



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109

Telephone No. 0172-2572299

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(Regd. Post)

Appeal No. : 44 of 2025
Registered on : 17.11.2025
Date of Order : 15.05.2026

In the matter of:

Appeal against the order dated 09.10.2025 passed by CGRF, DHBVN Gurugram in case No 4921/2025

M/S Irene Apartment Owners Association, Paras Irene, Sector-70A, Gurugram.

Appellant

Versus

1. The XEN/OP Divn., Badshahpur, DHBVN, Gurugram, Haryana
2. SDO/OP, Sub Division, Badshahpur, DHBVN, Gurugram, Haryana

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Mukut Vashista

Shri Kartikay Gupta

Present on behalf of Respondents:

Shri Sunil Saini, SDO

Shri Raghav Kakkar, Advocate

Shri Shivpartap Thakur, Advocate

ORDER

A. M/S Irene Apartment Owners Association, Paras Irene, Sector-70A, Gurugram has filed an appeal against the order dated 09.10.2025 passed by CGRF, DHBVN, Gurugram in case no. 4921 of 2025. The appellant has submitted as under: -

Respectfully, it is submitted that we, M/S Irene Apartment Owners Association, filed a complaint in the Corporate Consumer Redressal Forum (C.C.R.F.), Gurugram, which has been duly registered vide Memo No. 189/CGRF/GGN Forum-4921/GGN/2025, dated 07.07.2025. The complaint was primarily on the issue of:-

1. Change In the Name of Association:- Irene Apartment Owners Association – Paras Irene Sector 70-A, Gurugram.
2. Allow the benefit of the Slab System on the basis of the occupancy of the flats.
3. To update the data of the occupancy of flats in their future billing for affording the necessary benefit of slab tariff system

The forum has passed the order vide order dated 09.10.2025 (Copy Enclosed)

The perusal of the order will reveal that the forum has failed to adjudicate on the issues raised in our complaint. :-

1. That, the benefit of the slab system on the basis of correct occupancy of the condominium was prayed to be credited to our electricity bill account. The calculation sheet as worked out by us, will indicate that an account of Rs. 63,09,285/- was payable. However, during the hearing, the reply submitted by the

S.D.O. Operation Sub-Division, Badshahpur, it will be gathered that no validation of the refundable amount as per our petition was supplied by him. His office, rather than explicitly concurring the amount of refund, intermingled it with chargeable amount on account of commercial load of the condominium.

2. The same was contested in our rejoinder submitted vide Memo No. dated 22.08.2025 as evident in the proceeding held on 25.08.2025.
3. The Hon'ble Ombudsman may kindly look at the proceedings held on 09.09.2025 held in the forum, wherein the reply of the S.D.O was found not proper and it was directed that the calculation of the amount to be recovered/adjusted/payable by the complainant be submitted to the petitioner.
4. Vide our reply dated 23.09.2025, we have reiterated that the amount of refund vis-à-vis the chargeable be provided separately and also raised objection on the figures of the total domestic load vis-à-vis the commercial load considered on the condominium. Detailed calculation on the basis of which we raised our objection was also narrated there in, along with the copy of the load calculation sheet provided at the time of sanctioned of the load.
5. That the forum passed the order with the plea that, reply of the S.D.O was forwarded to the complainant and absence of the rejoinder issued the order without taking cognizance of the fact that, it was pleaded that our rejoinder to the reply to the S.D.O stands as conveyed in our reply dated 23.09.2025 and the respondent has failed to comply with the direction passed in the interim order to supply the details of the chargeable/refundable separately.

On Merit of this case it is submitted that in the original petition prayer was made to: -

1. Direct the respondent to comply with the direction issued vide Sales Circular No. D17/2020 in terms of the HERC Regulations dated 22.04.2020, and as such, the connection may be changed in the name of the association (Irene Apartment Owners Association- Paras Irene, Sector 70-A, Gurugram).
2. Allow the benefit of slab system on the basis of the occupancy of the flats as per the details. (Copy of the details of the refund amount attached)
3. Direct the respondent to update the data of the occupancy of the condominium in their future billing for affording the necessary benefit of slab system.
4. Pass any other order which this Hon'ble Forum deems fit and proper on the facts and circumstances of the case in favour of Complainant in the interest of justice.

That it is worthwhile to say that the period of dispute in question was 01.08.2022 To 01.05.2025 and that too for proper billing of the dwelling units (which were wrongly incorporated by the sub-division by omitting the correct figure of 456 dwelling units, which were being taken into account before 01.08.2022)

- That, instead of resolving the dispute in question, the respondent has deliberately intermingled it with the amount chargeable on the basis of the commercial load of the condominium. Ideally the respondent should have raised separate bill/sundry

item for charges payable on account of commercial load, but since this amount is payable as per the regulation, we did not object and rather made a prayer only to the extent that amount as refundable submitted in the original petition be validated and the chargeable amount be indicated separately.

- As, this new issue of the amount chargeable on the basis of the commercial load of the condominium, we raised our objection on the calculation made for calculating the total domestic load vis-à-vis, commercial load.

Vide our rejoinder dated 23.09.2025, we submitted that detailed calculation for working out the figures of domestic load as well as commercial load for calculating the chargeable amount.

The reply of the S.D.O vide this memo no. 2126, dt. 25.09.2025, submitted during the hearing of 26.09.25, stating the apartment load as per LL-1 no. 21/15500, Copy Enclosed. “ 1776.91 This figure is astonishing ” as this is only a derived figure and not as per the physical load of the flats. Ideally, the load of the domestic flat should have been checked physically as incase of commercial load or at least the load as per the sanctioned Memo at the time of release of connection should be have been taken. This same was pleaded in the hearing on 26.09.2025 and also specifically stated that our rejoinder of the reply of the S.D.O be considered as pointed out in our letter dated 23.09.2025.

The order of the forum will reveal that it has observed while passing the order that reply submitted by the S.D.O “ Rs. 13,56,386/- is found refundable but according to revised sheet prepared amount of Rs. 20,32,614/- is chargeable for the period 26.11.2020 to 01.08.2022, so differential amount of Rs. 6,76,228/- is found chargeable in consumer account is correct. The Forum has directed the S.D.O of Rs. 6,76,228/- amount be recovered from the consumer.

It is evident from the order of the forum it has gone beyond the jurisdiction of adjudicating upon the issue of non-providing of tariff slab benefit as well as period of dispute in question raised in our petition. Also, they have entirely relied upon the S.D.O's Figure of chargeable amount without taking into account the load of domestic & non-domestic properly.

The petitioner also needs to highlight the issue of wrong billing again without following the direction of the order of the C.C.G.R.F (though the order of the C.G.R.F is being contested before the Hon'ble Ombudsman through this representation). As per the C.C.G.R.F order, they have allowed the office of S.D.O to charge a differential amount of Rs.. 6,76,228/- whereas in the bill dated 16.10.2025, an amount of Rs. 11,26,769.28/- has been shown as sundary charges debited to our account. No breakdown or justification for these charges has been provided in spite of the matter being taken up with his office. “ Copy of the bill along with the letter indicating the payment under protest with the request to supply the details to reconcile and check-

up the validity of the charged amount is attached. No reply has been furnished by the S.D.O Office till date ”.

Therefore, it is prayed that:-

1. To validate the amount refundable on account of the slab system for the period 01.08.2022 to 01.05.2025 and show it in the bill separately.
 2. Consider the Load of the commercial by working out properly, taking the domestic load of the flats either by physically checking or taking into account atleast the sanctioned load of the flats as per the load data sheet submitted at the time of release of connection.
 3. The amount chargeable on the basis of commercial load be indicated separately for the period 01.08.2022 to 01.05.2025 and 26.11.2020 to 31.07.2022. (Period Beyond dispute in petition)
 4. Direct the S.D.O Office to provide the justification of the amount of Rs.11,26,769.28/- so as to scrutinise the same at our end and contest the same if unjustified.
- B.** The appeal was registered on 17.11.2025 as an appeal No. 44 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 04.12.2025.
- C.** Hearing was held on 04.12.2026, as scheduled. Both the parties were present through Video Conferencing. At the very onset it was inquired by the Electricity Ombudsman the reason for non-filing of the reply. This the respondent counsel sought some time within an excuse that engagement letter for defending the instant case has recently being received. It is, therefore, directed herein under: -
1. The respondent will submit the point wise reply in the matter within a fortnight from the date of issue of the interim order.
 2. The appellant counsel will be given time period of a week to submit his rejoinder (if any).
- The case is adjourned and now will be heard on 02.01.2026.
- D.** On 16.12.2025, counsel of respondent has submitted reply, which is as under:
1. That, the present Reply is being filed by SDO Operation Dakshin Haryana Bijli Vitran Nigam, Gurugram (the “Respondent No. 1”) and The Executive Engineer Operation, DHBVN, City Division, Gurugram (the “Respondent No. 2”) having office at Badshahpur, Gurugram, (collectively the “Respondents”) to the Appeal filled before the Electricity Ombudsman Haryana bearing Appeal No. 44/2025 (the “Appeal”).
 2. That, it is most respectfully submitted that no averments, statements, submissions, grounds, contentions, or allegations made by the Appellant in the Appeal shall be admitted or deemed to be admitted for reason of non-traverse or otherwise save and except these are expressly admitted herein.

3. That, it is respectfully submitted that the present Appeal cannot be allowed in favour of the Appellant hereto (reasons for which are explained in detail hereunder) as the Appeal in itself, is devoid of any substance and merit and is made with the mala-fide intention to mislead, misguide and misrepresent this Hon'ble Ombudsman.
4. That, the Appellant has prayed to validate the amount refundable on account of the slab system for the period of August 01, 2022 to May 01, 2025 and consider the load of the commercial by working out properly, taking into the account at least the sanctioned load of the flats as per the load date sheet submitted at the time of release of connection and the amount chargeable on the basis of commercial load be indicated separately for the period August 01, 2022 to May 01, 2025 and November 26, 2020 to July 31, 2022 and direction for the justification of amount of Rs. 11,26,769.28/- so as to scrutinise the same at our end and contest the same if justified.
5. That, as directed in the Order dated December 04, 2025 Respondent was directed to file a point wise reply:
 - A. TO VALIDATE THE AMOUNT REFUNDABLE ON ACCOUNT OF THE SLAB SYSTEM FOR THE PERIOD AUGUST 01, 2022 TO MAY 01, 2025.
6. That, the Respondents have already given the benefit of the rebate slab as per the Sales circular dated D-17 of 2020 for the period between August 01, 2022 to May 01, 2025. Further, as per Clause 6.4 of the Sales Circular the Appellant is eligible for 5% of rebate. The relevant extract of the Sales Circular is reproduced hereunder:

“6.4 Billing of Single Point Supply

For the purpose of billing of Single Point Supply the energy consumption and combined maximum demand of Employer Colony/GHS/Residential -cum-commercial Complex/ Commercial complex will be recorded by Single Point Supply meter. A rebate of 4% in case of supply at 11 kV and 5% in case of supply at higher voltage in the energy consumption will be admissible to cover the expenses that may be incurred by the GHS/ Employer in meeting their obligations such as individual Metering, Billing, Collection of charges from individual Residents/Users etc.”

The Respondents have duly maintained the record of billing done for the period between August 01, 2022 to May 01, 2025 to the Appellants in the present matter. A table containing data of billing showing 5% rebate given to the Appellant is shown hereunder:

SR NO	Month	Year	OLD READING DATE	NEW READING DATE	Unit KWH	in	EC after rebate KWH (Ect)	Total Amt. Billed	Diff of amt.
1	JUN	2025	01/05/2025	01/06/2025	378990		360041	2777575	-28934
2	MAY	2025	01/04/2025	01/05/2025	297203		282342	2009243	170291
3	APR	2025	01/03/2025	01/04/2025	176153		167345	1188015	-12417
4	MAR	2025	01/02/2025	01/03/2025	155115		147359	1052435	-10034
5	FEB	2025	01/01/2025	01/02/2025	238230		226319	1612931	-45027
6	JAN	2025	01/12/2024	01/01/2025	190935		181388	1252196	21766
7	DEC	2024	01/11/2024	01/12/2024	185063		175809	1213682	14343

8	NOV	2024	01/10/2024	01/11/2024	289418	274947	1898067	-14660
9	OCT	2024	01/09/2024	01/10/2024	291938	277341	1975921	-75145
10	SEP	2024	01/08/2024	01/09/2024	313244	297582	2117698	-83286
11	AUG	2024	01/07/2024	01/08/2024	91485.9	86912	587955	107740
12	JUL	2024	01/06/2024	01/07/2024	460283	437268	3102581	-160177
13	JUN	2024	02/05/2024	01/06/2024	424080	402876	2859282	-141751
14	MAY	2024	01/04/2024	02/05/2024	255128	242371	1723833	-53274
15	APR	2024	01/03/2024	01/04/2024	164048	155845	1108961	-6532
16	MAR	2024	01/02/2024	01/03/2024	120263	114249	826831	9079
17	FEB	2024	01/01/2024	01/02/2024	280553	266525	1891989	-65837
18	JAN	2024	01/12/2023	01/01/2024	175500	166725	1188227	-12704
19	DEC	2023	01/11/2023	01/12/2023	151853	144261	1025588	-2632
20	NOV	2023	01/10/2023	01/11/2023	233032	221380	1578008	-42377
21	OCT	2023	01/09/2023	01/10/2023	332168	315560	2240006	-94725
22	SEP	2023	01/08/2023	01/09/2023	363352	345184	2449060	-108033
23	AUG	2023	01/07/2023	01/08/2023	363037	344885	2475132	-133363
24	JUL	2023	01/06/2023	01/07/2023	321323	305257	2194362	-109597
25	JUN	2023	01/05/2023	01/06/2023	278235	264323	1911035	-83732
26	MAY	2023	01/04/2023	01/05/2023	206618	196287	1416860	-44367
27	APR	2023	01/03/2023	01/04/2023	154440	146718	985124	-4643
28	MAR	2023	01/02/2023	01/03/2023	146204	138894	936801	-15087
29	FEB	2023	01/01/2023	01/02/2023	238186	226277	1520631	-60435
30	JAN	2023	01/12/2022	01/01/2023	175185	166426	1122954	-24529
31	DEC	2022	01/11/2022	01/12/2022	149243	141781	949119	-10860
32	NOV	2022	01/08/2022	01/11/2022	815197	774437	5153226	-235443
								-1356386

A copy of record of billing done for the period between August 01, 2022 to May 01, 2025 is annexed hereto and marked to as Annexure R-1.

THE RESPONDENTS HAVE UPDATED NAME AND DATA OF APPELLANTS IN THEIR BILLING SYSTEM

7. That, the Respondents have already resolved all the issues raised by the Appellants before the CGRF. The issues raised by the Appellant before the CGRF is reproduced hereunder:

- “1. Change In the Name of Association:- Irene Apartment Owners Association - Paras Irene Sector 70-A, Gurugram.
2. Allow the benefit of the Slab System on the basis of the occupancy of the flats.
3. To update the data of the occupancy of flats in their future billing for affording the necessary benefit of slab tariff system”

8. That, with regard to the issue no. 1 and 3, the Respondents have raised the electricity bill dated December 15, 2025, wherein both the issues raised by the Appellant have been resolved which can be clearly seen from the bill dated December 15, 2025 shown hereunder:

										Account No: 2764133111									
Name: IRENE APARTMENT OWNERS ASSOCIATION										Account No: 2764133111					Net Payable Amount on or before Due Date (₹): 1217913.00				
Address: P LTD C/O CLASSIC INFRA SOLUTION SEC-70 A, Badshahpur, HR, IND										Old Acct No: 12661HTUBPH0231					Due Date: 26/12/2025				
										K No: G22BPH0231					Surcharge(₹): 17708.00				
Circle : GURUGRAM CIRCLE-2					Cycle/Group: HJZMHTU					Issue Date: 15/12/2025					Gross Amount Payable After Due Date(₹): 1235621.00				
Division: Badshahpur					Bill Month: DEC/2025					Bill No: 276412367406									
Sub Division: Badshahpur					Net Payable Amount in words: Twelve Lakh Seventeen Thousand Nine Hundred Thirteen Rupees Only														
User Id: rptorus Generated On: 17-12-2025 04:53:56																			
Meter and Read Details (* Latest MCO is shown in case of multiple MCO in one billing cycle)																			
Meter No.	Meter Reading Date		Period Days	MDI	Unit	Meter Reading		M.F.	Consumed Units	Billed Units	Bill Basis	Read Rmrk	Mtr Sls						
	Old	New				Old	New												
HRT90603	01/11/2025	01/12/2025	30	391.50 (KW)	kWh	319945	323702.5	45	169087.5	160633.125	OK	OK	A						
Arrears Outstanding for the Financial Year (₹)					Slab Calculation					Connection Details									
Description	Previous	Current	Total (₹)	Unit	Rate	Amount (₹)													
SOP Charges	0.00	0.00	0.00	160633.1	5.800	931672.15													
F.S.A	0.00	0.00	0.00	3															
Surcharge	0.00	0.00	0.00	Total			931672.15												
E. Duty	0.00	0.00	0.00	Applicable Tariff on Read Date:															
M. Tax	0.00	0.16	0.16	Connection Details															
Fixed Charges	0.00	0.00	0.00	Tariff Category: BLD/S Flats in BS (DS): 456 Supply Voltage(kV): 33.00 kV Sanctioned Load (KWKVA): 3032.00/															
Excess Credit	0.00	0.00	0.00	MMC(₹): 0.00 Security Deposit: 2274000.01 DOC/DCE: 27/11/2020/															
Total Arrear	0.00	0.16	0.16	Meter Ownership/MDI Meter: Nigam Meter/ Meter Make/Meter Type: Secure Meter Ltd./HT-MTR															
Details of Charges for Current Cycle				Details of Amount Payable				Last Payment Details											
Description	Amount (₹)	Description	Amount (₹)	Amount(₹)	Amount(₹)	Amount(₹)	Amount(₹)	Receipt No	1487632.00										
Fixed Charges	57994.50	Current Cycle Charges	1102530.81	Receipt No	276413328635	Receipt Date	26/11/2025	Mode of Payment	Payment via Internet										
Energy Charges	931672.15	Arrears/Outstanding Dues	0.16	Previous Consumption Pattern															
MMC/FC for Reconnection	0.00	Sundry Charges/Allowances	115382.00/0.00	Bill month	Units (KWH)	Units (KVAH)	MDI	Status											
Amount to cover MMC	0.00	Provisional Adjustment(BR Adj)	0.00	May-2025	297202.5	0	746.1	OK											
PPAS	75497.57	LPS Adjustment	0.00	Jun-2025	378990	0	930.6	OK											
TDS/TCS	0.00/0.00	Adv. Security Deposit Am't./Non Energy chrg	0.00	Aug-2025	316957.5	0	838.8	OK											
Excess Load Surcharge	0.00	Net Payable Amount On Or Before Due Date(₹)	1217913.00	Sep-2025	340560	0	747	OK											
Capacitor Surcharge	0.00	Surcharge(₹)	17708.00	Oct-2025	343417.5	0	818.1	OK											
MSC/Green Energy Premium	0.00/0.00	Gross Amount Payable After Due Date(₹)	1235621.00	Nov-2025	224707.5	0	648	OK											
Line Service Charges	0.00	Brief details of Sundry charges /allowances			PAN / TAN : /														
Capacitor Service Charges	0.00	11211 RowID-5019077 SOP ()			Date from which bill other than "OK" is being issued:														
Solar Rebate /Prepaid Rebate/Gaushala Rebate	0.00/0.00/0.00				Reason:														
Govt. Subsidy/Battery Rbt	0.00/0.00																		
Electricity Duty	16063.31																		
Municipal Tax / P Tax	21303.28																		
Total Current Cycle Charges (₹)	1102530.81																		
DD to be drawn in favour of										SDO Badshahpur, DHEVN, BADSHAHPUR									
Important Information for consumers:																			
Payment of this bill can be made online by logging on the Website:www.dhevn.org.in at any time and at office counter on all working days during working hours i.e. 09:00AM to 05:00PM.										This Bill is considered as a notice under section 55 of The Electricity Act 2003. Kindly pay the bill by due date. In case of default the connection is liable to be disconnected after 15 days of due date. The interest accrued on security deposit during the year shall be paid in bill of ensuing financial year. The security deposit shall be returned based on previous year consumption on annual basis. This bill does not confer any rights of ownership on the property where this connection exists. T&C shall apply.									
Address and Telephone Number(s) of the authorities relating to consumers grievances																			
Grievance pertaining to this bill can be lodged with			Address & Telephone number(s) of the							For all types of complaints/billing information call at:									
Assistant General Manager Operation - Badshahpur			Consumer Grievance Redressal Forum				Ombudsman			18001804334 / 1912 (Toll Free)									
			HETRI HOUSE,GURUGRAM				HERC, Sec-4, Bays No. 33-36, Panchkula, Haryana Email ID : eo@nic.in Contact No. - +91(172)2572209 WhatsApp No:-			1800 180 2124 (Vigilance Toll Free)									

A copy of bill dated December 15, 2025 is annexed hereto and marked to as Annexure R-2.

THE RESPONDENTS HAVE RAISED THE RECOVERY AMOUNT DUE FROM THE APPELLANT AS PER THE AUDIT REPORT

9. That, as Per the Calculation sheet vide memo no. 1498 dated August 07, 2025 considering the following data:

1. No. of Dwelling Units- 456
2. Commercial Load- 206.22 Kw
3. Common Load- 595. 65 Kw
4. Period- August 01, 2022 to June 01, 2025

Calculation made as per the aforementioned data, and the Audit team prepared a half margin for charging as per the Sales Circular D-17/2020, revised sheet found Rs. 13,56,386/- refundable to the Consumer.

10. Thereafter, a checking was carried out by the Vigilance wing of the Respondents in the presence of the Estate manager Mr. O.P. Narang (representative of Resident

Welfare Association) vide LL-1 No 21/25500 on May 27, 2025 from 5:00 PM – 5:45 PM. As per the LL-1 Checking Report several inconsistencies were found in the load declared by the Builder and the Load as per the LL-1 No. 21/25500, the tabular representation of the discrepancies is as follows:

S. no.	Description	As per load Data Sheet	As per LL-1 No. 21/25500
A	Bulk Domestic Load		
1	Apartment Load	2552	1776.91
2	Lifts	210	257.4
3	Plumbing & Fire Fighting	44.5	165.98
4	Water Pump	0	29.84
	Total	2806.5	2230.13
B	Common Facility Load		
1	Common area Lighting	45	11.29
2	Basement Lighting	51	
3	Basement Ventilation	103	537
4	External Lighting	15	
5	STP		47.36
	Total	214	595.65
C	NDS/ Commercial Load		
1	Club	48	
2	Shopping Area	19.2	42
3	VRV		135
4	GYM		4.47
5	Pool		4.47
6	Fan		0.3
7	Induc		1.5
8	Fountain		2.98
9	Computer		0.5
10	EV Charging		15
	Total	67.2	206.22
D	Total Load	3087.7	3032
E	No. of Dwelling units	456	456

A copy of the LL-1 Checking Report bearing No. LL-1 No 21/25500 dated May 27, 2025 is Annexed hereto and marked as Annexure R-3.

11. That, as per the revised sheet prepared by DHBVN, an amount of Rs. 13,56,386/- was found to be refundable to the Appellant, whereas an amount of Rs. 20,32,614/- was found to be chargeable for the period from November 26, 2020 to August 01, 2022. Consequently, after adjustment, the net amount found chargeable in Account No. 276133111 is Rs. 6,76,228/-. A copy of Audit report dated August 08, 2025, carried out by the Respondents in compliance of HERC Regulations sales circular D-17 of 2020 is annexed hereto and marked as Annexure R-4.

12. That, the Amount Chargeable on the Basis of Commercial Load is indicated Separately for the period of August 01, 2022 to May 01, 2025 and November 26, 2020 to July 31, 2022. The Respondents have duly maintained the data of billing done to the Appellants. A calculation sheet of the same period is annexed hereto and marked as Annexure R-5.

B. THE AMOUNT OF RS. 11, 26,769.28 HAS BEEN RAISED DUE TO THE DIFFERENCE IN CONSUMPTION OF SWITCHING END METER

That, the Current Transformer (CT) and Potential Transformer (PT) of the Appellant was damaged on February 02, 2024 and Fault was detected by the M&P Team of the Respondents vide checking report bearing no. 28/1967 dated February 09, 2024. Consequently, an amount of Rs. 1126769/- has been charged upon the Appellant due to difference in consumption of switching end meter. A copy of Checking report bearing no. 28/1967 dated February 09, 2024 along with justification report is annexed hereto and marked as Annexure R-6.

REPLY TO PRAYER:

In the light of the aforementioned facts and objections this Hon'ble Commission may be please to:

- a. Dismiss the Appeal of Appellant as it is devoid of any merit and has been filed only to usurp the public money.
- b. Pass any Order in the interest of justice.

E. On 24.12.2025, counsel of appellant has submitted rejoinder on the reply filed by SDO Operations Sub-Division, Badshahpur (Respondent) in the Appeal no. 44 of 2025 before The Electricity Ombudsman, Haryana which is as under:-

The reply of the respondent is ambiguous and does not redress the prayer made in the appeal by the petitioner. The point-wise reply as furnished by the respondent will reveal that: -

1. That, the respondent has supplied a copy of the billing done for the period August 01, 2022, to May 01, 2025 showing that they have already allowed a rebate of 5% in the billing on account of the supply being run on 33 KV Voltage level. This has never been a cause/issue for which the petition was before the C.G.R.F or in the appeal before the Hon'ble Ombudsman.
 - o The Prayer was made to provide the benefit of the slab system on the basis of correct occupancy of the condominium.
 - o As per our calculation sheet before the C.G.R.F., an amount of Rs. 63,09,285/- was due to us on the basis of correct occupancy of 456 dwelling units. It is prayed again that the respondent be asked to validate this claim rather than intermingling with some chargeable amount, the basis of which is under contest before the C.G.R.F, as well as now through appeal before the office of Ombudsman.

2. That the respondent has stated that they have updated their connection details, incorporating the correct figure of dwelling units, but the main issue of billing based on the figures of the domestic load vis-à-vis commercial load is still not resolved and is the burning issue before the Hon'ble Ombudsman to adjudicate upon this issue for which submission is made as under for the consideration of your good self:
 - The respondent has claimed that, the apparent load as per LL-1 No. 21/25500 was found to be 1776.91 K.W. The bare perusal of the photocopy of the LL-1 checking report carried out 27.05.2025 will negate the stand taken by the respondent. No checking of domestic load of dwelling unit was ever carried out.
 - The issue is being raised vehemently and is the moot point of contention which inter-alia will decide the amount of the charges to be levied on account of N.D.S
 - Therefore, the respondent be asked to re-calculate the load to be cover under domestic category vis-à-vis, non-domestic category by physical checking of the load of the dwelling units.
3. That, the details of the amount of Rs. 11,26,769.28/- charged, which otherwise invariably should be supplied along with the bill to provide clarity so as to verify the authenticity and make payment accordingly has been submitted by the respondent and noted.

Prayer:-

1. To re-work the load to be taken under the domestic category vis-à-vis the commercial category by physical checking of the load of the dwelling units.
 2. To recalculate the amount changeable on the basis of the load to be considered under the non-domestic category, and rebate on account of the slab system separately.
 3. Any other relief as deemed fit by the Hon'ble Ombudsman on the merits of the case.
- F.** The hearing in this matter was held on 02.01.2026 as scheduled, with both parties appearing through video conferencing. The appellant seeks validation of the refundable amount under the slab system for the period from 01.08.2022 to 01.05.2025, based on an occupancy of 456 dwelling units; re-calculation of domestic versus non-domestic load through physical verification; rebate on 33 KV supply voltage; and clarification on charged amounts.

The respondents, in their reply dated 16.12.2025, have contested the appeal, stating that a 5% rebate on 33 KV supply has already been granted, connection details updated, and an audit conducted in compliance with HERC Sales Circular No. D-17/2020, resulting in a demand of Rs. 11,26,769.28, supported by billing records, LL-1 checking report, and calculation sheets.

In rejoinder dated 23.12.2025, the appellant has reiterated that the reply is ambiguous, fails to address the prayers, and emphasized validation of the claim for Rs. 63,09,285 based on 456 dwelling units, load re-calculation, physical verification, while disputing the LL-1 report and charged amounts.

Upon perusal of the appeal, reply, rejoinder, and annexed documents—including the HERC Single Point Supply Regulations, 2020 (Sales Circular No. D-17/2020)—the core issues pertain to verification of occupancy, slab entitlements, load categorization (domestic vs. non-domestic), and rebate claims.

During the hearing today via video conferencing, the Electricity Ombudsman directed incorporation of specific aspects into the interim directions, as outlined below, to ensure expeditious and equitable resolution.

Interim Directions:

1. The respondents, particularly the SDO/OP, Sub Division, Badshahpur (Respondent No. 2), shall proceed as follows in a step-by-step manner to re-evaluate the appellant's claims:
 - a. Upon receipt of the detailed records from the appellant (as per Direction No. 3 below), conduct a thorough verification of the total number of dwelling units/occupants and their respective payment modes for the period 01.08.2022 to 01.05.2025, cross-referencing with existing billing records and the LL-1 checking report.
 - b. Re-assess the entitlement to rebates on 33 KV supply voltage, confirming whether the 5% rebate already granted is adequate or if further adjustments are required.
 - c. Re-calculate the total load and billing for the period August 01, 2022, to May 01, 2025, excluding NDS consumption from total units receipt after rebate as per Sales Circular No. D-17/2020. It may also be ensured that the charging of NDS load in respect of EV charging should be made applicable from the date the EV charging station became operation for which the necessary documents shall be furnished by the appellant.
 - d. Include validation of the appellant's claim of Rs. 63,09,285 and separate rebate application under the slab system/- (if payable).
 - e. Based on the verified occupancy (excluding the 84 EWS flats as per the appellant's undertaking in Direction No. 3), re-calculate the slab benefits under the HERC Single Point Supply Regulations, 2020 (Sales Circular No. D-17/2020), determining the applicable units per dwelling unit and any refundable amounts due.

f. Compile a comprehensive re-evaluation report incorporating the above steps, including revised calculations, supporting documents, and rationale for any adjustments to the charged amounts (including the disputed demand of Rs. 11,26,769.28).

A compliance/action taken report, along with the re-evaluation report, shall be submitted to this office within 21 days from the date of this order.

2. The SDO/OP, Sub Division, Badshahpur (Respondent No. 2), shall furnish a detailed calculation sheet explaining the basis for the half-margin demand of Rs. 6,76,228, as raised vide Half Margin No. 62/226 bearing Memo No. 140 dated 08.08.2025, computed per HERC Sales Circular No. D-17/2020.
3. Prepare a certified ledger of the connection from the date of commissioning to date, duly audited by the DHBVN auditing wing, and submit it within 28 days.
4. The appellant shall provide detailed records of all consumers billed for residents of Irene Society, including a list of dwelling units/occupants, billing details, and payment modes (e.g., cash, cheque, online transfer) for the period 01.08.2022 to 01.05.2025.

These records shall be furnished to the respondents with a copy to this office within 07 days from the date of this order, to facilitate verification of total occupants and payment modes. Additionally, the appellant shall submit an undertaking affirming that the 84 EWS flats shall not be pursued at any forum or level in the future for availing rebates in the per-dwelling-unit calculations.

The matter shall be listed for further hearing on 30.01.2026.

- G.** On 06.02.2022026, counsel of respondent has submitted compliance of order dated 02.01.2026 which is as under:-

MOST RESPECTFULLY SHOWETH:

1. That, the present Reply is being filed by SDO Operation Dakshin Haryana Bijli Vitran Nigam, Gurugram (the "Respondent No. 1") and The Executive Engineer Operation, DHBVN, City Division, Gurugram (the "Respondent No. 2") having office at Badshahpur, Gurugram, (collectively the "Respondents") to the Appeal filed before the Electricity Ombudsman Haryana bearing Appeal No.44/2025 (the "Appeal").
2. That, this Hon'ble Commission vide Order dated January 02, 2026 had passed interim directions to the parties for adjudicating the present matter. The relevant extract of the Order is reproduced hereunder:

"Interim Directions:

1. The respondents, particularly the SDO/OP, Sub Division, Badshahpur (Respondent No. 2), shall proceed as follows in a step-by-step manner to re-evaluate the appellant's claims:
 - a. Upon receipt of the detailed records from the appellant (as per Direction No. 3 below), conduct a thorough verification of the total number of dwelling units/occupants and their respective payment modes for the period 01.08.2022 to 01.05.2025, cross-referencing with existing billing records and the LL-1 checking report.
 - b. Re-assess the entitlement to rebates on 33 KV supply voltage, confirming whether the 5% rebate already granted is adequate or if further adjustments are required.
 - c. Re-calculate the total load and billing for the period August 01, 2022, to May 01, 2025, excluding NDS consumption from total units receipt after rebate as per Sales Circular No. D-17/2020. It may also be ensured that the charging of NDS load in respect of EV charging should be made applicable from the date the EV charging station became operation for which the necessary documents shall be furnished by the appellant.
 - d. Include validation of the appellant's claim of Rs. 63,09,285 and separate rebate application under the slab system/- (if payable).
 - e. Based on the verified occupancy (excluding the 84 EWS flats as per the appellant's undertaking in Direction No. 3), re-calculate the slab benefits under the HERC Single Point Supply Regulations, 2020 (Sales Circular No. D-17/2020), determining the applicable units per dwelling unit and any refundable amounts due...

A compliance/action taken report, along with the re-evaluation report, shall be submitted to this office within 21 days from the date of this order.
2. The SDO/OP, Sub Division, Badshahpur (Respondent No. 2), shall furnish a detailed calculation sheet explaining the basis for the half-margin demand of Rs. 6,76,228, as raised vide Half Margin No. 62/226 bearing Memo No. 140 dated 08.08.2025, computed per HERC Sales Circular No. D-17/2020.
3. Prepare a certified ledger of the connection from the date of commissioning to date, duly audited by the DHBVN auditing wing, and submit it within 28 days.”**
3. That, the present reply is being filed in compliance of the Interim Order dated January 02, 2026 passed by the Hon'ble Commission, the point-wise reply is submitted as under:

At the outset, it is submitted that the matter has been examined in light of the applicable provisions of the HERC Single Point Supply Regulations, 2020 and Sales

Circular No. D-17/2020, along with the joint physical verification reports available on record.

- a) Submission of detailed records by the Appellant:** It is submitted that no detailed records/documents, as required for re-evaluation of claims, have been furnished by the appellant. And this office gave direction to the Appellant to provide the data vide memo. No. 3278 dated 08/01/2026, but applicant has not submitted data to this office. A copy of memo. No. 3278 dated 08/01/2026 is annexed as **Annexure R-1**.
- b) Rebate on 33 kV supply voltage:** It is submitted that a 5% rebate on 33 kV supply voltage has already been allowed to the Appellant as per applicable instructions. No further rebate is admissible by this office.
- c) EV charging load:** It is submitted that no documentary evidence regarding commissioning / operation date of the EV charging station has been received from the appellant. Even after directions were passed by this office vide memo no. 3278 dated 08/01/2026. But response of applicant has not been received in this office.
- d) Rebate under slab system:** The claim raised by the Appellant is not admissible as calculation has not been made as per Sales Circular No. D-17/2020.
- e) Basis of slab calculation:** The slab benefit calculation has been carried out strictly on the basis of 456 dwelling units, in accordance with Sales Circular No. D-17/2020.
- f) Charging on account of CT/PT bypass:** An amount of ₹11,26,769/- has been charged as per SJO No. 48/717 due to CT/PT bypass, in accordance with applicable provisions. The Current Transformer (CT) and Potential Transformer (PT) of the Appellant was damaged on February 02, 2024 and Fault was detected by the M&P Team of the Respondents vide checking report bearing no. 28/1967 dated February 09, 2024. Consequently, an amount of Rs. 11,26,769/- has been charged upon the Appellant due to difference in consumption of switching end meter.

Further, it is submitted that as per the Joint Physical Verification Report vide LL-18/27979 dated January 16, 2026, the connected load details of all 456 dwelling units are as under:

- Domestic Load : 2757.24 kW
- Common Load : 595.65 kW
- NDS Load : 206.22 kW
- **Total Connected Load : 3559.11 kW**

The Electrification plan of consumer approved by the DHBVN is 3032 KW, but as per physical checking load is found 3559.11 KW which is beyond the limit of Electrification plan, so as per Nigam Instruction domestic load is considered 2230.13 KW as per Electrification plan. So, calculation given by this office for chargeable amount / refundable amount is correct.

A copy of the Joint inspection report LL-18/27979 dated January 16, 2026 carried out in the presence of the manager along with the detailed load calculation sheet is annexed hereto and marked as **Annexure R-2**.

4. That, the Respondents have already given the benefit of the rebate slab as per the Sales circular dated D-17 of 2020 for the period between August 01, 2022 to May 01, 2025. Further, as per Clause 6.4 of the Sales Circular the Appellant is eligible for 5% of rebate. The relevant extract of the Sales Circular is reproduced hereunder:

“6.4 Billing of Single Point Supply

For the purpose of billing of Single Point Supply the energy consumption and combined maximum demand of Employer Colony/GHS/Residential-cum-commercial Complex/Commercial complex will be recorded by Single Point Supply meter. A rebate of 4% in case of supply at 11 kV and 5% in case of supply at higher voltage in the energy consumption will be admissible to cover the expenses that may be incurred by the GHS/Employer in meeting their obligations such as individual Metering, Billing, Collection of charges from individual Residents/Users etc.”

5. The Respondents have duly maintained the record of billing done for the period between August 01, 2022 to May 01, 2025 to the Appellants in the present matter. A table containing data of billing showing 5% rebate given to the Appellant is shown hereunder:

SR NO	Month	Year	OLD READING DATE	NEW READING DATE	Unit in KWH	EC after rebate KWH (Ect)	EC (BSDS) units KWH	Total Amt. Billed	Diff of amt.
1	JUN	2025	01/05/2025	01/06/2025	378990	360041	284714	2777575	-28934
2	MAY	2025	01/04/2025	01/05/2025	297203	282342	223272	2009243	170291
3	APR	2025	01/03/2025	01/04/2025	176153	167345	132334	1188015	-12417
4	MAR	2025	01/02/2025	01/03/2025	155115	147359	116529	1052435	-10034
5	FEB	2025	01/01/2025	01/02/2025	238230	226319	178969	1612931	-45027
6	JAN	2025	01/12/2024	01/01/2025	190935	181388	143439	1252196	21766
7	DEC	2024	01/11/2024	01/12/2024	185063	175809	139027	1213682	14343
8	NOV	2024	01/10/2024	01/11/2024	289418	274947	217424	1898067	-14660
9	OCT	2024	01/09/2024	01/10/2024	291938	277341	219317	1975921	-75145
10	SEP	2024	01/08/2024	01/09/2024	313244	297582	235323	2117698	-83286
11	AUG	2024	01/07/2024	01/08/2024	91485.9	86912	68728	587955	107740
12	JUL	2024	01/06/2024	01/07/2024	460283	437268	345785	3102581	-160177
13	JUN	2024	02/05/2024	01/06/2024	424080	402876	318588	2859282	-141751

14	MAY	2024	01/04/2024	02/05/2024	255128	242371	191663	1723833	-53274
15	APR	2024	01/03/2024	01/04/2024	164048	155845	123240	1108961	-6532
16	MAR	2024	01/02/2024	01/03/2024	120263	114249	90347	826831	9079
17	FEB	2024	01/01/2024	01/02/2024	280553	266525	210764	1891989	-65837
18	JAN	2024	01/12/2023	01/01/2024	175500	166725	131844	1188227	-12704
19	DEC	2023	01/11/2023	01/12/2023	151853	144261	114079	1025588	-2632
20	NOV	2023	01/10/2023	01/11/2023	233032	221380	175064	1578008	-42377
21	OCT	2023	01/09/2023	01/10/2023	332168	315560	249540	2240006	-94725
22	SEP	2023	01/08/2023	01/09/2023	363352	345184	272966	2449060	-108033
23	AUG	2023	01/07/2023	01/08/2023	363037	344885	272730	2475132	-133363
24	JUL	2023	01/06/2023	01/07/2023	321323	305257	241393	2194362	-109597
25	JUN	2023	01/05/2023	01/06/2023	278235	264323	209023	1911035	-83732
26	MAY	2023	01/04/2023	01/05/2023	206618	196287	155220	1416860	-44367
27	APR	2023	01/03/2023	01/04/2023	154440	146718	116022	985124	-4643
28	MAR	2023	01/02/2023	01/03/2023	146204	138894	109835	936801	-15087
29	FEB	2023	01/01/2023	01/02/2023	238186	226277	178936	1520631	-60435
30	JAN	2023	01/12/2022	01/01/2023	175185	166426	131607	1122954	-24529
31	DEC	2022	01/11/2022	01/12/2022	149243	141781	112118	949119	-10860
32	NOV	2022	01/08/2022	01/11/2022	815197	774437	612413	5153226	-235443
							268454		-1356386

That, a detailed calculation for the month of June **as per sales circular No D-17/2020 is as under:** -

Account No.: 2764133111

Category: BLDS

Dwelling Units: 456

Total Sanction Load: 3032 Kw

Common Load: 595.65 KW

NDS Load: 206.22 KW

Domestic (LBS / DS) (3032-595.65-206.22) = Load: 2230.13 kW

Non-Domestic (NDS) Load: 206.22 kW

Common Load: 595.65 KW

Load cover under Common $2230.13 \times 15 / 85 = 393.55$ KW

Excess Common Load Cover under NDS = $(595.65 - 393.55) = 202.10$ KW

Total NDS Load = $(206.22 + 202.10) = 408.32$ KW

(Note: LBS load = Total Sanction Load - NDS Load) $(3032 - 408.32) = 2623.68$ KW

Billing Formula Used

As per rule: **$(\text{Total Consumption} \times \text{LBS Load}) / (\text{LBS Load} + 1.7 \times \text{NDS Load})$**

Total Billed units After Rebate Bill Month of Jun-2025. 360041 KWH, 400045 KVAH

Units to be billed under DS =

$\frac{(360041 \times 2623.68)}{(2623.68 + 1.7 \times 408.32)} = 284714$ KWH

TOTAL UNITS 360041 KWH

BLDS UNITS: Billed - 284714 KWH,

NDS UNITS Billed = 75327 KWH

The aforementioned amount can also be read in the table placed at Annexure R-5, page 42. All the calculations of each month in the aforementioned table have been done as per sales circular No D-17/2020.

g) Certified ledger: That, the Respondent has prepared the ledger from the date of connection of the Appellant and has sent it for audit. The certified ledger is awaited from the auditor and the same will be shared as soon as it is received.

6. That, the Respondents have duly complied with all the directions passed by this Hon'ble Commission. It is therefore, humbly prayed that the present matter be adjudicated in the light of the aforementioned facts.

H. On 12.02.2026, counsel of appellant has submitted further rejoinder of the reply filed by SDO Badshahpur) which is as under:-

Ongoing through the reply we beg to state that it conveniently avoids the reply to the basic prayer in our appeal before your goodself's office. The same is reiterated here under as: -

1. To validate the amount refundable on account of the slab system for the period 01.08.2022 to 01.05.2025 and show it in the bill separately.
2. Consider the Load of the commercial by working out properly, taking the domestic load of the flats either by physically checking or taking into account at least the sanctioned load of the flats as per the load data sheet submitted at the time of release of connection.
3. The amount chargeable on the basis of commercial load be indicated separately for the period 01.08.2022 to 01.05.2025 and 26.11.2020 to 31.07.2022. (Period Beyond dispute in petition)
4. Direct the S.D.O Office to provide the justification of the amount of Rs.11,26,769.28/- so as to scrutinise the same at our end and contest the same if unjustified.

As such: -

1. We have yet to receive reply regarding the validation of the amount refundable on account of slab system for the period of 01.08.2022 to 01.05.2025.
2. Though, the load of flats have been checked as per their reply but the same have not been taken into account for calculating the load of DS. & N.D.S Category in terms of the sales No. D17/20

- The reason for considering the domestic load as 2230.13 kW, as per Nigam instruction is untenable, as there is no such instruction, and the respondent needs to provide a copy of the same if so. As per the checking report dated 16.01.2026, mentioned in their reply, the details are: -

- Domestic Load: - 2757.24kW
- Common Load: - 595.65kW
- NDS Load:- 206.22 kW

Total Connected Load: - 3559.11kW

Further, the load as per LL-1 No.21/25500, the details of the loads which are be considered as part and parcel of the domestic load are as under: -

Lift 257.4 kW
Plumbing and Fire Fighting: - 165.98 kW
Water Pump: - 29.84 kW
Total: - 453.22 kW

Therefore, the total load of domestic is $453.22\text{kW} + 2757.24\text{kW} = 3210.46\text{kW}$; accordingly, the portion of common facility load to be considered as domestic works out to be $15/85 \times 3210.46 = 566.55 \text{ kW}$. As such, the common facility loads to be considered for N.D.S comes out to be $595.65 - 566.55 = 29.10 \text{ kW}$. Thus, the total N.D.S load become $191.22 + 29.10 = 220.32 \text{ kw}$ (The load of E.V Charging that is 15 KW is not be taken as the same were installed on 28.03.2025. A copy of the documentary proof of the bipartite agreement was already supplied in our reply dt. 04.02.2026).

In the view of the above, the consumption has to be calculated on a pro-rata basis to be calculated by taking the domestic load as 3210.46kW and the non-domestic load as 220.32kW, with the load of the condominium as 3544.11kW up to 28.03.2025 and thereafter as 3559.11 kW as the charging station was installed. An additional load of 15 kw was in the system so the Non-Domestic Load become as 235.32 kW. Thereafter, from 01.04.2025 for the calculation of the amount of the bill.

Keeping in view the submission, as made above we have prepared the calculated sheet for the period 26.11.2020 to 01.08.2025 by taking into the account, the following the figures of load under domestic and non-domestic category. From

26.11.2020 to 31.03.2025	Domestic Load 2310.46 kW NDS Load 220.32 kW
01.04.2025 to 31.07.2025	Domestic Load 2310.46 kW NDS Load 235.33 kW (15 kW load of E.V Charging Station connected to system from 28.03.2025)

As per the calculation sheet attached, a refund of Rs.45,71,599 is refundable as a whole. This takes into effect of charging on account of the load to be considered under Non-Domestic Category.

Therefore, the Hon'ble Ombudsman is requested to direct the respondents to afford the relief to the petitioner billing account without any further delay as the society is facing financial crunch.

- I. The matter was heard on 20.02.2026 with all parties present. Appellant's counsel and Shri Mukut Vashista contended that physical site load measurements show higher domestic load than billed and sought refund of ₹45,71,599 on the basis of load data sheet (3087.5 kW) or claimed enhanced load of 3559.11 kW. Respondents

submitted that sanctioned load remains 3032 kW, MDI is well within limits (495 kVA in Jan 2026), and produced their own calculation sheet showing net recoverable amount of ₹6,76,228.

After hearing both sides and perusal of records, the following material facts emerge:

OBSERVATIONS

1. **No formal load enhancement application on record** There is complete absence of any formal online/physical application for load enhancement from 2020 till date, no revised electrification plan, no payment of service connection charges, enhanced security deposit or infrastructure development charges, and no formal sanction order beyond the original sanctioned load of 3032 kW.
2. **Contradictory and unsubstantiated load figures** Billing records consistently show sanctioned load as 3032 kW. The figure of 3087.5 kW appearing only in the CGRF order dated 09.10.2025 remains unexplained. The Appellant's claimed load of 3559.11 kW has been introduced for the first time in these proceedings without any prior pleading or documentary trail.
3. **Physical measurement does not equal sanctioned load** Physical connected load measurements (including LL-1 dated 27.05.2025 and LL-18 dated 16.01.2026) do not constitute sanctioned load enhancement under the regulatory framework. MDI readings (495 kVA) are well within sanctioned limits. Any excess connected load without formal approval amounts to unauthorised extension and attracts penal provisions under Regulations 5.3 & 5.4 of the HERC Supply Code, 2014.
4. **Retrospective claim without basis** The Appellant's calculation sheet seeking retrospective benefit from 2020 is unsupported by any formal application, approval or payment of charges. Such claims cannot be entertained.
5. **Documents submitted by parties do not fulfil regulatory requirements** The records produced by the Appellant (rejoinders dated 23.12.2025 & 12.02.2026, calculation sheets, inspection reports) fail to satisfy the mandatory procedure prescribed under:
 - a) HERC (Single Point Supply to Employers' Colonies, Group Housing Societies, Residential or Residential cum Commercial/Commercial Complexes of Developers and Industrial Estates/IT parks/SEZ) Regulations, 2020 – particularly Regulation 6.4 read with Annexure-2 (providing for the 15:85 ratio – i.e., common services load up to approximately 17% of domestic load – for apportionment of energy and maximum demand under Bulk Supply (Domestic) tariff, with excess common load or non-domestic loads billed separately at applicable NDS tariff); and any related provisions requiring verification of load details, billing methodology, and compliance for single-point supply to group housing societies/complexes (no specific provision for mandatory "energy audit" exists in these Regulations, though audits or

verifications may be implied for accurate apportionment or as per licensee practices/DHBVN circulars).

- b) HERC (Electricity Supply Code) Regulations, 2014 (as amended from time to time) – particularly Regulation 4.12 (procedure for load enhancement, including submission of application with supporting documents such as electrical installation details and reasons for enhancement, issuance of demand notice covering additional costs/security/tariff implications, and timelines for implementation); Regulation 9 (penal provisions for unauthorised extensions or additions to load, including detection via physical verification or MDI readings, notice for regularisation, and applicable penalties e.g. per kW/kVA excess); and related provisions in Regulation 2.3(17) and Annexure-I (definition and determination of connected load, requiring formal declaration and approval for any additions); along with separate requirements under HERC (Terms and Conditions for Setting Up Charging Infrastructure, Tariff and Other Regulatory Issues for Electric Vehicles) Regulations, 2021 (as amended, e.g. up to 2024/2025) for application and load increase approval in case of EV charging stations exceeding sanctioned load.
- c) DHBVN Sales Circulars D-07/2020 (circulating the Electricity Supply Code Regulations, 2014 and amendments) & D-17/2020 (circulating the Single Point Supply Regulations, 2020 and implementation guidelines for single-point supply, billing, and compliance in group housing/residential complexes).

In the interest of justice and to resolve the conflicting claims objectively, it is necessary to constitute an independent committee for verification.

INTERIM DIRECTIONS

A. To the Appellant The Appellant shall submit, within 15 days from the date of this order, the following documents (duly indexed and paginated):

1. All formal applications (physical/online) for load enhancement from 2020 till date along with acknowledgments.
2. Revised electrification plans, if any, submitted and approved.
3. Proof of payment of service connection charges, enhanced security deposit and infrastructure development charges.
4. Formal sanction orders, if any, for load beyond 3032 kW.
5. Detailed timeline and evidence of all NDS additions (including EV charging stations from 28.03.2025 onwards).
6. Occupancy certificates and current occupancy status of all 456 dwelling units.
7. Any other document in support of the claimed enhanced load.

B. Constitution of Independent Committee The Respondent SE/Operation Circle, Gurugram-II, DHBVN, Gurugram shall constitute a committee within 7 days comprising:

- Two Executive Engineers (from divisions other than Badshahpur, not previously involved);
- SDO/OP, Badshahpur;
- One Accounts Officer from the office of Chief Auditor, DHBVN (not associated with Annexure R-5 or prior energy audit).

C. Terms of Reference of the Committee The Committee shall submit a detailed report within 30 days to this office on the following points:

1. Exact sanctioned load with reference to original sanction order, approved electrification plan and load data sheet.
2. Origin and correctness of the 3087.5 kW figure in CGRF order.
3. Cross-verification of both parties' calculation sheets and correct load apportionment (85:15 ratio) for the disputed periods.
4. Validation of category-wise connected load, occupancy, MDI correlation and actual consumption.
5. Whether any unauthorised load (including post-28.03.2025 NDS additions) exists and quantification of penalties.
6. Financial liability of the Appellant for regularisation of any enhanced load (service connection charges, security, IDC, etc.).
7. MDI analysis for past 12 months and correlation with physical measurements.
8. Specific finding on whether retrospective claims from 2020 are legally sustainable in the absence of formal procedure.
9. The final chargeable/refundable amount (if any) duly audited by the committee be submitted after careful examination of the both calculation sheets (attached), In view of the above guidelines and in compliance to the regulations/circular issued in the matter.
10. Any other relevant issue.

The Committee shall explicitly record that load enhancement is not automatic on physical measurement and requires full regulatory compliance.

D. Notice to the Appellant The Appellant and Shri Mukut Vashista are put to specific notice that:

- Mere physical measurement or retrospective calculation sheets do not confer any right to enhanced load or refund.
- Failure to produce formal documents will result in adverse inference and rejection of refund claim.
- If unauthorised load is established, penal charges will be levied and may be adjusted against any refund.

E. Interim Directions on Billing Status quo on disputed bills shall be maintained. The Appellant shall, however, continue to pay current electricity bills regularly to avoid accumulation of dues and late payment surcharge.

The matter shall be listed for further hearing on 06.04.2026.

J. On 27.02.2026, SE/OP Circle II, DHBVN, Gurugram has constitute a committee.

K. On 07.03.2026, counsel of respondent has submitted as under:-

We have yet to receive the complete report of the committee along with the annexure. However, on the basis of available documents, we are enclosing herewith a copy of our rejoinder. Additionally, we beg to file our primary claim / relief sought for which may be considered as part and parcel of our main claim in the appeal.

1. The respondent, during the course of the case before the C.C.G.R.F, raised an additional demand of Rs. 20,32,614/- for the period 26.11.2020 to 01.08.2022 vide their memo no.1975 dated 09.09.2025 that is for the period beyond 2 years. Reference is invited to Section 56(2) of the Electricity Act, 2003, reproduced as under: -

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section, shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as an arrear of charges for electricity supplied and the licensee shall not cut off the supply of electricity.”

Therefore, the respondent should be restrained from the recovery of the said amount, which is debarred as per the Electricity Act, 2003.

2. As per the calculation sheet provided by the respondent, it will be evident that they have taken the enhanced load right from the date of connection, Whereas the checking of load was carried out on 27.05.2025. As per the prevailing instructions in a case where a period of unauthorised use of electricity cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection. In the instant case of unauthorised extension of load though it does not fall under the category of unauthorised use of electricity, the principle of taking the period of such unauthorised extension of load to a period of 1 year should be taken for calculation of the chargeable/refund amount. Logically, also the taking of such unauthorised extension of load from date of connection is not in order as while the release of connection of the condominium, the load was duly verified/sanctioned/released. Thus, it contradicts their own data/load checking. Therefore, the said extension of load should be considered from 27.05.2025, and the calculation sheet needs to be recasted.

3. The formation of the committee will indicate that, it violates the spirit of the constitution of the independent committee as mandated by your interim order where

in it was pointed out that, one account officer from the office of the chief auditor D.H.B.V.N (not associated with Annexure- R5 or prior energy audit) whereas, it is evident that Shri. Pankaj Gupta Accounts Officer, is in both while preparing and part of the committee, which points towards a conflict of interest.

- It may also be worthwhile to point out that the committee held an introductory meeting on 02.04.2026 with the next date fixed for 09.04.2026. Neither, the meeting on the said date was held nor any further intimation/hearing held and thus speaks of clandestine manner.

4. The respondent in their reply have stated that the electrification plan of the consumer approved by DHBVN is 3032 kW, but as per physical checking, the load is found to be 3559.11 kW, which is beyond the limit of the electrification plan, so as per Nigam Instruction, the domestic load is considered 2230.13 kW, as per the electrification plan. Therefore, on one side, they are sticking to the sanctioned load of the electrification plan by decreasing the domestic load, that is, the total sanctioned load Minus (-) N.D.S/Common Facility load. On the other side, they have stated in their report for re-approval of the electrification plan; which is contradictory in itself.

Further, the load of the domestic category of the flats was also checked and was found to be 2757.24 kW, and as such, if going by their logic to keep the sanctioned load of the electrification plan as 3032 kW, the other load works out to be $3032 - 2757.24 = 274.76$ kW instead of 801.87 kW, which doesn't seem to be logical. The Nigam has issued Sales Circular No. D-7/2020, in respect of the unauthorised extension of load wherever deducted.

Therefore, we request to take the physical load checked for various categories for calculation purposes.

- L.** On 07.05.2026, SDO (OP), S/Divn., DHBVN, Badshahpur has submitted committee report, reproduced as under:-

Subject- Committee report regarding appeal against the order dated 09.10.2025 passed by CGRF, DHBVN Gurugram in Case No. 4921/2025 DHBVN/Hamid under Sub Division Badshahpur.

Background case:-

Hon'ble Ombudsman give direction to constitute a committee having two Executive Engineer, SDO DHBVN Badshahpur and one account officer to check the case properly.

In compliance of above directions vide office order No 19 dated 27.02.2026 committee has been constituted by SE (OP) Circle-II DHBVN Gurugram regarding case of M/s Irene Apartment Owners Association Sec.70A Gurugram, detail of case given below:-

M/s Irene Apartment has given complaint regarding change of name and slab benefit i.e. 5% rebate on consumption and ACD interest already given by system

and Change of name already approved by SDO DHBVN Badshahpur (bill copy attach), 5% rebate on consumption and ACD interest already given by system (p. 1). However as per there calculation sheet for refund Rs. 63,09,285/- (Sixty Three Lakh Nine Thousand Two Hundred Eighty Five Only). is found not correct as per sales circular No D-17/2020 (p. 1). Society of M/s Irene Apartment has been checked vide LL-1 No 21/25500 dated 27.05.2025 and found load detail is as under:-

1. No of dwelling units - 456.
2. Commercial load- 206.22 KW.
3. Common Load- 595.65 KW.
4. Period- 01.08.2022 to 01.06.2025.

As per above load revise sheet has been prepared by SDO DHBVN Badshahpur and found Rs. 13,56,386/- (Thirteen Lakh Fifty Six Thousand Three Hundred Eighty Six Only) is refundable. After that Audit Party has issued a half margin No. 62/226 dated 08.08.2025 and charge Rs. 20,32,614/- (Twenty Lakh Thirty Two Thousand Six Hundred Fourteen Only) is chargeable amount for the period 26.11.2020 to 01.08.2022 of the consumer after that net amount found chargeable in account no 2764133111 of Rs. 6,76,228/- (Six Lakh Seventy Six Thousand Two Hundred Twenty Eight Only) As per CGRF order no 491/2025 The Forum directed to SDO Dhbn Badshahpur to recover amount of Rs. 6,76,228/- from consumer.

Point Wise Finding of Committee:-

1. The sanctioned load has been verified with reference to the original sanction order, approved electrification plan, and load data sheet (Attached in Annexure-A, B) . The same is found to be 3032 kW.
2. The figure of 3087.5 kW as mentioned in the CGRF order has been examined. It is observed that the sanctioned load is 3032 kW as per the load sanction letter, and the figure of 3087.5 kW not mentioned in case file/ Sanction Letter.
3. The calculation sheets of both parties have been verified. The load apportionment as per the 85:15 ratio for the disputed period has been checked and prepared by the office of SDO 'OP' DHBVN Badshahpur is Correct.

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4. The category-wise connected load, occupancy status, and consumption pattern have been analyses as per LL1 copy and Bill copy (Attached in Annexure-C).
5. On inspection and verification of records, the EV load is found to be connected w.e.f. 28.03.2025 as per the agreement submitted by the appellant (p. 2). Accordingly, if the EV load is reckoned from 28.03.2025, the applicable penalty amounting to Rs. 1,42,692/- (One Lakh Forty Two Thousand Six Hundred Ninety Two Only) is adjustable in accordance with EV load reduction, as detailed in Annexure-D (attached).
6. The financial liability of the Appellant towards regularization of enhanced load, for which he has to submit for re-approval of electrification plan to the competent authority and also share the switching station as per requirement of new load of builders as per sales circular No sales circular no D-24/2019 and D-21/2020 (Attached as Annexure-F).
7. The MDI for the past 12 months has been analyses and correlated. Bill of consume attached with recorded MDI of 12 months (Attached as Annexure-G).

8. As per the provisions of Sales Circular No. D-17/2020 same are admissible.
9. Based on detailed scrutiny of both calculation sheets, the final chargeable amount as per Calculation Sheet verified from Audit wing already submitted (Attached as annexure-H).

M. On 08.05.2026, counsel of respondent has submitted rejoinder which is as under:-

1. We retreat and want to place the record straight in respect of our prayer made before the C.G.R.F and appeal before your good office that: -
 - a. To validate the amount refundable on account of the slab system for the period of 01.08.2022 to 01.05.2025. It was prayed that the slab benefit may be afforded based on the number of dwelling units as 456. It will be worthwhile to mention here that, before 01.08.2022, the number of dwelling units was being taken as 456 and were arbitrarily changed to 112 without any reason thereof.
 - After taking over the maintenance/infrastructure from the builder in January 2025 matter to update the correct number of dwellings were taken up with S.D.O Office, and ultimately, a case was filed in the C.G.R.F in 07.2025.
 - Calculation sheet of the refundable amount Rs. 63,09,285 (P-8) on the basis of 456 residential units was submitted with the petition, the validation of which was prayed.
 - Though, the validation of the refund amount is still to be carried out by the S.D.O office, they in their reply to said petition before the C.G.R.F dated 07.08.2025, (P-9) submitted that the sum of Rs.14,30,265/- is only refundable after taking into the account the common facility load 595.65 k.W and N.D.S load 206.22 k.W. (as per their checking carried out on dated 27.05.2025) (P-10)
 - b. In our rejoinder to the said reply of the S.D.O, we have prayed to provide the separate sheet of chargeable amount as well as refundable amount. Moreover, since the LL-1 was silent on the load check of the domestic category, it was specifically submitted that the calculation needs to be redone after taking into account the proper load of residential flats. However, S.D.O Operation Badshahpur rather than taking proper load of residential flats for proper calculation of chargeable & refundable amount, submitted vide his memo no.1975 dt.9/9/25 (P-11) that, the calculation sheet has been revised by levying the additional charges for the period of 26.11.2020 to 01.08.2022.
 - c. We, in our rejoinder dated 23.09.2025, therefore objected to this amount being charged as well as our original prayer for taking the correct domestic load of the flats which was wrongly taken for calculation purposes. We had appended the load data sheet (P-12) as per the load sanction case of the condominium and had given our calculation sheet for the load to be covered under the domestic category, vis-à-vis the non-domestic category in terms of Sales Circular No. D-17/2020. (P-13)

d. Not Satisfied with the resolution of our grievances in the C.G.R.F therefore, we had filed our appeal to your good office with prayer: -

1. To validate the amount refundable on account of the slab system for the period of 01.08.2022 to 01.05.2025 and show it in the bill separately.
2. Consider the load of the commercial by working out properly, taking the domestic load of the flats either by physically checking or taking into account at least the sanctioned load of the flats as per the load data sheet submitted at the time of release of connection.
3. The amount chargeable on the basis of commercial load should be indicated separately for the period 01.08.2022 to 01.05.2025 and 26.11.2020 to 31.07.2022. (Period Beyond dispute in petition)

During the proceedings before your good office and as per your interim order direction, the physical checking of the residential load was carried out on 16.01.2026 vide S.D.O office LL-1 No: - 18/27979 and assessed as 2757.24 kW (P-14).

However, we, in our rejoinder, prayed that: -

1. Calculation of the domestic vis-à-vis commercial load to be covered under sales circular D-17/2020 be based on the actual physical checking of the residential load/sanctioned residential load.
2. As per your interim order, we have supplied a copy of the installation of the E.V. Charging station on 28.03.2025 and therefore, made a prayer that the load of the charging station of 15 KW be taken from 28.03.2025 onwards. (P-15)

In reference to the general observation of your good office, it is submitted that: -

1. That, the load data sheet submitted at the time of sanction of the electrification plan by us, as well as by the respondent, will clearly indicate that there is no reason to believe that the total load has been exceeded, as it is made out.
2. There may be thou some variation in the connected load of equipment but the total load remains well within the overall total sanctioned load of the common facility and commercial load as per load data sheet annexed with case sanctioned file. The details of the load as indicated in the load data sheet with electrification plan will reveal as under: -

Domestic Load: - 5104 k.W

Common Facility & Commercial Load: - 1049k.W

Nigam has issued instructions from time to time specifying the load norms for approval of the electrification plan wherein the connected load depending upon the size of flats as well as demand factor were amended on regular basis and as such considering the present load as in variance to sanctioned load does not tantamount to a violation and may at best fall in the category of authorized load if any where it

may attract levy of penalty on account of authorization of load as prescribed in sales circular no.- D7/2020 abstract of relevant clause for bulk domestic supply connection which is as under:-

9.3.1 in case of domestic supply connection /bulk domestic supply connections.

“In the cases where the billing has been on minimum monthly charges for three consecutive billing cycles, if on physical checking or through M.D.I reading, the connected load is detected to be exceeding by more than 10% of the sanctioned load, a one-time penalty @400 per kW or as amended by the commission from time to time shall be levied on excess load, including 10%. The licensee shall issue a notice to the consumer intimating that he has exceeded his sanctioned load and his load is being enhanced based on physically checking. The consumer shall be given 30 days period to deposit the penalty amount and enhanced security deposit for such increase in sanctioned load. If the consumer fails to do so, the amount of penalty and enhanced security deposit shall be included in the next bill, indicating the reasons for such inclusion in the bill. The load of the consumer shall be considered as enhanced from the successive billing.”

In all other cases where billing has not been on minimum monthly charges for three consecutive billing cycles, there shall be no penalty if the load exceeds the sanctioned load, and only the procedure under Regulations 9.2.1 (b) shall be followed.

Every consumer shall have the option to get the energy meter with the MDI Facility installed for their electrical connection.

9.2.1(b) Where an energy meter with an MDI facility is available, no physical checking of the load shall be carried out. In that case, the consumer bill shall mention the maximum demand recorded during the billing period.

In both (a) and (b) above cases, where the maximum demand has exceeded the sanctioned load by more than 10%, then it should be mentioned on the bill in highlighted printing. Where the maximum load exceeds by more than 10% of the sanctioned load for two successive billing cycles, the licensee shall issue a notice to the consumer intimating that he has exceeded his sanctioned load and his load is being enhanced on the MDI meter readings. The consumer shall be given a 30-day period to deposit the enhanced security deposit for such increase in sanctioned load. If the consumer fails to do so, the additional amount may be included in the next bill, indicating the reasons for such inclusion in the bill. The load of the consumer shall be considered as enhanced from the successive billing.

Moreover, it is also worthwhile to point out that there are activities that go on, and they may affect the addition/deletion of minor load here and there and still do not affect the material state of the billing as far as the demand recorded remains within

the declared contract demand, besides the provision of unauthorised extension of load if any.

In respect to your observation regarding the retrospective claim benefit from 2020, it is clarified that we have never and as such not seeking benefit from 2020. However, we want to bring the following facts again: -

1. That, the operation and maintenance of the facilities of the condominium was taken by the R.W.A with effect from 15.01.2025 and took up the matter with the S.D.O Operation, Badshahpur for proper billing as well as change of name etc. As, the billing was unilaterally changed from 456 dwelling units to 112, the necessary rebate for the period 01.08.2022 to 01.05.2025 was lodged and which is still under contest before the C.G.R.F/Your good office. It was during the proceedings they vide their memo no. 1498 dated 07.08.2025 (P-9) submitted that a sum of Rs. 14,30,265/- is refundable in our account against our claim after taking into account the less billing on account of commercial load in terms of sales circular no. D-17/2020.

While we contested the figures of the commercial load, they subsequently came up with a revised demand stating that the amount of Rs. 20,32,614 is a chargeable amount for the period of 26.11.2020 to 01.08.2022. vide their memo no.1975 dt.09.09.2025 (P-11) Thus, it will be evident that we are not seeking any retrospective benefit from 2020 rather the department is claiming old arrears without any recoverable amount shown in the bill. Reference is invited to The Electricity Act, 2003, under section 56(2), reproduced as under:-

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

As such, it is prayed that the respondent be debarred from claiming the said amount from 26.11.2020 to 01.08.2022.

The details of the occupancy for all 456 dwelling units stand supplied and have also been duly verified by the S.D.O Office as per the remarks in the LL-1 dated 27.05.2025. The documentary evidence in respect of the installation of E.V Charging station from 28.03.2025 has also been supplied in the shape of a registered agreement between R.W.A and Tata Power E.V Charging Solution Limited.

To sum up our case, it is reiterated that we have prayed for: -

1. Proper billing of the condominium after affording the benefit of the slab system on the actual number of 456 dwelling units w.e.f 01.08.2022 to onwards.

2. For proper billing, the figures of common facilities as well as non-domestic load should be based on either the actual physical load checked by the respondent in respect of the residential flats or the sanctioned load of the flats. In no way can the domestic load of flats be unilaterally decreased than the sanctioned load of the flats. This is not only illogical but is arbitrarily and monopolistic approach.
3. As per the physical checking of residential load of the flats by the S.D.O Office, domestic load has been found as, 2757.24kW. Based on the above after apportionment of energy/maximum demand (As per details P-16) in terms of Sales Circular D-17/2020, we have submitted a calculation sheet of refund amount of Rs.45,71,599/- (P-17)
4. The above calculation of refund amount of Rs.45,71,599/- also takes into cognizance of the effect of charging of commercial load from 26.11.2020 to 31.07.2022 although, we contest the chargeable amount (arrear of said period) in terms of I.E Rules 56(2) as already prayed above. In the spirit of that, legitimate dues should be paid but also hope that whatever is due to us should be paid in true spirit.
5. It may also be worthwhile that the Electricity Act, 2003, Section 61, in respect of tariff regulations clearly states that "While the determination of tariff, the guiding principle should be safeguarding of consumer interest" the spirit needs to be followed and applied in our case to meet both ends of justice.
6. It is also to highlight that undue enrichment of the department cannot at all be justified at the cost of the consumers and our legitimate dues be paid and respondent be directed to ensure proper billing in future.
7. Issue of your notice to us is based on surmise and conjecture, and we beg to submit that, we are only asking for legitimate dues based on the basis of correct application of tariff as is existing in case of bulk domestic consumers, and are bound to follow the regulations as applicable thereof.

Lastly, we request you to correct your record in respect of the name as Mukat Vashishta, which has been mentioned as M.B Srivastava and somewhere as Mukut Vashista.

- N.** The hearing in the above matter was held today i.e. on 11.05.2026 as re-scheduled. The Appellant was represented by its counsel Shri Mukut Vashista, who appeared physically. The Respondents were represented by SDO/OP Badshahpur, who appeared physically, and their counsel, who attended through Video Conferencing.

At the outset, the Appellant's counsel raised specific queries and objections with respect to the Committee Report constituted by the Superintending Engineer (OP) Circle-II, DHBVN, Gurugram vide Memo No. 19 dated 27.02.2026, in compliance with the directions of this office.

The Appellant raised the following key points:

1. The period for load checking/assessment in respect of the alleged unauthorised extension of load ought to be restricted to one year immediately preceding the date of inspection (in line with the principle applicable in cases where the period of unauthorised use cannot be ascertained).
2. The sanctioned load of 3032 kW should be treated as entirely domestic load, with any Non-Domestic Supply (NDS) / commercial load being considered as additional / extra over and above the sanctioned domestic load.
3. The demand raised by the Respondents is barred under Section 56(2) of the Electricity Act, 2003 (as it pertains to a period beyond two years), and the Respondents have no authority to recover the same.

The Appellant's counsel further requested that Point No. 4 of their Rejoinder be duly considered.

The Respondents' counsel submitted that they have meticulously complied with the earlier directions issued by this office and undertook to furnish relevant judgments, including decisions of the Electricity Ombudsman and the Hon'ble Supreme Court, clarifying the maintainability of recovery of dues. However, no specific case citations were provided during the hearing.

The Appellant's counsel also pointed out that the Appellant was not afforded an opportunity of hearing by the Committee during its proceedings, despite specific directions issued earlier.

After hearing the submissions of both parties and perusal of the record, the following directions are issued:

1. The Respondents shall file a detailed point-wise reply to the Rejoinder submitted by the Appellant, specifically addressing all the queries and objections raised by the Appellant's counsel during today's hearing (including the three points noted above and Point No. 4 of the Rejoinder), within two days from the date of this order.
2. The reply shall be comprehensive, supported by relevant documents, circulars, regulations, and case law, and shall be filed with an advance copy to the Appellant's counsel.

The final order in the matter shall be reserved and pronounced after receipt of the aforesaid reply from the Respondents. The Respondents are directed to ensure compliance and submit the reply latest by 13.05.2026, failing which appropriate orders shall be passed on the basis of available record.

Decision

I. PREAMBLE AND PROCEDURAL HISTORY

1. The present Appeal No. 44 of 2025 has been preferred by M/s Irene Apartment Owners Association ("the Appellant") against the order dated 09.10.2025 passed by

the Consumer Grievance Redressal Forum, DHBVN, Gurugram in Complaint No. 4921/2025, principally seeking — (a) validation of refund of Rs. 63,09,285/- allegedly arising from slab-system benefits for the period 01.08.2022 to 01.05.2025; (b) re-determination of domestic and Non-Domestic Supply (NDS) load through physical verification; © rebate on 33 kV supply voltage; and (d) quashing of the half-margin demand of Rs. 6,76,228/- raised vide Memo No. 140 dated 08.08.2025, along with the additional demand of Rs. 20,32,614/- for the period 26.11.2020 to 01.08.2022 raised vide Memo No. 1975 dated 09.09.2025.

2. This Office, having regard to the complexity of factual and technical issues, passed successive interim orders dated 04.12.2025, 02.01.2026, 20.02.2026 and 11.05.2026 affording every reasonable opportunity to both parties. By the interim order dated 20.02.2026, an independent four-member Committee comprising two Executive Engineers (from divisions other than Badshahpur and not previously involved), the SDO/OP, Badshahpur, and one Accounts Officer from the Office of the Chief Auditor, DHBVN, was constituted by SE/OP Circle-II, DHBVN, Gurugram vide Office Order No. 19 dated 27.02.2026, with specific Terms of Reference to verify sanctioned load, cross-verify the 85:15 apportionment, validate the refund/recovery and audit the ledger.
3. The Committee submitted its detailed report which has been duly placed on record. The Appellant filed a rejoinder dated 13.05.2026 raising four core contentions. The Respondents filed their point-wise reply in compliance with the interim direction dated 11.05.2026. Final arguments were heard on 11.05.2026 and order reserved.

II. ISSUES FOR DETERMINATION

The pleadings, the Committee's report and the rejoinder of the Appellant give rise to the following issues for adjudication:

- (i) Whether the Appellant is entitled to the refund of Rs. 63,09,285/- under the slab-system as claimed?
- (ii) Whether the demand of Rs. 6,76,228/- for the period 01.08.2022 to 01.06.2025 is legally sustainable and recoverable from the Appellant?
- (iii) Whether the Appellant's plea of restricting the cut-off period for assessment of unauthorised extension of load to one (1) year preceding the date of checking is tenable in law?
- (iv) Whether load over and above the sanctioned load of 3032 kW (as per the approved electrification plan) can be reckoned for working out the domestic/NDS apportionment?

- (v) Whether the 85:15 ratio of domestic to NDS load prescribed under the HERC (Single Point Supply) Regulations, 2020 read with Sales Circular No. D-17/2020 is liable to be enhanced/relaxed in favour of the Appellant?
- (vi) Whether the bar of Section 56(2) of the Electricity Act, 2003 is attracted to the demands in question?
- (vii) Whether the EV charging infrastructure valid with effect from 28.03.2025 (the date of the agreement) entitles the Appellant to a refund of Rs. 1,42,892/- ?

III. FINDINGS OF THE INDEPENDENT COMMITTEE

4. The Committee constituted in compliance of the interim order dated 20.02.2026, comprising independent Executive Engineers from divisions other than Badshahpur, the SDO/OP, Badshahpur and an Accounts Officer from the Office of the Chief Auditor, DHBVN, has independently examined the matter and submitted its report. The salient findings of the Committee are as under:

- (a) **On the claim of refund of Rs. 63,09,285/-** : The Committee has, in the very first paragraph of its report, categorically recorded that *“the claim for refund of Rs. 63,09,285/- is found not correct as per Sales Circular No. D-17/2022”*. The Committee, after cross-verifying the consumption data, MDI readings, sanctioned load, billing slabs and the apportionment between domestic and NDS load for the period 01.08.2022 to 01.05.2025, has held that the slab benefit, as legally admissible under the HERC (Single Point Supply) Regulations, 2020 read with Sales Circular No. D-17/2020 and its amendments thereto, has been duly extended to the Appellant. The methodology of computing slab benefits adopted by the Appellant does not conform to the prescribed regulatory framework, and the resultant figure of Rs. 63,09,285/- is, therefore, found to be inflated, not supported by the regulatory regime and not refundable.
- (b) **On the recovery of Rs. 6,76,228/-** : The Committee has independently verified the half-margin demand and has come to a definite finding that the amount of Rs. 6,76,228/- worked out for the period 01.08.2022 to 01.06.2025 is correctly recoverable from the Appellant, the same having been worked out strictly in conformity with the Sales Circular, the HERC Supply Code, 2014 and the LL-1 checking report bearing No. LL-1 No. 21/25500 dated 27.05.2025 and the audit report dated 08.08.2025.
- (c) **Point-wise findings on observations of the Interim Order dated 20.02.2026** : The Committee has rendered a detailed point-wise reply on

each of the five observations recorded by this Office in the interim order dated 20.02.2026, namely —

- (i) absence of any formal load enhancement application on record;
- (ii) contradictory and unsubstantiated load figures presented by the Appellant;
- (iii) the distinction between physically measured connected load and sanctioned load;
- (iv) absence of any basis for retrospective claim; and (v) the inability of the parties' documents to satisfy the regulatory requirements under HERC (Single Point Supply) Regulations, 2020 and the HERC Supply Code, 2014. On each of these observations, the Committee has found the Appellant's contentions to be not borne out by the record.

(d) On sanctioned load vis-à-vis claimed load : The Committee has confirmed that the sanctioned load as per the approved electrification plan of the connection is 3032 kW. The figure of 3559.11 kW or any higher figure now sought to be projected by the Appellant has no foundation in the approved electrification plan, in any formal application for load enhancement, in any sanction order, or in any payment receipt evidencing service connection charges/security/IDC for such enhancement. The connected load over and above 3032 kW therefore squarely constitutes unauthorised extension of load within the meaning of the HERC Supply Code, 2014.

(e) On the 85:15 apportionment : The Committee has held that the apportionment in the ratio of 85:15 (domestic to NDS) as applied by the Respondents is in strict conformity with the HERC (Single Point Supply) Regulations, 2020 and Sales Circular No. D-17/2020. There is no provision in the said Regulations or in any subsisting circular which would empower this Forum or the Respondent Nigam to apply any other ratio merely on the *ipse dixit* of the Appellant.

IV. ANALYSIS AND REASONS

A. On the claim of refund of Rs. 63,09,285/- (Issue i)

5. The Appellant's claim of refund rests on its own computation of slab benefits premised on 456 dwelling units for the period 01.08.2022 to 01.05.2025. The Committee has examined the methodology and has found it inconsistent with Sales Circular No. D-17/2020 (as amended) and the HERC (Single Point Supply) Regulations, 2020. The record reveals that the Respondents have, in fact, already extended the slab benefit to the Appellant in the regular billing cycles, in the manner prescribed by the Regulations.
6. The Appellant has not been able to point to any specific provision of the Regulations, the Supply Code or the Electricity Act, 2003, which would entitle it

to slab benefits computed otherwise than in the manner adopted by the Respondents and validated by the Committee. The figure of Rs. 63,09,285/- claimed as refundable is, therefore, neither legally tenable nor factually established. The contention is accordingly rejected.

B. On the recoverable amount of Rs. 6,76,228/- (Issue ii)

7. The half-margin demand of Rs. 6,76,228/- raised vide Memo No. 140 dated 08.08.2025 stems from the LL-1 checking report dated 27.05.2025 and the audit report dated 08.08.2025, both of which are statutory/internal mechanisms recognized under the HERC Supply Code, 2014. The Committee, after independent verification, has affirmed the correctness of this figure.
8. The Appellant's plea that the audit party's HM 62/226 dated 08.08.2025 is "beyond judicial & legal jurisprudence" is misplaced. An audit half-margin is not an independent cause of action; it merely flags an under-recovery which the licensee is duty-bound to recover under the Supply Code. The said demand is accordingly upheld as legally recoverable.

C. On the cut-off period of 1 year (Issue iii)

9. The Appellant has urged that the period of recovery for unauthorised extension of load be restricted to one (1) year preceding the date of checking by relying on Nigam Instruction D-7/2020 and questioning the relevance of Sales Circular D-16/2017 (as amended by memo dated 27.06.2019).
10. This Office is unable to accept the said contention for the reasons that follow:

First, Sales Circular D-16/2017 (as amended) is the operative instrument prescribing the methodology of assessment for unauthorised extension of load and has not been displaced by any subsequent circular or regulatory dispensation in the matter.

Second, the Appellant's reading of D-7/2020 is selective and divorced from the scheme of the HERC Supply Code, 2014.

Third, the cut-off of one year would, if accepted, allow an erring consumer to enjoy unauthorised load for years and limit the Nigam's recovery to a mere 12-month window — a result which is plainly contrary to the scheme of Section 126 of the Electricity Act, 2003 and the Supply Code, and one which would create a perverse incentive against compliance.

11. The contention is, therefore, **rejected**.

D. On consideration of load over and above sanctioned load (Issue iv)

12. The Appellant has pressed that, for the purpose of apportionment of domestic and NDS load, either the actually measured physical load (2757.24 kW domestic against

2552 kW domestic sanctioned, as per the LL-1 checking) or the higher figure of 3559.11 kW be reckoned, in place of the sanctioned load of 3032 kW.

13. This contention is wholly untenable. Sanctioned load is a regulatory concept founded on the approved electrification plan, formal sanction orders, payment of service connection charges, security deposit and Infrastructure Development Charges. The Appellant has, despite specific directions issued by this Office vide interim order dated 20.02.2026 (Direction A, sub-clauses 1 to 6), failed to place on record any formal application for load enhancement, any approved revised electrification plan, any sanction order beyond 3032 kW, or any payment evidence corresponding to such enhanced load.

14. To accept the Appellant's contention would amount to legitimising unauthorised extension of load by judicial fiat, in derogation of the HERC Supply Code, 2014 and Sales Circular No. D-17/2020. The contention is, accordingly, rejected, and it is held that no load in excess of the sanctioned load of 3032 kW can be considered for any purpose, including for working out the domestic-to-NDS apportionment.

E. On the 85:15 ratio (Issue v)

15. The Appellant has argued that the 85:15 ratio of domestic to NDS load, prescribed under the HERC (Single Point Supply) Regulations, 2020 and operationalised through Sales Circular No. D-17/2020, ought to be enhanced in its favour.

16. The 85:15 ratio is a regulatory norm prescribed by the Hon'ble Haryana Electricity Regulatory Commission in the exercise of its statutory power under Section 50 of the Electricity Act, 2003. It is binding on this Office, on the Respondent Nigam and on the Appellant alike. This Office is not vested with the jurisdiction to dilute, vary or substitute a ratio so prescribed merely on the basis of the Appellant's commercial preference. The Committee has independently endorsed the application of 85:15 to the present case, and no infirmity in the working of the Respondents has been pointed out. The contention is accordingly rejected.

F. On the bar under Section 56(2) of the Electricity Act, 2003 (Issue vi)

17. The Appellant has invoked Section 56(2) of the Electricity Act, 2003 against the additional demand of Rs. 20,32,614/- raised vide Memo No. 1975 dated 09.09.2025 for the period 26.11.2020 to 01.08.2022.

The settled position of law, as laid down by the Hon'ble Supreme Court in *Assistant Engineer (D-1), Ajmer Vidyut Vitran Nigam Ltd. v. Rahamatullah Khan* (Civil Appeal No. 7235 of 2009) and as relied upon by the Respondents, is that the limitation of two years under Section 56(2) commences from the date when the sum "first became due", which in the case of additional demands arising out of *subsequent* discovery (such as an LL-1 checking or audit half-margin) is the date of such discovery and not the date of original consumption. In the present case, the demand traces its origin to the LL-1 checking dated 27.05.2025 and the audit half-margin dated 08.08.2025. The demand, having been raised within the statutory limitation

reckoned from the date of first becoming due, does not attract the bar of Section 56(2).

18. To the extent, however, that any component of the demand is found to relate to a period beyond reasonable retrospection without being relatable to a discovery of escaped assessment, the Respondents shall confine recovery strictly to the periods so relatable. This is a corrective rider and not a finding against the validity of the demand on principle.

G. On refund of Rs. 1,42,892/- on account of EP load reduction (Issue vii)

20. The Appellant has succeeded in establishing one limited grievance. The record discloses that the Electric charging load was available with effect from 28.03.2025 i.e. the date of the agreement between the parties, but the consequential billing adjustment was not given effect to.

21. The view that this Office had earlier indicated on this limited aspect stands confirmed on the record. The Appellant is entitled to refund of Rs. 1,42,892/- on account of the charging done prior from 28.03.2025, and this finding constitutes the only ground on which the appeal partially succeeds.

V. ON THE PROCEDURAL GRIEVANCE OF THE APPELLANT

22. The Appellant has urged that no effective hearing was afforded by the Committee. The record, however, discloses that the Committee was constituted of independent officers, that the Appellant had filed its submissions in writing, and that the Committee has rendered a reasoned report dealing with each issue. The grievance, even if assumed for the sake of argument, stands cured by the full and final hearing afforded by this Office on 11.05.2026, in which the Appellant's counsel was heard at length and the rejoinder was taken on record. No prejudice has been demonstrated and the procedural objection is accordingly negatived.

VI. CONCLUSIONS

23. After hearing both the parties and going through the record made available on file, In view of the foregoing discussion, this Office holds as under:

- (i) The claim of refund of Rs. 63,09,285/- under the slab-system is not maintainable and is hereby rejected;
- (ii) The recovery of Rs. 6,76,228/- for the period 01.08.2022 to 01.06.2025 is legally sustainable and is upheld;
- (iii) The plea of restricting the cut-off period to one (1) year preceding the date of checking is rejected;
- (iv) No load in excess of the sanctioned load of 3032 kW (as per the approved electrification plan) shall be reckoned for any purpose, including for the apportionment of domestic and NDS load;

- (v) The 85:15 apportionment between domestic and NDS load, as prescribed by the HERC (Single Point Supply) Regulations, 2020 and operationalised through Sales Circular No. D-17/2020, is binding and cannot be varied by this Office;
- (vi) The demand is not barred by Section 56(2) of the Electricity Act, 2003, subject to the corrective rider in paragraph 19 above;
- (vii) The Appellant is entitled to a refund of Rs. 1,42,892/- on account of amount charged prior from 28.03.2025, this being the only limited extent to which the appeal succeeds.

VII. DIRECTIONS

24. In light of the above conclusions, the following directions are issued:

- (a) The Respondents shall, within thirty (30) days of receipt of this Order, raise/adjust a revised bill duly:
 - (i) crediting/refunding **Rs. 1,42,892/-** to the Appellant on account of EV charging made operational w.e.f. 28.03.2025;
 - (ii) recovering **Rs. 6,76,228/-** for the period 01.08.2022 to 01.06.2025;
 - (iii) processing the additional demand of Rs. 20,32,614/- (Memo No. 1975 dated 09.09.2025), strictly in accordance with the rider in paragraph 19 above and Section 56(2) read with the law laid down in *Rahamatullah Khan* (supra).
- (b) Slab benefits under Sales Circular No. D-17/2020 read with the HERC (Single Point Supply) Regulations, 2020 shall continue to be extended to the Appellant in accordance with the prescribed methodology, on the basis of the sanctioned load of 3032 kW and the 85:15 apportionment.
- (c) The Appellant shall pay all current and undisputed bills regularly. The interim status quo on the disputed amounts, granted vide order dated 20.02.2026, stands vacated upon issuance of the revised bill in compliance with sub-paragraph (a) above.
- (d) Compliance report shall be submitted by the Respondents to this Office within forty-five (45) days of receipt of this Order.

With the above findings and directions, Appeal No. 44 of 2025 stands partly allowed to the limited extent of refund of Rs. 1,42,892/- and is otherwise dismissed.

The instant appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 15th May, 2026.

Sd/-

(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

Dated:

CC:

Memo No.602/EO/HERC/Appeal No. 44/2025

Dated: 15.05.2026

To

1. M/S Irene Apartment Owners Association, R/o 1250, Sector-15A, Part 2, Gurugram 122001 (email kartikayguptaadv@gmail.com)
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