

**BEFORE THE HARYANA ELECTRICITY REGULATORY
COMMISSION AT PANCHKULA**

Case No. HERC/Petition No. 05 of 2023

Date of Hearing : 22.02.2023

Date of Order : 23.02.2023

In the Matter of

Petition in terms of Section 43 & 86 of the Electricity Act, 2003 (as amended up to date), and HERC (Electricity Supply Code) Regulations, 1st Amendment, 2014, and 2nd Amendment, 2019 for issuance of directions to the respondent DHBVNL to the effect that since, the ultimate load requirement of the petitioner no. 1 as per the approved electrification plan dated 04.09.2013 was 4499 KW/4500 KVA and the entire load stands released at 11 KV level way back in 2014, the Nigam cannot at this belated stage, direct the petitioner no. 1 to create 33 KV infrastructure for its Group Housing Project and for issuance of the requisite no-objection certificate in favour of the petitioners to the respondent No.5, DTCP, Haryana in order to enable it to get the Completion Certificate of its project.

Petitioner:

1. M/s Standard Farms Pvt. Ltd, a company duly incorporated under the Companies Act, 1956 and having its Registered Office at W4D, 204/5, Keshav Kunj Cariappa Marg, Western Avenue, Sainik Farm New Delhi 110062.
2. TATA Housing Development Company Ltd., a company duly incorporated under the Companies Act, 1956 and having its Registered Office at E Block, Voltas Premises, T.B. Kadam Marg, Chinchpokli, Mumbai-400033.

.....Petitioner(s)

Vs.

Respondents:

1. Dakshin Haryana Bijli Vitran Nigam Ltd., Vidyut Nagar, Hisar through its Managing Director.
2. Chief Engineer/Commercial, DHBVNL, Hisar-125005.
3. Chief Engineer/Operation, DHBVNL, Power House, Rohtak Road, Punjabi Bagh, Delhi-110035.
4. Superintending Engineer/Operation, Circle-II, DHBVNL, Gurugram.
5. Director, Town and Country Planning, Haryana, Nagar Yojna Bhawan, Plot No.3, Block-A, Sector-18-A, Madhya Marg, Chandigarh.
6. Superintending Engineer/Planning, HVPNL, Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula-134109

Present:

On behalf of the Petitioner:

Sh. Sehaj Mahajan, Advocate

On behalf of the Respondents:

1. Sh. Subhas Dhiman, XEN/HVPNL
2. Ms. Sonia Madan, Advocate for DHBVN
3. Ms. Aerika Singh, Advocate for HVPNL

QUORUM

Shri R.K. Pachnanda, Chairman

Shri Naresh Sardana, Member

Interim Order

1. The case was heard on 22.02.2023 as scheduled in the court room of the Commission.
2. At the outset, Sh. Sehaj Mahajan, counsel for the petitioner submitted that the CE Commercial DHBVN Hisar vide letter dated 26.05.2022 addressed to the SE Planning HVPNL Panchkula has wrongly mentioned about non-compliance of the provisions of the electrification plan dated 04.09.2013 and Sales circular D-14 of 2018, whereas, the electricity connection of the petitioner has already been released for the entire ultimate load of 4499 KW/4500 KVA and DTCP has granted the requisite occupation certificates way back in 2014. There is no additional requirement of load by the petitioner, as the entire project stands completed. The respondent Nigam have wrongly mentioned that as per the electrification plan, the petitioner was required to create the 33 KV infrastructure, however the said requirement was notified by DHBVN only on 27.03.2018, vide Sale Circular D-14 of 2018.
3. Sh. Mahajan further submitted that in a similar matter in P.No.69 of 2022, the Commission vide order dated 17.02.2023 quashed such notice dated 01.09.2022 issued by DHBVN and requested the Commission to hold that the respondent Nigam cannot insist upon the petitioners to create fresh infrastructure at 33 KV level in accordance with Sale Circular D-14 of 2018 and that the

petitioner shall continue to be given supply at 11 KV level in respect of its load requirement of 4499 KW/4500 KVA.

4. Ms. Aerika Singh counsel for HVPN submitted that they have filed a short reply in the matter and submitted that HVPNL has no direct role to play in grant of no objection certificate/ completion certificate in the favour of the petitioner.
5. The Commission asked the respondents that under what regulations the existing consumer, who has already created 11 KV infrastructure as per norms, can be asked to create the 33KV infrastructure. The counsel for the respondents stated that they have taken approval of the Commission to convert 220/33 KV belt in a specific area. The Commission pointed out that the approval was for a pilot project and regulations for its modality is yet to be framed. The counsel requested for grant of time to file written submissions in the matter.
6. In view of the foregoing discussions, the Commission prima-facie observes that the Chief Engineer Commercial/DHBVN issued a letter dated 26.05.2022 showing pendency of creating 33 KV infrastructure by the petitioner without the force of regulations, whereas the petitioner has already created the 11 KV infrastructure as per norms.
Therefore, Commission directs to issue notice under Section 142 r/w S.146 of the Electricity Act to CE/Commercial, DHBVN to be replied within two weeks.
7. The matter to come up again on 06.04.2023.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 23/02/2023.

Date: 23.02.2023

(Naresh Sardana)

(R.K. Pachnanda)

Place: Panchkula

Member

Chairman