

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION

BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA

Case No. HERC/RA – 5 of 2018

DATE OF HEARING : 22.10.2019
DATE OF ORDER : 22.10.2019

IN THE MATTER OF:

Petition seeking review and /or modification of the order dated 04.10.2017 passed by Hon'ble HERC in Case no. HERC/PRO-04 of 2016 for Transfer of HVPNL 2099 sq. meters land at 66 kV S/Stn. Idgah to HUDA for construction of DMRC station (NCB Station) of upcoming elevated Metro Stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh.

Review Petitioner

Haryana Vidyut Prasaran Nigam Limited (HVPNL),
Panchkula

**Present on behalf of the Review
Petitioner:**

Sh. Rajesh Goel, SE (HVPNL)
Sh. M.L. Garg, XEN (TS), HVPNL, Faridabad
Sh. Rupesh Khera, XEN (HVPNL)
Sh. Vijay Upadhyay, AE (RAU), HVPNL

QUORUM

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

ORDER

1) Brief Background of the Case

1.1. The Petitioner has filed the present Review Petition against the Commission's Order dated 04/10/2017 in the Case no. HERC/PRO-04 of 2016 and their submissions are briefed as follows:

- a) In compliance of the Order dated 04/10/2017 passed by this Hon'ble Commission, the matter was taken up by with HUDA for depositing the required amount @ Rs. 1.50 Crore per acre to HVPNL for transfer of HVPNL 2099 sq.

meters land at 66 kV S/Stn. Idgah to HUDA for construction of DMRC station (NCB Station) of upcoming elevated Metro Stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh. Thereafter, Administrator, HUDA, Faridabad vide office memo no. A-Fbd/2018/2212 dated 27.02.2018, has supplied a copy of Managing Director, HMRTC, Panchkula office memo no. HMRTC/ 2017/ FO/ 1332 dated 13.12.2017, conveying the following decision of the Government:

“The matter has been re-examined and it has been decided by the Government that the land of various Government departments required for extension of Metro from YMCA Chowk Faridabad to Ballabgarh has been utilized to ease out problem of traffic congestion in Faridabad and hence, land cost is not payable by HMRTC to various Government Departments.”

- b) DMRC has already constructed the Metro Station on the HVPNL 2099 sq. meters land at 66 kV substation Idgah.
- c) Accordingly, the Petitioner vide memo no. 42/SE/RAU/F-85/Vol-II dated 16/03/2018 submitted the above details to Hon’ble Commission for consideration.
- d) Director/Tariff, HERC, Panchkula vide his office memo no. 316/HERC/Tech. dated 04/05/2018 advised the Petitioner to file a Review Petition in the matter. As such the delay in filing present Review Petition is unintentional.

1.2. Accordingly, the Review Petitioner has prayed as follows:

- A) Condone the delay in filling this review petition as the delay in filing the petition is unintentional.*
- B) Allow HVPNL to transfer its 2099 Sq. mtrs. Land at 66kV S/Stn., Idgah to HUDA for construction of DMRC station (NCB Station) of upcoming elevated metro stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh without any cost as per latest decision of the State Govt. that land cost is not payable by HMRTC to various Govt. Departments.*
- C) Review, reconsider, modify and /or clarify the said order in terms of the submissions made above; and*
- D) Pass any such other order/s and /or direction/s, which the Hon’ble Commission may deem fit and proper in the facts and circumstances of the case.*

2) Proceedings

- 2.1. The first hearing in the matter was held on 04/10/2018. Shri Rajesh Goel, XEN presented the case on behalf of HVPNL and submitted that in compliance to the Commission's Order dated 04.10.2017 in Case no. HERC/PRO-04 of 2016, HVPNL took up the matter with HUDA for depositing the required amount @ Rs. 1.50 Crore per acre to HVPNL for transfer of HVPNL's 2099 sq. meters land at 66 kV S/Stn. Idgah to HUDA for construction of DMRC station (NCB Station) for elevated Metro Stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh. In reply, the Administrator, HUDA, Faridabad, vide office memo no. A-Fbd/2018/2212 dated 27.02.2018, has conveyed that the matter has been re-examined by the State Government and it has been decided that the land of various Government departments required for extension of Metro from YMCA Chowk Faridabad to Ballabgarh has been utilized to ease out problem of traffic congestion in Faridabad and hence, land cost is not payable by HMRTC to various Government Departments.
- 2.2. Shri Rajesh Goel further submitted that the instant Review Petition is filed for review for Commission's Order dated 04/10/2017 in view of the ibid Government decision regarding transfer of land for extension of Metro from YMCA Chowk Faridabad to Ballabgarh at no cost.
- 2.3. In view of above, the Commission in its Interim Order directed the Review Petitioner as follows:
- "4. On query, the Petitioner submitted that the matter has not been placed in its Board of Directors (BODs) meeting prior to filing the instant Review Petition. He further submitted that the BODs of HVPNL had already approved the proposal of transfer of land as per the terms and conditions of the State Government.*
- 5. On hearing the Petitioner, the Commission directed the Petitioner to take up the matter before its BODs for their decision in view of the recent directions of the State Government in the matter and thereupon submit the decision of BODs to the Commission."*
- 2.4. During the second hearing held on 22/10/2019, the Review Petitioner submitted that they have complied with the above mentioned directions of the Hon'ble Commission and vide their Memo No. Ch-80/SE/RAU/F-85/Vol-II dated 13/09/2019 has submitted that the decision to transfer 2099 sq. meters of land free of cost at 66 kV substation Idgah to HUDA for construction of DMRC station from YMCA Chowk, Faridabad to Ballabgarh was placed before Board of Directors HVPNL in its meeting held on 2nd August 2019 and the same was ratified.

3) Commission's Analysis and Orders

- 3.1. The matter is heard on 22/10/2019 as scheduled.
- 3.2. The Commission has examined the contents of the Review Petition and heard the Review Petitioner. The Commission observes that the Review Petitioner has requested for modification of para 21(B) of the Order dated 04/10/2017 passed in Case No. HERC/PRO-04 of 2016, which is as under: -

"21. Keeping in view of the above, written and oral submission made by the petitioner, the Commission accords approval for:

...

B) Transfer of HVPNL 2099 sq. meters land at 66 kV S/Stn. Idgah to HUDA for construction of DMRC station (NCB Station) of upcoming elevated Metro Stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh as per terms and conditions of the State Government. HVPNL to ensure that any gain on this account be contributed towards reducing the tariff of the retail consumers of the state.

The matter is disposed of accordingly."

- 3.3. The Commission notes that the Review Petitioner has complied with the directions mandated in the Interim Order dated 04/10/2018 in the case.
- 3.4. Keeping in view of the approval of Haryana Government in the matter and ratification by BODs of HVPNL, the Commission hereby modifies its Order dated 04/10/2017 to this extent only and allows HVPNL to transfer its 2099 Sq. mtrs. Land at 66kV S/Stn., Idgah to HUDA for construction of DMRC station (NCB Station) of upcoming elevated metro stretch of Delhi Metro Rail Corporation from YMCA Chowk, Faridabad to Ballabgarh without any cost.
- in view of the above, the present review petition is disposed of.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 22/10/2019.

Date: 22.10.2019

(Naresh Sardana)

(Pravindra Singh)

(D.S. Dhesi)

Place: Panchkula

Member

Member

Chairman