

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

Case No. Appeal no 214 of 2017

**Date of Hearing : 18.10.2019
Date of Order : 22.10.2019**

In the Matter of

Consequential Order in Judgement dated 28.08.2019 passed by Hon'ble appellate Tribunal for Electricity in Appeal No 214 of 2017 against HERC Order in RA 2 of 2016, seeking review and or modification and or clarification of the order dated 31st March 2016 passed by the Hon'ble Commission in case No HERC PRO 31 of 2015 with respect to the true up of the Aggregate Revenue Requirement for Transmission Business and State Load Dispatch Centre for FY 2014 15 Annual Performance Review for FY 2015-16 and determination of Transmission Tariff and SLDC charges for the FY 2016-17

Petitioner

Haryana Vidyut Prasaran Nigam Limited (HVPNL)

Present On behalf of the Petitioner

1. Shri Rajesh Goel, SE, HVPNL
2. Rupesh Khera, XEN, HVPNL
3. Vijay Upadhyay, AE/RAU, HVPNL

Quorum

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

ORDER

1. The case was heard by the Commission on 18.10.2019, as scheduled.
2. The licensee has submitted that the Commission may redetermine the transmission charges for short term open access consumers in accordance with the provisions of the HERC MYT regulations, 2012 in light of the judgement passed by Hon'ble Appellate Tribunal for Electricity in Appeal No 214 of 2017 dated August 28, 2019.
3. The relevant portion of the above referred judgement is reproduced as below:

8.4 *In view of these facts, we are of the opinion that the State Commission ought to have determined the STOA charges for the year in question as per its MYT Regulations and not otherwise.*

For the forgoing reasons, we are of the considered opinion that the issue pressed in the present appeal, being Appeal No. 214 of 2017, has merits and, hence, the Appeal is allowed. The impugned Order dated 08.11.2016 passed by the Haryana Electricity Regulatory Commission in Review Petition, being Case No. HERC/RA-2 of 2016 as merged in the Order dated 31.03.2016 in Case No. HERC/PRO -31 of 2015, is hereby set aside to the extent challenged in the appeal

by the Appellant. The matter stands remitted back to the State Commission with a direction to re-determine the STOA charges in accordance with law within a period of three months from the date of this judgment and order.

4. The Commission, in light of the above judgement, redetermines the STOA charges for short term open access consumers, as proposed by the petitioner in its review petition no. HERC/RA-2 of 2016, @ Rs. 0.43/kWh for the FY 2015-16.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 22.10.2019.

Date: 22.10.2019	(Naresh Sardana)	(Sh. Pravindra Singh Chauhan)	(D.S. Dhesi)
Place: Panchkula	Member	Member	Chairman

HERC