

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 : 10.09.2019

DATE OF ORDER : 10.09.2019

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
2. Shri Mukesh Tripathi, Legal Head

On behalf of the Respondent:

1. Shri Ashutosh K. Srivastav, Advocate DHBVN
2. Shri Ashutosh Panchal XEN/DHBVN Sohna
3. Shri Jagdeep Singh Rana, Advocate, Respondents No. 2 & 3
4. Shri Vijendra Kumar, GM, Respondent No. 3

QUORUM

Shri D.S. Dhesi, Chairman

Shri Pravindra Singh, Member

Shri Naresh Sardana, Member

INTERIM ORDER

1. The case was heard on 10/09/2019, as scheduled. The representatives of all parties were present during the hearing.
2. The Ld. counsel appearing for the Petitioner reiterated the following directions issued in the Interim Order dated 22nd July 2019 and submitted that they have yet not been complied by the Respondents:

“6. Accordingly, the Commission directs the Respondent Nos. 2 & 3 to submit Bank Guarantee for electrification of the total area as per the existing licence in force within 15 (fifteen) days from the issuance of this Order so that Single Point Connection be issued. The non-compliance of this Commission’s directions shall lead to initiation of proceedings under Section 142 of the Electricity Act, 2003. Further, till Single Point Connection is energized, the Respondents are directed to bill the consumers as per the applicable tariff.

7. Further, the Commission observes that till date DHBVN has yet not submitted their replies in the matter despite directions in the Interim Order dated 28/06/2019. The Commission again directs DHBVN to submit the replies along-with list of officers/officials responsible for allowing usage of Temporary Connection to the Respondents till date and progress for release of permanent connection, within 21 (twenty-one) days from the issuance of this Order.”

3. The Ld. counsel appearing for Respondents No.2 and 3 stated that they have submitted a letter to DHBVN indicating that they agree to furnish the Bank Guarantee for electrification infrastructure of total area of the Land measuring 27.413 acres.
4. The Ld. counsel appearing for Respondent No.4 admitted that they have received the said copy of the letter from Respondents No. 2 and 3 and agreed to release Single Point Connection for total area after completing due formalities. Further, a letter dated 09/09/2019 bearing Memo. No. CH- 10/SE/R-APDRP/OLNC-HT/GGM-II/SOL-365 was submitted by DHBVN mentioning revocation of approval of electrification plan with ultimate load 3032kW/3369 kVA along with sanction of partial load of 1000kVA to of Respondents No. 2. In aforesaid letter, it has been

indicated in the letter that M/S Hamid Real Estate Pvt. Ltd. New Delhi had obtained License No. 16 of 2009 from DTCP for the development of Group Housing Society on the land measuring 27.4713 acres in Sec-70, Manesar, Gurugram and he sold land to the following 4 nos. developers/entities along with the development rights: -

- i) M/s Classic Infr solutions Pvt. Ltd.
- ii) M/s Rapid Infracom Pvt. Ltd.
- iii) M/s Capital Heights.
- iv) M/s Advance India Pvt. Ltd.

Since M/S Classic Infra does not have the license from DTCP so it has been decided to revoke the electrification plan with ultimate load approved earlier.

5. Having heard the submissions of the petitioner and the Respondents, the Commission directs DHBVN that the detailed electrification plan of total area shall be submitted by the Respondents No. 2 and 3 to the Respondent 4 within 7(seven) days from issue of this order. Then, the same shall be got approved/sanctioned by Nigam's authority within 15(Fifteen) days.
6. Further, Respondents No. 2 and 3 are directed to submit the said Bank Guarantee to DHBVN within seven (7) days from the date of intimation by DHBVN. Thereafter, DHBVN is directed to release the connection within seven (7) days. Further also, the parties are directed that status quo be maintained in electricity supply to avoid any hardship to the consumers at large.

The next hearing in the matter is scheduled on 13/11/2019 at 11:30 A.M.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 10/09/2019.

Date: 10.09.2019 **(Naresh Sardana)** **(Pravindra Singh)** **(D.S. Dhesi)**
Place: Panchkula **Member** **Member** **Chairman**