

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

**Case No. HERC/P. No. 23 of 2025**

**Date of Hearing : 19/11/2025**

**Date of Order : 26/11/2025**

**IN THE MATTER OF:**

**Petition in terms of Section 43 & 86 of the Electricity Act, 2003 (as amended up-to-date), and Haryana Electricity Regulatory Commission Regulations (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations, 2016, and First Amendment Regulation, 2020 for directing the respondents to continue supplying electricity to the petitioner's unit as per the revised sanctioned plan from 132 KV/11 KV Sub-Station of M/s GLS Polyfilms Pvt. Ltd., as approved and energized on 16.12.2022. The Respondent-Nigam, however on account of alleged billing complications is insisting upon to revoke the feeding arrangement to original sanctioned plan dated 16.12.2020, i.e. 11 KV independent feeder emanating from power transformer of 33 KV Sub-Station, Guruwara.**

**Petitioner**

M/S GLS ELOPAK Private Limited (Formerly known as M/s GLS ALPAK products Private Limited), Guruwara, Pallhawas, Rewari Rohtak Road, Rewari, through Sh. Raaj Suri, S/o Sh. Manohar Lal.

**VERSUS**

**Respondents:**

1. Dakshin Haryana Bijli Vitran Nigam Ltd., Vidyut Nagar, Hisar through its Managing Director.
2. Chief Engineer/Commercial, DHBVNL, Hisar.
3. Superintending Engineer/ Commercial, DHBVNL, Vidyut Sadan, Hisar.
4. Superintending Engineer (OP), Circle, DHBVN, Rewari.
5. Executive Engineer XEN (OP) Division, DHBVN, Kosli.
6. Sub Divisional Officer (OP) Sub Division, DHBVN, Palhawas.
7. Haryana Vidyut Prasaran Nigam Ltd., Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula, through its Managing Director.
8. Superintending Engineer/Transmission Circle (TS), Haryana Vidyut Prasaran Nigam Limited, Mehrauli Road, Police Lines, Gurugram

**Present**

**On behalf of the Petitioner**

1. Sh. Ashwani Talwar, Advocate
2. Ms. Pratiksha Sharma, Advocate

**On behalf of the Respondent**

1. Sh. Raheel Kohli, Advocate
2. Sh. Sumit, SDO, DHBVN
3. Sh. Daulat Singh, AFM, DHBVN

## QUORUM

**Shri Nand Lal Sharma, Chairman**  
**Shri Mukesh Garg, Member**  
**Shri Shiv Kumar, Member**

## ORDER

### 1. **Petition:**

- 1.1 That the petitioner M/s GLS ELOPAK Private Limited (formerly known as M/s GLS ALPAK Products Private Limited) is a private limited company and instant petition on behalf of the company is being filed through its authorized signatory Sh. Raaj Suri, Projects (Electrical & Solar) who is otherwise also well conversant with the facts of the instant case. A copy of the Certificate of Incorporation dated 05.11.2019 is attached and A copy of the resolution of the Board of Directors of the Company authorizing the said Sh. Raaj Suri to file the present petition on behalf of the Company is annexed along with the Vakalatnama.
- 1.2 That the petitioner had established an industrial unit in Guruwara, Rewari, specializing in high precision aseptic carton manufacturing and service industry catering to Agro and Food processing sector. The petitioner is a sister concern of M/s GLS Aluminium (Formerly M/s GLS Foils) and GLS Polyfilms which caters to an array of industries such as Textile, Packaging, Electronics etc. M/s GLS Films (GLS Aluminium- Formerly M/s GLS Foils) and M/s GLS Polyfilms aims to reduce single-use plastic thereby supporting the Swachh Bharat Abhiyaan and help in import substitution and contributing to the vision of "Make in India" and "Vocal for Local". The said projects are being closely monitored by the Empowered Executive Committee set up by Haryana Enterprise promotion Board (HEPB) and the communications received from HEPB are collectively attached.  
Further it is relevant here to mention that during the 8th meeting of Haryana Enterprise Promotion Board (HEPB), held on 13th August 2020 chaired by the erstwhile Hon'ble Chief Minister, a special package of incentives of Rs. 287.41 Crores was approved under EPP 2015 for the project of M/s GLS Foils. The Board also decided that the request for independent power feeder will be favourably considered under the State Industrial Infrastructure Development Scheme (SIIDS) by the Industries and Commerce Department.
- 1.3 That on 01.12.2020, the petitioner applied for an electricity connection to the respondent- DHBVN for a load of 1810 KW with contract demand of 2010 KVA under HT/ Industry category under operation sub division, Pahlawas, Kosli. The said connection was sanctioned by the DHBVN vide its letter dated 16.12.2020 with remarks that *"the applied load of 1810 KW with contract demand of 2010 KVA shall be fed at 11 KV level on newly proposed 11 KV independent feeder emanating from power transformer (33/11, 10 MVA) of 33 KV Sub-*

*Station, Guruwara.*” A copy of sanction letter dated 16.12.2020 is attached.

- 1.4 That in terms of sanction letter a deposit estimate dated 28.01.2021 of Rs. 71,02,297/- was framed by the DHBVN to cover the cost of material, contingency, transportation charges and labour charges for providing one number HT industrial connection to the petitioner’s site on industrial independent 11 KV feeder emanating from 33 KV Sub-Station, Guruwara. The said estimate was prepared for independent feeder along with existing road from sub-station to Rewari-Rohtak NH-71 and further along the NH-71 upto the petitioner’s premises instead of shortest route along with agriculture land to avoid possible hindrances. A copy of deposit estimate dated 28.01.2021 is attached.
- 1.5 That following DHBVN’s instructions, the petitioner complied with all requirements and made necessary payments. Meanwhile the petitioner vide its letter dated 19.08.2021, requested the SE/OP, DHBVN, Rewari to change the source of supply and allow the petitioner to be fed from proposed 132KV/11KV Sub-Station of M/s GLS Polyfilms private limited instead of sanctioned 11 KV independent feeder emanating from power transformer (33/11, 10 MVA) of 33 KV Sub-Station, Guruwara. The said request was made on account of following reasons:-
- a) The electrical load of 2010 KVA under HT industrial category already sanctioned is for 1<sup>st</sup> phase only and the ultimate load of the petitioner unit will be 5000 KVA.
  - b) The Guruwara sub-station has its incoming supply at 33 KV voltage level from through approx.14 KM long overhead HT line emerging from 132KV/33KV Sub-Station Gangaicha Jat and this 33KV line, prior to Guruwara, feeds the 33/11KV Sub Station at Pahawas also. Thus, the 33KV system itself is not only quite lengthy but is also fully loaded. The petitioner expressed its concern that this electrical line is more prone to fault occurrence being very long and old line and the reliability of supply to the unit of the petitioner, shall therefore be both unstable, as well as there will be voltage drop which is not conducive for the proposed unit in question, being set up by the petitioner.
  - c) Another industrial unit under the name of M/s GLS PolyfilmsPvt. Ltd. is being setup at a distance of 4.2 KM only from the petitioner’s premises. The connectivity scheme and GELO (General Electrical Lay Out) for the said unit has already been approved at 132 KV voltage level and the switchyard is likely to be energised very shortly in 10-12 weeks.
  - d) If the petitioner’s source of supply is changed, the petitioner unit shall be fed from a shorter line with a total distance of only about 4.2 KM viz; M/s GLS Polyfilms to the unit of the petitioner. As against this, the currently sanctioned project envisages a 17 KMs long line i.e. 14 KMs long line at 33KV level from Gangaicha Jat to Guruwara Sub-station plus 3 KMs line from Guruwara Sub-station to the unit of the petitioner at 11KV voltage level.

- e) It was also emphasised that the working process at petitioner's unit requires continuous electric supply and even a little interruption in electricity supply shall lead to major production loss.
  - f) Changing the source of supply shall also avoid overloading at 33 KV/11 KV Guruwara Sub-Station.
  - g) M/s GLS Polyfilms has given its consent for connectivity of petitioner's unit at 11 KV voltage level from their proposed 132KV/11KV switchyard. The said consent includes providing space for installation of 11KV outgoing VCB etc. for petitioner's unit.
- 1.6 That in response to the petitioner's request, an internal communication dated 25.08.2021 was made by the SE/OP, DHBVN, Rewari to the XEN/OP Division, Kosli to go through the representation of petitioner in terms of the guidelines and instructions of Nigam and to submit the report. A copy of the internal communication dated 25.08.2021 is annexed.
- 1.7 That another internal communication dated 27.08.2021 was made by SDO, OP Sub Division, DHBVN, Pahalwas to XEN, OP Division, DHBVN, Kosli whereby the entire factual position with regard to the petitioner's unit and its sister concerns was explained and it was recommended that requisite sanction of the load as per revised feasibility and to allow connectivity of petitioner's unit from M/s GLS Polyfilms Pvt. Ltd at 11 KV voltage level. A copy of communication dated 27.08.2021 of the SDO/OP is attached.
- Accordingly, in terms of the request of the petitioner, a revised Technical Feasibility Report (TFR) was submitted by the XEN, OP Division, DHBVN, Kosli vide his office memo dated 27.08.2021 which was duly examined by and signed by the SE/OP Circle, DHBVN, Rewari. The said revised TFR was also sent to S.E./TS Circle, HVPNL, Gurgram for his concurrence. It's a matter of record that the SE/TS Circle HVPNL also agreed with the above proposal vide letter dated 14.09.2021.
- It is further a matter of record that the revised TFR was also sent to SE/R-APDRP for consideration and further necessary action who in turn vide letter dated 28.09.2021 intimated that with regard to change of feeding source, the concerned CE(OP) has accorded its approval adhering to the instructions circulated by the Director (OP), DHBVN, Hisar.
- After following the due process required and obtaining all the necessary concurrences, the SE/OP circle, DHBVN, Rewari vide its letter dated 29.09.2021, copy of which, sent the revised TFR to Chief Engineer/OP, DHBVN, Delhi to consider the same and accord his approval and the Chief Engineer/OP also duly approved the same.
- 1.8 That thereafter on 30.09.2021, the petitioner requested the respondent-DHBVN that since all the approvals stand granted, the case should be processed and the estimate for 11 KV independent feeder from M/s GLS Polyfilms Pvt. Ltd. to the unit of the petitioner be framed and the petitioner be informed about the amount to be

deposited and other formalities to be completed in order to undertake the construction of this sanctioned 11KV independent feeder.

On 27.12.2021, the deposit estimate of Rs.1,91,27,724/- was sanctioned by the SE/OP circle, DHBVN, Rewari. A revised additional demand notice for Rs.15,11,673/- for PCC poles, ASCR conductor & supervision charges alongwith Rs.4400/- for HT Trivector meter and Rs.2000/- for HT meter cubical installation was also demanded on 28.01.2022.

- 1.9 That the petitioner followed the instructions issued by the respondents and duly deposited the amounts as and when demanded. Further a bank guarantee for an amount of Rs.7,47,500/- was also deposited on 28.07.2022 by the petitioner with the Project Director, NHAI PIU, Bhiwani because the proposed 11KV line as per revised estimate was to be constructed for a substantial length along with the Jhajjar-Rewari National Highway NH-71. The NHAI also issued its NOC vide its letter on 17.08.2022. The petitioner undertook the construction of the 11KV independent feeder under the supervision of the respondent DHBVN and finally, the connection was released and energized on 16.12.2022.
- 1.10 That after a lapse of about 15 months from the energized of the above said 11 KV independent feeder from GLS Polyfilms to the project site of the petitioner, CE/Commercial, DHBVN, Hisar vide its letter dated 30.05.2024 informed CE/OP, DHBVN, Delhi that there are certain complications with regard to billing of petitioner's unit and M/s GLS Polyfilms Pvt. Ltd. It was informed that the matter had been put up before the Nigam management and it has been decided as under:-
- i) Revocation (reverting) of the petitioner's unit's feeding arrangement to the original sanction i.e. 11 KV line from 33 KV Sub-station, Guruwara.
  - ii) The realignment of feeding arrangements should be accomplished within 3 months.
  - iii) The erroneous billing issue may be addressed by considering the combined contracted demand of both the GLS Polyfilms and petitioner's unit as fed through the energy meter at 220 KV Substation Machharouli. This resolution should further be checked by the concerned Chief Auditor.

A copy of letter dated 30.05.2024 is attached, whereby the implementation was requested from the CE/OP, DHBVN, Delhi.

- 1.11 That vide letter dated 15.06.2024, addressed by the SDO, OP Sub Division, DHBVN, Palhawas to the petitioner, the complications as faced by the respondent- DHBVN and the decision taken up by the Nigam management was informed with a request to submit the consent within 15 days for depositing the cost of estimate for shifting the feeding source of petitioner's unit from M/s GLS Polyfilms Pvt. Ltd. to 33 KV sub-station, Guruwara.
- 1.12 That on receipt of letter dated 15.06.2024, the petitioner was shocked that after investing huge amount in execution of the electrical system/Layout based on the approvals accorded by the Nigam and following all the government norms including NHAI approval, the

petitioner was asked to revert the feeding source. Once again vide representation dated 07.07.2024, it was brought to the notice of the Nigam that the existing connectivity being technically more viable and more feasible, should be allowed to continue and it was further requested that in as far as the billing issues are concerned, the same are to be tackled by the DHBVN at its own level and for this purpose, the petitioner should not be coerced to roll back to an unstable and fluctuating voltage system with frequent interruption which will otherwise also jeopardize the quality of electricity power being supplied to the petitioner and the requirement of stable and interruption free power required for the unit of the petitioner shall be seriously hampered.

- 1.13 That a meeting was convened on 10.09.2024 between the petitioner and DHBVN officials. DHBVN insisted on reverting to the original sanctioned source within 30 days, threatening action under Nigam's instructions. The petitioner reiterated that all approvals were obtained legally and requested DHBVN to resolve the billing issue via metering software updates. The petitioner also indicated its intent to increase the load from 02 MVA to 4.5 MVA. A copy of the minutes of meeting dated 10.09.2024 is annexed for the perusal of the Hon'ble Commission.

Again a letter dated 07.02.2025 was addressed by the Nigam threatening the petitioner to give its consent within 7 days regarding realignment of the feeding line.

- 1.14 That this Hon'ble Commission issued regulations titled "*Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations, 2016*" vide notification dated 11.07.2016 and Relevant provisions from Regulations 3.1, 3.8, 3.11, 4.8.2 and 4.9 establish the petitioner's entitlement to an independent feeder under specified conditions.

Regulation No.3 deals with provisions with regard to Duty of Distribution Licensee to Supply on Request. The relevant provisions concerning the instant matter are reproduced as under for the ready reference of the Hon'ble Commission:-

*"3.1 Every distribution licensee, shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the timeframe specified under Regulation 4 of the Electricity Supply Code, after receipt of the application complete in all respects requiring such supply, provided:-*

- (1) the supply of power is technically feasible. Where it is found not to be feasible, the licensee shall endeavor to improve feasibility at the earliest.*
- (2) the applicant has complied with the procedure and conditions as specified in Regulation 4 of the Electricity Supply Code and these Regulations.*

*3.8 One Connection in One Premises*

- (1) A consumer shall be treated as a distinct entity and shall be deemed to be an independent establishment, if*

- a) *it is a separate unit in duly partitioned premises owned or taken on lease/rent;*
- b) *there is a separate operative entrance and that the internal wiring of the premises is separate.*
- c) *it is registered as a separate entity/firm under the relevant law;*
- d) *it holds a separate Sales Tax/VAT number and is independently assessed to Income Tax.*
- e) *the occupant shall submit an affidavit confirming that the power will be used only for the premises for which the connection is sought and there will not be any cross supply.*

### *3.11 Supply through independent feeder*

*Due to extensive urbanization, it has become difficult to lay distribution/transmission lines, especially in urban areas, because of right of way problem. Henceforth, before allowing supply to an applicant through independent feeder, technical feasibility including right of way to lay the line, space for placing / erecting controlling breaker in the control room/switchyard, creation of additional line bay shall be examined. So only in cases, where it is technically feasible to lay an independent feeder, the same shall be allowed.*

*Provided that supply through independent feeder shall not be allowed in case the contracted load applied is below 2000 kVA. This condition of load, however, shall not be applicable for connections required for essential services.*

*Regulation No.4 deals with provisions with regard to Power to Recover Expenditure. Regulation No.4.8.2 specifies the case of supply through independent feeder.*

- “i) In case the applicant requests for supply of electricity through an independent feeder and the same is technically feasible as per Regulation 3.11, the charges of controlling equipment including Circuit Breaker, Bay (if to be erected), CTs & PTs, Isolators, Line and Earth switch, Meter required at the feeding sub-station, Electric Line up to the consumer end and the meter at consumer end shall be borne by the applicant.*
- ii) Such consumer, who on his own, requests for supply of electricity through an independent feeder, will be billed as per the meter reading taken jointly by consumer and the licensee, of the meter placed at the sub-station from where the independent feeder is emanating. The licensee will inform the consumer through phone / SMS to be present for joint reading of meter. In case the consumer fails to be present, it will be treated as deemed to be present for meter reading. The installation of metering arrangements at the consumer-end would be optional and would be in addition to the meter at the sub-station. However, for billing purposes only the sub-station meter reading shall be used.*
- iii) If more than one applicant/consumer(s) are required to be fed from the existing independent feeder due to right of way or other similar problems, the utility shall connect such consumer(s) to an existing*

*independent feeder provided they are of the same category i.e. HT Industrial, HT Non Domestic Supply/Bulk Supply consumers. In such cases metering arrangement at the consumer end would be mandatory.*

*The billing of such consumers shall be done as per Regulation 4.8.2 (ii) on the basis of the joint meter reading of the meter placed at the sub-station from where the independent feeder is emanating, in proportion of the consumption recorded by the meters installed at their premises and read jointly by the licensee and the respective consumer.*

*The metering arrangement at both ends (sub-station as well as the consumer end) would be of the same specifications and accuracy class conforming to CEA metering Regulations.”*

Regulation 4.9 reads as follows:-

*“After deposit of requisite charges by the applicant, the licensee shall take necessary steps for extension of distribution system for supply of electricity within the time limits specified under Regulation 3.”*

- 1.15 That, amendments to these regulations were notified on 19.03.2020, reinforcing the requirement for metering arrangements at consumer premises, ensuring compliance with Regulation 4.8.2(iii). The Hon’ble Commission vide notification dated 19.03.2020 issued “*HERC Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Recover Security Regulations 2016 (1st Amendment) Regulation, 2020*” and a copy of the said regulation is attached. In the said regulations, Regulation 4.8.2 (iii) was substituted as under:-

*“4.8.2(iii) If more than one applicant/consumer(s) are required to be fed from the existing independent feeder due to right of way or other similar problems, the utility shall connect such consumer(s) to an existing independent feeder. Provided, they are HT (Industrial, Non-Domestic Supply, Bulk Supply and Bulk Supply Domestic) consumers. In such cases metering arrangement shall be mandatory at the consumer end.”*

From a careful reading of the Regulation 4.8.2(iii), it is evident that with regard to the metering arrangement, the words “would” were substituted with “shall” meaning thereby the force/gravity of the duty for installing the meters at consumer end is increased.

- 1.16 That DHBVN’s decision to revert the petitioner’s approved connection is arbitrary, unreasonable, and against the settled principles of law. The petitioner has fully complied with all statutory requirements, incurred substantial costs, and obtained all necessary approvals. directions are liable to be issued to the respondents to quash the decision to revoke the electricity connection to original sanctioned source, to resolve the billing issue internally instead of forcing the petitioner to make unnecessary infrastructure changes, to prevent any action that would disrupt the petitioner’s existing power supply and to regularize the Industrial electric connection of the petitioner’s unit



with 11KV independent feeder connected from M/s GLS Polyfilms Pvt. Ltd *inter alia* on the following amongst other grounds:-

- A) Arbitrary and Unreasonable Revocation of Feeding Arrangement:- That the petitioner's electricity connection was sanctioned and energized after obtaining all necessary approvals from the respondent (DHBVN) and other government authorities. Not only this, the Nigam, while sanctioning such alternative feeding arrangements, gave technical and stability of supply reasons and it is only after such technical feasibility was found to be better with the change system that the requisite sanction to have independent feeder from M/s GLS Polyfilms was accorded and the same was erected and energized. The abrupt decision to revert to the original feeding source is arbitrary, unreasonable, and against the principles of natural justice.
- B) Violation of Legitimate Expectations:- That the petitioner invested a substantial amount in setting up the approved independent feeder based on the approvals and assurances given by DHBVN. The sudden revocation of the arrangement breaches the doctrine of legitimate expectations.
- C) Non-Compliance with HERC Regulations:- That the decision of DHBVN violates the *Haryana Electricity Regulatory Commission (HERC) Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Recover Security Regulations, 2016 & 1st Amendment, 2020*. The regulation allows multiple consumers to be connected to an independent feeder in case of right-of-way or similar constraints. Further the regulations mandate that "*In such cases metering arrangement shall be mandatory at the consumer end.*" The respondents cannot shift their onus/ responsibility by asking the petitioner to revert the connection to other feeding source on account of billing complications at their end.
- D) Technical and Economic Feasibility Ignored:-That the revised feeding arrangement (from M/s GLS Polyfilms Pvt. Ltd.) was approved after proper technical feasibility studies. Reverting to the original feeder will increase the distance of supply, lead to power losses, and affect the petitioner's industrial operations.
- E) Impact on Business Operations and Financial Loss:-That the petitioner's industrial process requires an uninterrupted power supply, and frequent outages due to a longer transmission line will result in severe production losses. The investment in the current infrastructure will also go to waste, causing financial hardship.
- F) Improper Justification for the Decision:-That the only justification provided by DHBVN is an alleged billing complication. However, the petitioner has proposed software-based solutions that would resolve the issue without changing the feeder arrangement. DHBVN has failed to provide a technically sound justification for its decision.
- G) Violation of Right to Fair Hearing:-That the petitioner was not given an opportunity to present its case before the decision was

taken. This violates the principles of natural justice and procedural fairness.

- H) Unilateral and Non-Transparent Decision-Making:- That the approval process for the revised feeder took months, involving multiple approvals from different authorities. However, the decision to revoke the same was taken unilaterally within days without consulting the petitioner.
- I) Precedent of Allowing Shared Independent Feeders:-That the HERC regulations permit multiple consumers to share an independent feeder, provided they are of the same category. The respondent's decision contradicts this precedent.
- J) Wasteful Expenditure and Unfair Cost Burden:-That the petitioner has already borne the cost of laying the independent feeder. The revocation would force the petitioner to incur additional costs, making it an unjustified financial burden.
- K) That the realignment as proposed will not only be technically less viable but also shall be more cumbersome and expensive and still further will take a lot of time because the proposed 11 KV line involves Railway line crossing and it is a matter of common knowledge that the railways take a lot of time and documentation prior to according any sch sanction. In the instant case, even otherwise, it will be a wasteful exercise in as much as the petitioner had already spent a huge amount on the energization on the existing 11 KV feeder and the petitioner is now being forced to construct another 11 KV feeder without there being any justification for the same. The entire action is not only arbitrary and technically not viable but also smacks of the big brother and despotic attitude of the sole distribution licensee for the area i.e. DHBVNL. The Line Layout Diagram of the existing set up and the proposed is attached for ready reference and from a perusal of the same, it is evident that the decision as taken by the respondent is totally untenable and unviable.

1.17 That the petitioner has prima facie a case in its favour. Balance of convenience is also favour of the petitioner. In case the feeding source is changed, the petitioner shall suffer irreparable loss.

1.18 That the petitioner has not filed any such or similar petition in this Hon'ble Commission, Appellate Tribunal for electricity, High Court or the Hon'ble Supreme Court of India.

It is, therefore, respectfully prayed that the present petition may be allowed and this Hon'ble Commission may be pleased to:-

- I) Set aside the orders/communications of the respondents vide letter dated 30.05.2024 letter dated 15.06.2024 and letter dated 07.02.2025 to revoke the feeding arrangement of the petitioner's unit;
- II) Direct the respondents to continue supplying electricity to the petitioner's unit from the 132 KV/11 KV Sub-Station of M/s GLS Polyfilms Pvt. Ltd., as approved and energized on 16.12.2022;
- III) Hold that it is responsibility of the distribution licensee i.e. DHBVNL to ensure its proper billing in accordance with the HERC

Regulations and it is for the Nigam to resolve the alleged billing complications without disturbing the existing feeding arrangement of the petitioner which are technically viable and have been sanctioned by the Nigam itself after due deliberations and considerations;

- IV) Pass any other orders or directions as deemed appropriate in the facts and circumstances of the present case.

It is further respectfully prayed that during the pendency of the instant petition, the Hon'ble Commission issue directions restraining the respondents to take any action that would disrupt the petitioner's existing power supply.

2. The case was heard on 02/06/2025, Sh. Ashwani Talwar, Counsel for the petitioner, submitted that the petitioner was given electricity connection on 16.12.2022 from 132/11 KV substation of M/S GLS Polyfilms Pvt. Ltd. Now the respondents have ordered for shifting connection from 132/11 KV substation to 33 KV substation Guruwara on 30.05.24 on the plea that there is some billing issue. Further, the cost of shifting is also to be borne by the petitioner. Sh. Raheel Kohli counsel for the respondents submitted that the maintainability of the petition is questionable and the proposed change in the setup is not only on billing issue but also on technical aspects. Counsel for the respondents sought two (2) weeks' time to file the reply. After hearing the parties and without going into the merit of the case, the Commission orders that the respondents shall maintain status quo till next date of hearing and allows the respondents to submit its reply within 2 weeks with advance copy to petitioner and the petitioner may file rejoinder, if any, within one week thereafter

**3. Reply submitted by DHBVN dated 14/07/2025:**

- 3.1 The present reply is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN"/"Answering Respondent") in response to the captioned petition directing the Answering Respondent to continue supplying electricity to the Petitioner from 132 KV/11KV sub-station of M/s GLS Polyfilms Pvt. Ltd (which the Answering Respondent is insisting to revoke - on account of billing complications).
- 3.2 At the outset, the Answering Respondent denies and refutes the contents of the Petition, save and except to the extent herein expressly admitted and no part thereof should be presumed to have been admitted on account of express or implied non-denial or non-traversal thereof. Averments made in the Petition are evidently baseless and unwarranted and hence deserve no consideration by this Hon'ble Commission.

PRELIMINARY OBJECTION: Present petition is not maintainable

- 3.3 It is submitted that admittedly it is petitioner case (who is a consumer) that, on account of certain billing complication, the Answering

Respondent (who is a licensee) has insisted to revoke existing supply arrangement. In this regard, it is most respectfully submitted that this Hon'ble Commission has no jurisdiction to adjudicate the present case in view of Section 42 of the Electricity Act, 2003 ("Act") and the Petitioner ought to have approached the consumer grievance redressal forum ("CGRF"). Further, it is settled position of law, that Section 86 of the Act lays down the function of this Hon'ble Commission. Sub-Section (1) (f) of the said section lays down the adjudicatory function of this Hon'ble Tribunal, which does not encompass within its domain complaints of individual consumer. It only provides that the State Electricity Regulatory Commission can adjudicate upon dispute between the licensees and generating companies. This does not include in it an individual consumers. Therefore, this Hon'ble Commission may be pleased to dismiss the present petition being non-maintainable.

#### SUBMISSIONS ON MERIT

- 3.4 Without prejudice to the plea of maintainability, as captured in paragraph 3 above, the Answering Respondent would like to draw the attention of this Hon'ble Commission to the following submission on merit of the case.
- 3.4.1 On 01.12.2020, M/s GLS Elopak Private Limited ("Petitioner" / "Unit-A") applied for an electricity connection to the Answering Respondent for a load of 1810 KW with contract demand of 2010 KVA under HT/ Industry Category.
- 3.4.2 On 16.12.2020, the said connection was sanctioned to be fed at 11 KV level on a newly proposed 11 KV independent feeder emanating from 33 KV Sub-station, Gurawara.
- 3.4.3 Petitioner, vide communication dated 19.08.2021, requested for change of source of supply and accordingly expressed its intention to be fed at 11KV voltage from proposed 132KV/11KV switch yard of M/s GLS Ployfilms Private Limited ("Units-B") alongwith the declaration that it would extend the load from existing 2010 KVA to the ultimate load of 5000 KVA. Resultantly, as a temporary arrangement and to facilitate the Petitioner, the Answering Respondent permitted changes of sources from 33 KV Sub-station, Gurawara to proposed 132KV/11KV switch yard of Unit-B. Currently, Unit-B is being fed by 220KV Sub-station Machroili at 132 KV Level.
- 3.4.4 It is utmost relevant to mention 132KV/11KV switch yard of Unit-B (not being an asset of DHBVN or Haryana Vidyut Prasarn Nigam Limited) was not depicted / mapped in RAPDRP system of DHBVN. Resultantly, the consumption of Unit-A is being recorded in Unit-B's account and no separate system generated bill qua Unit-A has been raised till date. Further, it is pertinent to mention that energy consumption of both the units is being recorded by meter installed at 220KV Sub-station Machroili end, which has been installed for Unit-B. In this depicted scenario, the units consumed by Unit-A is being added in the system generated bill raised on Unit-B and due

to which MDI of Unit B is being shown exceeded in the bill. This situation, which the Answering Respondent came to know, has resulted in billing complications/discrepancies (which the Answering Respondent had to manually resolve to the extent possible) and is still persisting. It is utmost relevant to mention that the prevailing arrangement is advantageous for the Petitioner, as the MDI of both the units (Unit-A and Unit-B) cannot be separately recorded, thus aiding the said units to escape their respective liabilities associated with exceeding of contract demand and resultantly causing revenue loss to the Respondent. Accordingly, vide various communications (i.e. 30.05.2024, 15.06.2024 and 07.02.2025) and during numerous discussions, the Petitioner was apprised regarding the said billing issues and accordingly requested to shift the connection A to the original approved source from 33 KV Sub-station, Gurawara.

3.4.5 It is respectfully submitted that DHBVN request to shift to the original approved source (i.e., from 33 KV Sub-station, Gurawara) is not in violation of HERC Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Recover Security Regulation, 2016 ("HERC Regulations"). Further, it is submitted that the Petitioner's reliance HERC Regulation are misplaced including Regulation 3.11 and 4.8.2 of HERC Regulations.

3.4.6 Alternatively, in order overcome and resolve the prevailing complication in the billing, the Respondent Petitioner could consider the following options:

- I. Single point connection for both the units from 220 KV Machhrouli Sub-station and accordingly billing can be done in terms of the procedure approved by this Hon'ble Commission regarding single point connection, subject to approval of this Hon'ble Commission since Unit-A and Unit-B are not contiguous and are approximately at distance of 4 KM.
- II. Shifting from exiting 11 KV level to 132 KV level after extension of load. Consequently, enabling the Respondent to directly fed the Petitioner from 220 KV Machhrouli Sub-station.

In light of the above submissions, this Hon'ble Commission may be pleased to dismiss the present petition.

4. The case was heard on 23/07/2025, Sh. Sumit Aggarwal, Counsel for the petitioner submitted that reply of the respondents was received late, therefore rejoinder could not be prepared and submitted. Mr. Aggarwal sought time to file rejoinder. Acceding to request of the petitioner, the Commission adjourns the matter and allows petitioner to file the rejoinder with in four weeks with advance copy to respondents.

5. **Rejoinder dated 27/08/2025:**

PRELIMINARY OBJECTIONS TO THE REPLY FILED BY RESPONDENT-NIGAM :-

**I. RE: MAINTAINABILITY**

- 5.1 That the preliminary objection raised by the Respondent, questioning the jurisdiction of this Hon'ble Commission, is misconceived, contrary to the scheme of the Electricity Act, 2003, and deserves outright rejection.
- 5.2 That the Respondent contends that the matter should have been referred to the Consumer Grievance Redressal Forum (CGRF) under Section 42 of the Act. However, this is not a case involving a personal billing dispute or isolated consumer grievance. Rather, it involves:
- a) Interpretation and enforcement of HERC regulations;
  - b) Compliance with sanctioned and operational power infrastructure;
  - c) The unilateral and arbitrary attempt to withdraw an already approved and energized power supply arrangement;
  - d) System-level technical and regulatory issues arising from integration and billing of shared independent feeders.
- 5.3 That the scope of Section 86(1)(f) of the Electricity Act clearly extends to adjudication of disputes involving licensees and generating companies, but also includes cases where a distribution licensee's action impinges on regulatory mandates, sanctioned infrastructure, and legitimate consumer expectations grounded in statutory approvals.
- 5.4 That several decisions of Hon'ble APTEL and this Hon'ble Commission have recognized that where the issue pertains to supply conditions, feeder design, regulatory breaches, and infrastructure approvals, the matter is well within the purview of this Hon'ble Commission and not the CGRF.

**II. FACTUAL CLARIFICATIONS AND COUNTER TO RESPONDENT'S ALLEGATIONS**

- 5.5 That it is admitted by the Respondents that the Petitioner applied for a load of 1810 KW (2010 KVA) on 01.12.2020 and that connection was sanctioned from Gurawara Sub-station via 11 KV independent feeder on 16.12.2020. It is further a matter of record that:
- i) The Petitioner requested change of source on valid technical grounds (longer route, voltage fluctuation, risk of faults on overloaded 33KV line.
  - ii) The proposed alternate supply (from M/s GLS Polyfilms Pvt. Ltd.'s 132/11 KV sub-station) was technically evaluated, found feasible, and duly approved by all concerned authorities, including CE/Commercial, SE/OP of DHBVNL and, SE/TS and other authorities of HVPNL.
  - iii) Deposit estimate running into more than two crores was sanctioned, payments were made, construction was completed under DHBVN supervision, and the feeder was energized on 16.12.2022.
  - iv) That admittedly, the feeder in question is operational for almost 3 years ever since 2022 and now, also, the source of supply is sought to be changed only on account of metering problem rather than any technical or logistic difficulties in supplying of power to the unit of

the petitioner through the said sanctioned feeder. Such a stance, at the instance of the respondent-Nigam, which is sole distribution licensee is totally arbitrary and despotic in as much as, instead of setting its own house in order and solve the metering problem, it is the petitioner/consumer who is being asked to lay down a fresh 11 KV line for the said purpose.

- 5.6 That the entire change of source followed the prescribed process, including revised TFR, technical approvals, site inspection, and infrastructure readiness thereby making it a lawful, well-planned, and formally sanctioned arrangement contrary to the Respondent's baseless and misleading assertion that it was merely temporary or provisional in nature.

### III. BILLING COMPLICATIONS: A SYSTEMIC FAILURE OF THE LICENSEE, NOT THE PETITIONER'S FAULT

- 5.7 That the Respondents now assert that billing complications arose because the switchyard of M/s GLS Polyfilms was not mapped in the RAPDRP (Restructured Accelerated Power Development and Reforms Programme) system and MDI (Maximum Demand Indicator) of Unit-A (Petitioner) is reflected against Unit-B (GLS Polyfilms). They admit they have been resolving this manually.
- 5.8 That this is a matter internal to the utility. The failure to digitally map or segment metering in the RAPDRP system is not a ground to withdraw a physically sanctioned, commissioned, and viable infrastructure. The billing complication is:
- i) Entirely due to DHBVN's internal software/system oversight;
  - ii) Capable of being resolved via upgraded metering software or sub-metering logic;
  - iii) Not a technical defect or violation on the part of the Petitioner.
- 5.9 That the HERC Regulation 4.8.2(iii) (as amended in 2020) clearly envisages multiple consumers on one independent feeder and mandates metering at consumer-end. The Petitioner made all the compliances required in this regard and as provided in the approved revised technical estimate (P-9) .
- 5.10 That the Respondent's allegation that the Petitioner is gaining unfair benefit or avoiding demand charges is factually incorrect, unsubstantiated, and misleading. There is no record of any attempt to evade charges; the issue lies in common MDI capture, which can be resolved by software-based data disaggregation/deft handling of the meter installed at the feeding/sending head with appropriate technological innovations at the end of the respondent-Nigam. It is the emphatic assertion of the petitioner that the substations, 132 KV capacity are under the control of HVPNL and of 33 KV capacity are under the control of DHBVNL and in as much as, it is the own policy of the Nigam to have the metering at the feeding end, it is for the Nigam/respondents to devise the means for the same. The objection as taken/explanation as submitted before this Hon'ble Commission for necessity of insisting on the petitioner to erect a separate independent feeder at this belated stage is only a tactics which is alien to the specific regulations of the HERC. Needless to say, the regulations of

the Hon'ble HERC are binding upon the respondents but still, despite the fact that the regulations 4.8.2 of the 2016 Regulations (P-16) as well as the amended regulations (P-7) are binding upon the respondent-Nigam.

- 5.11 That it is inequitable and illegal to burden the Petitioner with the consequences of a software limitation that DHBVN has had over 15 months to address since energization.

#### IV. MISPLACED RELIANCE ON REGULATORY PROVISIONS BY RESPONDENT

- 5.12 That the Respondent refers to HERC Regulations 3.11 and 4.8.2 to argue against the continuation of the current feeder arrangement. However, the reliance is misplaced:

Regulation 3.11 permits independent feeder where technically feasible, which DHBVN already confirmed through approvals and sanctioned estimates.

Regulation 4.8.2(iii), post-2020 amendment, specifically allows shared feeders, provided consumers are of the same category (HT Industrial as in this case), and that metering exists at consumer end.

It is the respectful submission of the petitioner that all these conditions are fulfilled in the instant case as the Petitioner's feeder was:

- Requested under due procedure;
- Technically vetted and sanctioned;
- Constructed at the Petitioner's cost;
- Commissioned under supervision of the Respondent;
- Metered as per HERC norms/norms of monopoly distribution licensee i.e., DHBVNL.

- 5.13 That the billing issue arises solely because the 132/11 KV switchyard is not mapped in DHBVN's backend software, a problem not contemplated in the regulatory framework, and therefore cannot serve as a valid ground for revocation of supply and forcing the petitioner to construct a feeder once again and thereafter, have electricity supply, which is less stable on account of lengthier route involving multiple clearances including the railway crossing. As has already been submitted, before approving the supply to the feeder from the existing 132 KV sub-station of GLS Polyfilms, the technical feasibility report was prepared by the Nigam and it is only after such approval of the technical feasibility report that the revised sanctioned plan was approved, the detail estimate framed and thereafter, the instant feeder was erected by the petitioner at its own cost.

#### V. ALTERNATIVE OPTIONS OFFERED ARE NOT VIABLE OR JUSTIFIED

- 5.14 That the Respondents offered two alternatives:

- v) Single point connection from Machharouli for both units: This is impractical because the units are not contiguous (approx. 4 KM apart), and cross-connection raises issues of internal supply and regulatory breach.
- vi) Upgrade to 132 KV supply: This would require significant capital reinvestment, Right of way, new approvals, delay of months or years,



and defeat the entire purpose of the Petitioner's existing investment and sanctioned infrastructure.

- 5.15 That these options are neither feasible nor reasonable, and amount to passing the cost and burden of rectifying DHBVN's billing system failure onto the Petitioner, which is legally and equitably unacceptable.

#### VI. ARBITRARINESS, WASTEFULNESS, AND LACK OF GOOD FAITH

- 5.16 That the Petitioner, acting in complete good faith, has meticulously complied with every directive issued by the Respondent Nigam including depositing substantial amounts running into more than two crores of rupees, securing statutory approvals from NHAI for construction along NH-71, and fully executing the sanctioned infrastructure at its own cost, culminating in the successful energization of the feeder. However, despite 15 months of uninterrupted and stable power supply through this duly approved arrangement, the Petitioner is now being compelled to dismantle the existing setup and construct a new feeder via a longer and technically inferior route solely due to the Respondent's own failure to integrate the existing feeder into its billing software. This not only undermines the doctrine of legitimate expectation and principles of natural justice, but also risks causing irreparable harm to the Petitioner, who has made substantial investments in reliance upon the Respondent's approvals

#### VII. ADDITIONAL HARDSHIP: CROSSING OF RAILWAY LINE MAKES ALTERNATIVE FEEDER IMPRACTICAL, RISKY AND TIME CONSUMING

- 5.17 That it is also pertinent to bring to the kind attention of this Hon'ble Commission that the alternate feeder route now being proposed by the Respondents (i.e., reverting to supply from 33 KV Sub-station, Gurawara) involves crossing of a Railway Line, which introduces another layer of procedural and operational complexity.

- 5.18 That the Railway line crossings, as the Hon'ble Commission is very well aware, involves:

- i) Lengthy and bureaucratic approval processes from Indian Railways;
- ii) Detailed technical drawings, compliance audits, and safety certifications;
- iii) Extended waiting periods that often run into several months or even years;
- iv) Strict safety conditions and limitations that can delay or entirely derail timely execution.

It is respectfully submitted that the Petitioner is a running industrial unit, dependent on uninterrupted power for continuous production, any delay in feeder shifting due to Railway crossing permissions would severely jeopardize its operations, lead to production halts, financial losses, and potentially endanger supply chain commitments to clients in agro and food processing sectors.

- 5.19 That the Petitioner has already completed construction of a fully compliant and duly approved 11 KV independent feeder through a technically viable and readily accessible route, without railway crossing or similar encumbrances. It is, therefore, wholly unjust and arbitrary to now force the Petitioner to undertake a redundant and

high-risk infrastructure project, particularly when the underlying issue lies not with physical supply but with internal billing system alignment.

PARA-WISE REJOINDER TO THE REPLY:-

- 1 & 2. That the contents of the Para nos. 1 & 2 of the reply do not call for any rejoinder.
3. That the contents of the Para no.3 are wrong and the same are vehemently denied. The instant petition is clearly maintainable and is liable to be adjudicated by this Hon'ble Commission on merits. That the contents of above preliminary objections under heading "I. RE: MAINTAINABILITY" are reiterated as a rejoinder to this para.
4. That the contents of Para no.4 are wrong and the same are vehemently denied. The entire actual & factual position has already been explained by the petitioner in the petition as well as the above preliminary objections. In light of which sub-para wise rejoinder is not required and for the sake of brevity the contents of preliminary objections above are not repeated again. However the contents of Point no.5 to 19 of preliminary objections may kindly be considered as rejoinder to this para.  
In light of the above, the Petitioner respectfully reiterates the reliefs sought in the Petition and prays this Hon'ble Commission to grant the said reliefs by allowing the petition.

6. The case was heard on 26/09/2025, Sh. Ashwani Talwar, Counsel for the petitioner submitted that the rejoinder has been submitted and re-iterated the contents of the same. Sh. Raheel Kohli Counsel for the respondent-DHBVN submitted that Present petition is not maintainable and on account of certain billing complication, the respondent has insisted to revoke existing supply arrangement. After hearing submissions of both the parties, the Commission directed the parties to submit their written statements with in two (2) weeks.

**7. Written Submission of Petitioner Submitted on 06/10/2025:**

**I. FACTUAL BACKGROUND**

- 7.1 That the petitioner is a duly incorporated industrial unit engaged in aseptic carton manufacturing at Guruwara, Rewari, Haryana. It applied for an electricity connection of 1810 KW / 2010 KVA on 01.12.2020, which was sanctioned on 16.12.2020 (P-3) from the 33 KV Guruwara Sub-station via an 11 KV independent feeder. However, as the said 33 KV sub station was already being fed through a 33 KV line emanating from 33 KV Sub station Gangaicha, which is about 14 Km long and in between, through this line, another 33 KV substation, Palawas is also being fed, the total length of 33 and 11 KV lines would be more than 18 km and even otherwise supply would not be uninterrupted which is the requirement for the industrial unit of the petitioner.
- 7.2 That thus on account of the above said difficulties which would be encountered by the petitioner in case the unit of the petitioner is fed

from 33 KV Guruwara sub station, at the stage of inception itself and without starting the erection of said 11 KV feeder from Guruwara sub station, the petitioner requested for change of source to the 132/11 KV sub-station of M/s GLS Polyfilms Pvt. Ltd. (approx. 4.2 km away). This was technically examined, found feasible, approved at multiple levels of DHBVN & HVPNL, and ultimately, the SC (Operation) Rewari, vide Memo dated 29.09.2021 (P-8), submitted the revised technical feasibility report and vide orders of the Chief Engineer (Operation) (Competent Authority), the revised deposit estimate of approx. Rs.2 crores was sanctioned and the 11 KV feeder from 132/11 KV, Sub station/switch yard of M/s GLS Polyfilms.

- 7.3 That as per the revised sanctions/estimate, the Petitioner constructed the new feeder at its own cost and obtained all statutory approvals including NHA permission, and the connection was energized on 16.12.2022. Since then, the electricity has been supplied reliably through this arrangement and is still continuing.
- 7.4 That after nearly 15 months of operation, respondent- DHBVN issued letters dated 30.05.2024 (P-11), 15.06.2024 (P-12), and 07.02.2025 (P-15) directing the petitioner to revert to the original feeding source, citing "billing complications". The petitioner made representations, but respondents DHBVN insisted on realignment.

## II. CORE ISSUE

Whether the Respondents can lawfully and arbitrarily revoke a duly sanctioned and commissioned independent feeder arrangement on account of their internal billing software deficiencies, and unilaterally compel the Petitioner to bear further costs and infrastructure work despite there being no technical or regulatory violation on the petitioner's part?

## III. LEGAL & REGULATORY POSITION

- 7.5 Section 43 & 86 of the Electricity Act, 2003 and the HERC Duty to Supply Regulations, 2016 (P-16) & 1st Amendment 2020 (P-20) govern the matter.
- 7.6 Regulation 3.11 permits supply through independent feeders where technically feasible. Regulation 4.8.2(iii) (amended 2020) allows multiple consumers on an independent feeder (same category), mandating consumer-end metering.
- 7.7 The Petitioner's arrangement meets all regulatory conditions:
- Technically feasible, duly vetted, and approved by DHBVN & HVPNL;
  - Constructed at Petitioner's cost;
  - Metered as per norms;
  - Energized lawfully and operational since Dec 2022.
- 7.8 The billing complication" cited is purely an internal mapping issue in respondent- Nigam's software (RAPDRP), not a legal or technical ground to withdraw supply. The Petitioner cannot be made to suffer for respondent- Nigam's administrative difficulties.
- 7.9 APTEL and HERC precedents have held that matters involving sanctioned infrastructure, feeder design, regulatory compliance, and licensee obligations fall within HERC's jurisdiction and not CGRF and thus, the legal issues raised in the instant petition can be redressed

only by this Hon'ble Commission and Thus, the Commission possesses the requisite jurisdiction .

#### IV. GROUNDS

- (a) Arbitrariness: - Sudden and unilateral orders of revocation of the technically feasible project, after its due sanction and energization is arbitrary and still further without following the principles of natural justice is unattainable in the eyes of law.
- (b) Violation of Legitimate Expectation: - Petitioner invested heavily based on respondent- Nigam's approvals.
- (c) Non-compliance with HERC Regulations: - Respondents are bypassing regulatory mechanisms by citing software issues.
- (d) Technical & Financial Prejudice: - Reverting to original feeder involves a longer route (17 km), lower reliability, and railway line crossing, making it impractical, expensive, and time-consuming.
- (e) Alternative Offered Not Viable: - Single-point supply or 132 kV conversion is not feasible and shifts respondent-DHBVN's burden onto petitioner.
- (f) Petitioner's Compliance is Complete: - All conditions, payments, and technical approvals were met in good faith.

#### V. RELIEFS SOUGHT

In light of the facts & circumstances mentioned in the petition, rejoinder, arguments and written submissions, it is respectfully prayed that this Hon'ble Commission may be pleased to:

- 7.10 Set aside respondent Nigam's orders/ communications dated 30.05.2024 (Annexure P-11), 15.06.2024 (Annexure P-12), and 07.02.2025 (Annexure P-15) directing change of feeding source;
  - 7.11 Direct respondent-nigam to continue power supply through the existing 132/11 kV GLS Polyfilms sub-station feeder;
  - 7.12 Hold that respondent-nigam is responsible for resolving billing issues internally without disturbing existing supply.
- 8. Written Submission of Respondent Submitted on 10/10/2025:**
- 8.1 Present petition is not maintainable: It was submitted that admittedly it is petitioner case (who is a consumer) that, on account of certain billing complication/issues, the Answering Respondent (who is a licensee) has insisted to revoke existing supply arrangement, In this regard; it is most respectfully submitted that this Hon'ble Commission has no jurisdiction to adjudicate the present case in view of Section 42 of the Electricity Act, 2003 ('Act') and the Petitioner ought to have approached the consumer grievance redressal forum ('CGRF'). Further, it is settled position of law, that Section 86 of the Act lays down 'the function of this Hon'ble Commission. Sub-Section (1) (f) of the said section lays down the adjudicatory function of this Hon'ble Tribunal, which does not encompass within its domain complaints of individual consumer. It only provides that the State Electricity Regulatory Commission can adjudicate upon dispute between the licensees and generating companies. This does not include in it an individual consumers. Similar position has been upheld by the Hon'ble Supreme Court of India in case titled The Maharashtra State Electricity Distribution Co. Ltd. Vs. Lloyds Steel Industries Ltd.

MANU/SC/8261/2007 and the relevant excerpt of the Judgement is reproduced below:

- "7. As per the aforesaid provision, if any grievance is made by a consumer, then they have a remedy under Section 42(5) of the Act and according to Sub-section (5) every distribution licensee has to appoint a forum for redressal of grievances of the consumers. In exercise of this power the State has already framed The Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2003 (hereinafter referred to as "2003 Regulations") and created Consumer Grievance Redressal Forum and Ombudsman. Under these 2003 Regulations a proper forum for redressal of the grievances of individual consumers has been created by the Commission. Therefore, now by virtue of Sub-section (5) of Section 42 of the Act. all the individual grievances of consumers have to be raised before this forum only. In the face of this statutory provision we fail to understand how could the Commission acquire jurisdiction to decide the matter when a forum has been created under the Act for this purpose. The matter should have been left to the said forum. This question has already been considered and decided by a Division Bench of the Delhi High Court in the cases of *Suresh Jindal v. BSES Rajdhani Power Ltd. and Ors.* reported in MANU/SC/4037/2007: 132 (2006) DLT 339 (DB) and *Dheeraj Singh v. BSES Yamuna Power Ltd.* MANU/ E/8006/2006 and we approve of these decisions. It has been held in these decisions that the Forum and Ombudsman have power to grant interim orders. Thus a complete machinery has been provided in Section 42(5) and 42(6) for redressal of grievances of individual consumers. Hence wherever a Forum/Ombudsman have been created the consumers can only resort to these bodies for redressal of their grievances. Therefore, not much is required to be discussed on this issue. As the aforesaid two decisions correctly lay down the law when an individual consumer has a grievance he can reach the forum created under Sub-section (5) of Section 42 of the Act.
8. In this connection, we may also refer to Section 86 of the Act which lays down the functions of the State Commission. Sub-section (1) (f) of the said Section lays down the adjudicatory function of the State Commission which does not encompass within its domain complaints of individual consumers. It only provides that the Commission can adjudicate upon the disputes between the licensees and generating companies and to refer any such dispute for arbitration. This does not include in it an individual consumer. The proper forum for that is Section 42(5) and thereafter Section 42(6) read with Regulations of 2003 as referred to herein above.
9. Therefore in the facts and circumstances of the resent case we are of the opinion that the view taken by the Commission as well as the Appellate Authority are unsustainable and they have erred in coming to the conclusion that the Commission has jurisdiction. Consequently, we set aside the order dated 18th October, 2005 passed by the Commission and the orders dated 5th April, 2006 and 2nd June, 2006

*passed by the Appellate Authority and remit the matter to the proper Forum created under Section 42(5) of the Act to decide the grievance of the respondent herein in accordance with law. We make it clear that we have not made any observation with regard to the merits of the demand raised by the appellant upon the respondent company and it will be open for the proper forum to adjudicate the same. The payment, if any, made by the company will not operate as an estoppel against the respondent company. We hope that the forum will decide the matter expeditiously. "*

Therefore, in light of the above reproduced settled legal position, this Hon'ble Commission may be pleased to dismiss the present petition being nonmaintainable.

8.2 Without prejudice to the plea of maintainability, attention of this Hon'ble Commission was drawn to the following:

- A. On 01.12.2020, M/s GLS Elopak Private Limited ("Petitioner" "Unit-A") applied for an electricity connection to the Answering Respondent for a load Of 1810 KW with contract demand of 2010 KVA under HT/ Industry Category.
- B. On 16.12.2020, the said connection was sanctioned to be fed at 11 KV level on a newly proposed 11 KV independent feeder emanating from 33 KV Sub-station, Gurawara.
- C. Petitioner, vide communication dated 19.08.2021, requested for change of source of supply and accordingly expressed its intention to be fed at 11KV voltage from proposed 132KV/ 11KV switch yard of M/S GLS Ployfilms Private Limited ("Units-B") alongwith the declaration that it would extend the load from existing 2010 KVA to the ultimate load of 5000 KVA. Resultantly, as a temporary arrangement and to facilitate the Petitioner, the Answering Respondent permitted changes of sources from 33 KV Substation, Gurawara to proposed 132KV/11KV switch yard of Unit-B. Currently, Unit-B is being fed by 220KV Sub-station Machroili at 132 KV Level.
- D. Pertinently, 132KV/11KV switch yard of Unit-B (not being an asset of DHBVN or Haryana Vidyut Prasaran Nigam Limited) was not depicted / mapped in RAPDRP system of DHBVN. Resultantly, the consumption of Unit-A is being recorded in Unit-B's account and no separate system generated bill qua Unit-A has been raised till date. Further, it is pertinent to mention that energy consumption of both the units is being recorded by meter installed at 220KV Sub-station Machroili end? which has been installed for Unit-B. In this depicted scenario, the units consumed by Unit A is being added in the system generated bill raised on Unit-B and due to which MDI of Unit B is being shown exceeded in the bill. This situation, which the Answering Respondent came to know, has resulted in billing complications/discrepancies (which the Answering Respondent had to manually resolve to the extent possible) and is still persisting. It is utmost relevant to mention that the prevailing arrangement is advantageous for the Petitioner, as the MDI of both the units (Unit-A and Unit-B) cannot be separately recorded, thus aiding the said units

to escape their respective liabilities associated with exceeding of contract demand and resultantly causing revenue loss to the Respondent. Accordingly, vide various communications (i.e. 30.05.2024, 15.06.2024 and 07.02.2025) and during numerous discussions, the Petitioner was apprised regarding the said billing issues and accordingly requested to shift the connection A to the original approved source from 33 KV Sub-station, Guruwara.

8.3 Without prejudice to the Respondent submission qua non-maintainability of the present petition, the Respondent (in order overcome and resolve the prevailing the billing issue) suggested the following options:

- i. That a single-point connection for both the units has been proposed from the 220 KV Machhrouli Sub-station, and the billing may accordingly be undertaken in terms of the procedure approved by this Hon'ble Commission for single-point connections. This arrangement, however, is subject to the approval of this Hon'ble Commission, as Unit-A and Unit-B are not contiguous and are situated at an approximate distance of 4 km from each other. It is pertinent to note that, for availing this arrangement, the Petitioner is not required to shift the existing electrical line.
- ii. Shifting from existing 11 KV level to 132 KV level after extension of load. Consequently, enabling the Respondent to directly feed the Petitioner from 220 KV Machhrouli Sub-station.

**Commission's Order:**

1. The case was heard on 19/11/2025, as scheduled, in the court room of the Commission.
2. Sh. Ashwani Talwar counsel for the petitioner submitted that the written statement as per directions have already been submitted and advanced his concluding arguments.
3. Sh. Raheel Kohli counsel for the respondents submitted that the petition was not maintainable however the written statement on behalf of respondent has been submitted. He re-iterated the option of a single-point supply at 220 kV Machharouli for both units or upgradation of the petitioner to 132 kV supply after extension of load, asserting that both options would allow proper billing and would not require shifting existing lines in the case of the single-point option.
4. Sh. Ashwani Talwar submitted that the alternate arrangement suggested by the respondent is not acceptable which are legally and practically untenable, particularly the single-point supply option for two non-contiguous premises separated by 4 km. contrary to the Electricity Act and Supply Code.

5. The Commission duly considered the petition, the reply, the rejoinder, and all written submissions. Upon careful examination of the facts, it is established that the respondent consciously accorded approval to the revised technical feasibility report, sanctioned a deposit estimate exceeding Rs. 2 crores, supervised the construction process, and permitted energization on 16.12.2022 . For a period exceeding one year, no technical issues were reported.
6. The Contention of the respondent regarding 132KV/11KV switch yard of Unit-B is not an asset of DHBVN or HVPNL and not mapped in R-APDRP system is not correct in view of the clause 4.10 of Duty to Supply Regulations, 2016 which contains *“All equipment except the meter (if supplied by the applicant), notwithstanding that whole or a portion thereof has been paid by the consumer, upon energisation, shall become the property of the licensee and the licensee shall maintain the same without claiming any operation and maintenance expenses, including replacement of defective/damaged material/equipment from the consumer...”*
7. Pursuant to Regulation 4.8.2(iii), as amended in the year 2020 , it is expressly provided that more than one HT industrial consumer may be supplied through an existing independent feeder, subject to mandatory consumer-end metering. The petitioner’s case falls within the ambit of this regulatory framework. The difficulties faced by the respondent are administrative in nature, and the Regulations do not envisage dismantling an approved independent feeder merely due to the licensee’s inability to integrate the same into its billing software.
8. The present dispute does not pertain to tariff computation or correction of individual bills; rather, it concerns the withdrawal of a sanctioned infrastructure arrangement, which is a matter of regulatory compliance and thus falls within the adjudicatory jurisdiction of this Commission.
9. Regarding the allegation of undue benefit accruing to the petitioner, no evidence has been placed on record that indicates wilful manipulation or evasion of charges. Contrarily, the petitioner has made substantial financial investments and secured all requisite statutory clearances in legitimate reliance on the respondent’s expressed written approvals.
10. Mandating the petitioner to incur additional and substantial expenditure for the establishment of a second 11 kV feeder along a lengthier route entailing a railway crossing and fresh regulatory approvals, solely due to the respondent’s billing software complications, is unwarranted and unjustified.



11. In light of the foregoing, the respondent's decision to revert the petitioner to the original feeding source is devoid of reasonable justification, inconsistent with the extant regulatory framework permitting shared independent feeders, and imposes an unnecessary burden on the petitioner.
12. Accordingly, it is directed that the supply to the petitioner from the existing 132/11 kV feeder originating at the 132 kV switchyard of M/s GLS Polyfilms Pvt. Ltd., energized on 16.12.2022, shall continue forthwith. The responsibility to rectify billing methodology, mapping, metering integration, or any allied software issues shall rest solely with the distribution licensee, who shall undertake the same expeditiously without shifting any cost or operational disruption to the petitioner.
13. The petition is accordingly allowed and the communication dated 30.05.2024, 15.06.2024 and 07.02.2025 are set aside.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 26/11/2025.

<b>Date: 26/11/2025</b>	<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<b>Place: Panchkula</b>	<b>(Shiv Kumar)</b>	<b>(Mukesh Garg)</b>	<b>(Nand Lal Sharma)</b>
	<b>Member</b>	<b>Member</b>	<b>Chairman</b>