

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

**CM Nos.2108 & 2110-CWP-2023 and
CWP No.17126 of 2022
Date of decision : 01.03.2023**

Chandigarh Developers Ltd.

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikram Singh, Advocate and
 Mr. Divyam Singh, Advocate for the petitioner.

Mr. Arvind Sethi, Advocate for
for respondents No.1 and 3 to 5.

Mr. Arun Chander, Advocate
for respondent No.6.

PANKAJ JAIN, J. (ORAL)

CM-2108-CWP-2023

This is an application for placing on record documents marked
as Annexure A-1 and exemption from filing certified copy thereof.

For the reasons recorded in the application, the same is
allowed. Document marked as Annexure A-1 is taken on record subject to
all just exceptions.

CM-2110-CWP-2023

This is an application filed under Section 151 CPC for staying
the operation of the impugned (Annexure P-7).

Counsel(s) for the parties submit that they are ready with the
arguments and pray for consideration of the main case.

With their consent, main writ petition is taken on Board today

itself for hearing.

Application stands disposed off as having been rendered infructuous.

CWP No.17126 of 2022

Petitioner has impugned order dated 12th of July, 2022 (Annexure P-7) whereby the Consumer Grievances Redressal Forum, UHBVNL while allowing the complaint filed by the Consumers/Residents have issued the following directions :-

- “i) M/s. CHD Developers Pvt. Ltd. being principal respondents as well as service providers M/s. CFM will raise the electricity bill to all the residents/commercial connections strictly in accordance with the tariff order approved by HERC and circulated by UHBVNL with immediate effect.
- ii) SDO/Respondent is directed not to charge any other charges such as CAM charges, water charges, sewerages charges through smart electricity meter and compliance be made within 21 days from the issue of the order of the Forum.
- lii) The Forum also directs SDO/Respondent to get replaced all the existing consumer meters with single source normal energy meters/smart meters as per standard specifications approved by Nigam and duly attested from Nigam's Lab. or accredited lab within 3 months from the issue of the Order of the Forum and compliance of the same be made within 4 months from the issue of the order of the Forum.

Therefore, the case is disposed of without cost to either of the parties.

As required under Haryana Electricity Regulatory Commission (Forum & Ombudsman) Regulations-2020, the implementation of this decision may be intimated to this office

within 4 months as per clauses of order mentioned as above.

In case the complainant is not satisfied with the decision passed on by this Forum, he may prefer his appeal further to the Electricity Ombudsman, HERC, Panchkula within a period of 30 days from the date of receipt of this order of the Forum as per Sub Regulation 2.48 and 2.49 of HERC (Forum & Ombudsman) Regulations-2020.”

2. Respondent No.6 filed a complaint before the Forum claiming that the builder was charging the residents at a tariff higher than fixed by the UHBVNL. On the complaint notice was issued and the petitioner filed reply thereto claiming that the tariff was being charged as per the circular of the Nigam. However, in order to bring more transparency and in order to tide over the issue two options were proposed :-

“Having admitted that, we would like to present to you two solution options :

1. We convert the electricity tariff system of CHD City to Bulk Supply Domestic Tariff as indicated in the latest UHBVN Tariff Circular Table 12 (Refer Annexure# 2) and make the whole system very simple to understand by everyone. This will help close the customer queries permanently. The simple tariff in this case would be as below :

0 to 800 units	Rs.5.25 Per Unit + FSA + ED + MT = Rs. 5.88 Per Unit
Above 800 units	Rs.6.20 Per Unit + FSA + ED + MT = Rs. 6.81 Per Unit

2. We continue with the current complicated structure and improvise the current tariff rates into the system.

We recommend Option#1 above due to its ease of understanding leading to an eminent sense of transparency amongst the customers. There are examples in the Industry

wherein it has brought in immediate closure of all such tariff related queries.”

3. Nigam filed a separate reply wherein they claimed that the tariff being charged from the residents was more than the tariff fixed by the Nigam.

4. Forum vide impugned order after reproducing the respective complaints and the replies filed by the respondents has issued the directions as reproduced hereinabove *ibid*. However, before issuing such directions there is no finding recorded by the Forum that the tariff being charged by the builder in a particular electricity bill was more than the tariff fixed by the Nigam. So much so from whole of the order it is not discernible as to what is the rate fixed by the Nigam or the rate at which the builder is charging the consumers. In the light of the aforesaid, it is unfathomable as to how the Forum reached to the conclusion that the tariff charged was more than what was fixed by the Nigam.

5. Resultantly, order dated 12th of July, 2022 impugned in the present writ petition, is set aside.

6. The matter is remanded back to the Forum to decide the complaint afresh in accordance with law.

7. Needless to say in case it is found that the petitioner is charging the respondents at a tariff higher than the one fixed by the Nigam he shall be liable to refund the enhanced amount i.e. a differential between the

amount charged and the tariff fixed by the Nigam.

8. The writ petition is allowed.
9. Pending application, if any, shall also stand disposed off.

March 01, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No