

CWP No.22523 of 2012

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.22523 of 2012
Date of decision:05.04.2016**

Dakshin Haryana Bijli Vitran Nigam Ltd. ...Petitioner

Versus

Jagmohan Aggarwal and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. P.S.Poonia, Advocate,
for the petitioner.

Mr. Rakesh Verma, Advocate,
for respondent No.1.

Rakesh Kumar Jain, J.

Respondent No.1 deposited a sum of ₹44,000/- while taking temporary connection for a load of 11 KW on 03.03.2008. The case of respondent No.1 was that his house was under construction for a period of more than two years and the load applied for temporary connection was not fully utilized. It is his case that had it been intimated by the officer of the petitioner for charging of MMC of the applied load, then he would have reduced the load according to the actual requirement at the site.

The order was passed by the Forum for Redressal of Consumer Grievances, DHBVN on 17.02.2012, observing that the benefit of charging the MMC of 2 KW instead of 11 KW cannot be granted to respondent No.1 as this is a clerical mistake which can be rectified at any stage. The

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petitioner filed an appeal before the Electricity Ombudsman, which was allowed on 21.05.2012 with the following observations:-

“From the reply submitted and clarification given by the respondent, it has been observed that as per entry of the 2 KW load by the respondent in the ledger, the sanctioned load to the appellant was only 2 KW load instead of 11 KW. Since only 2 KW load was entered in the ledger against the account number of appellant, as such the respondent might have utilized the balance load of 9 KW in releasing connections to other applications from the distribution transformer from which the appellant was being fed.

The undersigned is of the firm opinion that if the respondent would have issued the bills to the appellant on the basis of monthly minimum charges for 11 KW load from the date of release of connection, the appellant would have certainly got reduced his sanctioned load to a reasonable level as per his actual site requirement immediately. This process of reduction of load by the appellant and subsequently its sanction by the respondent would have taken maximum 3 to 4 months.

Keeping in view this aspect that had the appellant been issued the bills on the basis of sanctioned load of 11 KW from the date of connection by the respondent, and the appellant would have got his load reduced from 11 KW to 2 KW as per actual site requirement, then the respondent would have charged the appellant for 11 KW load only for maximum 4 months and thereafter on the basis of reduction of load got done by the appellant as per his actual site requirement, which would have been maximum 2 KW.

In view of ongoing facts the respondent is directed to charge monthly minimum charges to the appellant on the basis of sanctioned load of 11 KW only for 4 months and thereafter the balance period the respondent is directed to charge only for 2 KW load which the appellant would have got reduced/got sanctioned.

The respondent is further directed to pay a simple interest of 12% annum to the appellant on the amount due to him from the date it has become due to the appellant to the date of its payment.”

Counsel for the petitioner has submitted that the order dated

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21.05.2012 passed by the Ombudsman is illegal because respondent No.1 has been using the sanctioned load of 11 KW.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no error in the impugned order because it is also observed in the order dated 17.02.2012 that the officials of the petitioner had committed the mistake, knowingly or unknowingly, while entering the load particulars in the ledger of the use of 2 KW in place of 11 KW and for that matter, the Ombudsman has directed to charge respondent No.1 on the basis of sanctioned load of 11 KW for 4 months and, thereafter, for the balance period, he has to be charged only for 2 KW load, which respondent No.1 would have got reduced as per the requirement of his site.

Keeping in view the aforesaid facts and circumstances of the present case, I do not find any merit in the present petition and hence, the same is hereby dismissed.

April 05, 2016
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(Rakesh Kumar Jain)
Judge