

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION**

**BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

**Case No. HERC/PRO – 25 of 2019**

**Case No. HERC/PRO – 32 of 2019**

DATE OF HEARING : 25.06.2019

DATE OF ORDER : 28.06.2019

**IN THE MATTER OF:**

Complaint under section 142 and 146 of Electricity Act 2003 for contravention and non-compliance of orders dated 22.02.2019 passed by this Hon'ble Commission in PRO No 4 of 2018 titled as B E Office Automation Products Private Limited Versus Orris Infrastructure Private Limited

**Case No. HERC/PRO – 25 of 2019**

**Petitioner**

B.E. Office Automation Products Private Limited

**V/s.**

**Respondent**

1. Dakshin Haryana Bijli Vitran Nigam, Hisar
2. Shri Shatrujeet Kapur, CMD, DHBVN
3. Shri S.K. Bansal, Director Operations, DHBVN
4. Shri Anil Kumar Goyal, SE (OP), DHBVN, Gurugram
5. Shri Ranjan Rao, Executive Engineer (OP), Manesar
6. Shri Kuldeep Yadav, SDO (OP), Sub-Division Manesar
7. Orris Infrastructure Private Limited

**Case No. HERC/PRO – 32 of 2019**

**Petitioner**

Orris Infrastructure Private Limited

**V/s.**

**Respondent**

1. Dakshin Haryana Bijli Vitran Nigam, Hisar
2. Shri Shatrujeet Kapur, CMD, DHBVN
3. Shri S.K. Bansal, Director Operations, DHBVN
4. Shri Anil Kumar Goyal, SE (OP), DHBVN, Gurugram
5. Shri Ranjan Rao, Executive Engineer (OP), Manesar
6. Shri Kuldeep Yadav, SDO (OP), Sub-Division Manesar
7. B.E. Office Automation Products Private Limited

On behalf of B.E. Office Automation  
Products Private Limited

1. Shri Tarun Singla, Advocate
2. Shri Amit Yadav, Director
3. Shri Ravinder Kumar

On behalf of Orris Infrastructure  
Private Limited

1. Shri Surjeet Bhadu, Advocate
2. Shri Abhinav Kansal, Advocate

On behalf of DHBVN

1. Smt. Rekha, XEN (RA)
2. Shri Dalbeer, XEN
3. Shri Kuldeep Yadav, SDO 'OP' Manesar

## **QUORUM**

**Shri Jagjeet Singh, Chairman**

**Shri Pravindra Singh, Member**

**Shri Naresh Sardana, Member**

## **INTERIM ORDER**

1. In compliance with the Order dated 22/02/2019 in Case No. HERC/PRO – 4 of 2018, DHBVN vide its Memo No. 364 dated 9/5/2019 submitted the details for proportionate charges in lieu of cost of connection to be paid by B.E. Office Automation Products Private Limited (hereinafter referred to as “BE Office”). Thereafter, B.E. Office filed Petition bearing No. 25/2019 and prayed before the Commission to exclude amount of Bank Guarantee/Costs of Internal Electrical Infrastructure from calculations of amount payable as submitted by DHBVN and direct M/s Orris Infrastructure Private Limited (hereinafter referred to as “Orris”). to immediately provide electricity connection to its 82 flats and 2 shops. This Petition is pending before the Commission
2. Further, Orris filed Petition bearing No. 32/2019 and prayed before the Commission to include the amount of Rs. 28,25,38,189/- in the calculation of DHBVN as the cost of transformer, HT Panel, LT Panel, DG Set, Power cables (LT & HT) and rising shaft internal electric work and direct BE Office to make the payment of its shared cost.
3. The Commission observes that both the cases i.e., PRO – 25 of 2019 and PRO – 32 of 2019 have been filed on account of determination of the proportionate charges by DHBVN in lieu of cost of connection by B.E. Office in light of the Order passed by

the Commission on 22/02/2019 in Case No. HERC/PRO – 4 of 2018. As both the matters are inter related, therefore, the Commission found it appropriate to merge both the Petitions. Accordingly, the cases were heard together on 25/06/2019. The representatives of all the parties were present during the hearing.

4. The Ld. Counsel appeared on behalf of B.E. Office and in compliance to the Interim Order dated 19/06/2019, handed over Bank Guarantee No. SL-2527/BG/2018-19/13 of amount of Rs. 6,62,072/- to Ld. Counsel of Orris.
5. The Ld. Counsel of B.E. Office and Orris argued at length over the charges required to supply electricity connection. The Ld. Counsel of B.E. Office Automation submitted that as per their calculation and without considering cost of Internal Infrastructure for electricity the charges are approximately Rs. 21/sq. feet, however, Ld. Counsel of Orris submitted that such charges as determined by DHBVN in compliance to the Order in PRO 4 of 2018 are approximately Rs. 68/sq. feet.
6. On enquiry from the Commission to Orris about the compliance of Interim Order dated 19/06/2019 for providing electricity supply connection to B.E. Office on or before 24<sup>th</sup> June, 2019, the Ld. Counsel submitted that they have yet not complied with the same.
7. Further, the Commission observes that, as per directions of the Interim Order dated 19/06/2019, Orris have yet not submitted on affidavit whether charges claimed by them are in line with the provisions of Electricity Act, 2003 and Regulations framed thereunder by the Commission.
8. The Commission has taken a serious note of the non-compliance of its Orders and again directs Orris to provide electricity supply connection to B.E. Office or any other flats where possession has been offered within a period of 2 (two) days from the receipt of this Order and submit its compliance report to the Commission. The Commission may initiate action under Section 142 of the Electricity Act, 2003 against Orris for failure on account of delay in releasing connection.
9. The obligation of B.E. Office to pay/recover proportionate charges shall be subject to final determination of the ongoing arbitration dispute between the parties, however, for resolution of dispute on account of various electricity infrastructure cost to be paid by them, the Commission as informed during the hearing constitutes

a committee comprising of Superintending Engineer/OP Circle, Gurugram-II and XEN OP Division Manesar, Gurugram to determine the proportionate charges as was mandated in the Commission's Order dated 22/02/2019 in Case No. HERC/PRO – 4 of 2018, read as follows:

*“ In view of above, Commission directs the respondent No.1 as under:-*

*1. To connect the supply to 82 flats and two shops / villas etc. of the petitioner with the electricity supply upon payment of proportionate share cost of connection of Single Point Supply received by the distribution licensee / respondent No.3 from the developer / respondent No.1 i.e. the cost of 11 kV line, controlling equipment at the licensee substation and security paid to the licensee subject to the petitioners fulfilling the necessary terms and conditions specified under the regulations.*

*Provided that the obligation of the petitioner to pay / recover proportionate charges shall be subject to final determination of the ongoing arbitration dispute between the parties and shall be subject to the determination of rights by the court of competent jurisdiction.*

*2. The respondent No.3 is further directed to intimate the proportionate charges in lieu of cost of connection in accordance with the share of the petitioner within 7 days of the order and the respective respondents to connect the supply immediately on depositing the said requisite amount by the petitioner.”*

10.The committee shall submit its report to the Commission on or before 17<sup>th</sup> July, 2019.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 28/06/2019.

**Date: 28.06.2019**      **(Naresh Sardana)**      **(Pravindra Singh)**      **(Jagjeet Singh)**  
**Place: Panchkula**      **Member**      **Member**      **Chairman**