

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION

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

Case No. HERC/PRO – 30 of 2019

DATE OF HEARING : 25.06.2019

DATE OF ORDER : 28.06.2019

IN THE MATTER OF:

Petition under Regulation 5.5 of HERC Single Point Supply Regulation 2013 read with Section 94 of Electricity Act 2003 & HERC Supply Code 2014 seeking direction for restraining the private respondents from charging beyond applicable electricity tariff and further direction for refunding the excess recovered amount alongwith interest to petitioner which has been illegally recovered by respondent No. 1 to 3 and also further Directions to Respondent no. 1 to 3 to obtain permanent electricity connection from the respondent DHBVNL at the earliest and at the same time directing the respondent DHBVNL to ensure compliance of Regulation 4.5.2 of HERC Supply Code from Respondent No.1 to 3.

Petitioner

Kapil Sethi R/o Paras Irene, Flat No 1003,
Tower N-7, Gurugram & Others

V/s.

Respondent

1. The Managing Director, Paras Buildtech India Private Limited, Gurugram
2. Classic Infra solutions Private Limited, New Delhi
3. The Managing Director, Paras RE Facilities Management Pvt. Ltd., Gurugram
4. The Chairman-cum-Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited

PRESENT

On behalf of the Petitioner:

1. Shri Sunil Kumar Nehra, Advocate

On behalf of the Respondent:

1. Shri J S Rana, Advocate, Respondent No. 2 & 3
2. Shri Ashutosh, XEN DHBVN
3. Smt. Rekha, XEN (RA), DHBVN

QUORUM

Shri Jagjeet Singh, Chairman

Shri Pravindra Singh, Member

Shri Naresh Sardana, Member

INTERIM ORDER

1. The case was heard on 25/06/2019, as scheduled. Representatives of all the parties were present during the hearing.
2. The Ld. Counsel for the Petitioner submitted the recent bills along-with the payment receipts, in compliance to the Interim Order dated 19/06/2019. Further, he reiterated its grievances related to levy of Fixed Charges, Non-Telescopic Tariff, Maintenance Charges and Service Charges in the electricity bills of their consumers. It was also submitted that neither their meters are calibrated nor their electricity bills are received as per the Commission's Regulations.
3. The Ld. Counsel appeared on behalf of the Respondent Nos. 2 & 3 and sought 15 (fifteen) days' time to file its replies. Further, the Ld. Counsel informed that they have already submitted their application for release of permanent connection to DHBVN, however, till date the connections are not released. The specific queries raised by the Commission related to its electrification plan could not be answered by the Counsel . The Commission took a serious note of this and observed that prima facie the Respondent Nos. 2 & 3 are at fault of non-compliance of the Commission's Regulations, in using temporary electricity connection even after issuance of occupation certificate by appropriate authority in violation of the Regulation 4.5.2 of *The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014*. The Commission directed to Respondent No. 2 & 3 that further non-compliance of the Commission's directions and/or Regulations shall lead to initiation of proceedings under Section 142 of the Electricity Act, 2003.
4. The Ld. Counsel appearing on behalf of the Respondent Nos. 4 i.e., DHBVN submitted that connection for part load of 3379 kVA was sanctioned to the developer for 8.5 Acre. However, on account of various issues in their licence, the application for permanent connection has yet not been completed.
5. The Commission directs the Respondent No. 2 & 3 to submit Bank Guarantee as computed by DHBVN and mandated under *The Haryana Electricity Regulatory*

Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, 2016 and further as specified in Note 14 of Tariff Schedule in Tariff Order for ARR of FY 2019-20 of DHBVN dated 7/03/2019. The Commission again directs the Respondent No. 2 & 3 to charge the consumers as per Temporary Tariff which is Non Domestic Tariff as per Tariff Schedule of FY 2019-20 w.e.f. 01/05/2019.

6. The Commission heard the parties and granted 10 (ten) days' time to the Respondents to file their replies and exchange the same with each other during same time period.

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**