ Commercial Complexes of Developers and Industrial Estates/ IT parks/SEZ) Regulations, 2020 ("Regulations, 2020") are a matter of record and do not call for any reply.
- v. That the contents of para no. 5 insofar as it relates to Regulation 6.6 of the Regulations, 2020, the same is a matter of record.
- vi. That the contents of para no. 6, do not relate to the Answering Respondents and are denied for the want of knowledge.
- vii. That the contents of para no. 7 do not relate to the Answering Respondent. However, it is submitted that the apart from the allegations, no document has been placed on record to show such tampering. However, it is denied that the Answering Respondents have

in any manner damaged the electricity meter or have added specific codes to charge money other than energy consumption.

- viii. That the contents of para nos 8 are wrong and denied. It is wrong and denied that the Answering Respondents have maliciously interfered with the Complainant's prepaid electricity smart-meter, by fraudulently altering its programming and index to manipulate billing or to prevent accurate registration of electricity consumption. It is submitted that no document has been placed on record to show such tampering.
- ix. That the contents of para no. 9 are a matter of record.
- x. That the contents of para no. 10 are a matter of record.
- xi. That the contents of para no. 11 insofar as it relates to the filing of the complaint before the Ld. CGRF and the contents thereof, the same is a matter of record.
- xii. That the contents of para no. 12 are a matter of record.
- xiii. That the contents of para no. 13 are a matter of record.
- xiv. That the contents of para no. 14, insofar as it relates to the directions of the Ld. CGRF and the contents thereof, are a matter of record\*
- xv. That the contents of para no. 15, insofar as it relates to the direction of the Ld. CGRF, the same is a matter of record. It is submitted that in view of the directions, the official concerned had duly visited the site in question and verbally directed the RWA to ensure compliance of the Regulations of the Hon'ble Commission. Written notices were also duly sent, as detailed in the preliminary submissions/ objections herein.
- xvi. That the contents of para no. 16 are wrong and denied. It is denied that the Respondents have in any manner 'wilfully' failed to comply with the directions of the Ld. CGRF. It is further denied that no concrete action has been taken by the Answering Respondents. It is vehemently denied that there is any continued disregard of the Ld. CGRFs directives or the applicable regulatory framework.
- xvii. That in reply to the contents of para no. 17, it is submitted that firstly, that the directions of the Ld. CGRF have been duly complied with by the Answering Respondents, as such it is wrong and denied that there is any direct violation of the statutory provisions enshrined under Section 142, 146 of the Electricity Act, 2004. Secondly, it is humbly submitted that even otherwise, Section 142 has been made a part of Chapter XIV relating to 'Offences and Penalties' and any imposition of penalty under the said section would require proof of mens-rea on the part of the DHBVNL and its officials. In the present case, the pro-active and continuous actions undertaken point towards the bonafide conduct of the DHBVNL and its officials. In absence of the element of 'wilful disobedience' on the part of DHBVNL and its officials, no relief is liable to be granted to the Petitioner as against the Answering Respondents
- xviii. That in reply to the contents of para no. 18, it is submitted that, the Answering Respondent-DHBVNL raises a consolidated/ lump sum electricity bill for the Single-Point supply consumer being- M/S Reliable Realtech Pvt. Ltd. and has no role to play in the issuance of the individual electricity bills. As such, it is wrong and denied that the

Answering Respondents are in any manner harassing the residents or causing undue hardship or monetary loss to the Petitioners or other residents of the society.

- xix. That in reply to the contents of para on. 19 it is humbly submitted that there is no non-compliance on the part of the Answering Respondents. As such, no hardship is being faced by the Petitioners due to any action attributable to the Answering Respondents herein.
- xx. That in reply to the contents of para no. 20, it is reiterated that there is no non-compliance on the part of the Answering Respondents. It is wrong and denied that there is any disregard of the statutory obligations on the part of the Answering Respondents.
- xxi. That the contents of para no. 21 are wrong and denied. It is wrong and denied that the Answering Respondents have violated any sections of the Electricity Act, 2003 or that any action of the part of the Answering Respondent undermines the credibility of the redressal process.

#### REPLY TO 'GROUNDS OF RELIEF'

- i. That the contents of para no. 1 are a matter of record.
- ii. That the contents of para no. 2 are a matter of record,
- iii-iv That in reply to the contents of para no. 3 and 4, it is humbly submitted that there has been no tampering of the meter by the Answering Respondent. Further, a perusal of the contents of the petition show that, part from the mere allegation regarding the tempering of pre-paid meter, no document have been placed on record by the Petitioners showing/ evincing any such actual tampering, change of code etc. as alleged. As such, Section 135 and 138 has no applicability to the facts and circumstances of the present case.
- v-vi. That in reply to the contents of para no. 5 and 6 it is humbly submitted that there is no non-compliance on the part of the Answering Respondents. Detailed reply has already been given in the preliminary submissions/ objections, the contents of which are not being repeated here for the sake of brevity.
- vii-x. That in reply to the contents of para no. 7 to 10, it is reiterated that the Builder/ RWA is responsible for the issuance of the individual electricity bills and on account of any non-compliance, action is liable to be initiated against the Builder/ RWA and not against the Answering Respondents herein.
- xi-xiii. That in reply to the contents of para nos. 11 to 13, it is humbly submitted, as have been detailed in the preliminary submissions/ objections hereinabove, there is no non-compliance on the part of the Answering Respondents.
- xiv. That in reply to the contents of para no. 14, it is reiterated that any imposition of penalty under the said section would require proof of mens-rea on the part of the DHBVNL and its officials. In the present case, the pro-active and continuous actions undertaken point towards the bonafide conduct of the DHBVNL and its officials. In absence of the element of 'wilful disobedience' on the part of DHBVNL and its officials, no relief is liable to be granted to the Petitioner as against the Answering Respondents herein.

That in reply to the PRAYER clause, it is humbly submitted that the order passed by the Ld- CGRF have been duly complied with by the Answering Respondent by way of issuance of multiple communications to the RWA for taking corrective actions. As such, no action is liable to be initiated as against the Answering Respondents herein.

#### PRAYER

In view of the facts and circumstances mentioned hereinabove, it is most respectfully prayed that this Hon'ble Commission may kindly:

- A. Take note of the fact that Answering Respondents-DHBVN has complied with the directions passed by the Ld. CGRF vide Order dated 08.09.2025; AND
  - B. Not impose any penalty or cost upon the Answering Respondents, AND/ OR
  - C. Pass any other or further order(s) as may be deemed fit and proper in the facts and circumstances of the case, in the interest of justice.
5. The case was heard on 07/04/2026, The concerned SDO and XEN as well as President and Secretary RWA were present in the court. The counsel for respondents-DHBVN submitted reply in support of the absence of the XEN during last hearing and requested for waiver of the cost imposed. The Commission called the President RWA and enquired about the latest status of the case. Ms. Kirti Singh apprised that RWA has taken over the operations in Dec. 2024, there are 1100 flats in the society. The petitioners are defaulters and were not paying the society dues. Sh. Ankur Gupta deposited the outstanding amount just before filing the present petition. She raised her concern over the non-payment of dues by defaulters which is resulting into accumulation of pending payments of electricity, garbage collectors and other services. The counsel for the respondent RWA submitted that the petitioners have filed fifteen odd litigations in various forums with sole objective to jeopardise smooth functioning of RWA. He further requested for waiver of the cost imposed on the representatives of respondent-RWA. The Commission noted with concern the submissions of respondents RWA and observes that such type of litigations are initiated only by the defaulters. The RWA cannot function without financial and moral support of the residents of society. Acceding to request of the parties, The Commission, decides to waive off the cost of Rs. 25,000/- imposed on all the respondents. The Commission adjourns the matter and directs respondent- RWA to submit reply with in two (2) weeks with all supporting documents including copy of agreement with residents and the petitioner may submit its rejoinder, if any, within one week thereafter with advance copies to each other.

**Commission's Order:**

1. The case was heard on 14/05/2026 as scheduled in the court room of the Commission. To the query of the Commission, the petitioner submitted that the problem has cropped up after increase of maintenance charges by RWA. He further submitted that the electricity charges should not be clubbed with maintenance charges.
2. The Commission noted with concern that only few people out of 1100 residential units are aggrieved with the rules and regulations of RWA. How the RWA will recover maintenance charges without any forcing tools. The civil matters are being produced before the Commission in guise of electricity supply and billing problems.
3. The primary issue raised is the illegal clubbing of non-electricity charges, specifically Common Area Maintenance (CAM) and Common Area Electricity (CAE), with grid electricity charges via pre-paid smart meters. The petitioners asserted that the RWA issued a notice on 31/07/2025, confirming the continued collection of these charges through meters despite prior regulatory prohibitions. Legally, this practice is contested under Regulation HERC/49/2020, specifically Section 5.3, which mandates that individual consumers in Group Housing Societies be treated at par with the distribution licensee's other consumers, and Section 6.6(b), which grants residents the right to file complaints if charged rates are higher than the domestic supply tariff. Furthermore, the petitioners cite an order from this Commission dated 16/01/2019, in Case No. HERC/PRO-38 of 2018, which categorically held that electricity supply should not be disconnected for non-payment of non-discom charges like maintenance or backup supply.
4. A secondary issue raised in the petition is the alleged tampering of pre-paid electricity meters. The petitioners contended that the RWA inserted unauthorized codes to manipulate billing, which they argued constitutes theft and interference with licensee equipment under Sections 135(1)(c) and 138(1)(d) of the Electricity Act, 2003. These sections carry penalties of imprisonment up to three years and fines up to ₹10,000. Additionally, the petitioners cited the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, to argue that a "meter" is strictly defined as a device for recording electricity conveyance and its use for other charges is ultra vires. In their reply, the DHBVN respondents, denied these allegations of tampering, stating that no documentary evidence or internal billing records were produced by the petitioners to substantiate

such claims. The DHBVN further clarified that the society operates under a single-point supply system with the connection registered to the builder, M/s Reliable Realtech Pvt. Ltd., and that individual downstream billing and infrastructure maintenance are the sole responsibility of the Developer/RWA.

5. Regarding the non-compliance with the CGRF order dated 08/09/2025, which directed to stop clubbing CAM charges and the implementation of the Unified Billing Portal, the DHBVN asserted that they had made multiple attempts to enforce compliance, including letters to the RWA dated 22/08/2025, and subsequent memos on 04/09/2025, 30/10/2025, 17/12/2025, and 02/01/2026 (Memo No. 4310), explicitly directing the RWA to delink CAM charges and cease coercive disconnections. The DHBVN argued that under Section 142 of the Electricity Act, 2003, any penalty requires proof of *mens rea* or "wilful disobedience," citing Supreme Court precedents such as *Ashok Paper Kamgar Union v. Dharam Godha* (2003) and *Ram Kishan v. Tarun Bajaj* (2014) to establish that their proactive notices demonstrate bona fide conduct rather than contempt. Conversely, the RWA, in the hearing on 07/04/2026, characterized the petitioners as defaulters who have filed numerous litigations to jeopardize the society's functioning.
6. The Commission observes that while the allegations of criminal tampering under Section 135 lack the necessary documentary proof at this stage, there is a clear and persistent violation of the HERC Single Point Supply Regulations and the specific directive of the CGRF dated 08/09/2025. The practice of recovering CAM through electricity meters is a tool for coercive recovery that violates the fundamental rights of consumers to an uninterrupted essential service so long as energy charges are paid. The defense that the RWA is struggling with defaulters does not permit them to bypass the statutory framework of the Electricity Act.

Therefore, this Commission decides the petition on the following lines:

- i. The RWA and the Developer are directed to immediately de-couple all non-electricity charges, including Common Area Maintenance (CAM) and Common Area Electricity (CAE), from the pre-paid electricity meters and ensure that billing is conducted solely through the DHBVN-mandated Unified Billing Portal as per Sale Circular No. D-23/2022.
- ii. The RWA must cease all threats or actual disconnections of electricity supply for the non-payment of CAM or other ancillary dues, as such actions are in direct violation of the HERC order in PRO-38 of 2018.

- iii. The SDO is directed to conduct a final inspection within thirty days to verify the cessation of clubbed billing and submit a compliance report to this Commission;
- iv. The petitioners are directed to settle all legitimate electricity consumption dues promptly, while the RWA is at liberty to pursue the recovery of CAM and other service charges through appropriate civil remedies or under the Haryana Registration and Regulations of Societies Act, 2012, rather than through the manipulation of electricity supply.
- v. Finally, the request for legal costs and refund of excess charges is denied.
- vi. The petitioners are directed to submit their grievances before appropriate forum instead of linking matter with Electricity Act or Regulations.

7. The petition is disposed of, in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 26/05/2026.

<b>Date: 26/05/2026</b>	-Sd/-	-Sd/-	-Sd/-
<b>Place: Panchkula</b>	<b>(Shiv Kumar)</b>	<b>(Mukesh Garg)</b>	<b>(Nand Lal Sharma)</b>
	<b>Member</b>	<b>Member</b>	<b>Chairman</b>