



HARYANA RIGHT TO SERVICE COMMISSION
S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
Website- <https://haryana-rtsc.gov.in/> Telephone: 0172-2711050

No: 010004/15/2024/2876

Dated: 4/7/24

To

XEN, Division (Electricity), Sohna.
E-mail: xensohna@dhbvn.org.in

The XEN, CBO, Hisar.
E-mail: xen1cbo@dhbvn.org.in)

Sh. Deepak Kumar,
the then Commercial Assistant-cum-DO
O/o SDO, Sub Division, Sohna, DHBVN, Gurugram, (M)
(Now CA O/o CBO, Hisar).
E-mail: secbo@dhbvn.org.in

Sh. Mustakeem, JE
Through SDO-cum-FGRA, Sub Urban, Sohna, DHBVN, Gurugram.

Subject:- Revision No. AAS22/283771, Name- KAILASH, Service- Billing Complaint -LT [RTS - 07 Day], Filed through Self- on 06.03.2024,- DHBVN, Gurugram.

Sir,

I am directed to forward herewith a copy of the orders dated 1st July, 2024 passed by Sh. T.C. Gupta Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.

BY THE ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Encl: As above

(Sube Khan)

Under Secretary-cum-Registrar,
Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No. 2877

Dated: 4/7/24

A copy is forwarded to the following for information please:-

- i. MD, DHBVN.
- ii. Sh.Kailash (M) 9812421344.

(Sube Khan)

Under Secretary-cum-Registrar,
Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in



HARYANA RIGHT TO SERVICE COMMISSION
S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
Website- <https://haryana-rtsc.gov.in/> Telephone: 0172-2711050

Final Orders

(In respect of Revision No. AAS22/283771, Name- KAILASH)

Hearing Date 01.07.2024

Time 10:45 AM

1. These orders are in continuation of the Interim Orders of the Commission issued on 13.05.2024, the operative part of which is as follows: -

"The Commission has carefully considered all facts and circumstances of this case. The explanation tendered by Sh. Liaquat Ali is not at all satisfactory. He did not care to open the AAS Portal because of which the first appeal remained unattended from 21.10.2022 to 08.12.2022. If he had cared to see the appeal, he would have taken necessary action for not only entering the MCO case which was pending but also getting the bill revision case initiated by the CA in time. Moreover, he was also under an obligation to give hearing to the eligible person-cum-appellant under Section 6 of the Haryana Right to Service Act, 2014. Similarly, Sh. Gaurav Chaudhary is also at fault because he did not mention any remarks or pass any order, on the basis of which this appeal was resolved. As per the provisions of Section 7 of the Haryana Right to Service Act, 2014, the SGRA is required to pass a reasoned order in writing either accepting the appeal and directing the DO to provide service to the eligible person or rejecting the same in writing. In case it is to be rejected, an opportunity of hearing, was to be given to the eligible person by the SGRA and the order made by him was to be communicated to both the parties i.e. the applicant as well as the Designated Officer. Passing of the order and communication thereof is done through the AAS Portal but he has not passed any order on the portal. If he had passed the order which is required under Section 7 of the Act and directed the Designated Officer to provide the service, action could have been taken at that time itself. The concerned CA-cum-DO initiated the bill revision case but it is clear that without taking any effective steps, the SGRA just resolved the appeal without any due diligence. Therefore, finding both Sh. Liaquat Ali, the then SDO-cum-FGRA and Sh. Gaurav Chaudhary, the XEN-cum-SGRA guilty of failing to perform their duties prescribed under the Haryana Right to Service Act, 2014, the Commission in exercise of its powers under Section 17 (1) (d) recommends disciplinary action against them to the State Government i.e. ACS, Energy Department. He is requested to intimate the Commission of the action taken in this regard within 30

days of the receipt of these orders, as provided in Section 18 (1) which states as under:-

The State Government shall consider the recommendations made by the Commission under clauses (d), (e) and (f) of sub-section (1) of section 17 and send information to the Commission of action taken within thirty days or such longer time as may be decided in consultation with the Commission, In case the State Government decides not to implement any of the recommendations of the Commission, it shall communicate the reasons for not acting on the recommendations to the Commission.

As far as Sh. Deepak Kumar is concerned, the allegations levied against him do not seem to be substantiated. Hence, the SDO concerned is directed to submit the office order whereby charge of Commercial Assistant was assigned from the period 11.10.2022 to 04.11.2022 so that the Commission can proceed further to fix responsibility for delay caused in this case. Since, Sh. Mustakeem, JE is also allegedly responsible for his deficient role, the Commission would like to have his reply before passing final orders. He is directed to send his reply by 23.05.2024 positively.

The Copies of the replies received from Sh. Liaquat Ali and Sh. Gaurav Chaudhary holding both these persons responsible are enclosed with this order in which, Sh. Mustakeem, JE and Shri Deepak Kumar have been held responsible."

2. In reference to the same, a reply has been received from Sh. Mustakeem, JE dated 27.05.2024 wherein it is mentioned that the MCO was done at the site on 18.07.2022 and updated on the portal on 03.12.2022 because the consumer account/binder was in transit, which caused a delay in initiating the case on time. Once the binder was closed, the MCO case was updated on the portal. Additionally, it is mentioned that the meter reader of the MRBD agency incorrectly recorded 1491 kWh in 07/2022, whereas 779 kWh was the actual reading, causing a delay in generating the correct bill. He also mentioned that he had asked Sh. Deepak, CA, to rectify the consumer's bill with a copy of the MCO. Once the MCO case was completed on the portal, he neither initiated the BR case nor directed his subordinates to take necessary action for bill correction until his transfer to CBO, Hisar. The case was finally initiated on 21.03.2024 by Ajay Malhotra, UDC, who took over the charge of CA after Sh. Deepak, UDC, departed.

Additionally, a reply has been received from Sh. Deepak Kumar, CA vide email dated 14.05.2024 and revised reply vide email dated 15.05.2024 wherein he denied the allegations against him and mentioned that the SDO and JE had incorrectly blamed him for the delay. He referred to an office order dated

23.12.2021, indicating that another official was in charge of CA. He further stated that the delay was caused by the concerned JE in entering the MCO.

3. Therefore, for further inquiry, a hearing is scheduled to be held before Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, on 01.07.2024 at 10:45 am vide Commission's letter no. 2596 dated 20.06.2024. The hearing was held as scheduled, which was attended by the following: -

- i. Sh. Vikas Kadyan, XEN, DHBVN, Nodal Officer of DHBVN for RTS Commission.
- ii. Sh. Deepak Kumar, the then Commercial Assistant-cum-DO (O/o SDO, Sub Division, Sohna, DHBVN, Gurugram) (Now CA O/o CBO, Hisar).
- iii. Sh. Mustakeem, JE O/o Sub Divisional Officer-cum-FGRA Sub Division, Sohna, DHBVN, Gurugram.

Sh. Mustakeem, JE was asked why he did not update the MCO from 18th July, 2022 to 3rd December, 2022 as alleged in the letter bearing memo no. 77/DDE/FBD dated 29.04.2024 sent by Executive Engineer, Vigilance, DHBVN, Faridabad to the Commission, a copy of which was shared with him along with the interim orders of the Commission vide letter no. 2041 dated 13.05.2024. He stated that during this period, a large number of meters had to be changed and their MCOs were to be updated which caused the delay. He also attributed this delay to the binder being closed for about two months. However, when he was asked the number of meters which were there in the 'exception' list (for which meters had to be changed), he had no clear answer. He also did not have any answer to the Commission's query that if the binder was closed for two months, why did he not update the MCO during the balance three months. At this stage, Sh. Vikas Kadyan, XEN, intervened and stated that even though there was a binder issue, there was no bar on entering the MCO. When this was pointed out to Sh. Mustakeem, he did not have any answer and it looked as if he was not aware of the same.

As far as Sh. Deepak Kumar is concerned, he stated that the delay was mainly on account of non-updation of the MCO and he denied all allegations levelled against him. He stated that the delay was not caused by him. Sh. Deepak Kumar had earlier stated that he was not the CA dealing with this case. However, when he was shown orders dated 01.02.2022 issued by the SDO (OP), S/D, Sohna which clearly assigns him the charge of CA, he did not have any answer. He simply reiterated that it was the responsibility of the JE to enter the MCO.

4. The Commission has carefully considered all the facts and circumstances of this case. It is clear from the discussions in Para no. 3 that the main fault in this case lies with Sh. Mustakeem, JE who neither entered the MCO for five months nor got it approved. There is no justifiable reason for keeping it pending for five months. Even if there was a binder issue, he could have entered the same, as clarified by Sh. Vikas Kadyan, XEN. Moreover, even if his plea is accepted that the binder was closed for about two months, then why did a delay of another three months occur in this case. Sh. Deepak Kumar is also responsible for the delay in the bill correction because he is the Designated Officer in this case. If the delay was happening on account of inaction on the part of the JE, he should have brought it to the notice of the SDO. Sh. Deepak Kumar stated that he did so verbally, but when he was asked why he did not bring it to his notice in writing, he stated that this is not the practice in the sub-division. This is not an acceptable explanation. It is clear that both these officials are responsible for causing delay in delivery of the notified service but the major fault lies on the part of Sh. Mustakeem. Therefore, holding both these officials guilty of a delay in delivery of the notified service, a penalty of Rs. 10,000/- is imposed upon Sh. Mustakeem, JE and a penalty of Rs. 3,000/- is imposed upon Sh. Deepak Kumar, CA. In addition, both of them are directed to pay a compensation of Rs. 1,000/- each i.e. total of Rs. 2,000/- to the complainant. The XEN, Division (Electricity), Sohna and the XEN, CBO are directed to deduct these amounts from the salary of these two officials for the month of July, 2024 to be paid in August, 2024 and deposit Rs. 13,000/- in the State Treasury under the Receipts Head 0070-60-800-86-51 and disburse Rs. 2,000/- to the appellant. In case this amounts exceeds 1/3rd of his salary in the case of Sh. Mustakeem, JE, the remaining amount be deducted from the salary of next month. The XENs are also directed to send the action taken report to the Commission by 10.08.2024 along with photocopies of the Challan etc. at its email ld-rtsc-hry@gov.in. Sh. Kailash is requested to provide the following details to the office of XENs (xensohna@dhbvn.org.in & xen1cbo@dhbvn.org.in) as well as to the Commission for making the payment of the compensation: -:

- (a) Name of the Bank
- (b) Name of the Account holder in the Bank
- (c) Bank Account Number
- (d) Address of the Bank
- (e) IFSC Code

1st July, 2024

