



**CONSUMER GRIEVANCES REDRESSAL FORUM**  
**Uttar Haryana Bijli Vitran Nigam**

Shakti Bhawan, IInd Floor, Room No.317, Sector-6, Panchkula  
E-mail: uhbvni\_forum2006@yahoo.com  
Fax & Phone No. 0172-2583896

Complaint No. CGRF-382/10

To

The Managing Director,  
UHBVN, Panchkula.


Memo No. Ch- 77/HH/CGRF-382

Dated: 6.6.2011

Subject: - Order in respect of complaint of Market Committee of Nilokheri, Karnal regarding billing problem.

Enclosed please find herewith the order issued by Consumer Grievances Redressal Forum in respect of above complaint for its compliance.

DA/As above

  
Secretary,  
CGRF, UHBVN,  
Panchkula

CC.

1. Secretary/HERC, Sec-4, Panchkula.
2. CH/OP, UHBVN, Panchkula.
3. SE/OP Circle UHBVN, Karnal.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP S/U Division No.1, UHBVN, Karnal with a copy of order.
7. SDO/OP, S/Division, UHBVN, Nilokheri.
8. Market Committee, Nilokheri, Tehsil & Distt. Karnal.

For information & further necessary action with respect to order of Forum (copy enclosed).



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Complaint No. UH/CGRF - 382 of 2010  
Date of Institution 31.05.2010  
Date of Hearing 18.05.2011  
Date of Order 27.05.2011

Before the Consumer Grievances Redressal Forum, UHBVNL.

Present:-

1. Sh. R.K. Jain, Member-I.
2. Sh. D.C. Aggarwal, Member-II.
3. Sh. Raj Roop Jakhar, Member-III.

In the matter of complaint of Secretary, Market Committee, Nilokheri regarding billing problem.

.....Complainant/Petitioner

Vs

- (1) XEN, Sub-Urban Division No-I, UHBVN, Karnal.
- (2) SDO, Op Sub/Division, UHBVN, Nilokheri.

.....Respondents

Appearance:-

For Complainant:

Sh. N.K. Bajaj, Advocate, Counsel for the complainant.

For the Respondent:

Sh. Geetu Ram, SDO, Op Sub-Division, Nilokheri.



ORDER

The complainant Secretary, Market Committee, Nilokheri has got an electric connection bearing A/c No. SN- 25- 3075-N under Op Sub/Division, UHBVN, Nilokheri and the Forum has the jurisdiction to try this suit.

It has been pleaded by the complainant that in May 2005, their meter became defective. They wrote to the SDO to replace the meter who declared the meter to be burnt. They replaced the meter and started billing as per the actual meter reading. After a gap of almost four years, the complainant received memo No- 1461 dated 17.6.09 from the SDO, OP Nilokheri alleging meter out of order from 4/05 to 12/05 and during this period the billing was done on average basis and taking the consumption of the period 4/04 to 12/04, the account was overhauled by the Audit Party charging Rs. 47984/-. The complainant was taken by surprise and replied on 23.6.09 that a period of more than four years had elapsed which proves beyond any doubt that the responsibility if any lies on the part of the respondent and requested the SDO to withdraw this amount because as per Section 56(2), the Nigam is not entitled to recover the alleged amount after a period of two years from the date it became due.

The application of the petitioner was received in the office of the Forum on 31.5.10. Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 2.6.10, 28.6.10, 6.8.10, 17.8.10, 7.9.10 were issued to both the parties asking complainant to submit affidavit and asking respondent to submit version. However, SDO, OP Nilokheri vide his memo No- 3337 dt. 5.10.10 informed the Forum that due to paddy season the reply of the complaint could not be submitted. Further notice of motion dated 7.10.10 was issued.

The respondent submitted the version dated 11.10.10 which was received on 13.10.10 stating that the meter of the consumer was burnt during 4/2005 and replaced vide MCO No- 77/370 dt. 25.8.06. During the defective period the billing was done on average basis. The a/c of the consumer was overhauled from 4/05 to 12/05 on the basis of the consumption of the same meter from 4/04 to 12/04 as per the HM No.- 23 dated 15.6.09 and Rs. 47984/- were charged.

*Amr*

*Amr*<sup>2</sup>

*Amr*





The Summons were issued for hearing on 10.11.10, 8.12.10, 29.12.10, 7.1.11, 9.2.11, 8.3.11, 6.4.11, 19.4.11, and 18.5.11. During hearing proceedings respondent SDO produced consumption data of the consumer for the years 2003, 2004, 2006, 2007 and 2008.

Forum considered the facts and observed that -

The meter of the consumer remained defective from 4/05 to 8/06 but the respondent has overhauled the account only for the period 4/05 to 12/05. The amount has been billed to the consumer after more than four years.

After due deliberations and considering the facts and merits of the case, the Forum decides that-

- 1 The account of the consumer be overhauled for the full period 4/05 to 8/06 during which the meter remained defective, on the basis of the average consumption for the period 4/04 to 12/04.
- 2 There has been delay of more than four years in levying the charges and section 56(2) comes into picture. However, since the applicability of the provision of this section is already under scrutiny of the Apex Court in the SLP No- 7235 of 2009 titled M/s Prem Cotex Vs Uttar Haryana Bijli Vitran Nigam Ltd., & Others, so this Forum do not intend to interfere at this stage to interpret it either way. The amount payable be finally regulated as per the decision of the Apex Court in the case of M/s Prem Cottex, Panipat for operating section 56(2) of the Electricity Act 2003 and shall be applicable on both the parties.

The petition is hereby disposed of without any cost on either side. File be consigned to the office record.

The order is issued and signed by the Consumer Grievances Redressal Forum on 27.05.2011.



(Raj Roop Jakhar)  
Member-III



(D.C. Aggarwal)  
Member-II



(R.K. Jain)  
Member-I

