

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

**Case No. HERC/Petition No. 9 of 2016**

**Date of Hearing : 11.12.2024**

**Date of Interim Order : 12.12.2024**

**IN THE MATTER OF:**

**Judgement dated 03.09.2024 passed by Hon'ble APTEL in Appeal No. 208 of 2017 (Virender Rawal and ors. vs. HERC & HPPC) against the order of the Commission dated 19.09.2016 in Petition No. 9 of 2016.**

**And**

**In the matter of**

**Petition seeking approval of the Power Purchase Agreement filed with 13 Nos. Solar Power Developers for procurement of 165 MW power in pursuance to a Competitive Bidding Process (HERC/ Petition No. 9 of 2016).**

**Original Petitioner**

Haryana Power Purchase Centre, Panchkula (HPPC)

**Original Respondent**

Nil

**Appellants in the appeal before Hon'ble APTEL (Respondents before HERC)**

1. Sh. Virender Rawal, VPO Kabri, Panipat, Haryana.
2. Sh. Karan Singh, VPO Pasina Kalan, Teh. Bhopali, Panipat Haryana
3. Ms. Anita Singh, VPO Didwara, Teh. Safidon, District Jind, Haryana
4. Ms. Geeta Rani, House no 1245, Sector 31, Gurgaon, Haryana
5. Sh. Deepak Goyal, 1/7468, Gali no 15, East Gorakh Park, Shahdara, Delhi
6. Sh. Jile Singh, House no 153, Hewo Apartment,

**Present on behalf of the Petitioner (HPPC)**

1. Ms. Sonia Madan, Advocate
2. Shri Gaurav Gupta, Xen

**Present on behalf of the Respondents**

1. Ms. Aerika Singh, Advocate on behalf of petitioner nos. 1, 2 and 4 before APTEL.
2. Representative of Ms. Anita Singh on behalf of petitioner no. 3 before APTEL.

**Quorum**

**Shri Nand Lal Sharma  
Shri Mukesh Garg**

**Chairman  
Member**

**INTERIM ORDER**

1. The case was heard on 11.12.2024, as scheduled, in the court room of the Commission.
2. At the outset, the Commission observes the judgement of the Hon'ble Appellate Tribunal for Electricity (APTEL) dated 03.09.2024, wherein the APTEL has observed as under:-  
*"26. Hence, we find the impugned order of the Commission absolutely erroneous which cannot be sustained. The same is hereby set aside. The appeal stands allowed. The case*

*is remanded back to the Commission with the direction to issue a fresh order thereby approving the PPAs signed between the appellant and the 2nd respondent.”*

3. The Commission observes that Hon'ble APTEL, in its ibid order has issued direction to issue fresh order approving the PPA signed between the appellant and 2<sup>nd</sup> respondent, whereas there is no signed PPA existing between the appellant (s) and 2<sup>nd</sup> respondent and only Letter of Intent (LOI) was issued by HPPC. Further, in absence of the direction w.r.t. the tariff at which the PPA is to be approved, the Commission is of the considered view that the tariff discovered in the bidding process concluded in 2015-2016, is of no relevance for the projects were not commissioned in the year 2015-16.
4. Ms. Sonia Madan, the learned counsel appearing on behalf of HPPC submitted that a civil appeal bearing no. 12223/2024 has been filed before Hon'ble Supreme Court praying to set aside the impugned judgement of Hon'ble APTEL dated 03.09.2024. Notice of motion on the same has been issued and the case is expected to be listed soon. Ms. Madan further averred that in case the project developers are agreeing to sign PPA with HPPC at the tariff discovered in the upcoming bidding process, then they will not press for stay on impugned order dated 03.09.2024.
5. Ms. Aerika Singh, the learned counsel appearing on behalf of petitioner nos. 1, 2 and 4 before APTEL vehemently argued for implementation of the order of Hon'ble APTEL dated 03.09.2024 with tariff of Rs. 5/kWh. However, another representative of petitioner no. 3 before APTEL fairly conceded that in order to arrive at a logical conclusion to the ongoing disputes, the proposal of HPPC is acceptable to them and they should be allowed to match the lowest tariff discovered in the upcoming bidding of HPPC. Ms. Singh also agreed to take instructions from her clients on the same.
6. Upon hearing the parties, the Commission directs the project developers present during the hearing to file undertaking to the effect that the applicable tariff shall be the tariff discovered in the upcoming bidding process by HPPC. They are further directed to file present status of the project, expenditure made till date on the project, duly supported by documentary evidences. In case, land has been tied up by the project developers, then the present use of such land may also be provided. All the documents should be filed on an affidavit within two weeks from the date of this order.
7. The registry of the Commission is directed to provide a fresh petition number.
8. The case to come up for hearing on 08.01.2025.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12.12.2024.

Date: 12.12.2024  
Place: Panchkula

(Mukesh Garg)  
Member

(Nand Lal Sharma)  
Chairman