

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/PRO-40 of 2019

**Date of Hearing : 18.12.2019
Date of Order : 18.12.2019**

IN THE MATTER OF:

Petition under section 42 of the Electricity Act 2003 read with Regulations 22 of Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 for approval of Additional Surcharge to the Discoms – UHBVN and DHBVN in reference to the Open Access for Second half of FY 2018-19.

Petitioners

Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula
& Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar

Present On behalf of the Petitioners

1. Shri Amit Diwan, Controller of Finance, UHBVNL
2. Shri B.S. Kamboj, Xen, UHBVNL
3. Shri Shashank Singh, Consultant, UHBVNL

QUORUM

**Shri D.S. Dhesi, Chairman
Shri Pravindra Singh Chauhan, Member
Shri Naresh Sardana, Member**

ORDER

1. The case was heard by the Commission on 18.12.2019, as scheduled.
2. **Brief Background:** The petitioners have preferred the present petition for determination of Additional Surcharge for the 1st half of the FY 2019-20 on the basis of calculated amount of additional surcharge of second half of FY 2018-19. At the onset, the Commission observes that it has already determined Additional Surcharge for 1st half of the FY 2019-20 vide its Order dated 07.03.2019 (HERC/PRO-52 of 2018 & HERC/PRO-53 of 2018). The same on Review Petition filed by the DISCOMs, was reviewed by the Commission vide its Order dated 22.10.2019 (HERC/RA-18 of 2019). Aggrieved by the Commission's Order dated 22.10.2019, a writ petition was filed in the Hon'ble Punjab & Haryana High Court. The Hon'ble Punjab & Haryana High Court, vide its Order dated 02.12.2019 (CWP 34623-2019) issued notice of motion for 04.02.2020 & has directed the DISCOMs not to press the demand notices raised pursuant to the Order of the Commission dated 22.10.2019, qua the petitioner, in the meanwhile.

3. The Commission observes that the following direction was given, in the Order dated 22.10.2019 while disposing of Review Petition No. HERC/RA-18 of 2019:-

“The Commission is also of the considered view that it will be difficult to recover the Additional Surcharge with retrospective effect after the determination of same upon the decision of Petition No. HERC/PRO-40 of 2019, after holding detailed discussions with various stakeholders. Therefore, in order to restore the original position, the Commission decides that the Additional Surcharge shall be applicable as determined according to the methodology adopted by the Commission in its earlier orders i.e. at Rs. 1.16/Kwh, from the date of this Order, which shall be applicable till the Petition No. HERC/PRO-40 of 2019 filed by DISCOMs for determination of Additional Surcharge is decided.”

4. In view of the above, the Commission decides that the present petition shall be put up for public hearing on 15th January, 2020 at 11.30 AM, in order to elicit comments/objections of various stakeholders.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 18.12.2019.

Date: 18.12.2019
Place: Panchkula

(Naresh Sardana)
Member

(Pravindra Singh Chauhan)
Member

(D.S. Dhesi)
Chairman