



DAKSHIN HARYANA BIJLI VITRAN NIGAM

(A Govt. of Haryana Undertaking)

Office of SDO "OP" Sub-Division Kheri Kalan Faridabad.

E-Mail Id:-sdookherikalan@dhbvn.org.in

Memo No: - 3975

Dated:- 2/11/2020

To

- 1) Piyush Heights Residents Welfare Association – PHRWA,
Office Piyush Heights Sector – 89, Faridabad (Respondent No. -2)
Email ID – piyushheightsrwa@gmail.com

- 2) Piyush Buildwell India Limited/ Piyush Facility Management Services
Limited (PFMS)
A16/B1 Mohan Co-Operative Industrial Estate
Main Mathura Road New Delhi – 110004 (Respondent No. -3 & 4)
Email ID – cs@piyushgroup.com
&
Piyush Global-i , 1st Floor, Plot No. – 5, YMCA Chowk,
NH-2, Main Mathura Road, Faridabad
Email ID – cs@piyushgroup.com

Sub: Notice in Case No. – DH/CGRF-3114/2020 Dated 10.09.2020. Complaint of Sh. Anil Kumar Singh, Flat No. – F-116, Piyush Heights, Sector-89, Faridabad and others through Advocate, Ramesh Yadav, Chamber – 415, District Courts Hisar – Regarding wrong Billing (A/C No. – F15-BSHT-0023).

Ref:- Hon'ble Forum order dated 15.10.2020 received vide memo no. Ch-13/Forum – 3114 Dated 23.10.2020

In the subject cited matter Sh. Anil Kumar Singh, Flat No. – 116, Piyush Heights, Sector-89, Faridabad and Others filed a complaint in Consumer Grievances Redressal Forum which was accepted vide Case No. DH/CGRF-3114/2020 in which an order passed by the Hon'ble Forum vide memo mentioned under reference in which order passed that

- 1) *The provisions of regulation clearly mention that the RWA or the builder maintaining the supply within the group Housing Society in a Single Point Supply regime cannot charge a tariff more than the tariff ordered by the Hon'ble commission from time to time (General Terms & Conditions - (a) vii, viii, ix, x).*

- 2) Energy meters which have been installed to record the individual energy consumption of the consumer have to be got tested from the testing laboratory of the Licensee (6.1 c & d).
- 3) DHBVN is fully authorized by the Regulation (HERC/49/2020 Dated 22, Apr-2020) to scrutinize the record of energy bills being delivered to the individuals consumers by the RWA/Developers.
- 4) Electricity being consumed by the individual consumers and the common area is recorded separately and billed separately.
- 5) It is mandatory for the RWA to keep the electricity business entirely separate from any other expenses, charges, whatsoever, to maintain complete transparency and to keep the electricity related records available for its security by the licensee.

With the above order in the case No. 3114 of 2020, you are directed to follow the regulation as issued by Hon'ble Commission vide Notification dated 22nd April-2020 for "SINGLE POINT SUPPLY, GROUP HOUSING SOCIETIES".

It is also directed maintain individual meters inside the society duly tested from the testing Laboratory of Licensee as mentioned in the regulation (6.1 c & d). As per order follow the directions as mentioned in the point No. 01 to 05 and submit monthly billing records to scrutinize.

The copy of order passed by the Hon'ble Forum Dated 15.10.2020 in the Case No. 3114 of 2020 is attached herewith for necessary compliance.

DA

1. Copy of order dated 15.10.2020 in the case no 3114 of 2020 (attached as Annexure-I).


SDO OP S/Divn K/Kalan
DHBVN Faridabad

Copy to:-

1. The Nodal Officer CGRF DHBVN Hisar For information please (case No. 3114 of 2020).
2. The Xen (OP) Division DHBVN Greater Faridabad for information please.
3. Sh. Anil Kumar Singh, R/O Flat No. F-116 Piyush Heights, Sector-89, Faridabad.
4. Sh. Parveen Bhardwaj, R/O Flat No. F-113 Piyush Heights, Sector-89, Faridabad.
5. Sh. Arvind Mukerjee, R/O Flat No. F-113 Piyush Heights, Sector-89, Faridabad.

ORDER

Sh. Anil Kumar Singh, Flat No. F-116, Piyush Heights, Sector-89, Faridabad and others through Advocate, Ramesh Yadav, Chamber 415, District Courts, Hisar are consumers of the residential society having a single point connection from DHBVN having the account no. F15-BSHT-0023 under SDO (OP) Kheri Kalan S/Divn. DHBVN, Faridabad. The Forum has jurisdiction to hear the complaint.

Complainant filed the present complaint under section 94 of Electricity Act, 2003 & Regulation 6.6 (a&b) of HERC Regulation-49 of 2020 seeking therein to pass the directions to the respondent DHBVN, RWA of Piyush Heights, not to charge the tariff higher than the schedule tariff, common services and other category loads in the colony/GHS/Complex fixed Rs.3000/- per month per individual for common area electricity and misc. expenses and also not to charge higher backup DG set supply charging bill Rs.21.25/unit. They have requested the Forum to redress his complaint.

The complaint was forwarded to the Nodal Officer for filing the written reply of the Nigam and both the parties were asked to appear before the Forum on 02.09.2020 at Faridabad for hearing of the case.

The proceedings were held on 02.09.2020 at Faridabad. Complainant and representative of RWA and respondent SDO were present. SDO submitted reply vide memo.no. Spl.1 dated 30.08.2020 and the complainant submitted rejoinder on the reply of respondent SDO. Forum directed the respondent SDO to get copy of complaint and rejoindersubmitted by the complainant to the RWA, Piyush Heights seeking their defense reply as per terms of A&A and HERC Regulation, within 7 days and thereafter its remission to the Forum along with his comments by in next 7 days.

The proceedings were held on 01.10.2020 at Faridabad. Complainant representative and representative of respondent SDO were present. Counsel of the complainant made his submissions through VC. SDO did not submit any reply. Forum directed counsel of the complainant to make his written submission by 5th of Oct. through email to the Forum as well as the respondent SDO. Respondent SDO was directed to submit his detailed point wise reply after due consideration of written submission of complainant, reply of RWA, Piyush Heights within seven days with an advance copy to the complainant. Now to come on next date of hearing on 15.10.2020.

The proceedings were held on 15.10.2020 and the case was heard at length. After going through the record available on file and hearing both the parties, the Forum decided to pass an order as under:

"In the last hearing on 01.10.2020, advocate appearing on behalf of complainant made submissions through Video Calling and later through e-mail. Copy of this written submission by the complainant was forwarded to the respondent SDO (OP) S/Divn. Kheri Kalan. SDO (OP) S/Divn. Kheri Kalan was directed to file his reply on the written submission made by the complainant. Today the respondent SDO appearing on behalf of DHBVN has not submitted any fresh reply. As such, the Forum has no option but to consider the reply already submitted by the SDO as final and places it on record. In today's hearing the complainant was asked to read out his prayer in his petition and similarly the respondent SDO was asked to read out his reply available on record.

Yadav



It is observed by the Forum that the respondent SDO has not gone through the provisions of the "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" dated April 22 2020. Vide no. HERC/49/2020 issued by Haryana Electricity Regulatory Commission. The regulation contains detailed provisions w.r.t. the individual consumer's protection in a single point supply regime (5.3) and most of the prayers made in the complaint are only those which are already covered under different provisions of the Regulation. So, it is wrong on the part of respondent SDO to say that they have no role to play in a single point connection supply. The respondent SDO has not understood the intent of these regulations. The Forum directs the respondent SDO to go through the provisions of the Regulation of April-2020 concerning single point supply connection and the rights given to the individual consumers of the Group Housing Societies (5.3). The respondent SDO is further directed to take all necessary measures provided as under the Regulations calling upon the RWA, who is maintaining the electricity supply within the Group Housing Society, to rectify all the misdeeds which are alleged in the complaint. The provisions of the Regulation clearly mention that the RWA or the builder maintaining the supply within the Group Housing Society in a single point supply regime cannot charge a tariff more than the tariff ordered by the Hon'ble Commission from time to time (General Terms & Conditions - (a) vii, viii, ix, x). Also, it is clearly mandated in the Regulation that all the energy meters which have been installed to record the individual energy consumption of the consumers have to be got tested from the testing laboratory of the licensee (6.1 c&d).

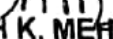
DHBVN is fully authorized by the Regulation to scrutinize the record of energy bills being delivered to the individual consumers by the RWA / Developer. The respondent SDO is directed that previous record of the energy bills delivered by the RWA to individual consumers may also be scrutinized in light of the relevant provision of the Regulation of April-2020. The respondent SDO is also directed to ensure that the electricity being consumed by the individual consumers and the common area is recorded separately and billed separately. SDO and RWA must ensure that the energy meter records the licensees' supply and DG set consumption separately and also, no one is authorized to make changes in the individual energy meter put up by RWA to account for any other charges other than electricity. In precise terms, it is mandatory for the RWA to keep the electricity business entirely separate from any other expenses, charges whatsoever, to maintain complete transparency and to keep the electricity related records available for its scrutiny by the licensee. Respondent SDO is further directed to issue notices to the RWA / Developer maintaining the individual meters inside the society to comply with the directions as contained in the Regulation and ensure compliance of the notices so served under the provisions of relevant law".

Case is closed. No cost on either side.

However, complainant is at liberty to file appeal with Electricity Ombudsman, HERC, Sector-4, Panchkula if he is not satisfied with the decision of the CGRE DHBVN. File be consigned to record.

Given under our hands on this day of 16th Oct., 2020


(MANOJ YADAV)
Member Technical


(NARESH K. MEHTA)
Member Accounts


(SANJEEV CHOPRA)
Chairperson

