

2024:PHHC:088311



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

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**CWP-13749-2016 (O&M).
Date of Decision: 16.07.2024.**

BRIJ MOHAN GUPTA NOW (DECEASED) THROUGH HIS LRS

... Petitioner

Versus

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. R.S. Rana, Advocate, for the petitioner.

Mr. Arvind Seth, for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition was for seeking
issuance of directions to the respondents to comply with the order dated
16.05.2011 (Annexure P-1) passed by the Electricity Ombudsman, Haryana.

The directions issued by the Electricity Ombudsman, Haryana,
vide order dated 16.05.2011 are extracted as under:-

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“After going through the consumer case file received from CGRF, DHBVNL, Hissar, the information supplied by the respondent on various occasions and the discussions held in the case during the course of hearings, the respondent is directed to overhaul the account of the appellant from the date of connection by applying correct tariff on the consumption made, to calculate interest on the ACD amount deposited by the appellant from time to time as per instructions of the Nigam, to calculate interest on interest amount of ACD due to the appellant but not paid by the respondent from the date it was due to the appellant to the date of its payment, to calculate fuel surcharge charged to the appellant on MMC amount where the consumption was less and the appellant has been billed on MMC basis, to calculate the excess security deposited by the appellant.

The respondent is further directed to pay a simple interest @ 12% per annum on the amount so arrived at from the date it was due to the appellant to the date of its payment.

a) By overhauling the account of the appellant from the date of connection due to application of correct tariff on the consumption made by the appellant.

b) Interest on ACD as well as other security deposited by the appellant from time to time as per instructions of the Nigam.

c) Interest on interest amount on ACD and other deposits.

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d) Fuel surcharge on MMC amount charged to the appellant where consumption during the month was less and MMC has been charged to the appellant.

e) Excess amount of security deposited by the appellant.

The respondent is also directed to calculate accurately the refund amount due to the appellant on the lines as mentioned above within one month after the receipt of the orders issued by this office. The surcharge on the disputed amount is waived off.

Both the parties to bear their own costs. The file may be consigned to record.”

A reply by way of affidavit has been filed on behalf of the respondent Distribution Licensee wherein it is submitted that the account of the petitioner-consumer has already been overhauled w.e.f. 1/87 to 10/2011 as per the directions issued by the Electricity Ombudsman, Haryana and that the account is being overhauled by taking MMC charges where either readings not taken or manipulated by meter reader due to some reason or where consumption is not recorded by meter reader or record not available. Energy Bills for the month of 9/87 to 7/88 and 4/97 to 11/99 have been made by taking MMC charges to comply the order passed by Ombudsman. It is further stated that FSA charges levied on MMC bills have been refunded to consumer to the tune of Rs.7208.57 vide XEN OPERATIONS, Charkhi Dadri vide order dated 28.11.2011 and interest on ACD and interest on interest to the tune of Rs.13,719.96/- has been refunded to the

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account of the consumer. The surcharge on the disputed amount has already been waived off. It is thus averred in the said affidavit that all the directions issued by the Electricity Ombudsman, Haryana, have already been complied with.

In view of the aforesaid specific stand, the present writ petition is disposed of as having been rendered infructuous.

However, in the event the petitioner has any evidence to demonstrate that compliance of the order of the Electricity Ombudsman, Haryana, has not been done, he may move an appropriate application for taking appropriate steps.

July 16, 2024

raj arora

(VINOD S. BHARDWAJ

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No