

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

Case No. HERC/P. No. 29 of 2025

Date of Hearing : 04/12/2025

Date of Order : 16/01/2026

IN THE MATTER OF:

Petition under Section 181 of the Electricity Act, 2003 read with Regulations 8, 9, 10 & 11 of the HERC (Duty to Supply on Request, Power to Recover Expenditure Incurred in providing Supply and Power to Require Security), Regulations, 2016 (“Duty to Supply Regulations”) and Regulations 65, 68, 69, 70 & 71 of HERC (Conduct of Business Regulations), 2019, seeking requisite amendments/ clarifications/ removal of difficulty in the applicability of Regulation 4.17 of the Duty to Supply Regulations, 3rd Amendment to the Projects where license stands issued before the Amendment but the Electrification Plan is yet to be approved. Requisite Amendments/ Clarifications are also being sought including the Developer’s obligation to provide ROW and land free of cost along with payment of EESDC under the Duty to Supply Regulations, 2nd Amendment.

Petitioner

Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) Vidyut Sadan, Vidyut Nagar, Hisar.

Impleaded Parties

1. Uttar Haryana Bijli Vitran Nigam (UBVHNL), Vidyut Sadan, I.P No: 3 & 4, Sector 14, Panchkula.
2. Haryana Vidyut Prasaran Nigam Limited, Shakti Bhawan, Sector 6, Panchkula

Present

On behalf of the Petitioner

1. Sh. Lovepreet Singh, Advocate
2. Ms Priya Ahluwaliya, Advocate
3. Sh Jitender Kumar, AE/Monitoring, UHBVNL

On behalf of interveners

1. Sh. Sudhir Jain, METL
2. Sh. Ankit Kaushik, METL

QUORUM

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

ORDER

1. Petition:

- 1.1 That the present Petition is being filed by Dakshin Haryana Bijli Vitran Nigam (for brevity “DHBVN/ Petitioner”) through SE/Commercial, DHBVN, Hisar, who is authorized to file the instant Petition and is otherwise also well conversant with the facts of the case.
- 1.2 That DHBVNL is a State-Owned Power Distribution Company (for brevity “Discom”) and registered under the Companies Act, 1956, formed under corporatization/ restructuring of erstwhile Haryana State Electricity Board and is a holder of distribution and retail supply of electricity License in the southern zone of the State of Haryana. The Petitioner is entrusted with the responsibility of distribution and retail supply of power in the districts of Hisar, Fatehabad, Bhiwani, Sirsa, Faridabad, Gurugram, Palwal, Rewari, Jind, and Narnaul in the State of Haryana.
- 1.3 That the present Petition is being filed before the Hon’ble Commission seeking amendment/ removal of difficulty/ clarification thereto of HERC (Duty to supply electricity on request, power to recover expenditure incurred in providing supply and power to require security) Regulations, 2016 (for brevity “Duty to Supply Regulations”) as amended from time to time.

Given the prospective application of the HERC (Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Require Security) Regulations, 2016 (2nd Amendment) Regulations, 2023 (for brevity “Duty to Supply Regulations, 2nd Amendment”) and HERC (Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Require Security) Regulations, 2016 (3rd Amendment) Regulations, 2023 (for brevity “Duty to Supply Regulations, 3rd Amendment”), a void exists in the Regulations as the beneficial legislative amendments made by the Hon’ble Commission vide Duty to Supply Regulations, 3rd Amendment have not been extended to the cases where License has been issued prior to the coming into force of the Regulations but the Electrification Plan is to be approved thereafter and/ or is yet to be approved. Apart from the same, certain other clarification relating to the obligation of Builders to provide ROW and land free of cost, as detailed hereunder, are necessitated for effective implementation of the Amendments in its letter and spirit.

- 1.4 That the brief facts leading up to the filing of the present petition are as under:
 - i. The Hon’ble Commission in the exercise of its power under Section 181 of the Electricity Act, 2003 read with Sections 43, 46 and 47 notified Regulation No. HERC/34/2016 dated 11.07.2016 i.e. the Duty to Supply Regulations. The Regulation 4 of the said Regulations stipulated various conditions regarding power of the Discom to recover expenditure incurred in providing supply of electricity. The said conditions were contained in Regulation 4.1 to 4.15 of the Duty to Supply Regulations, 2016.

- ii. The Duty to Supply Regulations outlines the obligations of Licensees in terms of providing electricity supply to consumers, both new and existing. It is specifically pointed out that the cost of extension of distribution main and/or its up-gradation up to the point of supply, as well as any strengthening/augmentation/updating in the system from the feeding substation, must be paid for by the consumer. The Regulations also define extension of distribution system and service connection charges under Regulation 2.3 of Duty to Supply Regulations.
- iii. Further thereto, this Hon'ble Commission, on 19.03.2020 notified the Duty to Supply Regulations, 1st Amendment. The said amendment substituted Regulation 4.12.2 to stipulate detailed conditions relating to obligations of the Developer to bear expenditure for development of electrical infrastructure within its Development Area.
- iv. The Hon'ble Commission in the matter of Apex Build Well Private Limited v. DHBVNL [HERC/ PRO 25 of 2021] passed an order dated 30.11.2021, wherein it was directed to the petitioner that in case, it proposes to release electricity connections at 33 KV level in variance with the provisions of the Supply Code and accordingly, develops relevant electricity infrastructure, then the Petitioner shall have to approach the Hon'ble Commission for the necessary approval.
- v. Subsequently, the Petitioner filed a Petition bearing Case no. HERC/ PRO-04 of 2022, whereby the Petitioner's endeavors to create a state-of-the-art Distribution System for the State of Haryana towards achieving the goal of developing a millennium city, were put forth before the Hon'ble Commission. In that view, it was mentioned that a pilot project has been envisaged in the new Sectors of Gurugram (Sector 58 to 115, Sector 37C and 37 D), new Sectors of Faridabad (Sector 75 to 89) and areas falling on the left side of Delhi - Jaipur highway in Dharuhera (hereinafter "the 33/0.4 KV Pilot Project Belt" or "33kV PPB") to create a robust and reliable transmission and distribution system of 220/33/0.4 kV for catering to the upcoming load requirement. To give effect to the said pilot project, the Hon'ble Commission was requested to approve/amend/relax the provisions of Supply Code and Duty to Supply Regulations so as to enable the Petitioner to develop a regulated transmission / distribution system of 220/33/0.4 kV in the 33/0.4 KV Pilot Project Belt.
- vi. The Hon'ble Commission vide order dated 28.03.2022 in the above mentioned bearing Case no. HERC/PRO-04 of 2022 granted permission to the Petitioner to develop 220/33/0.4 kV system in the 33/0.4 KV Pilot Project Belt and release connections and additional/ extended load in the 33/0.4 KV Belt in configuration of 33/0.4 KV and recover appropriate costs towards installation and development of transmission / distribution system of 220/33/0.4 kV from the consumer. It was also decided that the Hon'ble Commission shall frame appropriate regulatory framework to specifically regulate all issues concerning creation of infrastructure

the 33/0.4 KV PPB. A copy of order dated 28.03.2022 passed by this Hon'ble is appended.

vii. The Petitioner had also filed a Petition bearing Case no. HERC/PRO-27 of 2023 before this Hon'ble Commission putting forth the difficulties in releasing of connections within the 33/0.4 KV PPB. It was *inter alia* requested that appropriate amendments in the provisions of Supply Code and Duty to Supply Regulations be made in terms of order dated 28.03.2022 passed in Case No. HERC/PRO 04 of 2022 after suitably incorporating therein the provisions of Sales Circular No. D-31/2022 dated 14.11.2022 and D-05/2023 dated 04.01.2023. The Petitioner sought to switch over all the existing connections to 33/0.4 KV system in 33/0.4 KV PPB. It was also prayed that the regulatory framework be set up for recovery of costs incurred by the licensee for creation of transmission / distribution system required for unapproved and remote areas, from the individual applicants.

viii. However, during the pendency of the aforesaid Petition, the Hon'ble Commission was please to notify the Duty to Supply Regulations, 2nd Amendment and as such, the Petitioner bearing Case No. HERC/PRO-27 of 2023 was dismissed by the Hon'ble Commission vide order dated 11.10.2023 having been rendered infructuous.

ix. It is submitted that vide the Duty to Supply Regulations, 2nd Amendment, a Regulation 4.16 was incorporated which provided "*Special provisions for the pilot project in new Sectors 58-115 and Sector 37-C and 37-D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi-Jaipur highway in Dharuhera*". In other words, Regulations were incorporated for development of Internal and External Electrical Infrastructure and recovery of costs thereof in the 33/0.4 KV Pilot Project Belt. A copy of Duty to Supply Regulations, 2nd Amendment is appended.

x. Simultaneously, vide another notification of the even date i.e. 27.09.2023, Duty to Supply Regulations, 3rd Amendment was also notified wherein Regulation 4.17 was incorporated containing "*Provisions for the Builder/ Developer(s) in the State of Haryana, except new Sectors 58-115 and Sector 37-C and 37-D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi-Jaipur highway in Dharuhera*". In otherwards, certain provisions to be followed by the Builders/ Developer (s) in the State of Haryana, except the ones in the 33/0.4 KV Pilot Project Belt were notified. A copy of Duty to Supply Regulations, 3rd Amendment is appended .It is pertinent to mention here that Duty to Supply Regulations, 2nd and 3rd Amendments were notified in the official gazette of the State of Haryana on 03.10.2023.

xi. In fact, detailed Orders in the background of the Duty to Supply Regulations, 2nd and 3rd Amendments was passed on 26.09.2023 by the Hon'ble Commission, wherein in response to the query of the Centre for Energy Regulation as to whether the regulations will be applicable on existing approved plan or new plan, the Hon'ble Commission commented that the Amended Regulations will be

applicable for the licenses issued after the notification of this amendment. A copy of Orders dated 26.09.2023 relating to 2nd Amendment and 3rd Amendment are appended.

- xii. Subsequently, the Petitioner came across cases where the licenses have been issued prior to 03.10.2023, however, the Electrification Plan (for brevity "EP") was yet to be approved. However, since the Duty to Supply Regulations, 2nd Amendment was applicable prospectively, the Petitioner felt that a void exists, to the effect that the beneficial legislation has not been extended to the cases where License has been issued prior to the notification of the Amendment but the EP was yet to be approved. The developers who are yet to obtain sanction to their EP, or have got the EP approved after the notification of the Amendment are in no way differently placed than the Developers who may approach the Petitioner for such approval in the forthcoming years. In view of the difficulty faced, the Petitioner issued a Sales Circular No. D-07/2024 stipulating guidelines for execution of work of electrical infrastructure for such cases where license was issued prior to 03.10.2023, however the EP is sanctioned subsequently.
- xiii. The Petitioner also filed a petition bearing Case No. HERC/PRO-21 of 2024 seeking necessary amendment/ clarification of Amendments and sought approval of the Sales Circular No. D-07/2024 dated 14.03.2024. The said petition was decided by the Hon'ble Commission vide order dated 03.12.2024, vide which the Hon'ble Commission allowed that the projects in the 33/0.4 KV Pilot Project Belt, whose licenses were issued before 03.10.2023 (i.e. the date of notification of the 2nd Amendment) but the EP is yet to be approved shall also be covered under the Duty to Supply, 2nd Amendment, except that 50% of the total amount towards the External Electrical System Development Charges ("EESDC") shall be deposited by the builder before the approval of the EP. A copy of the order dated 03.12.2024 passed by the Hon'ble Commission in HERC/PRO-21 of 2024 is annexed.

1.5 At this stage, a similar difficulty is faced by the Petitioner regarding the Developers (not being Developers of the 33/0.4 KV Pilot Project Belt) whose Licenses were issued before the coming in force of the Duty to Supply, 3rd Amendment, however the EPs are yet to be approved. Apart from the same, owing to the continuous application of the Amendments since their coming into force, certain other clarifications are required, as detailed in the subsequent paras.

1.6 Hence, by way of present petition, the Petitioner seeks the indulgence of the Hon'ble Commission for amendment/clarification/ removal of difficulty in the applicability of the Duty to Supply Regulations 2nd and 3rd Amendment as under:

APPLICABILITY OF THE DUTY TO SUPPLY, 3RD AMENDMENT TO THE DEVELOPERS WHOSE LICENSES WERE ISSUED BEFORE 03.10.2023, BUT THE ELECTRIFICATION PLAN IS YET TO BE APPROVED:

1.7 The Hon'ble Commission at internal page 21 of the Order dated 26.09.2023 relating to 3rd Amendment (Annexure P-5) held as follows:

"COMMISSION'S OBSERVATIONS

With reference to UHBVN Comments

1.1 *These regulations shall come into force from the date of their publication in the Haryana Government Gazette and apply to the licenses issued by the DGTCP w.e.f. date of such notification.*

However, it is humbly submitted that for such Developers (excepting those in the 33/0.4 KV Pilot Project Belt) to whom license was issued prior to 03.10.2023 but the Electrification plan is yet to be approved, may also be covered under the same regulatory regime and the EP approved subsequent to the coming into force of the Duty to Supply Regulations, 3rd Amendment may also be governed in terms of the prevailing regulatory framework. This is based on a rationale that the Developers whose licenses were issued prior in time, however are going to initiate the work of electrical infrastructure in the prevailing regulatory regime should stand on the equivalent footing with those Developers whose license may be issued in the prevailing regulatory regime.

1.8 At present, there are two sets of guidelines which are required to be followed by the Petitioner for processing the applications of the Developers falling in the non- 33/0.4 KV Pilot Project Belt. The table highlighting the difference of treatment amongst the Developers falling in the non- 33/0.4 kV PPB, owing to the coming into force of the Duty to Supply, 3rd Amendment, is as under:

Sl.	Developers having requisite licenses prior to the issuance of Gazette notification i.e. 03.10.2023.	Developers whose licenses were granted after the issuance of Gazette Notification i.e. 03.10.2023.
1.	Applicability: The Duty to Supply Regulations as amended by the 1 st Amendment shall be applicable.	The Duty to Supply Regulations as amended upto date shall be applicable.
2.	Type of Connections Allowed: Both Single Point as well as Multipoint connections are allowed, in terms of the Single Point Supply to Employers' Colonies Group Housing Societies, Residential Colonies, Office cum Residential Complexes and Commercial Complexes of Developers, and Industrial Estates/IT Park/SEZ Regulations, 2020 (hereinafter "Single Point	Only multipoint connections are allowed in view of Regulation 4.17.5 of the Duty to Supply Regulations, 3 rd Amendment, reproduced below for ready reference: <i>"4.17.5 After taking possession of the land from the Builder/Developer(s) and receipt of the EESDC as explained above, the multipoint connection to the consumer in the development area of the Builder/Developer(s) shall be released from the available</i>

	Regulations, 2020") read with the Sales Circular No. D-17/2020.	<p><i>infrastructure as per immediate load demand and the process for development of infrastructure shall be initiated by licensee keeping in view the load growth of area.</i></p> <p>However, an exception has been carved out as per Proviso (e) to Regulation 4.17.1 as per which – <i>"For the cases where ultimate load works out to be up to 5 MVA, the existing regulation shall continue to apply without any change."</i></p> <p>As such, both Single Point as well as multipoint connections are allowed in case the ultimate load works out to be 5MVA, owing to the applicability of the existing regulations <i>"without any change".</i></p>
3.	<p>Development of external infrastructure</p> <p>The Developer shall have the option for opting for the self-execution of the work for the installation of external electrical infrastructure and before commencement of work for installation of Electrical Infrastructure in his area of development shall obtain approval of electrification plan along with an execution plan and the estimate of cost of the work of electrical infrastructure.</p>	<p>External electrical infrastructure shall only be developed upon deposition of the External Electrical System Development Charges (hereinafter "EESDC") by the Developer(s).</p>

Further, the EESDC payable have also been prescribed under Regulation 4.17.1 of the Duty to Supply Regulations, 3rd Amendment, reproduced below:

"4.17.1 External Electrical System Development Charges (hereinafter referred to as 'EESDC'):

....
EESDC payable by the Builder/ Developer(s) as per ultimate load is worked out as under:

Sr no.	Ultimate load of the developer/ builder	Substation Voltage Level	EESDC (per MVA)
1	<i>Above 5 MVA up to 25 MVA (in 33 kV belt)</i>	<i>33/11kV</i>	<i>Rs.34 Lakhs</i>

2	<i>Above 5 MVA up to 75 MVA (in 66 kV Belt)</i>	66/11kV	<i>Rs.35 Lakhs</i>
3	<i>Above 25MVA up to 100 MVA (in 132 kV belt)</i>	132/33kV	<i>Rs.56 Lakhs (including cost of 33KV substations)</i>
4	<i>Above 75/100MVA (depending on 66 kV or 132 kV belt) up to 320MVA</i>	220/33kV	<i>Rs.52 Lakhs per MVA (including cost of 33kV substations)</i>

Provided that:

.....

e) *For the cases where ultimate load works out to be up to 5 MVA, the existing regulation shall continue to apply without any change.”*

1.9 A plain reading of the aforementioned tables reveals that in both scenarios—(i) where the EP is yet to be approved but the License has already been issued, and (ii) where both the EP and the License are yet to be sanctioned—the Developer would initiate the construction of the electrical infrastructure only after 03.10.2023. Additionally, the deposit of the requisite amount would also be made by the Developer after 03.10.2023 in both cases. However, there is no justifiable basis for granting differential treatment to such Developers solely based on the date of issuance of the License. Since all steps necessary for the establishment of the electrical infrastructure would be undertaken after the enforcement of the 3rd Amendment, subjecting Developers to disparate treatment in this regard is unwarranted and contrary to the intent of the Regulations. As such, the Petitioner herein is constrained to approach the Hon’ble Commission seeking clarification regarding:

- i. The Applicability of Duty to Supply Regulations, 3rd Amendment to the Developers in Haryana (excepting the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses were issued before 03.10.2023, however, the EP is yet to be approved; and
- ii. Further, the Duty to Supply Regulations, 3rd Amendment may also be made applicable to the Developers in Haryana (excepting the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses had been issued before 03.10.2023 and the EP has also been approved prior to 03.10.2023, however, the electrical infrastructure is yet to be created/ started. In such cases, the Developers may kindly be directed to get their Electrification Plan re-approved and 50% of the total amount towards EESDC be deposited by such Developers prior to the re-approval of the EP.
- iii. Only Multipoint Connection may kindly be directed to be released, even in cases where ultimate load works out to be up to 5 MVA, so that the parity for release of Multipoint Connection(s) in all the project areas of Haryana may be maintained.

CLARIFICATION WITH RESPECT OF THE ROW AND PROVISION OF LAND FREE OF COST IN CASE OF THE PROJECTS IN THE 33/0.4 KV PILOT PROJECT BELT

1.10 At this stage attention of the Hon'ble Commission is also brought towards Regulation 4.17.3 of the Duty to Supply Regulations, 3rd Amendment, reproduced below:

“4.17.3 *Besides EESDC, the Builder/Developer(s) shall provide to the licensee suitable land free of cost and right of way for lines, for installation of substation of appropriate voltage level. The obligation of the Builder/Developer(s) for providing land to the licensee shall be as under:*

Table-B

<i>Substation Voltage Level</i>	<i>Land Size</i>
<i>33 kV substation</i>	<i>One 2000 sq. meter(50mX40m) land parcel for 33 kV AIS substation or 900 sq. meter (30mX30m) land for GIS substation for every 25MVA or part thereof.</i>
<i>66 kV substation</i>	<i>2.07 Acre (120mx70m) land for 66 kV AIS substation or 1.42 Acre(105mx55m) land for GIS substation</i>
<i>132 kV substation</i>	<i>3.25 Acre (115mx115m) Land for 132 KV AIS substation or 2.00 Acre (90mx90m) land for GIS substation and additionally, one 2000 sq. meter(50mX40m) land parcel for lower voltage i.e. 33 kV AIS substation (or 900 sq. meter (30mX30m) land for GIS substation) for every 25MVA or part thereof.</i>
<i>220 kV substation</i>	<i>6.61 Acre (178mx150m) Land for 220 kV AIS substation or 3.80 Acre (130mx118m) land for GIS substation and additionally, one 2000 sq. meter(50mX40m) land parcel for lower voltage i.e. 33 kV AIS substation or 900 sq. meter(30mX30m) land for GIS substation, for every 25MVA or part thereof.</i>

Explanation:

- i) *The land size mentioned in the table is optimal minimum. In case the dimension of land provided by the Builder/Developer(s) is different than dimensions mentioned in the table above, then the size of the land to be provided shall be as per GELO approved by Licensee.*
- ii) *In case the Builder/Developer(s) is not in a position to provide the land for the AIS design substation, EESDC to be deposited will be 1.5 times the charges mentioned in the table above besides providing land for GIS substation (Due to difference in cost of AIS & GIS substations). ”*

Further, attention is also brought towards the corresponding/ similar Regulations of the Duty to Supply Regulations, 2nd Amendment regarding the land to be provide by the Developer, applicable to the Projects in the 33/0.4 KV Pilot Project Belt being Regulation 4.16.4 reproduced below:

“4.16.4 *External Electrical System Development Charges for 33 kV PPB.*

.....

v) *EESDC for 33 kV PPB is exclusive of cost of the land required for installing switching station. Such land as may be required shall be*

provided by the Builder/ Developer(s) in terms of these regulations to the Licensee for installation of the switching station.”

1.11 A bare perusal of both the Regulations i.e. Regulation 4.16.4 of the Duty to Supply Regulations, 2nd Amendment applicable to the Projects in the 33/0.4 KV Pilot Project Belt and Regulation 4.17.3 application to rest of the Projects, shows that while Regulation 4.17.3 of the Duty to Supply Regulations, 3rd Amendment clearly provides that besides the payment of EESDC, the Developer(s) shall provide suitable land free of cost and Right of Way (RoW) for the installation of lines and substation of appropriate voltage level, such similar clear and explicit provision has not been provided in the Duty to Supply Regulations, 2nd Amendment. It is humbly submitted that such similar and clear provisions may kindly be incorporated for the Projects in the 33/0.4 KV Pilot Project Belt, as well.

1.12 In light of the forgoing factual background and submissions, the Petitioner seeks the kind indulgence of this Hon’ble Commission for exercise of its inherent power. The Hon’ble Commission as the delegatee has the power to amend/ clarify/rectify the regulations that govern the supply of electricity. It is pertinent here to mention that the Hon’ble Commission, vide Order dated 28.03.2022 passed in Case No. PRO-04 of 2022 held that the Commission is empowered under Regulation 16 and 17 of Supply Code read with Regulation 9, 10 and 11 of the Duty to Supply Regulations to relax/ alter/ amend the provisions of these Regulations and remove any difficulty arising thereunder, in public interest and for reasons to be recorded in writing.

1.13 It is humbly submitted that the Hon’ble State Commission has the power to make amendments in the regulations/ frame new regulations under Section 181 of the Electricity Act, 2003. The Petitioner has provided sufficient evidence for the Hon’ble Commission to consider the power of granting the relief sought herein, under Sections 50 and sections 43, 46 and 47 read with clause (t, v, x) of Subsection (2) of Section 181 of the Electricity Act, 2003. This is further supported by the judgments given in the cases of *Uttar Pradesh Power Corporation Limited v/s National Thermal Power Corporation Ltd and Ors, Premium Granites and Anr. V. State of Tamil Nadu and Ors., Hindustan Paper Corporation Ltd. V. Government of Kerala, Hindustan Steels Ltd. V. A.K. Roy, S.N. Mukhrjee V. Union of India and State of Karnataka and Anr. Vs V.R. Vivekanand Swamy and another case etc.* The HERC (Conduct of Business) Regulations, 2019 also confers wide power to this Hon’ble Commission to pass such orders/ make amendments/ relax regulations as are necessary to meet the ends of justice. Even otherwise, it has been specifically mentioned at Regulation 4.1 of the Duty to Supply Regulations that the power to recover expenditure is subject to “... such directions, orders or guidelines issued by the Commission.”

1.14 That the present petition is *bonafide* and has been filed in furtherance of the larger interest of the consumers of the State of Haryana.

1.15 That the Hon'ble Commission has jurisdiction to deal with the issues raised by way of the present petition.

1.16 That the Petitioner has paid the requisite fee as per Haryana Electricity Regulatory Commission (Fee) Regulations, 2005 as amended upto date.

PRAYER

In view of the foregoing submissions, it is most humbly submitted that the Hon'ble Commission may be pleased to provide clarification/ initiate appropriate amendments/ remove difficulty, with respect to the following aspects:

- i. The Duty to Supply Regulations, 3rd Amendment may kindly be made applicable, in its totality, to the Developers in Haryana (except the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses were issued before 03.10.2023, however, the Electrification Plain is yet to be approved; AND
- ii. The Duty to Supply Regulations, 3rd Amendment may also be made applicable to the Developers in Haryana (excepting the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses had been issued before 03.10.2023 and the Electrification Plan has also been approved prior to 03.10.2023, however, the electrical infrastructure is yet to be created/ started. In such cases, the Developers may kindly be directed to get their Electrification Plan re-approved and 50% of the total amount towards EESDC be deposited by such Developers prior to the re-approval of their Electrification Plan.
- iii. The Proviso (e) to Regulation 4.17.1 of the Duty to Supply Regulations, 3rd Amendment may also be clarified and only Multipoint Connection may kindly be directed to be released, even in cases where ultimate load works out to be up to 5 MVA.
- iv. The Regulation 4.16.4 of Duty to Supply Regulations, 2nd Amendment, applicable to the Projects in the 33/0.4 KV Pilot Project Belt, may kindly be amended/ clarified so that the same clearly provides that besides the payment of EESDC, the Developer(s) shall provide suitable land free of cost and Right of Way (RoW) for the installation of lines and substation of appropriate voltage level, as have been clarified under Regulation 4.17.3 of the Duty to Supply Regulations, 3rd Amendment; AND/ OR
- v. Pass any such further order(s) that this Hon'ble Commission as may deem fit and necessary in the facts and circumstances of the case.

2. The case was heard on 02/06/2025, Ms. Sonia Madan Counsel for the petitioner re-iterated the contents of the petition and submitted that the Commission has allowed similar request against 2nd amendment of duty to supply regulations for 33 kV PPB and requested for same treatment for consumers of rest of Haryana.

The Commission is of view that such petitions shall be filed by UHBVN and DHBVN jointly and HVPN shall also be impleaded as the matter pertains

to whole of Haryana. Accordingly, UHBVN and HVPN are directed to come forward to present their stand.

DISCOMs shall also provide details of number of such cases where license has been issued prior to issue of third amendment but EP is yet to be approved or where EP has been approved but work not started. Counsel for the petitioner sought some time to file such details. Acceding to request of the petitioner, the Commission adjourned the matter and directed to submit the stand of UHBVN and HVPN along with the details of the following cases, before next date of hearing:

- License has been issued prior to issue of 3rd amendment but Electrification plan (EP) has not been approved yet.
- EP has been approved but work not started.

3. The case was heard on 09/07/2025, Ms. Sonia Madan Counsel for the petitioner submitted the lists of the cases pertaining to DHBVN in compliance of Interim order dated 03/06/2025. Regarding cases pertaining to UHBVN, Ms. Madan sought three (3) weeks' time to file the same as scrutiny of cases is required in all circles. Acceding to request of the petitioner, the Commission adjourned the matter and directed to submit the list of cases pertaining to UHBVN along with stand of HVPNL on the issue within three weeks.

4. DHBVN Information submitted on 09/07/2025:

Sr. No.	Circle	pending applications for approval of EP (licenses issued before 03.10.2023)	EP approved (licenses issued before 03.10.2023), the work is yet to be started
1	Gurugram-1	0	6
2	Gurugram-2	7	33
3	Faridabad	2	5
4	Rewari	1	0
5	Narnaul	0	0
6	Bhiwani	0	0
7	Palwal	1	0
8	Hisar	1	3
9	Fatehabad	0	0
10	Sirsa	0	0
11	Jind	0	4
Total		12	51

5. **UHBVN Info submitted on 02/08/2025:**

Sr. No.	Circle	Pending applications for approval of EP (licenses issued before 03.10.2023)	Cases EP has already been approved (licenses issued before 03.10.2023), work yet to be started.
1	Panchkula	0	0
2	Ambala	0	2
3	Yamunanagar	0	0
4	Kurukshtetra	0	1
5	Kaithal	0	0
6	Karnal	0	3
7	Panipat	0	1
8	Sonepat	1	0
9	Rohtak	0	4
10	Jhajjar	0	2
Total		1	13

6. The case was heard on 05/08/2025, Ms. Sonia Madan Counsel for the petitioner submitted the list of cases pertaining to UHBVN has been submitted on 02/08/2025 and that of DHBVN stands already submitted during last hearing incompliance of Interim order dated 03/06/2025. She further submitted that the cases pertaining to DHBVN and UHBVN are 47 (Work not started) +6 (EP not approved) and 13 (Work not started) +1 (EP not approved) respectively. The Commission observes that none of the other stakeholders i.e. developers submitted any comments in this matter and directs petitioner to issue public notice in two leading newspapers (English & Hindi) and intimate each of the effected developers whose cases are pending as submitted above to seek their comments in the matter. The Commission adjourned the matter and directed to submit a detailed report incorporating inputs from the developers after issue of notice

7. The case was heard on 15/10/2025, Ms. Sonia Madan Counsel for the petitioner submitted that the petition was filed for relaxation in applicability of 3rd Amendment to the Developers whose Licenses were issued before 03.10.2023 and the Electrification Plain is yet to be approved besides applicability to the Developers whose Licenses had been issued before 03.10.2023 and the Electrification Plan has also been approved prior to 03.10.2023 but the electrical infrastructure is yet to be created/ started. In compliance to the directions of the Commission, public notice was issued and effected developers whose cases are pending were requested to offer their comments in the matter. No comments/

Suggestions have been received till date. The representatives of the Model Economic Township Ltd. (METL) submitted that they are developing a plotted colony and individual connections are being released to each consumer. The infrastructure has been handed over to UHBVN and METL has no control over any activity. However, in compliance to the regulations we were compelled to install a reference meter and in case there is a difference of more than 4% in the energy recorded in reference meter vs. Cumulative energy of individual meters we are being penalised whereas the distribution system is at par with normal distribution system of UHBVN and officers / officials have full access of each consumer. It is not a gated society. The Commission took cognizance of the issue raised by METL and directs UHBVN to file its Comments/ reply to the representation of METL with in four (4) weeks.

8. Representation of METL received on 15/10/2025:

- 8.1 This is with reference to the Petition cited above filed by DHBVN seeking amendment in applicability of Regulation 4.17 of the Duty to Supply Regulations (3rd Amendment).
Background highlighting provisions forming present subject matter
- 8.2 After the notification of 1st Amendment to the Regulation 34 of 2016 in 2020 and after notification of Regulation 49 of 2020, almost all the issues, whether related to improper billing or inadequate infrastructure, got resolved to a large extent and the constraints on part of DISCOMs or on the part of Developers were adequately addressed.
- 8.3 However, 2nd and 3rd amendments have withdrawn the option to obtain Single Point Connection from the DISCOMs and instead scheme of multiple points with reference meter was notified. The intent behind the same, as has been spelled out in the object and reasons for notification of Single Point Supply Regulations, is to overcome the difficulty where the DISCOMs do not control the internal electrical infrastructure within gated group housing society and does not have an easy access to each flat in a gated group housing society. Therefore, to avoid any theft/unauthorized usage of electrical connection by an allottee, a reference meter installed at a common point is used for measurement of supplied electricity. Thus, it was stipulated under the regulations that a reference meter will have to be installed by the DISCOM, and for a loss of more than 4%, the loading will have to be done pro rata on all the residents to recover the excess losses.
Case of Plotted development
- 8.4 We have gone through the contents of the Petition and the comments of UHBVN on the same and accordingly, submit our comments as under:

8.5 METL is developing Integrated Industrial Townships over a very large area with five approved layouts for an aggregate land area of 2,059 acres in the district of Jhajjar district for which Electrification plan also stands approved. METL is undertaking phase wise development of the electrical infrastructure and has already constructed the requisite electrical infrastructure for feeding the plotted residential colony including a 220/33KV sub-station & 33/1 1 KV substation in various sectors as per approved electrification plan. The sub-station and the associated infrastructure have been duly handed over to UHBVN and is being operated and maintained by UHBVN exclusively with no interference of whatsoever nature by METL.

8.6 The integrated industrial colony is largely plotted colony with industrial, residential and commercial plots.

8.7 There are lot of Panchayat rastas and dhana (water course) within the township and in addition, as per regulations of TCP, we have to provide two karam rasta (access) to our road network where there is no Panchayat rasta. In view of the above, all the projects /phases are not bounded by boundary wall and as such, there is continuous entry/exit of people living outside plotted colony.

8.8 After the installation and commissioning of Electrical infrastructure, the same is handed over to IJHBVN, who provides multiple connections (DS connections) to individual plot-owners/residents in the plotted residential colony

8.9 We had earlier also represented to UHBVN, vide our letter no. METL/202425/SP-70 dated 28th May, 2025, a copy of which is enclosed herewith as Annexure-A, stating that provision of reference meter is not applicable to our plotted development. However, UHBVN, vide letter dated 10.10.2025, has rejected our representation without assigning any cogent rationale for such rejection.

8.10 Considering the above, it is humbly submitted that this Hon'ble Commission, while making amendments to Duty to Supply Regulations, may explicitly clarify in the amended regulations that the provisions of reference meter in case of plotted residential colony, where the access is not restricted as there are panchayat rasta , water courses as well as where the electrical infrastructure has already been handed over after completion and commissioning and thereafter are under the control and management of UHBVN ,are not required.

8.11 In reference to foregoing comments, we wish to respectfully submit that the rationale for the foregoing submission is based on following factual conspectus

- Clause 4.3 of Single Point Supply regulations, 2020 under which the energy accounting through reference meter has been referred has been stipulated for Group Housing Society only, where entry of staff of licensee is restricted and to control losses, more monitoring and staff is required.

As against the above, in plotted development, UHBVN/Licensee is not having any issue regarding approaching the individual consumers at any time of the day or night for recording their monthly consumption. The control and upkeep of these energy

meters rests exclusively with UHBVN/Licensee and the developer shall have no control over such domestic consumers.

- b. The provision has been stipulated considering that the RWA/Developers /Faciality Managers in case of certain Single Point Supply Connections are not charging the residents as per the regulations, instead wrong tariff is being charged i.e. highest slab tariff to bulk supply domestic category etc., other consumers like NDS consumers, shopping complex, offices etc. are being charged as per their own rates and terms and conditions.

However, this is not applicable to plotted development as the bills are being directly raised by IJHBVN to the plot owners.

- c. METL has separate connections for all it's common area under NDS category.

Therefore, there is separate metering for recording the consumption of NDS, Common facilities services and the loads.

All meters have been installed in the project by the UHBVN and the maintenance of the same is under control of UHBVN.

8.12 As can be seen from the above, clearly, the case of Developer of the plotted colony is way different from the Group housing project, where the reference meter is being installed for energy audit purpose due to lack of control by Licensee over electrical infrastructure inside the housing society.

Our request

Considering the above, we request this Hon'ble Commission to explicitly clarify or through proviso inserted below regulation 4.17.9 of the Duty to Supply Regulations and also to Clause 4.3 of Single Point Supply Regulations, 2020 that these provisions for providing reference meter are not applicable to plotted colonies where multiple connections are given by the Licensee.

9. Comments of UHBVN on METL representation received on 04/12/2025:

9.1 This is with reference to Hon'ble HERC order dated 15.10.2025. In compliance to the order of Hon'ble I-IERC, the information of UTIBVN is submitted as under: -

- (i) The reference meter has been installed for residential areas as per the provisions of EERC Regulations on single point supply. The copy of the regulations is attached as Annexure-I.
- (ii) The provision has been made applicable for all residential colonies, which are under the perview of single point regulations i.e. option-I of single point supply or option-II of individual connections with reference meter.
- (iii) The regulation exempts from single point supply only when the supply is through smart meters. The relevant provision of regulations is given as under:-

8. These Regulations shall not apply to the electricity consumers of Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers who opt

for availing electricity supply through smart prepaid meter from the licensee.

Provided such Consumers give a consent to the Distribution Licensee of his area of supply, through a resolution, supported by an affidavit, that all the members / residents of Employers' Colonies, Group Housing Societies and Residential or commercial cum Residential Complexes of Developers shall apply to the Distribution Licensee concerned for installation of smart prepaid meters within one month for their loads including common services and other loads if any.

Provided further, that if all the Members / residents of any Employers Colonies, Group Housing Societies fail to apply for switching over to electricity supply through pre-paid meter within three months from the date of notification of these regulations, the Distribution Licensee concerned shall forthwith, without issuing any notice, convert the supply to Single Point Supply as envisaged under these Regulations

(iv) Therefore Hon'ble Commission is submitted that the provisions have been implemented for Residential colony as per regulations.

9.2 The above information is submitted in compliance of Hon'ble Commission order dated 15.10.2025 for further consideration please.

10. The case was heard on 04/12/2025, as scheduled, in the court room of the Commission. UHBVNL submitted its reply in compliance to Interim Order dated 15.10.2025.

The Commission directs DHBVNL and UHBVNL to submit the current status of Purchase order issued by Developer/Utility, if any, and progress thereof in respect of electrical works of each developer whose EP was approved before 03.10.2023 and work is not completed with in stipulated period.

Further, parties are directed to file their written submissions within two weeks from the date of issue of this order. Accordingly, order is reserved.

11. Written Submissions of petitioner filed on 23/12/2025:

- i. The Duty to Supply Regulations, 3rd Amendment may kindly be made applicable, in its totality, to the Developers in Haryana (except the projects in the 33/0.4 KV Pilot Project Belt) whose Licences were issued before 03.10.2023, however, the Electrification Plan (EP) is yet to be approved; AND
- ii. The Duty to Supply Regulations, 3rd Amendment may also be made applicable to the Developers in Haryana (excepting the projects in the 33/0.4 KV Pilot Project Belt) whose Licences had been issued before 03.10.2023 and the Electrification Plan has also been approved prior to 03.10.2023, however, the electrical infrastructure is yet to be created/ started. In such cases, the Developers may kindly be directed to get their Electrification Plan re-approved and 50% of the total

amount towards External Electrical System Development Charges (EESDC) be deposited by such Developers prior to the re-approval of their Electrification Plan.

- iii. The Proviso (e) to Regulation 4.17.1 of the Duty to Supply Regulations, 3rd Amendment may also be clarified and only Multipoint Connection may kindly be directed to be released, even in cases where ultimate load works out to be up to 5 MVA.
- iv. The Regulation 4.16.4 of Duty to Supply Regulations, 2nd Amendment, applicable to the Projects in the 33/0.4 KV Pilot Project Belt, may kindly be amended/ clarified so that the same clearly provides that besides the payment of EESDC, the Developer(s) shall provide suitable land free of cost and Right of Way (RoW) for the installation of lines and substation of appropriate voltage level, as have been clarified under Regulation 4.17.3 of the Duty to Supply Regulations, 3rd Amendment.

AMENDMENTS IN THE REGULATIONS LEADING TO FILING OF PRESENT PETITION

11.1 The Petition seeks limited and focused amendments, clarifications and/or removal of difficulties in the application of the Duty to Supply Regulations, particularly in relation to Regulation 4.17 introduced by the 3rd Amendment, as well as allied provisions of the 2nd Amendment, in cases where licences have been issued prior to the respective amendments but the Electrification Plans are yet to be approved.

11.2 The Duty to Supply Regulations, originally notified on 11.07.2016 in exercise of the Commission's powers under Sections 43, 46 and 47 of the Electricity Act, lay down a comprehensive framework governing the obligations of distribution licensees and the recovery of expenditure incurred in providing electricity supply. Regulation 4 thereof, as originally enacted, stipulated conditions under which the cost of extension and augmentation of the distribution system, including system strengthening from the feeding substation up to the point of supply, could be recovered from consumers or developers, in accordance with defined concepts such as extension of distribution system and service connection charges.

11.3 Over time, and in response to evolving infrastructure requirements, the Commission has suitably refined the regulatory framework through successive amendments. Notably, the 1st Amendment dated 19.03.2020 introduced detailed provisions governing the obligations of builders and developers to bear cost of development of electrical infrastructure within their respective development areas. Thereafter, pursuant to practical issues arising in the implementation of large-scale distribution reforms, the Commission, by order dated 28.03.2022 in Case No. HERC/PRO-04 of 2022, permitted the development of a 220/33/0.4 kV transmission and distribution system in identified pilot areas (the “33/0.4 kV Pilot Project Belt”) and contemplated the framing of a specific regulatory regime for such areas.

11.4 In furtherance of the aforesaid policy direction, the Commission notified the Duty to Supply Regulations, 2nd Amendment on 27.09.2023, introducing Regulation 4.16 to comprehensively govern the development of internal and external electrical infrastructure and recovery of costs in the 33/0.4 kV Pilot Project Belt. Simultaneously, the Duty to Supply Regulations, 3rd Amendment was notified, incorporating Regulation 4.17 to prescribe obligations applicable to builders and developers across the State of Haryana, excluding the said pilot areas. Both amendments were notified in the official gazette on 03.10.2023.

11.5 In the orders passed on 26.09.2023 while finalising the 2nd and 3rd Amendments, the Hon'ble Commission clarified that the amended regulations would apply to licences issued after the date of notification. Subsequently, practical difficulties emerged in respect of projects where licences had been granted prior to 03.10.2023 but the EPs were either pending approval or were approved thereafter. Recognising a similar difficulty in the context of the 2nd Amendment, the Hon'ble Commission, by order dated 03.12.2024 in Case No. HERC/PRO-21 of 2024, extended the applicability of the 2nd Amendment to such projects in the 33/0.4 kV Pilot Project Belt, subject to specified conditions relating to deposit of External Electrical System Development Charges.

11.6 At present, a similar issue arises in relation to Regulation 4.17 introduced by the 3rd Amendment, affecting developers outside the 33/0.4 kV Pilot Project Belt whose Licences predate the amendment but their EPs remain unapproved. The absence of express regulatory clarity for such transitional situations has led to operational uncertainty and inconsistent treatment of similarly placed developers, notwithstanding the underlying object of the amendments to streamline infrastructure development and cost recovery in a transparent and equitable manner. This Petition is thus intended to facilitate effective implementation of the regulatory regime in consonance with the Commission's earlier orders and the objectives of the Electricity Act, 2003.

APPLICABILITY OF THE DUTY TO SUPPLY REGULATIONS, 3rd AMENDMENT TO DEVELOPERS HOLDING LICENCES ISSUED PRIOR TO 03.10.2023

11.7 The Hon'ble Commission, while finalising the Duty to Supply Regulations, 3rd Amendment, in its Order dated 26.09.2023 (Annexure P-5), observes, *inter alia*, that the said regulations shall come into force from the date of their publication in the Haryana Government Gazette and shall apply to licences issued by the Directorate of Town and Country Planning (DGTC) with effect from the date of such notification. The said observation, read in its plain terms, clarifies the prospective nature of the amendment insofar as the date of issuance of licence is concerned.

11.8 Notwithstanding the above, it is stated that a distinct category of Developers (other than those falling within the 33/0.4 kV Pilot Project Belt) has emerged, wherein licences were issued prior to 03.10.2023, yet the Electrification plans have not been approved as on that date

and was approved subsequently after the amendment was notified. In such cases, the actual commencement of electrical infrastructure development, including approval of EPs, execution of works and deposition of requisite charges, would necessarily occur only after the coming into force of the 3rd Amendment. On principles of equity, regulatory, coherence and purposive interpretation such developers ought to be governed by the same prevailing regulatory framework as Developers whose licences are issued after 03.10.2023, since both sets would operationalize their respective electrical infrastructure entirely within the regime of the amended regulations.

11.9 At present, owing to the temporal distinction based solely in the date of licence issuance, two parallel and divergent regulatory regimes are being applied to Developers situated outside the 33/0.4 kV Pilot Project Belt. Developers holding licences issued prior to 03.10.2023 continue to be governed by the Duty to Supply Regulations as amended only up to 1st Amendment, whereas Developers whose licences are issued after 03.10.2023 are governed by the Duty to Supply Regulations as amended up to date, including Regulation 4.17. This distinction results in materially different outcomes with respect to permissible modes of supply and development of external electrical infrastructure.

11.10 By way of illustration, Developers holding licences issued prior to 03.10.2023 are permitted to avail both Single Point and Multipoint connections in terms of the Single Point Supply Regulations, 2020 read with the applicable sales circulars. In contrast, Developers governed by the 3rd Amendment are, as a rule, restricted to Multipoint connections in terms of Regulation 4.17.5, subject only to a limited carve-out under proviso (e) to Regulation 4.17.1 for cases where the ultimate load does not exceed 5 MVA. Similarly, while earlier regulations permit Developers the option of self-execution of external electrical infrastructure upon approval of the EP and cost estimates, the 3rd Amendment mandates development of such infrastructure through the mechanism of External Electrical System Development Charges (EESDC), payable at prescribed rates linked to the ultimate load and voltage level.

11.11 A comparative reading of the applicable provisions clearly demonstrates that, in both scenarios namely, (i) where the licence predates 03.10.2023 but the EP is yet to be approved, and (ii) where both the licence and EP are sanctioned after 03.10.2023—the substantive acts of approval, execution, infrastructure development and financial contribution take place entirely after the enforcement of the 3rd Amendment. There is, therefore, no intelligible or rational basis to subject such similarly situated Developers to disparate regulatory treatment merely on the fortuitous circumstance of the licence having been issued prior to the cut-off date.

11.12 The continuation of such differential treatment not only results in administrative complexity and regulatory inconsistency for the Petitioner but also runs contrary to the underlying intent of the 3rd Amendment, which seeks to standardise infrastructure development,

ensure transparent recovery of costs and promote uniformity across development areas in the State. The absence of a clear transitional mechanism for projects where licences pre-exist but electrification activities are yet to commence has, thus, given rise to a genuine difficulty warranting the Commission's intervention.

11.13 It is also pertinent to place on record that there may be additional cases wherein licenses were issued prior to 03.10.2023 and the Electrification Plan has not yet been applied for by the builder/developer. This is attributable to the fact that, prior to the notification of the HERC Duty to Supply Regulations, 2023 (2nd and 3rd Amendments), there was no statutory obligation upon the builder/developer to apply for approval of the Electrification Plan at the time of grant of license. In such cases, applications for approval of the Electrification Plan were generally submitted only as and when required by the builder/developer. Accordingly, for such cases also, the Duty to Supply Regulations, 3rd Amendment may kindly be made applicable, in its totality, to the Developers in Haryana (except the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses were issued before 03.10.2023, however, the Electrification Plain is yet to be approved.

11.14 In these circumstances, the Petitioner is constrained to seek appropriate clarification and directions from the Hon'ble Commission on the limited aspects only. The present petition is thus confined to removal of ambiguity, harmonisation of regulatory application and ensuring equitable treatment of Developers who, in substance, stand on identical footing under the post-amendment regime, thereby enabling effective and orderly implementation of the Duty to Supply Regulations, 3rd Amendment.

CLARIFICATION REGARDING RIGHT OF WAY AND PROVISION OF LAND FREE OF COST IN PROJECTS FALLING WITHIN THE 33/0.4 kV PILOT PROJECT BELT

11.15 At this juncture, it is pertinent to mention here that Regulation 4.17.3 of the Duty to Supply Regulations, 3rd Amendment, explicitly mandates that, in addition to the payment of EESDC, the Builder/Developer(s) shall provide suitable land free of cost as well as Right of Way ("RoW") for the installation of transmission lines and substations of the appropriate voltage level. The said provision leaves no scope for ambiguity and clearly delineates the extent of the Developer's obligation with respect to land and RoW, including detailed specifications regarding the quantum and dimensions of land required for substations at various voltage levels.

11.16 In contrast, the corresponding provision applicable to projects falling within the 33/0.4kV Pilot Project Belt, namely Regulation 4.16.4 of the Duty to Supply Regulations, 2nd Amendment, while stipulating that EESDC is exclusive of the cost of land required for installing the switching station, does not expressly or comprehensively articulate the obligation of the Builder/Developer(s) to provide such land free of cost and along with the necessary RoW. The absence of an explicit and pari materia provision has, in practice, resulted in uncertainty and

avoidable interpretational issues during the processing of Electrification Plans and execution of infrastructure works in the 33/0.4 kV Pilot Project Belt.

11.17 A comparative reading of Regulation 4.16.4 and Regulation 4.17.3 makes it evident that, whereas the regulatory intent under the 3rd Amendment is unequivocal in placing the responsibility of providing land and RoW upon the Developer, a similar degree of clarity is lacking under the 2nd Amendment applicable to the Pilot Project areas. Given that both sets of regulations are designed to facilitate systematic development of electrical infrastructure and ensure transparent recovery of costs, there appears to be no rational basis for maintaining such a distinction in the treatment of Developers solely on account of the geographical applicability of the amendments.

11.18 Annexure P-7 - Pursuant to the directions issued by this Hon'ble Commission vide Order dated 03.06.2025, the Petitioner has undertaken a detailed exercise to collate and place on record the status of projects falling within the jurisdiction of DHBVN, excluding the 33 kV Pilot Project Belt, in respect of which licences were issued prior to the notification of the HERC (Duty to Supply) Regulations, 3rd Amendment.

11.19 Further, pursuant to the directions issued by this Hon'ble Commission vide Interim Order dated 04.12.2025 (uploaded on 09.12.2025), DHBVNL and UHBVNL were directed to submit the current status of Purchase Orders, if any, issued by the Developers/Utilities, along with the progress thereof, in respect of electrical works pertaining to each developer whose Electrification Plan had been approved prior to 03.10.2023, but where the work has not been completed within the stipulated period.

11.20 In compliance with the aforesaid directions, the collated data reveals two distinct categories of projects, namely: (a) cases where the Electrification Plans are pending approval; and (b) cases where the Electrification Plans stand approved, however, the work relating to the creation of electrical infrastructure has not yet commenced. Accordingly, Annexure-1 sets out the number of cases where the Electrification Plans have already been approved (in respect of licences issued prior to 03.10.2023), but the creation of electrical infrastructure is yet to be commenced by the builder/developer, falling outside the 33 kV Pilot Project Belt, while Annexure-2 sets out the number of pending applications for approval of Electrification Plans (licences issued prior to 03.10.2023) in projects falling outside the 33 kV Pilot Project Belt. An abstract of both annexures is provided in tabular form for DHBVNL and UHBVNL, and the detailed data is annexed herewith for the kind reference of this Hon'ble Commission.

Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL)			
Sr. No.	Circle	No. of cases wherein Electrification Plan has already been approved (wherein license issued before 03.10.2023), however, the work of creation of electrical infrastructure	No. of pending applications for approval of Electrification (wherein license issued before 03.10.2023) in non 33kV Pilot Project Belt (Annexure-2)

		is yet to be started by the builder/developer in no 33kV Pilot Project Belt (Annexure-1)	
1	Gurugram-1	6	0
2	Gurugram-2	33	3
3	Faridabad	5	1
4	Rewari	1	0
5	Narnaul	0	0
6	Bhiwani	0	0
7	Palwal	0	0
8	Hisar	12	0
9	Fatehabad	0	0
10	Jind	0	0
11	Sirsa	0	0
Total		57	4

Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL)			
Sr. No.	Circle	No. of cases wherein Electrification Plan has already been approved (where licenses issued before 03.10.2023), however the work of creation of electrical infrastructure is yet to be started by the builder/developer (Annexure-1)	No. of cases wherein Electrification Plan has already been approved (where licenses issued before 03.10.2023), however the work of creation of electrical infrastructure is yet to be started by the builder/developer (Annexure-2)
1	Panchkula	0	0
2	Ambala	2	2
3	Yamunanagar	0	0
4	Kurukshetra	1	1
5	Kaithal	0	0
6	Karnal	3	3
7	Panipat	1	1
8	Sonepat	0	0
9	Rohtak	4	4
10	Jhajjar	2	2
Total		1	13

11.21 The above data underscores that, in all such cases, the substantive activities relating to implementation of the electrical infrastructure namely approval or re-approval of the Electrification Plans, commencement of works and associated financial contributions are yet to take place and would necessarily be undertaken under the prevailing regulatory regime. The information is accordingly placed on record to substantiate the averments and to assist the Hon'ble Commission in appreciating the extent of the transitional category of projects and to facilitate informed consideration of the clarification sought in the present Petition.

11.22 In view of the foregoing backdrop it is apparent that in order to bring about regulatory consistency, avoid disputes at the implementation stage and align the framework applicable to the 33/0.4 kV Pilot Project Belt with the broader policy embodied in the 3rd Amendment, a clear and express provision may kindly be incorporated clarifying that, in projects falling within the 33/0.4 kV Pilot Project Belt as well, the

Builder/Developer(s) shall be obligated to provide suitable land free of cost and the requisite Right of Way to the licensee for installation of lines, switching stations and substations of appropriate voltage levels, in addition to payment of applicable EESDC.

11.23 In this context, the Petitioner respectfully seeks the indulgence of the Hon'ble Commission to exercise its inherent and statutory powers to amend, clarify or remove difficulties in the extant regulations. The Hon'ble Commission in its order dated 28.03.2022 passed in the Case No. HERC/PRO-04 of 2022, has expressly recognised its authority under Regulations 16 and 17 of the Supply Code read with Regulations 9, 10 and 11 of the Duty to Supply Regulations to relax, alter or amend the regulatory provisions and to remove the difficulties rising thereunder, in public interest and for reasons to be recorded in writing.

11.24 The Electricity Act, 2003 vests the State Commission with comprehensive regulatory authority under Sections 43, 46 and 47 read with Section 181 to govern the manner of supply of electricity and the recovery of expenditure incurred for such supply. The Duty to Supply Regulations, framed in exercise of this power, expressly contemplate the issuance of directions, clarifications and guidelines by the Commission wherever operational exigencies so require. The scope of such delegated legislative and regulatory authority has been consistently recognised by various judicial pronouncements, including decisions in *Uttar Pradesh Power Corporation Limited v. National Thermal Power Corporation Ltd. & Ors.* (2011(12) SCC 400), *Premium Granites & Anr. v. State of Tamil Nadu & Ors.* (1994 (2) SCC 691), *Hindustan Paper Corporation Ltd. v. Government of Kerala* (AIR 1969 Orissa 252), *Hindustan Steel Ltd. v. A.K. Roy* (AIR 1969 Orissa 252), *S.N. Mukherjee v. Union of India* (1990 (4) SCC 594) and *State of Karnataka & Anr. v. V.R. Vivekanand Swamy & Anr.* ((2008) 5 SCC 328), among others. Thus, the present Petition falls squarely within the scope of this regulatory mandate.

11.25 Additionally, the HERC (Conduct of Business) Regulations, 2019 confer wide procedural and substantive powers upon this Hon'ble Commission to pass such orders, issue such directions and relax or amend regulations as may be necessary to meet the ends of justice. Even otherwise, Regulation 4.1 of the Duty to Supply Regulations itself makes the power to recover expenditure expressly subject to "such directions, orders or guidelines issued by the Commission", thereby reaffirming the Hon'ble Commission's overarching supervisory and regulatory control.

11.26 The issues highlighted herein arise not from any inconsistency in the intent of the amendments, but from their application to projects at an intermediate or transitional stage, where licences were issued prior to the amendment, yet key milestones such as approval of Electrification plans, commencement of works, and deposition of charges are still pending. In the absence of express clarification, such projects are subjected to differential treatment under parallel regulatory regimes, leading to unavoidable uncertainty and complicated uniform

implementation. It bears emphasis on the fact that the clarifications sought do not introduce any new or additional obligations beyond those already envisaged under the notified regulations. They merely seek to align the application of existing provisions relation to infrastructure development, payment of applicable charges and provision of land and Right of Way, so that these are applied in a consistent and foreseeable manner across comparable categories of projects.

11.27 The limited intervention sought is confined to the removal of operational ambiguities and to ensuring that the regulatory intent of the amendments is effectuated in both letter and spirit. It is, therefore, most humbly prayed that this Hon'ble Commission may be pleased to issue necessary clarifications and/or initiate appropriate amendments and/or remove difficulties, with respect to the aspects highlighted by the Petitioner, in the interest of regulatory certainty and uniform implementation.

Commission's Order:

1. The Commission has considered the submissions made by the Petitioner in the Petition, subsequent submissions and pleadings and has also critically examined the entire material/information placed on record.
2. The petitioner relies upon Sections 43, 46 and 47 of the Electricity Act, 2003, which empower the distribution licensee to recover expenditure for providing supply, subject to regulations framed under Section 181. The petitioner also places reliance on Section 50 regarding supply code and the Commission's power to remove difficulties and relax provisions in public interest. Reference has been made to Regulation 4 of the Duty to Supply Regulations, 2016, as amended, particularly Regulations 4.16 and 4.17 introduced through the 2nd and 3rd Amendments. The petitioner further relies on earlier orders of the Commission dated 28.03.2022 in Case No. HERC/PRO-04 of 2022 relating to notification of amendments, and dated 03.12.2024 in Case No. HERC/PRO-21 of 2024, wherein similar relief was granted for projects falling in the 33/0.4 kV Pilot Project Belt, subject to deposit of 50% of EESDC prior to EP approval.
3. The Commission sought data regarding the number of affected cases, which was subsequently placed on record. As per the details submitted on 09.07.2025 and 02.08.2025, there are 12 cases in DHBVN and 1 case in UHBVN where EP is pending approval despite licences being issued before 03.10.2023, and 51 cases in DHBVN and 13 cases in UHBVN where EPs were approved earlier but work has not commenced. These figures establish that the issue is not hypothetical but affects a substantial number of developers and prospective consumers.
4. No objections or counter-submissions were filed by any developer despite issuance of public notice in English and Hindi newspapers and individual intimation to affected developers. This silence leads to the petitioner's request that uniform regulatory treatment is required without affecting rights of consumers.

5. A separate issue arises from the representation of Model Economic Township Ltd. (METL), which contends that the reference metering under the Single Point Supply Regulations, 2020 and Regulation 4.17 of the Duty to Supply Regulations is inapplicable to plotted colonies where infrastructure has been fully commissioned, handed over to the licensee, and where access to individual consumers is unrestricted and penalty for reference meter losses exceeding 4% are unjustified.
6. The reply filed by UHBVN maintains that reference meters have been mandated strictly in accordance with regulations and exemption exists only where supply is through smart prepaid meters, as provided under Regulation 8 of the Single Point Supply Regulations, 2020.
7. The Commission finds that the contention of the METL is not directly related to the issue under discussion in present petition. These submissions fall outside the scope of the present proceedings; hence the comments are not considered in this proceeding. However, METL is at liberty to file separate petition for their contention.
8. The reasoning adopted by the Commission in its earlier order dated 03.12.2024 for the 33/0.4 kV Pilot Project Belt applies with equal force to non-pilot areas. Applying the amended regulations to cases where substantive steps are taken after 03.10.2023 does not amount to retrospective operation in law but constitutes prospective application based on operative events.
9. Treating similarly situated developers differently solely on the basis of licence issuance date, when all material actions occur under the amended regime, would be arbitrary and inconsistent with the principles underlying regulatory certainty and fairness. The Commission's powers under Section 181 read with its inherent powers to remove difficulty justify issuance of clarificatory directions.
10. The material on record, the statutory framework under the Electricity Act, 2003, the Commission's own precedents, and the absence of opposition from affected stakeholders lead to the finding that the Duty to Supply Regulations, 3rd Amendment can lawfully and reasonably be applied to developers whose licences were issued prior to 03.10.2023 but whose Electrification Plans were approved thereafter or whose infrastructure works have not commenced, subject to appropriate conditions such as deposit of a portion of EESDC. Clarification regarding provision of land and RoW in the 33/0.4 kV Pilot Project Belt is warranted to remove ambiguity.
11. Considering the difficulty in implementation of the 3rd amendment to the 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 with its subsequent amendments and power conferred to the Commission under clause No. 9 and 10 of the aforesaid regulation reproduced as under:

“9 REMOVAL OF DIFFICULTIES

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provision, not inconsistent to

the provisions of the Act and these Regulations, as may appear to be necessary for removing the difficulty.

10 POWER TO RELAX

The Commission may by general or special order, for reasons to be recorded in writing and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations”

The Commission decides as under:

- i. The Duty to Supply Regulations, 3rd Amendment shall be applicable, to the Developers in Haryana (except the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses were issued before 03.10.2023, however, the Electrification Plan is yet to be approved, subject to adherence to all the clauses of the Duty to Supply Regulations, 3rd Amendment, except that 50% of the total amount of EESDC (External Electrical System Development Charges) shall be deposited to the DISCOM by such builder/developer before approval of the electrification plan
- ii. The Duty to Supply Regulations, 3rd Amendment shall be applicable to the Developers in Haryana (excepting the projects in the 33/0.4 KV Pilot Project Belt) whose Licenses had been issued before 03.10.2023 and the Electrification Plan has also been approved prior to 03.10.2023, however, the electrical infrastructure is yet to be started. In such cases, the Developers are directed to get their Electrification Plan re-approved after depositing 50% of the total amount towards EESDC.
- iii. The projects whose licenses were issued and EP has been approved (including projects in the 33/0.4 KV Pilot Project Belt) before 03.10.2023 and development of external electrical infrastructure is in progress shall have the option to opt for single point metering system or multipoint metering system based on their building layout/ approved plan.
- iv. The objective of the 3rd Amendment to the Duty to Supply Regulations was timely development of External Electrical infrastructure by the Licensee, in lieu of the obligation on the builder/developer to construct the substation/line/bay. In consensus to the contention of UHBVN while framing 3rd amendment, it was expressly provided that where the ultimate load works out up to 5 MVA, the existing regulations shall continue to apply without modification. Hence, no directions are

required for release of only multi point connections where ultimate load is up to 5 MVA.

v. The Regulation 4.16.4 (v) of the Duty to Supply Regulations, 2nd amendment may be read as following

“v) EESDC for 33 kV PPB is exclusive of cost of the land required for installing switching station. Such free of cost land and right of way for lines, as may be required shall be provided by the Builder/Developer(s) in terms of these regulations to the Licensee for installation of the switching station.”

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 16/01/2026.

Date: 16/01/2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member

Sd/-
(Nand Lal Sharma)
Chairman