



(Regd. Post)

Appeal No. : 20 of 2026
Registered on : 05.06.2026
Date of Order : 10.09.2026

In the matter of:

Appeal against the order dated 21.05.2026 passed by CGRF, UHBVN Panchkula in case No 275 of 2025

Supermax Resident Welfare Association, Through Its President, Jai Kanwar Antil **Appellant**
Versus

1. The XEN/OP City Division, UHBVN, Sonipat
2. SDO/OP, Model Town Sub Division, UHBVN, Sonipat **Respondent**

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Jai Kanwar Antil, President, RWA along with Sh. Jitender and Sh. Virender Kumar

Present on behalf of Respondents:

Shri Abhishek Kumar, Xen/Comml.
Shri Kewal Krishan JE/Comml.
Shri Toshant Kalra Advocate for respondent
Shri Manoj Kumar, Project Manager, Super Max

ORDER

A. Supermax Resident Welfare Association has filed an appeal against the order dated 21.05.2026 passed by CGRF, UHBVNL, Panchkula in case no. 275 of 2025. The appellant has submitted as under: -

1. That the Appellant is a duly registered Resident Welfare Association of residents/users of "Supermax the New Town", Sector-33, Sonipat. Present appeal has been filed against impugned order UH/CGRF-275/2025 dated 21-05-2026. CGRF order is attached at annexure 1 (Page no. 9-25).
2. That the developer obtained Single Point Supply electricity connection bearing Account No. 6519586206 from UHBVN for supply of electricity to apartment owners/users of the project, the electrical infrastructure of the project admittedly stands completed as per approved electrification plan and sanctioned layout approved by competent authority of UHBVN. The SDO/Respondent specifically admitted before CGRF that:

electrical infrastructure stands executed as per approved plans; and transfer shall be carried out in accordance with Clauses 6.1 and 6.3 of HERC Single Point Supply Regulations, 2020.

3. That the completion certificate/occupation certificates of the project already stand issued by DTCP Haryana and were placed before the CGRF during proceedings. CC is Attached at page no. 29.

4. That Clause 6.1(a) of HERC Single Point Supply Regulations, 2020 specifically mandates that after completion of electrical infrastructure, operation and maintenance assets shall be handed over to RWA/Users Association and the Single Point Supply connection “shall be got transferred/changed” in the name of RWA/Users Association.
5. That despite the mandatory nature of the aforesaid regulation, the CGRF dismissed the complaint mainly on the ground that the *builder had not completed 5 years maintenance period under Affordable Housing Policy, 2013*. Direction no. 1 of the impugned order states that :

“The Developer i.e. M/s. Supermax Affordable Housing, Residence of Supermax Group Commercial-2, The New Town, Sector-33, Stadium Road, Near Rathdhana, Sonapat has also not completed its tenure of 5 years as per Haryana Govt. Town & Country Planning Department Notification meant for Affordable Housing Scheme, 2013 issued on 19th August, 2013 vide which Clause (v) Maintenance of Colony after completion of project : “A commercial component of 4% is being allowed in the project to enable the colonizer to maintain the colony free of cost for a period of five years from the date of grant of occupation certificate, which has been issued to the said Society vide Memo. No. ZP- 1179Vol. II/AD(GK)/2023/437 Dated 28.12.2023 and thus the plea for transferring of the whole electrical infrastructure in the name of M/s. Supermax RWA, Sonapat is not feasible at this stage and thereby the plea made by the complainant in order to transfer the whole electrical infrastructure in the name of M/s. Supermax RWA, Sonapat is not maintainable.”

6. That the impugned order is contrary to the Electricity Act, 2003, HERC Regulations, settled principles of statutory interpretation, and is therefore liable to be set aside.
- **IMPUGNED ORDER LIABLE TO BE SET ASIDE**
7. The impugned order dated 21.05.2026 passed by Corporate CGRF is arbitrary, contrary to statutory regulations and liable to be quashed on the following amongst other grounds:

- **GROUND OF APPEAL**

8. **Mandatory Handover under Clause 6.1(a) of HERC Regulations, 2020**

The learned Forum failed to appreciate that Clause 6.1(a) of the HERC Single Point Supply Regulations, 2020, mandatorily requires the Developer, upon completing the electrical infrastructure, to transfer/change in the name of RWA and transfer the Single Point Supply connection along with all securities and warranties. The legislative use of the word “shall” leaves no discretion to indefinitely retain control over the infrastructure.

Clause 6.1 Proviso: *“Provided further, that on completion of the electrical infrastructure by the Developer, the operation and maintenance of these assets shall be handed over to the RWA/ Users Association and the Single Point Supply connection if any taken by the Developer shall be got transferred/changed in the name of RWA/Users Association along with all the securities deposited with the distribution licensee and other guarantee/warranty of the electrical equipments installed.”*

9. **Statutory Supremacy under Section 174 of the Electricity Act, 2003**

The learned CGRF failed to appreciate the overriding statutory effect of Section 174 of the Electricity Act, 2003, which explicitly mandates that the Act and its underlying regulations (HERC Regulations, 2020) override any inconsistent law or instrument. The Electricity Act is a special central enactment and a complete code. Therefore, the Affordable Housing Policy, 2013, is legally subordinate to it in matters of power distribution, and the CGRF acted beyond jurisdiction by subordinating statutory regulations to a general real estate policy.

10. **Erroneous Conflation of Electricity Transfer and General Maintenance**

The learned Forum committed a manifest illegality by conflating electricity infrastructure transfer with general colony maintenance. The Appellant never sought handover of the complete colony administration, but specifically confined its prayer to the transfer of the Single Point Supply connection and infrastructure under HERC Regulations. These two issues are separate and independent legal concepts.

11. **Admission of Completion by Respondent-UHBVN**

The Respondent-UHBVN explicitly admitted before the Forum that the project's electrical infrastructure stood executed as per approved plans and that the transfer is governed by Clauses 6.1 and 6.3 of the HERC Regulations, 2020. Given this clear admission of completion and regulatory applicability, there remains no legal justification to deny the transfer, rendering the impugned order perverse.

12. **Prior Issuance of Occupation and Completion Certificates**

The learned Forum failed to note that the competent authority (DTCP Haryana) had already issued the Completion and Occupation Certificates for the project. Following the completion of electrification works and the issuance of these certificates, the Developer's continued retention of the connection directly defeats the intent and object of the HERC Regulations.

13. **Frustration of the Legislative Object of Single Point Supply**

The learned Forum failed to appreciate that the core objective of the Single Point Supply Regulations is to protect consumers from financial exploitation and arbitrary control by Developers, ensuring democratic and transparent management through the RWA. Continued retention of the infrastructure by the Developer frustrates this statutory intent.

14. **Disregard of Established Regulatory Precedent**

The Forum ignored its own consistent regulatory precedent set in *DHBVN CGRF Case No. 3244/2020*, which observed:

“This is also a violation of the provisions of the Regulation because it is mandated to get the connection transferred in the name of RWA after completion of infrastructure.”

15. The previous case explicitly directed the Developer to transfer the connection without delay; hence, the impugned order directly contradicts the authorities' own established legal approach.
16. That the learned Forum also failed to appreciate that there exists no provision either under HERC Regulations or Electricity Act requiring completion of five years maintenance period as a pre-condition for transfer of Single Point Supply connection in favour of the RWA. The Respondents attempted to introduce extraneous and non-statutory conditions which are alien to the scheme of HERC Regulations. Any such interpretation permitting indefinite postponement of transfer would render Clause 6.1 of HERC Regulations otiose and meaningless.
17. That the impugned order is therefore arbitrary, perverse, contrary to statutory regulations, suffers from misinterpretation of law, non-consideration of material facts available on record, failure to exercise jurisdiction vested under Section 42 of the Electricity Act, 2003 and is liable to be set aside by this Hon'ble Electricity Ombudsman in the interest of justice.

▪ **LIMITATION**

18. The present appeal is within limitation as the impugned order dated 21.05.2026 was received by the Appellant recently and the present appeal is being filed within prescribed period under HERC (Forum & Ombudsman) Regulations, 2020.

▪ **PRAYER**

In view of the facts and grounds stated hereinabove, it is most respectfully prayed that this Hon'ble Electricity Ombudsman may graciously be pleased to:

1. Set aside/quash the impugned order dated 21.05.2026 passed by Corporate CGRF, UHBVN, Panchkula in Complaint No. UH/CGRF-275/2025;
2. Direct Respondent UHBVN and Respondent Builder to transfer/change Single Point Supply Connection Account No. 6519586206 in the name of Supermax Resident Welfare Association forthwith;
3. Direct transfer of all securities/records/warranties connected with the electrical connection account no. 6519586206 in favour of Appellant RWA in terms of Clause 6.1 of HERC Single Point Supply Regulations, 2020;
4. Direct Respondents to ensure full compliance of HERC Single Point Supply Regulations, 2020;
5. Pass any other order(s) deemed fit in the interest of justice.

- B.** The appeal was registered on 05.06.2026 as an appeal No. 20 of 2026 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 03.07.2026.

C. On 05.08.2026, respondent SDO has submitted objection/reply which is as under:-

1. That the above noted execution is pending before the Hon'ble Authority and the same is fixed for today.
2. It is submitted that the electrical works in the subject project were duly undertaken by the developer strictly in accordance with the approval accorded by the competent authority, i.e., the office of Deputy Secretary (Technical), UHBVN, Panchkula, vide Memo No. Ch-29/Case File No. 52/ElecPlan/SNP/2019-20 dated 17.03.2020. The sanctioned layout plans and electrical scheme were duly approved prior to execution. Hence, the allegation of non-compliance is not maintainable and liable to be dismissed.
3. That it is pertinent to mention here that attention of this Hon'ble Forum is invited to Clause 6.1 of the HERC Single Point Supply Regulations, 2020. The said clause clearly stipulates that transfer of the Single Point Supply connection to the RWA is contingent upon fulfilment of certain mandatory conditions, namely:
 - (i) Completion of infrastructure in all respects;
 - (ii) Compliance with safety and technical standards;
 - (iii) Formation of a duly registered RWA;
 - (iv) Clearance of all dues and formalities.

At present, the fulfilment of these conditions is incomplete. Therefore, the plea of the Appellant for immediate transfer is premature and not maintainable.

4. That the respondents have already issued a communication to M/s Supermax Affordable Housing Pvt. Ltd. vide Memo No. 289 dated 29.12.2025, calling for compliance and transfer-related requirements. The developer's reply has been duly placed on record and forwarded to this Hon'ble Forum vide Memo No. 288 dated 29.12.2025. The process is ongoing and under active consideration.
 - (i) The electrical infrastructure stands executed as per approved plans, subject to verification.
 - (ii) Compliance and handing over to RWA is under process.
 - (iii) Final action regarding transfer of connection shall be taken strictly in accordance with applicable HERC Regulations, 2020, and only after due verification of safety, technical standards, and statutory requirements.

That the appellant has erroneously conflated the issue of colony maintenance under Affordable Housing Policy, 2013, with the statutory scheme of electricity transfer under HERC Regulations, 2020. These are distinct legal regimes.

"Section 42 of the Electricity Act, 2003 vests jurisdiction in the Distribution Licensee to regulate supply and ensure compliance with safety and technical standards. Until such compliance is verified, transfer cannot be effected"

"The Appellant's reliance on Clause 6.1 without demonstrating fulfilment of pre-conditions is misconceived. The word "shall" in Clause 6.1 operates only upon satisfaction of all statutory requirements, not otherwise".

5. That the impugned order dated 21.05.2026 passed by the Corporate CGRF, Panchkula, is legal, valid, and sustainable. The prayer of the Appellant for immediate transfer of the Single Point Supply connection is premature and liable to be rejected.

It is therefore prayed that this Hon'ble Electricity Ombudsman may kindly:

1. Dismiss the appeal filed by Supermax Residents Welfare Association as being premature and misconceived;
2. Uphold the impugned order dated 21.05.2026 passed by Corporate CGRF, Panchkula;
3. Pass any other order(s) deemed fit in the interest of justice.

- D.** The hearing in the above-captioned appeal was held today as scheduled. The Appellant has primarily contended that the Respondent-Developer is continuing to collect maintenance charges from the resident's while being under an obligation, as per the Haryana Affordable Housing Policy 2013, to maintain the colony free of cost for a period of five years from the date of grant of Occupation Certificate.

The Appellant has drawn specific attention to Clause 6.1 of the HERC (Single Point Supply...) Regulations, 2020, particularly the mandatory provision regarding handover of operation and maintenance of electrical assets to the RWA and transfer of the Single Point Supply connection (Account No. 6519586206) upon completion of the electrical infrastructure (as elaborated in para 8 at Page 3 of the Appeal). Reference has also been made to Section 5.3 read with Point No. 14 at Page 4 of the Appeal.

The Appellant has prayed for the following substantive relief:

On completion of the electrical infrastructure by the Developer, the operation and maintenance of these assets shall be handed over to the RWA/Users Association and the Single Point Supply connection, if taken by the Developer, shall be transferred/changed in the name of the RWA along with all securities, guarantees and warranties. Thereafter, the RWA shall be responsible for managing the affairs and serving individual consumers strictly in accordance with the HERC Single Point Supply Regulations, 2020.

After careful consideration of the Appeal, the documents on record, and the submissions made during the hearing, it is deemed appropriate and necessary, before proceeding further, to obtain the considered opinion/views of the following authorities on the issues involved, particularly the interplay between the HERC

Single Point Supply Regulations, 2020 and the maintenance obligations under the Affordable Housing Policy, 2013:

1. Superintending Engineer (Commercial), UHBVN, Panchkula
2. Supermax Affordable Housing Pvt. Ltd. (Developer)
3. District Town & Country Planner, Sonipat

Accordingly, the above-named authorities are hereby impleaded as Respondent in the present appeal.

A copy of this Interim Order along with a complete set of the Appeal and its annexures shall be forwarded to the newly impleaded Respondents by the Registry of this Office. The Appellant is also directed to send a copy of the Appeal and all annexures to the newly impleaded Respondents via email, with a copy marked to the Office of the Electricity Ombudsman.

The matter is adjourned to 05.08.2026.

- E.** The matter was taken up for hearing on 05.08.2026 as scheduled pursuant to the earlier Interim Order dated 03.07.2026. The hearing was attended by the Appellant and the Respondent SDO/OP, Model Town Sub Division, UHBVN, Sonipat.

During the course of the hearing, the Respondent SDO submitted a written objection/reply on behalf of UHBVN. The same was taken on record.

It is, however, noted with concern that despite clear directions issued vide Interim Order dated 03.07.2026, no written reply, comments or opinion has been filed by the following newly impleaded Respondents:

1. Superintending Engineer (Commercial), UHBVN, Panchkula;
2. Supermax Affordable Housing Pvt. Ltd. (Developer); and
3. District Town & Country Planner, Sonipat.

The Electricity Ombudsman expressed displeasure at the non-compliance by the said authorities.

In the earlier Interim Order dated 03.07.2026, the above authorities were specifically impleaded with a view to obtaining their considered views on the issues arising in the appeal, particularly the interplay between the HERC (Single Point Supply to Residential Colonies or Residential Multi-Storeyed Buildings) Regulations, 2020 (especially Clause 6.1 regarding mandatory handover of operation and maintenance of electrical assets and transfer of the Single Point Supply connection upon completion of electrical infrastructure) and the maintenance obligations of the Developer under the Haryana Affordable Housing Policy, 2013. The said Order had also directed that a complete set of the Appeal and annexures be supplied to the

newly impleaded Respondents and that all parties file detailed written replies/comments supported by relevant documents.

Having regard to the non-submission of replies by the above Respondents and the need to ensure a complete and fair adjudication of the issues involved, the following directions are issued:

1. The Respondent SDO/OP, Model Town Sub Division, UHBVN, Sonipat, is directed to share a copy of the reply already submitted on behalf of UHBVN with all other stakeholders/parties in the matter forthwith.
2. The Superintending Engineer (Commercial), UHBVN, Panchkula; Supermax Affordable Housing Pvt. Ltd. (Developer); and the District Town & Country Planner, Sonipat, are directed to file their detailed written replies/comments/opinions, supported by all relevant documents, on the issues raised in the Appeal (including the interplay between the HERC Single Point Supply Regulations, 2020 and the Haryana Affordable Housing Policy, 2013) within the stipulated time.
3. All parties, including the newly impleaded Respondents, are directed to file their respective replies, rejoinders or additional submissions, if any, at least three days prior to the next date of hearing.
4. The Appellant is directed to ensure that a complete set of the Appeal and all annexures has been duly supplied to the newly impleaded Respondents, if not already done, with a copy marked to this Office.

The matter is accordingly adjourned to 02.09.2026.

F. On 25.08.2026, appellant has submitted rejoinder to the reply filed by the respondent which is as under: -

1. That the Appellant submits this rejoinder to the reply filed by the Respondent-SDO. The reply does not identify any specific statutory, regulatory, technical or factual defect which presently prevents transfer/change of Single Point Supply Connection/Account No. 6519586206 in the name of Supermax RWA. The reply mainly uses general expressions such as "subject to verification", "formalities", "statutory requirements" and "under process", without stating what exact work is incomplete, what exact safety defect exists, what exact document is pending, what exact amount is due, or what exact provision of the HERC Regulations prevents transfer.
2. That this issue is important because the learned Corporate CGRF, in its proceedings dated 17.02.2026, specifically directed the Respondent-SDO to submit a report regarding whether the electrical work executed by the Developer was according to the layout plan approved by the Nigam and according to the Nigam's instructions for transfer of the electricity connection. The SDO was specifically directed to submit the report within seven days without fail.

3. That the subsequent SDO report, as recorded in the CGRF proceedings, stated that "the infrastructure stands completed as per approved plans" and further stated that transfer of the connection to the RWA shall be carried out in accordance with Clauses 6.1 and 6.3 of the HERC Single Point Supply Regulations, 2020.
4. That, therefore, the Respondent has not placed on record any later and specific finding showing that any particular electrical work is incomplete or that any particular part of the approved electrical plan has not been complied with. If the Respondent now relies upon "verification", it is necessary that the Respondent disclose the result of such verification and not merely state that verification is pending.
5. That the Appellant does not oppose any genuine technical, safety or statutory verification required by law. The Appellant's grievance is only against an indefinite and unexplained delay. If any deficiency exists, the Respondent should state it clearly in writing, with the exact provision/instruction applicable to it and the action required for its removal.
6. That Clause 6.1(a) of the HERC Single Point Supply Regulations, 2020 provides the relevant regulatory mechanism. It requires the electrical infrastructure to be completed as per the approved electrification plan. It also provides a mechanism where infrastructure is incomplete and, after completion, provides for handover of operation and maintenance to the RWA/Users Association and transfer/change of the Single Point Supply connection in the name of the RWA/Users Association. The official HERC record of Appeal No. 14/2022 also reproduces and discusses this requirement.
7. That the said Regulation therefore does not leave the matter to an indefinite discretion of the SDO. If the Respondent says that the infrastructure is incomplete, it must identify the particular incomplete work. If the Respondent says that a safety requirement is not fulfilled, it must identify the particular requirement and the inspection finding. If the Respondent says that some dues or formalities are pending, it must identify the exact amount/document/formality and the statutory provision which makes it a condition for transfer.
8. That the Respondent has not done so in the reply under consideration. The Appellant therefore respectfully submits that a general statement such as "formalities are pending" cannot be treated as a sufficient reason for withholding the transfer indefinitely.

THE CGRF'S OWN RECORD SUPPORTS THE APPELLANT

9. That the sequence recorded by the CGRF is important: on 17.02.2026 the CGRF specifically required the SDO to verify the approved electrical work and transfer requirements: the SDO was directed to report within seven days; the subsequent record states that the infrastructure stands completed as per approved plans; and despite this, no specific deficiency preventing transfer has been communicated to the Appellant.

10. That this sequence requires a definite determination by this Hon'ble Ombudsman. The matter should not again be sent back for an indefinite "verification" or "process". If UHBVN has a genuine objection, it should be finally identified and decided in the present proceedings.

NO ADDITIONAL CONDITION CAN BE CREATED BY THE SDO

11. That the Respondent cannot add an unspecified departmental condition to the procedure prescribed by HERC. The Hon'ble Supreme Court in Babu Verghese & Ors. v. Bar Council of Kerala & Ors., (1999) 3 SCC 422, laid down the settled principle:
"It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any Statute, the act must be done in that manner or not at all."
12. That the principle applies to the present case. UHBVN may require compliance with the HERC Regulations and genuine technical requirements, but it cannot keep the transfer pending merely by referring to unspecified "formalities" without showing their legal source.

SHIFTING OR NEW REASONS SHOULD NOT BE USED TO KEEP THE MATTER PENDING

13. That if the reason for withholding transfer is changed from one stage to another, the Appellant respectfully requests that the Hon'ble Ombudsman require the Respondent to state one final and definite position. The Appellant relies upon Mohinder Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors., (1978) 1 SCC 405, where the Hon'ble Supreme Court held that an administrative order must be judged on the reasons stated and cannot subsequently be supported by fresh reasons. The principle is repeatedly applied by the Supreme Court in its official judgments.
14. That accordingly, the Respondent should not be permitted to defeat the present appeal by producing one general reason now and another reason later. The exact present impediment, if any, must be identified and decided in this proceeding.

HERC HAS ALREADY TAKEN ACTION AGAINST INORDINATE DELAY IN ELECTRICITY-RELATED COMPLIANCE

15. That the Appellant relies particularly upon HERC Petition No. 11 of 2022, R.P. Uniyal & Ors. v. Executive Engineer (OP) Division, DHBVN, Greater Faridabad & Ors., arising from DH-CGRF-3244/2020, order dated 26.05.2022 - in the said case the Hon'ble HERC was considering non-compliance with the CGRF's electricity-related directions. The Commission recorded: "The Commission took notice with regard to the inordinate delay caused by the developers on one pretext or the other for compliance of CGRF's order..." and further observed that the non-compliance had resulted in: "unnecessary harassment to the occupants' dwelling units by not providing electricity which is an essential amenity."

17. That the Commission thereafter recorded that it was satisfied that there was a prima facie case of non-compliance and issued a show-cause notice under Sections 142 and 146 of the Electricity Act, 2003.
18. That the Appellant does not contend that the facts of that case are identical with the present case. The Appellant relies upon it for the important principle that repeated excuses and unexplained delay in implementation of electricity-related directions are not to be treated as an indefinite administrative process.
19. That the same underlying matter was DH/CGRF-3244/2020, and subsequently came before the Electricity Ombudsman in Appeal No. 14/2022, M/s Country Wide Promoters & M/s BPTP Ltd. v. R.P. Uniyal & Ors., order dated 14.10.2022. The official Ombudsman record confirms the case number, parties and the underlying CGRF proceedings.
20. That the Appellant relies upon the above Ombudsman record only to show the regulatory history and the manner in which the issue of implementation of Single Point Supply directions proceeded through CGRF, Ombudsman and HERC. The Appellant does not rely upon Appeal No. 14/2022 as a binding final decision on the present transfer issue.

THE PRESENT CASE SHOULD BE FINALLY DECIDED, NOT SENT BACK FOR ANOTHER INDEFINITE PROCESS

21. That another general direction such as "SDO shall process the case as per rules" would not effectively decide the Appellant's grievance, because the Appellant has already undergone the CGRF proceedings and the SDO has already been specifically directed to submit a report.
22. That the Hon'ble Ombudsman has statutory/regulatory power to call for the relevant records. Regulation 3.29 of the HERC Forum & Ombudsman Regulations provides the Ombudsman power to call for records or information. The Regulations also require a reasoned decision. Regulation 3.24 expressly states that: "The Ombudsman shall pass a speaking order giving reasons for all his findings and award."
23. That Regulation 3.25 requires the Ombudsman to pass the award as early as possible within the prescribed period and requires reasons to be recorded if there is delay. Regulation 3.26 further provides that the Licensee shall comply with the award/order within 15 days of receipt and treats non-compliance as a violation liable to appropriate action by the Commission.
24. That in view of these provisions, the Appellant respectfully requests that the final order may contain issue-wise findings, namely: whether the electrical infrastructure stands completed as per the approved plan; whether any specific technical/safety deficiency presently exists; if any deficiency exists, what exactly it is and what document proves it; whether any specific HERC Regulation makes such deficiency a condition precedent for transfer; whether any specific electricity dues are outstanding and, if so, the exact amount and legal basis; whether any specific document/formality remains pending and the exact Regulation requiring it; whether

the Respondent has established any lawful reason preventing transfer under Clause 6.1; and if no such impediment is established, by what date UHBVN shall complete the transfer.

25. That such issue-wise determination is necessary so that the dispute is finally resolved and the Appellant is not again compelled to approach the authorities merely because the Respondent gives another general or incomplete reply.

ALTERNATIVE TIME-BOUND RELIEF

26. That without prejudice to the Appellant's primary prayer for immediate transfer, if this Hon'ble Ombudsman considers that any final technical verification is still required, the Appellant respectfully requests that UHBVN be directed to complete the same within 7 days and submit an item-wise report. That the report should specifically mention: the exact deficiency, if any; the exact location/component involved; the approved-plan requirement; the HERC Regulation/Nigam instruction relied upon; the document/inspection report supporting the objection; the exact corrective action required; and the officer responsible for completion.
27. That if no such deficiency is established within the prescribed period, the transfer/change of the Single Point Supply connection should automatically proceed and be completed within a further 15 days, without requiring another complaint or another round of correspondence.

PRAYER

In view of the above, it is respectfully prayed that this Hon'ble Ombudsman may kindly:

1. Direct UHBVN/SDO to complete transfer/change of Single Point Supply Connection/Account No. 6519586206 in the name of Supermax RWA within 15 days;
2. In the alternative, if any requirement is genuinely pending, direct the SDO to provide within 7 days an item-wise written report specifying the exact deficiency, applicable Regulation/instruction, supporting document and corrective action, and thereafter complete the transfer within a fixed period of 15 days;
3. Direct that no further objection based merely on "verification", "formalities", "under process" or "statutory requirements" shall be accepted unless the exact requirement and its legal basis are stated in writing;
4. Direct UHBVN to place on record the approved electrification plan and latest inspection/verification report, if relied upon;
5. Pass a speaking and reasoned order with issue-wise findings, as required under Regulation 3.24, specifically determining whether any lawful impediment to transfer presently exists; and
6. Direct compliance within the prescribed period and take appropriate action in case of non-compliance.

G. On 25.08.2026, Chief Engineer (Commercial), Panchkula has submitted as under:-

Kindly refer to the Interim Order dated 05.08.2026 passed by the Hon'ble Electricity Ombudsman, Haryana on the subject cited issue.

In this context, it is intimated that Clause 6.1 of the HERC (Single Point Supply to Employers' Colonies, Group Housing Societies, Residential Colonies, Office-cum-Residential Complexes and Commercial Complexes of Developers and Industrial Estates/IT Park/SEZ) Regulations, 2020 (S.C. No. U-14/2020) provides for O&M of the electrical infrastructure by the Developer. The said provision further provides for taking over of the electrical infrastructure by the RWA upon completion.

It is observed that the aforesaid HERC Regulations do not prescribe any period of five years for transfer of O&M responsibility, as provided under the Haryana Affordable Housing Policy, 2013. Therefore, upon completion and energization of the electrical infrastructure, the O&M thereof is required to be transferred by the Developer to the RWA, as per the provisions of the HERC Regulations.

Accordingly, the provisions of the HERC Regulations, 2020 (S.C. No. U-14/2020) may be followed in the matter.

This is for your kind information, please.

H. On 31.08.2026, Super Max Affordable Housing Pvt. Ltd. has submitted reply which is as under:-

I. PRELIMINARY SUBMISSIONS

1. That the present appeal filed by the Appellant/RWA is premature and is liable to be dismissed.
2. The Appellant is relying on certain portions of Clauses 6.1 and 6.3 of the HERC Single Point Supply Regulations, 2020, but is not considering the complete procedure and conditions contained in those provisions.
3. The Appellant is trying to suggest that the Developer has accepted that the RWA has an immediate and unconditional right to get the Single Point Supply connection transferred into its name. This is not correct.
4. The actual position is clear from Memo No. 1082 dated 23.04.2026 issued by the SDO (OP), Model Town Sub-Division, UHBVN, Sonipat.
5. In the said Memo, the SDO stated that:

"The electrical infrastructure of the project was executed by the developer as per approval of the competent authority..."

The SDO further stated that:

"As per records, the electrical infrastructure stands completed as per approved plans. The transfer of connection to the RWA shall be carried out strictly in accordance with applicable Clauses 6.1 and 6.3 of HERC Single Point Supply Regulation, 2020."

6. Therefore, the SDO did not say that the connection should be transferred immediately and unconditionally.
7. The SDO clearly stated that the transfer must be made strictly according to Clauses 6.1 and 6.3 of the Regulations.
8. The subsequent reply of the SDO in the present appeal also shows that the electrical infrastructure has been executed/completed as per the approved plans, subject to verification, and that the process relating to compliance, handing over and takeover by the RWA is still under process.
9. Therefore, there is no contradiction between the position of UHBVN and the position of the Developer.
10. The common position is that although the electrical infrastructure has been completed, the transfer of the Single Point Supply connection must still follow the procedure prescribed under the HERC Regulations, including proper verification, handover, takeover and assumption of responsibilities.

II. THE LEGAL AND REPRESENTATIVE STATUS OF THE RWA IS AN IMPORTANT ISSUE

11. The Respondent has serious concerns regarding the legal and representative capacity of the Appellant RWA.
12. The Appellant claims to be a nominated RWA having Certificate No. HR-008-2024-01681.
13. However, the Respondent had already brought to the notice of the learned CGRF that the status and capacity of the Appellant RWA was in question because of Order No. 2604 dated 16.09.2025 passed by the District Registrar of Firms and Societies.
14. A copy of the said order was placed on record as Annexure-1.
15. The said order required the RWA to submit a completion report along with a membership list representing at least 50% of the flat owners by 10.10.2025.
16. The Respondent had specifically informed the learned CGRF that the required compliance was still pending.
17. This issue is important because the Appellant is not asking for an ordinary individual electricity connection.
18. The Appellant is asking for transfer of the Single Point Supply connection of the entire project, along with electrical assets, securities, warranties, guarantees, records and the responsibility for operation and maintenance.
19. Therefore, before such a transfer is ordered, the Appellant must establish that it has the legal authority and proper representative capacity to take responsibility for the entire complex.
20. The Respondent therefore respectfully submits that the Appellant should be required to establish:
 - a. that its legal status is presently valid;
 - b. that it has complied with Order No. 2604 dated 16.09.2025;
 - c. that it has the required membership and representation of the flat owners;
 - d. that it is authorised to represent the residents/users of the entire complex;

- e. that it is capable of taking over operation and maintenance of the electrical infrastructure and other common services;
- f. that it has proper authority from the members to enter into the necessary agreement with UHBVN.

III. FACTUAL POSITION OF THE PROJECT

- 21. The project consists of approximately 743 apartments/units and is presently occupied by approximately 3,000 residents.
- 22. The project has received the Completion Certificate vide Memo No. LC-3231-JE (MK)2024/29484 dated 18.09.2024.
- 23. However, the Completion Certificate does not automatically mean that every requirement relating to transfer of the Single Point Supply connection has been completed.
- 24. The transfer of the electricity connection involves several other matters, including:
 - handing over of electrical infrastructure;
 - taking over of the infrastructure by the RWA/Users Association;
 - operation and maintenance of the electrical system;
 - transfer of securities and warranties;
 - records and documents;
 - compliance with HERC Regulations; and
 - verification by UHBVN.
- 25. The Respondent had also informed the learned CGRF that the maintenance and common-area services of the project are presently being managed through Neat And Clean Operations Pvt. Ltd. under the existing arrangements with the users.
- 26. The prepaid meter/software system and other common-area operations are also connected with the existing maintenance and collection system.
- 27. Therefore, the issue is not simply about changing the name on an electricity account.
- 28. The proposed transfer would also involve transfer of responsibilities for electrical infrastructure and related operations. It must therefore be carried out in an orderly and legally compliant manner.

IV. CLAUSE 6.1(a) HAS TO BE READ AS A WHOLE

- 29. The Appellant is relying heavily on Clause 6.1(a), but is reading only the portion that supports its case.
- 30. Clause 6.1(a) provides for a process under which, after completion of the electrical infrastructure, the operation and maintenance of the electrical assets are to be handed over to the RWA/Users Association and the Single Point Supply connection, if taken by the Developer, is to be transferred to the RWA/Users Association along with the relevant securities, warranties and guarantees.
- 31. Therefore, the provision has to be understood as a complete process:

Completion of electrical infrastructure → handover of electrical assets → takeover by RWA/Users Association → assumption of operation and maintenance responsibilities → transfer of Single Point Supply connection and related records/securities.

- 32.The Appellant cannot rely only on the final part relating to transfer of the electricity connection while ignoring the preceding requirements concerning handover and operation and maintenance.
- 33.The Respondent does not dispute that the electrical infrastructure has been executed/completed as reflected in the SDO's reply.
- 34.However, completion of the electrical infrastructure is only one part of the process.
- 35.The remaining question is whether all requirements relating to handover, takeover, operation and maintenance, documentation and verification have also been completed.

V. THE SDO MEMO DATED 23.04.2026 SUPPORTS THE RESPONDENT'S CASE

- 36.The Appellant relies upon SDO Memo No. 1082 dated 23.04.2026.
- 37.However, the wording of the Memo does not support the Appellant's claim for immediate transfer.
- 38.The SDO clearly stated that the transfer shall be carried out "strictly in accordance with applicable Clauses 6.1 and 6.3".
- 39.The SDO did not state that the connection should immediately and unconditionally be transferred to the RWA.
- 40.This distinction is important.
- 41.The SDO's statement means that the transfer has to follow the requirements of the Regulations.
- 42.Therefore, the Appellant cannot treat the SDO's Memo as an unconditional direction to transfer the connection immediately.
- 43.Instead, the Memo supports the Respondent's position that the complete regulatory procedure must be followed.

VI. THE SUBSEQUENT SDO REPLY ALSO SUPPORTS THIS POSITION

- 44.The subsequent reply filed by the SDO in the present appeal also supports the Respondent's position.
- 45.The subsequent reply states, in substance, that:
- a. the electrical infrastructure has been executed/completed as per approved plans, subject to verification;
 - b. the matter relating to compliance and handing over to the RWA is still under process; and
 - c. final action regarding transfer of the connection will be taken according to the applicable Regulations and after due verification.
- 46.Therefore, the subsequent reply is not inconsistent with Memo No. 1082 dated 23.04.2026.
- 47.Both communications show that UHBVN has not accepted that the Appellant has an unconditional right to immediate transfer.
- 48.The position of UHBVN is that the transfer has to be processed after compliance with the applicable regulatory requirements.

VII. CLAUSE 6.3 ALSO REQUIRES TAKEOVER BY THE USERS ASSOCIATION

49. The Appellant also relies upon Clause 6.3 of the HERC Single Point Supply Regulations, 2020.
50. Clause 6.3 applies to the relevant developer commercial/residential-cum-commercial complexes and Users Associations.
51. It provides that the Developer having Single Point Supply has to enter into an agreement with the distribution licensee through the Users Association.
52. It further provides that the connection is to be changed in the name of the Users Association once the complex is taken over by the Users Association.
53. Therefore, the words "once the complex is taken over by the Users Association" are important and cannot be ignored.
54. The Appellant must first establish that the complex has actually been taken over by the Users Association in the manner contemplated under the Regulations.
55. A mere claim by the Appellant that it is the RWA cannot by itself establish that the entire complex has been legally and operationally taken over.
56. The Appellant must show that it is legally authorised and practically capable of accepting the responsibilities connected with the transfer.

VIII. THE RWA'S LEGAL CAPACITY IS IMPORTANT FOR THE TRANSFER

57. The transfer under Clauses 6.1 and 6.3 is not merely a change of the consumer's name.
58. The RWA/Users Association would have to take responsibility for the electrical system and related functions.
59. The Regulations also place responsibilities on the Users Association relating to operation and maintenance of the distribution system, metering, billing, collection and other electricity-related functions.
60. Therefore, if the representative capacity of the Appellant itself is under question because of the District Registrar's Order no 2604 dated 16.09.2025, it would be premature to direct the Developer and UHBVN to transfer the Single Point Supply connection and related responsibilities to the Appellant.
61. The foundational issue of the Appellant's authority and representative status should first be clarified.

IX. THE 50% MEMBERSHIP REQUIREMENT IS IMPORTANT

62. The project consists of approximately 743 apartments/units.
63. The District Registrar's Order no 2604 dated 16.09.2025 required the Appellant to submit a membership list representing at least 50% of the flat owners but till dated 31.03.2025 they have only 26 members out of 743 members which is just 3.499 % of total.
64. The Respondent had already informed the learned CGRF that the required compliance was pending.

65. Before the Appellant is allowed to take over the electricity connection of the entire project, it should therefore establish that it has complied with the Registrar's directions.
66. The Appellant cannot claim authority to take over the electrical infrastructure and responsibilities of the entire project without first establishing that it has the required representative authority.

X. ELECTRICAL OPERATION AND MAINTENANCE CANNOT BE IGNORED

67. The Appellant's case effectively seeks transfer of the electricity connection without properly addressing the responsibilities that come with the transfer.
68. The Respondent has already informed the learned CGRF that common-area services and maintenance are presently being managed under the existing arrangements through Neat And Clean Operations Pvt. Ltd.
69. Clause 6.1(a), however, specifically provides for handing over operation and maintenance of the electrical assets to the RWA/Users Association after completion of the electrical infrastructure.
70. Therefore, the Appellant must show that it is not only registered as an RWA but is also legally and practically ready to take over the responsibilities relating to the electrical infrastructure.
71. The Respondent further submits that the overall operation of the society involves several essential services, including:
- STP;
 - WTP;
 - fire pumps;
 - domestic water pumps;
 - 16 lifts;
 - housekeeping;
 - green-area maintenance;
 - road maintenance; and
 - other common-area services.
72. The Respondent is not saying that all these services must necessarily be transferred under the electricity regulations. The point is that the Appellant's claim concerns takeover of the complex and its common responsibilities, and therefore its actual authority and readiness to take over must be properly established.

XI. THE COMPLETION CERTIFICATE DOES NOT AUTOMATICALLY TRANSFER THE ELECTRICITY CONNECTION

73. The Appellant may rely upon the Completion Certificate dated 18.09.2024.
74. The Respondent does not dispute the existence of the Completion Certificate.
75. However, the Completion Certificate only establishes completion of the project for the purpose for which that certificate was issued.
76. It does not by itself transfer the Single Point Supply electricity connection or the electrical assets to the RWA.

- 77.The electricity connection and the transfer of the electrical system are governed by the applicable HERC Regulations and the procedures of UHBVN.
- 78.This is also clear from the SDO's own reply, which states that the transfer will be carried out strictly according to Clauses 6.1 and 6.3.

XII. THE APPELLANT CANNOT SELECT ONLY THE PARTS OF THE REGULATIONS THAT SUIT IT

- 79.The Appellant is relying upon the part of Clause 6.1 relating to transfer of the connection but is not giving equal importance to the requirements relating to handover and operation and maintenance.
- 80.Similarly, while relying upon Clause 6.3, the Appellant is overlooking the requirement that the connection is to be changed in the Users Association's name once the complex is taken over by the Users Association.
- 81.The Regulations must be read as a whole.
- 82.The conditions and responsibilities attached to the transfer cannot simply be ignored.
- 83.Therefore, the Appellant cannot claim an automatic transfer merely because the electrical infrastructure has been completed.

XIII. THE CGRF ORDER SHOULD BE UPHELD

- 84.The learned CGRF considered the material placed before it, including the replies of the parties, the SDO's position and the circumstances relating to the project and the RWA.
- 85.The Appellant has not shown that the order dated 21.05.2026 contains any serious legal error or that the CGRF acted illegally.
- 86.The present appeal is essentially asking the Hon'ble Ombudsman to reconsider the factual and regulatory position and direct immediate transfer of the connection.
- 87.However, the Appellant has not established a legal basis for such an unconditional direction.
- 88.Therefore, the order dated 21.05.2026 deserves to be upheld and the appeal deserves to be dismissed.

XIV. WITHOUT PREJUDICE — THE DEVELOPER IS READY TO COOPERATE

- 89.Without prejudice to the above objections, the Respondent submits that it has no intention of preventing any lawful transfer process.
- 90.The Respondent is ready to cooperate with UHBVN and other competent authorities for:
- verification of the electrical infrastructure;
 - preparation and checking of documents;
 - lawful handover;
 - takeover by the authorized RWA/Users Association as per DIC order no 2604 dated 16.09.2026; and
 - completion of any other requirement under the HERC Regulations.
- 91.However, such cooperation should not be treated as an admission that the Appellant has an immediate or unconditional right to transfer of the Single Point Supply connection.

92.If the transfer is legally required, it should be carried out only after:

- a. verification by UHBVN;
- b. compliance with the applicable HERC Regulations;
- c. proper handover and takeover of the electrical infrastructure;
- d. establishment of the Appellant's legal and representative capacity; and
- e. acceptance of the applicable operation and maintenance responsibilities.

XV. WHY THE APPEAL IS PREMATURE

93.The following facts, when considered together, show that the Appellant's appeal is premature:

- a. The electrical infrastructure has been completed as per the approved plans, subject to verification;
- b. The SDO Memo dated 23.04.2026 specifically states that transfer shall be made strictly according to Clauses 6.1 and 6.3;
- c. The subsequent SDO reply also states that compliance and handover are under process and that transfer will be made after verification and according to the applicable Regulations;
- d. Clause 6.1(a) provides for handover of the electrical assets and their operation and maintenance to the RWA/Users Association after completion;
- e. Clause 6.3 provides that the connection is to be changed in the name of the Users Association once the complex is taken over by it;
- f. The representative/legal status of the Appellant RWA has been questioned pursuant to the District Registrar's Order dated 16.09.2025;
- g. The Registrar's Order required a completion report and a membership list representing at least 50% of the flat owners.
- h. The Respondent had informed the CGRF that the required compliance was pending;
- i. The project consists of approximately 743 apartments and approximately 3,000 residents, making proper representative authority is important and 26 members cannot take decision for common interest of 743 flat owners without their consent/authorization;
- j. Existing arrangements for maintenance and common-area operations are already in place.

94.In these circumstances, directing immediate and unconditional transfer of the Single Point Supply connection would be premature.

95.The proper course is to allow UHBVN to complete the required verification and regulatory process and then take action in accordance with the HERC Regulations.

XVI. PRAYER

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Electricity Ombudsman may graciously be pleased to:

- a. Dismiss the appeal filed by Supermax Residents Welfare Association;
- b. Uphold the order dated 21.05.2026 passed by the Corporate Consumer Grievances Redressal Forum, UHBVN;
- c. Hold that the transfer of the Single Point Supply connection must be carried out strictly in accordance with the HERC Single Point Supply Regulations, 2020, including Clauses 6.1 and 6.3, as applicable;
- d. Hold that completion of the electrical infrastructure alone does not mean that all requirements relating to handover, takeover, operation and maintenance, documentation and verification have been completed;
- e. Take into consideration the issue concerning the legal and representative status of the Appellant RWA in view of District Registrar Order No. 2604 dated 16.09.2025; in which the order clearly directed Appellant RWA to submit a completion report with a membership list of at least 50% of the flat owners by 10.10.2025 but till 31.03.2025 they made only total 26 members out of 743 members which is just 3.499 % of total;
- f. Require the Appellant to establish compliance with the Registrar's directions regarding its membership and representative status before seeking mandatory transfer of the connection;
- g. Reject the Appellant's request for automatic transfer of the Single Point Supply connection, securities, warranties and related records without completion of the required regulatory process;
- h. In the alternative, if any further action is considered necessary, direct UHBVN to take such action only after due verification and completion of all applicable requirements, including lawful handover/takeover and operation and maintenance responsibilities; and
- i. Pass any other order which this Hon'ble Authority may consider appropriate in the interest of justice.

I. On 02.09.2026, appellant has submitted additional submission which are as under:-

1. That the Appellant RWA has already filed its detailed rejoinder dated 25-08-2026 and, therefore, this submission is confined to the new objections raised by the Builder. The Builder has relied upon the proceedings before the District Registrar and an earlier membership position to oppose transfer. The Appellant respectfully submits that society registration/membership and transfer of the Single Point Supply connection under the Electricity Act, 2003 and HERC Regulations are distinct matters. The Builder has not pointed out any specific provision of the

Electricity Act or HERC Single Point Supply Regulations making 50% membership of flat owners a condition precedent for transfer of the electricity connection. The Appellant RWA holds a valid RWA registration and has submitted its compliance/status before the District Registrar; any remaining issue under society law is for the competent Registrar to decide. Compliance/status report for District Registrar order is attached at Annexure 1. (Page No.3-8).

2. That the Builder's reliance upon the old figure of 26 members does not by itself establish the present status of the RWA. The membership position has changed and membership continues to remain open to eligible persons in accordance with the applicable bye-laws. The Appellant has also placed on record the RTI material and resident communications showing the continuing participation of residents through the RWA. These documents are relied upon only as supporting material and not as a substitute for any statutory requirement. Communications through Appellant RWA to Respondent Builder and RTI documents are attached at Annexure 2. (Page No. 9-11).
3. That the electricity record remains unchanged: the SDO's recorded position is that "the electrical infrastructure stands completed as per approved plans", while the subsequent UHBVN SE/Commercial communication dated 25.08.2026 states that the HERC Regulations do not prescribe a five-year period for transfer of O&M responsibility and that, after completion and energization, O&M is to be transferred to the RWA in accordance with the HERC Regulations. Accordingly, if the Respondents still say that any requirement prevents transfer, they may kindly identify the exact requirement, exact HERC provision/UHBVN instruction and supporting record, instead of relying upon the separate District Registrar proceedings.
4. It is therefore respectfully prayed that this Hon'ble Ombudsman may kindly take the subsequent documents on record and decide whether the Builder's membership objection has any specific basis under the Electricity Act or HERC Regulations. If no such electricity-law impediment is established, UHBVN may kindly be directed to complete the transfer/change of Single Point Supply Connection No. 6519586206 in favour of Supermax RWA within a fixed time. If any requirement is still pending, the exact requirement, legal basis and time for compliance may kindly be specified in the order so that the matter is finally decided and is not delayed by repeated or general objections.

DECISION

1. The present appeal was taken up for hearing as scheduled. The Appellant seeks setting aside of the order dated 21.05.2026 passed by the Corporate CGRF, UHBVN, Panchkula, and prays for directions for transfer of the Single Point Supply connection (Account No. 6519586206) in the name of Supermax Resident Welfare Association along with handover of operation and maintenance of the electrical infrastructure, in terms of Clause 6.1 of the HERC (Single Point Supply to

Employers' Colonies, Group Housing Societies, Residential Colonies, Office-cum-Residential Complexes and Commercial Complexes of Developers and Industrial Estates/IT Park/SEZ) Regulations, 2020 (hereinafter "HERC Single Point Supply Regulations, 2020").

2. During the hearing, the Respondent-SDO Acknowledgment that the electrical infrastructure in the township stands completed (through counsel) raised, inter alia, the following objections:
 - (a) Question regarding the representative character/validity of the Appellant-RWA comprising only 26 registered members in a project of approximately 743 flats;
 - (b) Requirement of a No Objection Certificate (NOC) from the Developer for transfer of the connection; and
3. The Appellant-RWA submitted that it is a duly registered Residents' Welfare Association (Registration Certificate No. HR008202401681) and that the earlier challenge before the District Registrar of Societies has been disposed of. In support of its claim of no objection from the Registrar, the Appellant placed on record a copy of an RTI reply (point No. 7) wherein the SPIO has stated that there is no objection to the transfer of the connection in the name of the RWA. Reliance was also placed on the communication dated 25.08.2026 issued by the Superintending Engineer/Commercial, UHBVN, Panchkula (Memo No. Ch-9/TR-90/Ombudsman/Appeal No. 20 of 2026/CE/C-I), which clarifies that Clause 6.1 of the HERC Single Point Supply Regulations, 2020 provides for O&M of the electrical infrastructure by the Developer and for taking over of the same by the RWA upon completion, and that the said Regulations do not prescribe any five-year period for transfer (as provided under the Haryana Affordable Housing Policy, 2013).
4. The representative of the Developer reiterated objections similar to those raised earlier before the District Registrar of Societies.
5. Despite specific directions issued vide Interim Orders dated 03.07.2026 and 05.08.2026, no representative from the District Town & Country Planning Department appeared, nor was any written reply/comments filed on their behalf.
6. This Authority has carefully considered the pleadings, documents on record (including the CGRF order, the SE/Commercial communication dated 25.08.2026, the HERC Single Point Supply Regulations, 2020, and the relevant provisions of the Haryana Affordable Housing Policy, 2013), and the submissions advanced during the hearing.

7. Relevant Regulatory Framework

Clause 6.1 of the HERC Single Point Supply Regulations, 2020 inter alia provides that upon completion of the electrical infrastructure as per the approved electrification plan, the operation and maintenance of such assets shall be handed over to the RWA/Users Association and the Single Point Supply connection, if taken by the Developer, shall be transferred/changed in the name of the RWA along with all securities, guarantees and warranties. Thereafter, the RWA shall be responsible

for managing the affairs and serving individual consumers strictly in accordance with the said Regulations.

The SE/Commercial, UHBVN, in its communication dated 25.08.2026, has specifically observed that the HERC Regulations do not prescribe any period of five years for transfer of O&M responsibility (as contemplated under the Haryana Affordable Housing Policy, 2013) and that upon completion and energization of the electrical infrastructure, the O&M thereof is required to be transferred by the Developer to the RWA in accordance with the HERC Regulations, 2020.

8. Provisions of the Haryana Affordable Housing Policy, 2013

Point (v) of the Gazetted Notification No. PF-27/48921 dated 19.08.2013 (as amended from time to time) inter alia provides:

“Maintenance of colony after completion of project: A commercial component of 4% is being allowed in the project to enable the coloniser to maintain the colony free-of-cost for a period of five years from the date of grant of occupation certificate, after which the colony shall stand transferred to the ‘association of apartment owners’ constituted under the Haryana Apartment Ownership Act, 1983, for maintenance. The coloniser shall not be allowed to retain the maintenance of the colony either directly or indirectly (through any of its agencies) after the end of the said five years period. Engaging any agency for such maintenance works shall be at the sole discretion and terms and conditions finalised by the ‘association of apartment owners’ constituted under the Apartment Ownership Act, 1983.”

9. Considered Opinion of this Authority

The core issue arising in the present appeal concerns the interplay between:

- (i) the mandatory handover and transfer provisions under Clause 6.1 of the HERC Single Point Supply Regulations, 2020 (a specialised electricity regulation); and
- (ii) the five-year free-of-cost maintenance obligation cast upon the coloniser under the Haryana Affordable Housing Policy, 2013 (a policy framed by the Town & Country Planning Department under the Haryana Development and Regulation of Urban Areas Act, 1975).

While the electrical infrastructure is stated to be complete and the SE/Commercial has clarified the position under the HERC Regulations, any direction by this Forum for immediate transfer of the Single Point Supply connection and handover of O&M of electrical assets has the potential to intersect with, and possibly affect, the larger maintenance obligations and commercial component arrangements contemplated under the Affordable Housing Policy, 2013.

The Town & Country Planning Department (and its adjudicatory mechanisms, including RERA) is the competent authority to interpret and enforce the maintenance obligations under the said Policy. Despite being impleaded and directed to file its considered views vide two successive Interim Orders, the said Department has neither appeared nor filed any reply. In these circumstances, any definitive order by this Authority on the transfer of the electricity connection without the considered position of the Town & Country Planning Department may lead to conflicting directions and potential ultra vires consequences vis-à-vis the Gazetted Policy Notification.

10. Directions

In view of the foregoing, and in the interest of avoiding conflicting directions between specialised regulatory regimes, this Authority is of the considered opinion that:

- (a) The Appellant-RWA is first required to approach the competent authority under the Town & Country Planning Department / RERA for appropriate clarification/amendment/ adjudication regarding the five-year free-of-cost maintenance obligation under the Haryana Affordable Housing Policy, 2013, and its interplay with the HERC Single Point Supply Regulations, 2020.
- (b) The decision of the competent authority under the Town & Country Planning framework on the maintenance obligations shall be binding on the Respondent-Licensee (UHBVN) for the purpose of processing the request for transfer of the Single Point Supply connection.
- (c) The Respondent-SDO shall, in the meantime, continue to process the transfer application strictly in accordance with Clause 6.1 and other applicable provisions of the HERC Single Point Supply Regulations, 2020, and the clarification already issued by the SE/Commercial vide letter dated 25.08.2026, subject to fulfilment of all technical, safety, documentary and statutory requirements (including any NOC or other formalities that may be mandated after the decision of the Town & Country Planning authority as pointed above in point (a) & (b)).
- (d) The Respondent-SDO shall not indefinitely delay the process on vague grounds of “verification” or “formalities”. Any specific deficiency, if existing, shall be communicated in writing to the Appellant within a fixed timeline, clearly stating the exact nature of the deficiency and the provision under which it arises.

11. The appeal is accordingly disposed of at this stage, without any order as to costs, with liberty to the Appellant to approach this Authority again, if necessary, after obtaining the decision of the competent Town & Country Planning / RERA authority on the maintenance-related issues.

12.A copy of this Order be sent to all parties, including the District Town & Country Planner, Sonipat, and the Superintending Engineer (Commercial), UHBVN, Panchkula, for information and necessary action.

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

Given under my hand on 10.09.2026.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:10.09.2026

CC:

Memo No.2153-62 /EO/HERC/Appeal No. 20/2026

Dated:10.09.2026

To

1. Supermax Resident Welfare Association, Through Its President, Jai Kanwar Community Hall, Supermax The New Town, Sector-33, Sonipat, 131001 (Email rwasupermax@gmail.com)
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer (Operation), UHBVN, Rohtak, 4th Floor Rajiv Gandhi Vidyut Bhawan near Medical Mor Delhi Road, Rohtak (email ceoprohtak@uhbvn.org.in)
5. The SE/Commercial, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula Email secommercial@uhbvn.org.in)
6. The SE (Operations), UHBVN, Sonipat Old D.C. Road, Dahiya Hospital wali Gali, Near ITI Chowk, Sonipat (Email seopsonepat@uhbvn.org.in)
7. XEN (Operations) Division, City Division, UHBVN, Sonipat, 132 KV S/S Fazilpur Colony, Opp. CNG pump near truck union, Sonipat (Email xenopcitivitysonipat@uhbvn.org.in)
8. SDO/OP, Model Town Sub Division, UHBVN, Sonipat, Kothi No.- 181-D, Sector 14, Main market, Sonipat (Email sdoopmtownsonipat@uhbvn.org.in)
9. Supermax Affordable Housing Pvt. Ltd., Commercial-2, Supermax The New Town, Sector-33, Sonipat Email: supermaxhousing@gmail.com
10. The District Town Planner (DTP), Sonipat First Floor, HUDA Complex, Sector-15 Sonipat, Haryana – 131001 (Email ID: dtp6.sonipat.tcp@gmail.com)