



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

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CWP-9272-2026

Date of Decision: 27.03.2026

DAKSHIN HARYANA BIJLI VITRAN NIGAM

...Petitioner

Vs.

M/S BRISK LUMBINI APARTMENT WELFARE ASSOCIATION

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Anu Pal, Advocate and
Ms. Mansi, Advocate
for the petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 28.11.2025 whereby Electricity Ombudsman has directed it to extend and recalculate slab-wise tariff benefit and adjust amount deposited pursuant to Memo dated 12.12.2024.

2. The petitioner is a public sector undertaking entrusted with the service of supply and distribution of electricity. The respondent-housing complex filed an application seeking new electricity connection which was sanctioned and released on 19.07.2019 under the category of Bulk Domestic Supply (for short "BDS"). Electricity connection was 1000KW/1000 KVA based on load data of 128 dwelling units. The residents of respondent-housing complex preferred a complaint before Consumer Grievance Redressal Forum (for short "CGRF") alleging

restriction of slab-wise tariff benefit, non-payment of interest on ACD, denial of 4% rebate during COVID-19 and illegality in demand notice. They further alleged that common recreational facilities have been wrongly treated under non-domestic supply. They also sought refund of demand deposited under protest with interest.

3. The CGRF vide order dated 08.07.2025 upheld supplementary demand of Rs.7,40,172/- and further held that club facility is outside the purview of common recreational facilities. The respondent-housing complex filed appeal against the said order before Electricity Ombudsman which vide order dated 28.11.2025 recalculated the slab-wise domestic tariff benefit as Rs.31,94,531/- and directed to pay the same to the consumer along with credit of interest on security deposit.

4. Learned counsel for the petitioner submits that order of Ombudsman is wrong on the ground that the same has been passed contrary to the tariff orders, sales circular No. D-17/2020 and regulatory framework governing single point supply connections.

5. From the perusal of impugned order, it is evident that it was a consent order. The petitioner is claiming that there was dispute with respect to slab wise tariff benefit. In para S (page 94 of the paperbook), it is noticed that SDO Palam Vihar submitted a calculation accepting refund of Rs.31,94,531/-. The same amount has been ordered to be refunded by electricity Ombudsman. The relevant extracts of impugned order read as:-

“S. Hearing was held on 24.11.2025 as scheduled. Both the parties were physically present. During the hearing the

appellant counsel raised the contentions that though the respondent has passed on the benefits as per his appeal but there has been billing of the NDS load on the basis KVAH instead of KWH which should have been charged on the basis of KWH only. The respondent SDO operation submitted that there was a clerical mistake in the earlier submitted calculation wherein the calculation was made on the basis of KWH whereas actually the NDS load above 20 KW was required to be billed on KVAH basis in compliance to sale circular no. D-13/2025. It was decided that relevant Tariff decided by Commission shall only be considered as applicable in the matter. Both parties expressed their concurrence in the matter.

The appellant counsel raised the contentions that the calculation supplied by the respondent SDO, Palam Vihar vide which a refund of Rs. 31,94,531/- on account of slab wise benefit to the residents have been given does not include the original amount deposited by appellant in compliance to notice bearing memo no.4244 dated 12.12.2024. The respondent SDO after having telephonically conversation from his official informed that the amount deposited by the appellant in compliance to his office memo no. 4244 dated 12.12.2025 shall be accounted for separately. The appellant counsel expressed his concurrence thereafter and respondent SDO also assured before Electricity Ombudsman that the amount deposited by the appellant in compliance to notice bearing memo no. 4244 dated 12.12.2024 will be duly accounted for other than the sum of Rs. 1,25,120/- on account of ACD interest plus Rs. 31,94,531/- on account of slab wise tariff.

Decision

After hearing both the parties and going through the record made available on file, it is decided that: -

- a) The respondent SDO will also consider the amount deposited earlier his office memo no. 4244 dated*

12.12.2024 as the benefit of the same is required to be also given to the consumer.

- b) The benefit of ACD interest amounting to Rs. 1,25,120/- shall be passed onto the consumer within 30 days otherwise interest of further 18% shall be payable to the consumer after the lapse of 30 days from the date of decision.*
- c) The benefit of slab wise tariff amounting to Rs. 31,94,531/- shall be passed onto the consumer M/s Brisk Lumbini Apartment, Resident Welfare Association bearing account no. 0906942389 (Brisk Lumbini Terrace Homes, Sector-109, Gurugram)."*

[Emphasis supplied]

6. As there was consent with respect to slab-wise tariff benefit, there seems no reason to interfere with impugned order. It is apt to notice that there is no allegation of fraud or misrepresentation on the part of officials of the petitioner or authority passing impugned order.

7. In the wake of above discussion and findings, this Court is of the considered opinion that petition deserves to be dismissed and accordingly dismissed.

8. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 27, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No