

HARYANA ELECTRICITY REGULATORY COMMISSION  
SCO NO. 180, SECTOR – 5, PANCHKULA.

**Case No. HERC/PRO-2 of 2004**

**Date of Order: 22.02.2007**

This is a review petition filed by M/S. Seth Brothers, Circular Road, Ambala City in respect of illegal recovery of service connection charges amounting to Rs.92,250/- against Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL); a subsidiary of Haryana Vidyut Prasaran Nigam Limited (HVPNL) – the Licensee for Distribution & a Retail Supply Business of electricity in Haryana.

Present:

1. Sh. Bhaskar Chatterjee, Chairman, HERC.
2. Sh. T.R. Dhaka, Member, HERC.
3. Sh. T.S. Tewatia, Member, HERC.

On behalf of the Petitioner:-

1. Sh. Parmesh Binda, Authorized Representative.

On behalf of the Respondents:

1. Shri Mohinder Singh, Director, Finance, UHBVNL, Panchkula.
2. Shri S.C. Arora, SE (OP), Circle, UHBVNL, Amabala.
3. Sh. Deepak Chopra, DGM/Comml, UHBVNL, Panchkula.

**ORDER**

M/s. Seth Brothers, Circular Road, Ambala City has filed the petition to review the order passed by the Commission on 18.10.2004 in the matter of recovery of service connection charges amounting to Rs.92.250/-.

The brief facts of the case are that the petitioner is a consumer of electricity having H.T. connection bearing account No. LS-1 with connected load of 307.966 KW and contract demand of 373 KVA. The Respondents – UHBVNL had floated a Voluntary Disclosure Scheme in 1999 for all categories of consumers for declaring their unauthorised load and issued sales circular No. 7/99 and 10/99 on 27.9.99 & 12.10.99 respectively. The scheme was open for two months i.e. upto 30.11.1999. In pursuance of this scheme, the petitioner declared/raised his unauthorised connected load from 307.977 KW to 446.379 KW and contract demand from 373 KVA to 496 KVA within the prescribed period of the scheme. The sales circular No.7/99 and 10/99 were modified vide sales circular No. 11/99 dated 29.11.99 wherein it was provided that service connection charges wherever applicable (in irrespective of connected load/contract demand) shall be charged from those consumers who have come forward/availed the said scheme, as per the existing norms. Concerning those consumers who have already availed this scheme, these charges shall be recovered in five equal instalments alongwith the current energy bills. Other provisions in above circulars shall remain unchanged. Consequently, the service connection charges amounting to Rs.92, 250/- were charged from the petitioner.

Aggrieved by the action of UHBVNL, the petitioner filed a petition before the Commission. The Commission after hearing the parties, ordered on 18.10.2004 as under:-

- 3.1 Petitioner's contention, of having been asked to deposit Service Connection Charges at the time of scrutiny of his application (for regularization of load) is wrong as the amount was raised later on by way of sundry item.
- 3.2 Service Connection Charges are levied to meet the cost of providing infrastructure including back up infrastructure on transmission and generation. The petitioner had been unauthorizedly using the infrastructure (to the extent of additional load) even prior to the ibid Voluntary Disclosure Scheme without paying the legitimate charges to the respondents. As the cost have already been incurred (by the respondents) in laying the infrastructure to the extent of over-capacity, the respondents have rightly charged the Service Connection Charges by amending Sales Circular No. 7/99 & 10/99 to correct their (UHBVNL's) inadvertent omission.

In view of the above, the petition was dismissed.

Aggrieved by the order of the Commission, the petitioner filed the present review petition. The Commission heard the review petition in the presence of the respondents on 22.2.2007.

The petitioner stated that the respondent issued revised sales circular No.11/99 i.e. one day before the closure of the scheme. It was argued that the respondents did not have any power to withdraw the incentives given in sales circular No.7/99 retrospectively. The petitioner further stated that he is entitled for the relief as requested in the review petition.

The respondents contested the claim of the petitioner by stating that there was an omission in sales circular No. 7/99 and 10/99 which was subsequently rectified by them in sales circular No.11/99 and, therefore, the service connection charges were rightly recovered from the petitioner.

We have heard the arguments given by both the parties & have also carefully gone through the record of the case. We find that the petitioner has not brought to our notice any new ground to review the order of the Commission dated 18.10.2004. The arguments of both the parties had already been examined by the Commission and an order passed thereafter. Consequently, keeping in view the facts and circumstances of the case, the review petition is hereby dismissed.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 22.02.2007.

Date: February 22, 2007.

Place: Panchkula.

T.S. Tewatia  
Member

T.R. Dhaka  
Member

Bhaskar Chatterjee  
Chairman