

✓

†

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Dev Bhoomi Pulp and Paper
Industries Pvt. Ltd.
Khasra No. 742, Village Ibrahimpur,
Jwalapur, Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Jwalapur, Distt. Haridwar,
Uttarakhand
†

Representation No. 33/2025

Award

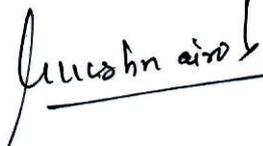
Dated: 11.02.2026

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 25.07.2025 in complaint no. 86/2025 by which Ld. Forum has allowed the complaint with certain conditions, of the appellant M/s Dev Bhoomi Pulp and Paper Industries Pvt. Ltd. Khasra No. 742, Village Ibrahimpur, Jwalapur, Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jwalapur, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The instant representation/appeal dated 29.08.2025 has been preferred by the petitioner in which he has averred as follows:

Brief Facts of the case

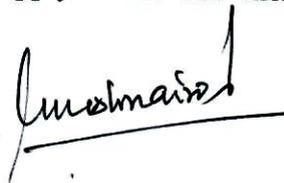
- i. Incorporated under companies Act Shri Pradeep Kumar Yadav authorized signatory (Annexure 1 & 2).
- ii. Connection no. JW0K000005424, 800 KVA load bills as receipt duly paid.
- iii. Applied for enhancement of load form 800 KVA to 1200 KVA on 04.01.2022 registration fee Rs. 7,500.00 deposited on 04.01.2022 initial estimation cost Rs. 14,699.00 deposited on 28.01.2022 (Annexure 3 & 4).



- iv. Thereafter no intimation/ demand from respondent neither application was disposed off.
- v. Notice no. 73 dated 28.04.2023 was received thereafter asking to get the load enhanced within 15 days failing which supply shall be disconnected on which contracted the respondent he was assured that as his application is still pending nothing adverse shall be done (Annexure -5).
- vi. Thereafter another notice no. 4099 dated 06.09.2024 was received from which it came to notice that penalty Rs. 27,15,344.00 was imposed for excess load for the month of October 2020 to 30.11.2023. he was asked to pay the penalty within 15 days failing which supply shall be disconnected. No detailed calculation of the penalty were provided. (Annexure -6)
- vii. Thereafter a bill Rs. 67,82,336.00 was received in October 2024 including Rs. 27,15,344.00 as penalty charges without any prior notice. The same was protested and Rs. 40,66,992.00 were deposited against the said bill deducting the disputed penalty of Rs. 27,15,344.00. (Annexure -7)
- viii. Without redressing the grievance and considering his previous request for load enhancement, continued with the said illegal demands a sum of Rs. 5,00,000.00 was deposited on 25.02.2025 under protest. (Annexure -8)
- ix. Being continuously harassed filed a complaint no. 86/2025 before the forum, copy of the complaint and respondent's reply are enclosed. (Annexure-9 & 10 is not available on file)
- x. On 31.07.2025 it came to notice that the Forum consisting of 03 members passed two separate judgments, one by member judicial dated 11.07.2025, operative portion reproduced and another passed by member technical and consumer dated 25.07.2025 both enclosed.

Grounds of appeal

- i. Serial no. 1, 2, 3 & 4 members failed to consider the fact that appellant has applied for enhancement of load, failed to consider the fact that demand issued by respondent was subsequent to his application for enhancement of load, they also failed to consider that case of the appellant false within clause 5.2.3 (2) read with clause 5.2.3 (4) of Supply Code. The members wrongly applied clause 5.2.3 (1)



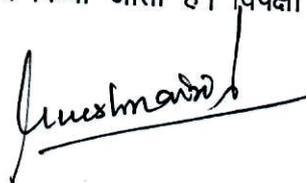
- ii. (5) The respondent failed to show on which date the application for enhancement of load was submitted and on which date it was disposed off. The respondent was not entitled to charge any penalty, the members failed to consider this fact and failed to waive off the penalty imposed.
- iii. (6) While all the members were of the opinion that respondent has submitted forged documents even then they failed to take any penal action against the respondents.
- iv. (7) Appellants application dated 04.01.2022 for enhancement of load is still indisposed.
- v. (8) Members erred in not considering the fact that all the penalties are required to waived off as per rules.
- vi. (9) Members technical and consumer failed to consider the fact that the entire bill which included penalty after the date on which the appellant moved application was liable to be quashed. Operative portion no. 3 of the impugned order is not in accordance with law.
- vii. (10) Both the aforesaid members failed to consider the fact that the respondent was at fault by not disposing off the application for enhancement of load.
- viii. (11 to 28) So many allegations in the order dated 25.07.2025 passed by member technical and member consumer have been alleged by the petitioner.
- ix. (29) The respondent had failed to discharge the burden of proof placed upon it.
- x. (30) Respondent has concealed the material facts.
- xi. (31) Order passed by member technical and consumer is nonest in the eyes of law.

The appellant has requested that the appeal be allowed and order dated 25.07.2025 passed by member technical and consumer and order dated 11.07.2025 passed by member judicial be set aside, the appeal be allowed for all reliefs claimed.

3. **Forum order dated 25.07.2025 passed by Member Technical and Consumer**

The majority members after perusal of records and hearing arguments disposed off the complaint vide order dated 25.07.2025 which is reproduced below:-

“परिवादी द्वारा प्रस्तुत यह परिवाद स्वीकार किया जाता है। विपक्षी विभाग को आदेशित किया जाता है कि-



1. परिवारी को 28.04.2023 के उपरांत प्रेषित समस्त बिलों में, प्राविधान 5.2.3.(1) के अनुसार (समस्त विद्युत बिलों पर अतिरिक्त भार जुर्माना केवल उस महीने के लिए लगाया जाये जिसमें अधिकतम मांग अनुबंधित भार से अधिक है।) अतिरिक्त भार जुर्माना आरोपित किया जाना सुनिश्चित किया जाए।
2. विपक्षी द्वारा माह 10/2020 से माह 11/2023 की अवधि के सम्बन्ध में पत्रांक सं०-4099 दिनांकित 6.9.2024 (कागज सं०- 12,55,56) के द्वारा लगाई गई Excess Load Penalty Rs. 27,15,344.00 विधि सम्मत न होने के कारण निरस्त किया जाता है।
3. विपक्षी द्वारा परिवादी के आवेदन दिनांक 01.10.2024 के सापेक्ष विद्युत भारत वृद्धि (800 से 122 केवीए) हेतु वांछित प्रतिभूति धनराशि का मांग पत्र प्रेषित किया जाये तथा वांछित औपचारिकताओं के पूर्ण किये जाने पर, नियमानुसार परिवादी के प्रश्नगत संयोजन के सापेक्ष स्वीकृत भार में वृद्धि (800-1200 केवीए) किया जाना सुनिश्चित किया जाए। विपक्षी आदेश की अनुपालन आख्या आदेश तिथि से 30 दिन के भीतर मंच के समक्ष प्रस्तुत करें। पत्रावली दाखिल दफतर हो।”

Dissenting order of Member Judicial dated 11.07.2025

“परिवादी द्वारा प्रस्तुत यह परिवाद स्वीकार किया जाता है। विपक्षी विभाग को आदेशित किया जाता है कि—

1. परिवारी को 28.04.2023 के उपरांत प्रेषित समस्त बिलों को निरस्त किया जाकर प्राविधान 5.2.3.(1) के अनुसार (समस्त विद्युत बिलों पर अतिरिक्त भार जुर्माना केवल उस महीने के लिए लगाया जाये जिसमें अधिकतम मांग अनुबंधित भार से अधिक है।) संशोधित बिल तैयार कर परिवादी को उपलब्ध कराया जाये।
2. विपक्षी द्वारा माह 10/2020 से माह 11/2023 की अवधि के सम्बन्ध में पत्रांक सं०-4099 दिनांकित 6.9.2024 (कागज सं०- 12,55,56) के द्वारा लगाई गई Excess Load Penalty Rs. 27,15,344.00 विधि सम्मत न होने के कारण निरस्त किया जाता है।
3. विपक्षी द्वारा परिवादी को विद्युत भारत बढ़ाने के लिए वांछित सिक्योरिटी धनराशी का मांग पत्र प्रेषित किया जाये तथा मांग पत्र की धनराशी उक्त तैयार किये जाने वाले बिलों की धनराशि समायोजित करने उपरांत लौटाई जाने वाली शेष धनराशी से समायोजित की जाये। उक्त के उपरांत जो भी बकाया निकलता हो परिवादी को लौटाया जाये और यदि विभाग का निकलता है तो परिवादी से जमा कराया जाकर परिवादी का वांछित विद्युत भारत (1200 केवीए) अविलम्ब बढ़ाया जाना सुनिश्चित किया जाये।



विपक्षी आदेश की अनुपालन आख्या आदेश तिथि से 30 दिन के भीतर मंच के समक्ष प्रस्तुत करे।”

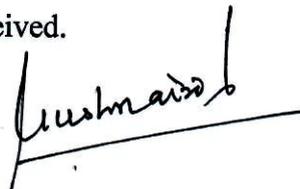
4. The respondent Executive Engineer has submitted his written statement vide his letter no. 7197 dated 04.10.2025 along with an affidavit. He has submitted point wise replies as follows:

- i. Not maintainable.
- ii. 800 KVA connection since 01.05.2017 (JW0K000005424).
- iii.

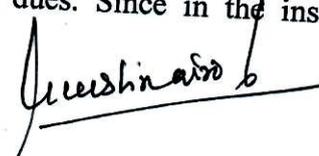
3.1 Point 1 applied for enhancement from 800 KVA to 1000 KVA registered on 04.12.2021 no. 527050122005 registration fee Rs. 7,500.00 deposited on 04.01.2022 receipt no.-----0002 estimation cost Rs. 14699.00 deposited on 02.07.2022 receipt no.---0001 security Rs. 11,75,853.80 (18,00,000.00 – 6,24,146.20 not deposited up to 25.07.2022) application for enhancement rejected on 26.06.2024.

3.2 Details of registration no. 527050122005 dated 04.12.2021 and 527221024008 registered on 01.10.2024, Sub regulation 4.1 and 4.1.1 (6), 3.4.1 to 3.43, 3.4.33 and 3.4.34 are applicable according to which no outstanding dues, application is pending due to outstanding dues, notice were issued on 27.12.2024 and 29.01.2025, bill Rs. 1,00,82,309.00 and security 3,34,944.00 are still not paid till 27.09.2025

- iv. Point missing.
- v. Notice for exceeding demand were issued vide letter 21.02.2022 from division and 28.04.2023 by SDO.
- vi. Excess load penalty Rs. 27,15,344.00 imposed vide letter dated 06.09.2024 for exceeding demand from 10/2022 to 11/2023 in according with sub regulation 5.2.3 (1) and 5.2.3 (2).
- vii. Denied. It is wrong to say that no notice was given. The petitioner already admitted before Forum as mentioned under para 7 of the complaint and under para 6 of the instant appeal. He had also admitted para 10 of complaint before Forum that notice was duly received.



- 7.1 Bill for October 2024 was issued for Rs. 67,82,336.00 which includes Rs. 35,97,561.16 current bill, installment of additional security Rs. 5,13,168.00 TCS Rs. 6,263.00 and excess load penalty Rs. 27,15,344.00 part payment Rs. 40,66,992.00 (including TCS) was paid on 30.11.2024 and Rs. 27,12,631.00 remain to be paid including bill and additional security. The cheque of part payment was bounced by the bank, whose entry in the ledger was made on 09.12.2024.
- 7.2 Bill for 11/2024 was issued on 07.12.2025 for Rs. 58,78,544.00 including current bill and additional security as also TCS charges, as part payment cheque was bounced therefore total outstanding dues are Rs. 99,38,639.00. part payment was made on 12.12.2024 for Rs. 40,66,989.00 and Rs. 31,61,066.00 including TCS were paid on 31.12.2024 so Rs. 27,15,752.00 remained balance to be paid.
- 7.3 Bill for 12/2024 was issued for Rs. 72,21,096.00 including other remaining outstanding dues, part payment Rs. 45,05,344.00 was made on 24.01.2025 therefore remaining outstanding dues came out to Rs. 27,13,039.00 including additional security.
- 7.4 Bill for January 2025 was issued for Rs. 77,14,575.00 including current bill, additional security and TCS, part payment Rs. 55,01,555.00 was made on 28.02.2025 including TCS so outstanding dues remains Rs. 22,10,830.00.
- 7.5 Notices were issued dated 27.12.2025 and 29.01.2025.
- 7.6 The outstanding dues of the bill Rs. 1,58,158.00 and additional security Rs. 20,52,672.00 were not paid till 09.03.2025 in spite of notice dated 29.01.2025.
- 7.7 He had to pay Rs. 7,58,158.00 of electricity bill and Rs. 20,52,672.00 additional security which was not paid till 09.03.2025, bill Rs. 1,00,82,309.00 and additional security Rs. 3,34,944.00 was not paid till 27.09.2025
- viii. The petitioner paid Rs. 4,99,500.00 electricity bill 1533 TCS and Rs. 5,00,000.00 deposited on 28.02.2025 where after bill Rs. 1,58,158.00 and additional security Rs. 20,52,672.00 remained to be paid. In terms of applicable UERC Regulations, 2020, the enhancement of load can be done when there are no outstanding dues. Since in the instant case dues were



outstanding so his application for load enhancement is pending, the information was duly given to the petitioner vide letters dated 27.12.2024 and 29.01.2025.

- ix. As per applicable UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, under sub regulation 4.1 the application for enhancement load is processed. In the instant case application is pending for outstanding dues. Information was given to him vide letters no. 6040 dated 27.12.2024 and no. 629 dated 29.01.2025. Therefore process of enhancement of load in the instant case is pending for outstanding electricity bill and nonpayment of additional security in full within permissible time.

- 9.1 Aforesaid notices were issued to him as per point 7 above. Bill amount Rs. 1,58,158.00 and additional security Rs. 20,52,672.00 were outstanding as on 09.03.2025.

From above, it is clear that processing of application for enhancement of load remained pending for nonpayment of the outstanding dues and additional security, which were not paid by the petitioner in spite of notices. It also clear that application was kept pending by the petitioner himself for his own reasons in spite of notices given to him.

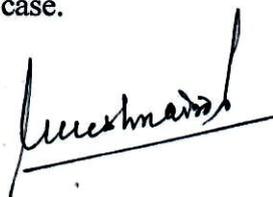
Excess load penalty Rs. 2,71,53,44.00 was imposed for excess demand from 10/2022 to 11/2023 in accordance with applicable UERC Regulations. In view of above his petition is liable to be dismissed. Further Forum orders dated 11.07.2025 and 25.07.2025 passed in complaint no. 86/2025 may also be set aside.

The respondent has substantiated his submissions with documentary evidences enclosed as Annexures under relevant paras of the written statement.

5. The petitioner has submitted a rejoinder dated 11.11.2025 with an affidavit followed by a supplementary rejoinder dated 31.12.2025. Both of which are discussed hereunder:-

5.1 Rejoinder dated 11.11.2025

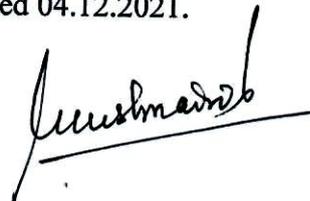
- i. The deponent is authorized representative of the appellant and is fully acquainted with the facts of the case.



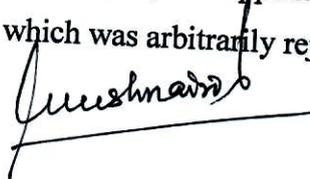
- ii. An appeal was filed before the Hon'ble Ombudsman full facts and grounds of the case have been mentioned in the appeal and are not being reproduced here for the sake of brevity and be taken as part of this rejoinder.
- iii. The replies given by the respondents have been read and understood by him, the averments made therein contrary to averments made in the appeal are wrong, baseless, malafide and hence denied.
- iv. The respondent by way of alleged reply has falsely challenged authority of the appellant to file the present appeal which is false and baseless. Requisite documents were filed by him with the appeal.
- v. His complaint was not rejected on the grounds of authority but it was partly allowed. The respondents never challenge the said order and hence their alleged contention is barred by the principle of estoppel and acquiescence.
- vi. The respondents have acted in contravention to the provisions of supply code, they never intimated to the appellant the date of rejection of application as alleged by respondent.
- vii. It is worthwhile to mention here that the learned Forum Haridwar also observed that the respondent submitted forged documents.
- viii. His application dated 04.01.2022 filed for enhancement of load is still undisposed.
- ix. The bill raised by the respondent is illegal and not valid and contradictory to the provisions of law.
- x. The respondents have not filed any appeal against Forum's order which had held that the respondents had not acted in accordance to provisions of law.
- xi. The appellant reserves its right to file supplementary affidavit, if required.
- xii. The respondent is barred by principle of estoppel and acquiescence.
- xiii. The respondent has concealed material facts from the authority.
- xiv. The appeal filed by the petitioner may very kindly be allowed and majority order dated 25.07.2025 of the Forum in complaint no. 86/2025 may very kindly be set aside and the complaint filed by the appellant be allowed.

5.2 Supplementary Rejoinder dated 31.12.2025

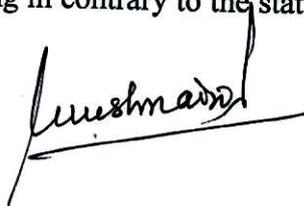
- i. In the instant case the primary question in dispute is illegal quashing of application no. 52705122005 dated 04.12.2021.



- ii. Respondents communication for depositing security Rs. 11,75,853.80 against the said application is without any basis and cannot be accepted, basically on the following grounds:-
- a. No evidence in support of respondent's claim at para no. 3 of written argument that the information for depositing security amount was sent through system and also received in person by appellant's representative has been adduced by the respondent.
 - b. Without admitting* any facts as alleged by the respondent, from their own assertions, it appears that a period of more than 02 years was taken by the respondent to reject the application.
 - c. The alleged document was got printed on 01.03.2025 and no such document for prior period has been provided.
- iii. In response to respondent's averment that the case of enhancement of HT load will be processed in the same manner as that of new connections reference is made to para 3.4.3 (20) of UERC Regulation, 2020 which provides that respondent shall raise a demand note indicating initial security, additional/refund work charges, less registration cum processing and head wise details of expenditure. No such demand note was ever provided. The alleged letter now submitted with WS is not a valid demand note as no deduction was made on account of processing fee and also no head wise details has been provided.
- iv. Executive Engineer's letter no. 1756 dated 21.02.2022 is an afterthought and was never communicated. Further the said letter along with SDO's letter no. 73 dated 28.04.2023 is illegal, when action of load enhancement was pending at their end. It is mention that both the above letters threaten against disconnection for the increase maximum demand while there is no such provision in UERC Regulations. It only provides a procedure which is to be followed which was never appreciated by the respondent. The respondent has no jurisdiction to modify, alter and amend any procedure their own.
- v. The respondent to cover up their illegal rejection of application dated 04.12.2021 as was against the prescribed statute, made the appellant to apply again for load enhancement submitted vide application no. 527221024008 dated 01.10.2024. However, that cannot deny the appellant for his benefits as ensured by his earlier application which was arbitrarily rejected.



- vi. It is the settled principle that the respondent cannot be allowed to take advantage of their own wrong and cannot be revised for their acts and omissions. It is because of the non compliance of statutory procedures by the respondent, the interest of the appellant has been prejudiced.
- vii. The procedure adopted by the respondent in terms of not sending the demand note along with security amount in terms of procedure as specified in relevant UERC Regulation, 2020 and subsequently cancelling the application is legally valid more so as per the law as has been established by Hon'ble Supreme Court which states "*when the statute requires the thing to be done in a particular manner then that thing must be done in that manner or not at all*"
- viii. The respondent cannot be given advantage of their own defaults and omissions of not complying the statutory procedure more so because of the settled law as written in civil appeal no. 7433/2008 dated 19.12.2008 of Hon'ble Supreme Court wherein at para 15 it is stated that "*the matter as regards fulfillment of the condition of license granted by the commission in favor of the licensee is a matter between the parties thereto, if the corporation fails to comply any of the conditions laid down in the license or violates the tariffs, the license of the licensee may be revoked. A panel action may also be taken. But the same could not mean that the licensee can be permitted to take advantage of its own wrong, it can approbate and reprobate particularly when it is the beneficiary thereof*".
- ix. The respondent's prayer seeking quashing of forum's order in complaint no. 86/2025, it is submitted that the same is not considerable as being barred by law as laid down by the Hon'ble High Court of Uttarakhand in WP No. 1141 of 2014 wherein at para 09, it has been categorically held that no relief can be granted to respondent in the appeal of the consumer.
- x. Rejection of application dated 04.12.2021 by the respondent for load enhancement is illegal.
- xi. The load be enhanced to 1200 KVA from August 2022 onwards along with revision of monthly bills thereafter without any penalty charges.
- xii. The respondents are required to return the processing fee for the application no. 527221024008 dated 01.10.2024.
- xiii. The respondents have been acting in contrary to the statutory provisions of the law and supply code.



xiv. That the present appeal is liable to be allowed. A notarized affidavit has also been submitted by the petitioner with this supplementary rejoinder.

Copies of the case laws of Hon'ble High Court of Uttarakhand and that of Hon'ble Supreme Court referred under para vii, viii, & ix have also been adduced by the petitioner.

6. Hearing in the case was fixed for 10.12.2025. Both parties appeared for arguments. Petitioner's counsel submitted application seeking adjournment and time for submission of additional rejoinder which was allowed. Next date for hearing arguments was fixed for 07.01.2026 and 22.12.2025 was fixed for submission of additional rejoinder. The petitioner submitted the additional rejoinder on 31.12.2025. Contents of which have been mentioned under para 5.2 of this order.

Both parties appeared for arguments on the scheduled date 07.01.2026 and they argued their respective case. Arguments were concluded and the judgment was reserved.

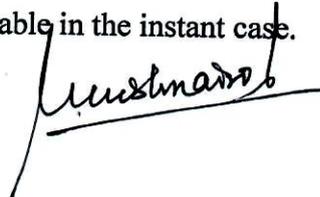
7. Records and documents available on file have been perused. Arguments from both parties were heard. Facts of the case as borne out are given below:-

- i. The petitioner had applied for enhancement of load on 04.12.2021 with registration no. 527050122005 for enhancement of his contracted load from 800 KVA to 1200 KVA. Registration fee Rs. 7,500 was deposited on 04.01.2022. Subsequently the estimated cost of Rs. 14,699.00 was also deposited by the petitioner on 02.07.2022. Thereafter a letter no. 73 dated 28.04.2023 was received by the petitioner from SDO regarding excess load drawn followed by a letter no. 4099 dated 06.09.2024 from Executive Engineer demanding Rs. 27,15,344.00 as excess load penalty which created a dispute. The appellant's case is that the respondents have illegally rejected their aforesaid application for enhancement of load and asked him on 01.10.2024 to apply again for enhancement of load.
- ii. On the other hand respondent case is that since appellant did not deposit the security deposit. Rs. 11,75,853.80 till 25.07.2022. His application as mentioned above was rejected on 26.04.2024. However his application for



mentioned above was rejected on 26.04.2024. However his application for enhancement of load is pending because of balance amount outstanding against the appellant as per ledger.

- iii. The following are the issues to be decided: -
- a. Whether the assessment of Rs. 27,15,344.00 raised by the respondent vide letter no. 4099 dated 06.09.2024 as excess load penalty is legally valid.
 - b. Whether rejection of application dated 04.12.2021 (registration no. 527050122005 is valid as per regulation.
- iv. Learned Members of the forum have passed 02 different orders in complaint no. 88/2025 viz majority order dated 25.07.2025 by Member Technical and Member Consumer and dissenting order dated 11.07.2025 by Member Judicial. In both the orders, the Member Judicial allowed the complaint with conditions as mentioned in the order. In both the orders have inter alia quashed the penalty Rs. 27,15,344.00 being illegal and against law.
- v. As regards the procedure for disposing/ rejection of the application for enhancement of load, Sub section 3.4.3 (20) of UERC Supply Code Regulation, 2020 has to be followed, which has not been followed by the respondents in the instant case.
- The respondent sent a copy of demand notice for an amount of Rs. 11,75,853.00 which is a computer generated statement with printed on date as 01.03.2025. The said document could not establish whether such document existed at the required point of time. The respondent has although submitted that the demand notice was sent through system as also got received by the representative but failed to provide any evidence to substantiate their claim.
- vi. The Hon'ble Supreme Court's case law in case no. 7433/2008 submitted by the petitioner held that "*the licensee cannot be permitted to take advantage of its own wrong*". Hence it is mandatory that the licensee cannot modify or alter any statutory/regulations procedure and has to act strictly in accordance with the statutes and regulations. Further as per the another submitted case law Hon'ble Supreme Court in appeal no. 102/2021 the principle is "*statute requires the thing to be done in a particular manner then that thing must be done in that manner and in no other manner.*" The above case laws support petitioner's case and are applicable in the instant case.

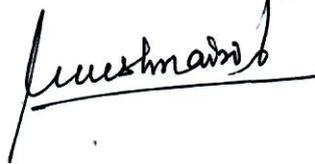


vii. Sub Regulation 5.2.3 (4) of UERC Supply Code Regulation provides that penal charges for excess load/ demand shall not be charged from consumers who have already applied for enhancement of load. The provision in the said regulation is reproduced below: -

“The penal charges for excess load/ demand shall not be applicable to the consumers who have submitted their duly filled application for the appropriate load enhancement (along with the requisite documents & amounts) from the next billing cycle.”

In the instant case application for enhancement of load was submitted on 04.12.2021 (registration no. 527050122005) registration fee Rs. 7,500.00 was deposited on 04.01.2022 and estimation cost Rs. 14,699.00 was also deposited on 02.07.2022. Thus, the excess load penalty cannot be charged in the instant case, after July 2022, i.e. to say from the month of August 2022 and onwards. As he is entitled for the same by virtue of the aforesaid sub regulation and therefore excess load penalty charged by the respondents from the month of August 2022 and onwards is illegal and is liable to be waived off/withdrawn.

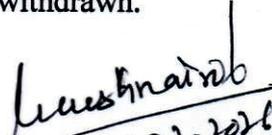
8. Such being the case the respondent have violated the statutory procedure by not sending the demand note in accordance with the regulation. Hence rejection of application (registration 527050122005) by the respondent is held to be illegal. The appellant cannot be made to suffer on action of respondent. Thus, it would be appropriate to deem the contracted load enhanced from 800 to 1200 KVA from the month of August 2022, the immediate preceding month after depositing the estimated cost on 02.07.2022, and onwards and monthly bills from the month of August 2022 and for each month thereafter be revised treating the contracted load deemed to have been enhanced from 800 KVA to 1200 KVA immediately after depositing the estimated amount on 02.07.2022. However, the appellant is required to submit the additional security on receipt a demand note from the respondent and he has also to clear the all outstanding dues accrued consequent upon revision of the bill to be issued in accordance with this order treating contracted load 1200 KVA from the month of August 2022 and as also quashing the penalty Rs. 27,15,344.00 charged from 10/2020 to 11/2023, as quashed by the Forum in its majority order dated 25.07.2025 as also by the dissenting judgment dated 11.07.2025 by Member Judicial, being void of law.



Order

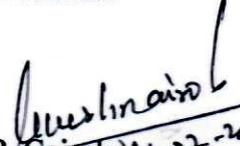
The petition is allowed. Forum order stands modified. Revised bills treating enhancement of contracted load as 1200 KVA from the month of August 2022 as aforesaid without charging LPS be issued within 30 days from the date of this order and penalty Rs. 27,15,344.00 quashed by the Forum being illegal be also withdrawn.

Dated: 11.02.2026


(D. P. Gairola) 11.02.2026
Ombudsman

Order signed dated and pronounced today.

Dated: 11.02.2026


(D. P. Gairola) 11.02.2026
Ombudsman