

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

Case No. HERC/P. No. 36 of 2023

Date of Hearing : 29/11/2023

Date of Order : 29/11/2023

IN THE MATTER OF:

Petition under Regulation (3.2.2) of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (2nd Amendment) Regulations, 2019 read with Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking approval of the Hon'ble Commission for allowing power supply connection at higher voltage to M/s Allied Strips Ltd. than the specified voltage mentioned in Regulation (3.2.1) of the Electricity Supply Code, 2014.

Petitioner:

Utter Haryana Bijli Vitran Nigam, IP-3 & 4, Sector-14, Panchkula, Haryana – 125005.

VERSUS

Respondent(s):

1. M/s Allied Strips Limited 42 km stone, Delhi-Rohtak Road, Bahadurgarh, Distt- Jhajjar (Haryana)-124507.
2. Haryana Vidyut Prasaran Nigam Limited (HVPNL) Shakti Bhawan, Sector-6, Panchkula.

Present

On behalf of the Petitioner

1. Sh. Rajesh Arora, SE/Monitoring, UHBVN, Panchkula
2. Ms. Sonia Madan, Advocate

On behalf of the Respondent

Sh. Raghav Kakkar, Advocate

QUORUM

Shri Naresh Sardana, Member

ORDER

1. Petition:

1.1 That the present petition has been filed through Superintending Engineer (Projects), Uttar Haryana Bijli Vitran Nigam Ltd. (hereinafter referred to as 'UHBVNL'), who is authorized to file the present Petition and is also fully conversant with the facts and circumstances of the case on the basis of knowledge derived from record.

Factual Matrix:

1.2 That the respondent no. 1, i.e. M/s Allied Strips Limited is a manufacturer of iron and steel products. The Respondent no. 1 was an industrial consumer of the Petitioner bearing account no. LS-106. The electricity connection of the respondent no. 1 was however disconnected owing to non-payment of the electricity bill. The respondent no. 1 has now again applied for electricity connection, which has necessitated filing of the present petition. The brief factual background of the matter is set out hereunder –

- i. In the month of December 2017, the petitioner raised an electricity bill for Rs. 1,33,38,642/- with due date of payment mentioned as 22.12.2017. However, the respondent no. 1 failed to make the payment of the bill and therefore, the electricity connection was temporarily disconnected on 29.12.2017.
- ii. On 11.01.2018, bill for the month of January, 2018 for the consumption of power till 31.12.2017 was generated and raised on the respondent no. 1 for an amount of Rs. 2,87,99,971/- with due date of payment as 25.01.2018. The said bill of January, 2018 was also not paid by the respondent no. 1 within due date of payment.
- iii. Owing to failure of the respondent no. 1 to pay the outstanding electricity bill amounting to Rs. 2,87,99,971/-, the power connection was permanently disconnected on 02.02.2018 vide PDCO No. 12/1051.
- iv. After adjusting ACD amount of Rs 1.56 Crores, a claim of Rs 2.17 crores defaulting amount was raised by SDO (OP) SU/Bahadurgarh on behalf of the Petitioner against the respondent Company before the Resolution Professional vide letter dated 10.03.2018.
- v. The respondent no. 1 was facing insolvency proceedings and vide order of the Nation Company Law Tribunal, Delhi (NCLT, Delhi) dated 16.03.2018, moratorium was declared under Section 14 and 13 (1)(a) of the Insolvency and Bankruptcy Code (IBC), 2016.

- vi. On 27.12.2018, M/s GP Global Energy Private Limited submitted a Resolution Plan which was placed before the NCLT Delhi for approval. The said plan was approved vide order dated 30.5.2019 and M/s GP Global Energy Private Limited was declared as Successful Resolution Applicant (SRA) under Section 31 of the IBC, 2016. The operating part of order dated 30.05.2019 is reproduced as under: -

As a sequel to the above discussion we pass the following directions: -

- (i) C.A. No 62(PB)/2019 – The application filed by the Resolution Professional for accepting the resolution plan approved as by the CoC submitted by Resolution Applicant-G.P. Global Energy Pvt. Ltd. is accepted and it is clarified that the relief and concession set forth in Appendix-II must abide by the directions issued in the preceding paras. The Resolution Applicant – G.P. Global Energy Pvt. Ltd. may file appropriate applications before the Public Authorities/Government Authorities and it is needless to say that their applications would be duly considered in accordance with law. We make it clear that we are not expressing any opinion on the claim concerning reliefs and concession nor any part of this order shall be understood in that spirit.
- (ii) No pending issues for consideration of CoC have been pointed out during the course of hearing. On that account no relief could be granted.
- (iii) C.A. No. 742(PB)/2019 filed by the Resolution Plan Applicant – G.P. Global Energy Pvt. Ltd. Stands disposed of in above terms.
- vii. Post orders dated 30.05.2019, the Successful Resolution Applicant (SRA) M/s GP Global & Resolution Professional (RP) requested for restoration of supply vide their request letters dated 19th June, 2019, 11th November, 2019& 19th January, 2020. The requests were considered in light of applicable law i.e. Haryana Electricity Regulatory Commission Regulations on Supply Code 2014 notified under the Electricity Act, 2003. It is relevant here to refer to Clause 10.1.6 of the Code, which reads as under -

“10.1.6 On termination of agreement and permanent disconnection, if the consumer wishes to revive the connection, he would have to apply afresh and the application would be considered only after all outstanding dues have been cleared. The reconnection shall be allowed without reckoning as new case provided the consumer (except Agriculture pump-sets consumers in whose case the period allowed shall be 2 years) applies within 6 months of termination of agreement and permanent disconnection.”

Accordingly, M/s GP Global and Resolution Professional was intimated vide letter dated 24th July 2020 to apply for new connection.

- viii. However, instead of application for new connection, after more than 2 years, M/s Allied Strips again requested Petitioner for restoration of supply vide letter dated 7th November, 2022.
- ix. Further, in accordance with approved resolution plan, the Petitioner received an amount of Rs. 75,704 on 30.09.2022 and Rs 8,147 on 16.11.2022 i.e. Rs 83,851 against the claim of Rs. 2.17 crores filed before the Resolution Professional.
- x. Finally vide application no. H22-323-38, dated 04.03.2023, the respondent no. 1 has applied for a new connection for a load of 8966 KW with contract demand of 6000 KVA. The respondent no. 1 has requested for release of connection at 132 kV level.
- xi. In view of the legal position settled by way of precedents under IBC Act, the application of new connection was accepted by UHBVN after the deposit of amount as awarded in resolution plan as per point (ix) above.

Feasibility Report For Grant Of Connection:

1.3 As per regulation (3.2.1) of the Haryana Electricity Supply Code, the connectivity for a connected load of 8966 KW with contracted demand of 6000 KVA is admissible at 33kV level. However, on the request of the respondent no. 1, the technical feasibility for providing connectivity at 132 kV level to 132 kV S/Stn. of the respondent no. 1 with an installed capacity of 10/12.5MVA,132/11 KV transformer was explored jointly by the field offices of UHBVN & HVPN from 132 kV Sub-Station at Assaudha. The joint technical feasibility report of field offices has been evaluated by joint technical feasibility committee of petitioner and the respondent no. 2 in their meeting held on 19.03.2023, wherein the following proposal has been finalized and recommended: -

- i. For the applied contract demand of 6000 KVA, the applicable voltage level as per HERC Regulations on supply code is 33 KV level. Since, the consumer has opted 132 KV level, therefore as per clause 3.2.2. of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 the connectivity is required to be got approved from Hon'ble Haryana Electricity Regulatory Commission, which is reproduced as under: -

“3.2.2 In case where supply, depending upon the technical conditions of the transmission/distribution system and / or the requirement of the consumer, has to be given at a voltage other than specified in Regulation 3.2.1

approved plan, the licensee may accept the request of the applicant with the approval of the Commission.”

- ii. The applicant's original connection was disconnected on 02.02.2018 and as per clause 10.1.16 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014, the reconnection is allowed within 6 months and thereafter the connection would be treated as new connection. The provisions of HERC regulations are reproduced as under:

“10.1.6 on termination of agreement and permanent disconnection, if the consumer wishes to revive the connection, he would have to apply afresh and the application would be considered only after all outstanding dues have been cleared. The reconnection shall be allowed without reckoning as new case provided the consumer (except Agriculture pump-sets consumers in whose case the period allowed shall be 2 years) applies within 6 months of termination of agreement and permanent disconnection.”

In the instant case, the connection has been applied on 04.03.2023 i.e. after 6 months of permanent disconnection and hence agreement, if any stands terminated. Therefore, the applicant has to be considered as a new applicant for all intent and purpose as per provision of HERC regulations.

- iii. With respect to already erected 132 kV line by the applicant under self-execution in the year 2011, it is observed that as per clause of 4.10 of 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 , the independent feeder and bay created after energization becomes the property of licensee and there is no ownership of applicant and the same could be used by licensee as per the requirement . The provisions of HERC regulations is reproduced as under :-

“4.10 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. Warranty /Guarantee of such equipment shall also stand transferred to the licensee. The distribution licensee shall have the right to use it for the supply of electricity to any other person by tapping or otherwise except if such supply is detrimental to the supply to the consumer already connected therewith and subject to the provision under Regulation 4.8.2(iii)”

Therefore, the 132 kV line already erected for original connection is the property of licensee and any benefit of it could not be given to the applicant.

- iv. Charges for New Connections as per HERC Regulations: - The applicant is

required to bear all the expenses as applicable for new connection for which the following provisions are provided in the regulations: -

- (i) 4.8 After receipt of application, complete in all respects, requiring supply of electricity and sanction of the load demand, the licensee shall issue a demand notice to the applicant in accordance with the provision under Regulation 4.4.3 of the Electricity Supply Code informing him of the details of charges to be paid by him on account of the following: -
 - (ii) 4.8.1 The service connection charges/cost of extension of distribution system to be carried out by the licensee for release of new connection/extension of load, calculated in accordance with Annexure-1 to these Regulations shall be payable by the applicant.
In case the applicant opts for execution of work on his own, the supervision charges calculated in accordance with Regulation 3.10 shall be payable. Besides this, in case the service connection charges calculated as per Annexure-I are more than the actual cost of such works which are to be finally handed over to the licensee, the difference of the service connection charges and the actual cost would also be paid by the applicant.
 - (iii) 4.8.2(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.
- v. The load of 8966 kW with contract demand of 6000 kVA at 132 kV level is technically feasible to be fed from 132kVA Assoudha with prior approval of Hon'ble Haryana Electricity Regulatory Commission and with other terms and conditions as prescribed in following Paras.
- vi. The 132kV S/Stn. Assoudha is fed from 220kV BBMB Narela through 132kV single circuit BBMB Narela- Assoudha line on 0.2 sq. inch (panther) ACSR conductor. The maximum load recorded is 68.8 MVA. The work for creation of 132kV S/C line on D/C line with 0.4 sq. inch ACSR Zebra conductor from 220kV/132kV Sampla to 132kV Assoudha is under progress. Similarly, the augmentation of 220 kV S/Stn. Sampla with

additional 100 MVA, 220kV/132kV T/F is scheduled to be commissioned by 31.10.2023.

- vii. The load of the applicant is technically feasible subject to commissioning of 100 MVA T3 T/F at 220 kV S/Stn. Sampla and commissioning of 132kV line from 220kV Sampla to 132kV Assoudha.
- viii. The applicant will bear the cost of New132 kV bay at 132kV S/Stn. Assoudha and cost of New 132kV single circuit line on double circuit tower with 0.2 sq. inch ACSR panther conductor from 132kV S/Stn. HVPNL Assoudha to 132kV Allied Strips Ltd or service connection charges as per HERC regulations whichever is higher.
- ix. The connection will be released from already unutilized 132kV line on deposit of charges as per point 8 above. The necessary repair of existing line, if required will be carried out by HVPNL as required for release of connection.
- x. The applicant will abide by all rules and regulations of UHBVN and HVPNL.

Charges Payable by the Consumer:

1.4 As per Joint technical feasibility report, the Respondent no. 1 has to bear the cost of New132 kV bay at 132kV S/Stn. Assoudha and cost of New 132kV single circuit line on double circuit tower with 0.2 sq. inch ACSR panther conductor from 132kV S/Stn. HVPNL Assoudha to 132kV Allied Strips Ltd. or service connection charges whichever is higher. The calculations of the same is given as under :-

- (a) Applied Load - 8966 KW
- (b) Applied contract demand - 6000 KVA
- (c) Length of 132 KV Line - 4.20 KM
- (d) Service connection Charges :-

S.No.	Type of charges	Amount
1	Fixed service connection charges @ Rs 2000 per KVA	Rs. 1,20,00,000/-
2	Line service charges @ Rs 250 meter in excess of 150 meter	Rs. 9,62,500/-
Total Service Connection Charges		Rs 1,29,70,647

- (e) Actual Cost of Line & Bay :-The actual cost of Line & Bay has been worked out based on approved per KM cost of 132 kV Line in similar like cases and is as under :-

Sr No.	Type of charges	Amount
1.	Tentative cost of single circuit 132 kV Line on 0.2 sq inc panther conductor on double circuit towers @ Rs 1,03,000,00/- (Approx.) per Km for 4.2 KM	Rs 4,32,60,000/- (Approx.)

2.	132 kV Bay charges	Rs. 1,25,00,000/- (Approx.)
Total Charges of 132 kV Line & 132 kV Bay		Rs. 5,57,60,000 /- (Approx.)

Since cost of 132 kV Line & 132 kV Bay is higher than the service connection charge, the applicant is required to deposit Rs. 5,57,60,000/- (Approx.) for release of connection at 132 kV level. The actual estimated amount shall be worked out and intimated after sanction of the deposit estimate from competent authority of the HVPN.

LEGAL CONSPECTUS:

- 1.5 As per Regulation 3.2.1 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 1st Amendment, 2014, supply to a contracted load exceeding 2000 KVA and up to 25000 KVA shall be generally given at 33 KV voltage level. Relevant excerpt of Regulation 3.2.1 is reproduced below:

“3.2.1 supply shall generally be given at the following voltages on the basis of contracted load:

Category	System of Supply
Low Tension	
Contracted load upto 5KW	Single phase at 230V
Contracted load above 5KW and up to 50 KW	3 Phase 4 wire at 400 V
High Tension	
Contracted load exceeding 50 KW and up to 5000 KVA	3 Phase at 11 kV
Contracted load exceeding 2000 KVA and up to 25000 KVA	3 Phase at 33 kV
Contracted load exceeding 5000 KVA and up to 75000 KVA	3 Phase at 66 kV
Contracted load exceeding 25000 KVA and up to 100000 KVA	3 Phase at 132 kV
Contracted load exceeding 75000 KVA and up to 320000 KVA	3 Phase at 220 kV
Contracted load exceeding 320000 KVA	3 Phase at 400 kV

- 1.6 As per Regulation 3.2.2 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2nd Amendment, 2019, power supply may be given at voltage other than those specified in Regulation 3.2.1 depending upon technical conditions of the transmission/distribution system subject to prior approval of the Hon'ble Commission. Relevant excerpt of Regulation 3.2.2 is reproduced below:

“3.2.2 In case where supply, depending upon the technical conditions of the transmission/distribution system and / or the requirement of the consumer, has to be given at a voltage other than specified in Regulation 3.2.1/

approved plan, the licensee may accept the request of the applicant with the approval of the Commission.

Further, in case 33KV voltage level is not available in the area of supply than load above 5 MVA upto 8 MVA may be served through 11 KV feeder with appropriate type/ size of conductor. Provided, the difference of cost of 33 KV substation at the consumer end along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection of 11 KV is borne by the consumer.

Provided further that, in case intermediate voltage level between 33 KV and 220 KV is not available in the area of supply of the licensee, the load upto 37.5 MVA may be served through 33 KV feeder with appropriate type/ size of conductor provided the difference of cost of substation as per Regulation 3.2.1 at the consumer end along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection on 33 KV is borne by the consumer."

- 1.7 In compliance with the foregoing legal framework, the petitioner has examined the technical feasibility in terms of the requirement of the consumer/ Respondent no. 1. It is evident from aforesaid sequence of events that the feasibility for providing power supply at 132 kV level to respondent no. 1 has been found acceptable subject to deposit of cost as per regulations as detailed in Para 5 above. Accordingly, in light of the above stated facts and legal position, the Petitioner seeks kind approval of this Hon'ble commission for providing new power connection to M/s Allied Strips Ltd. (respondent no.1) located at Assaudha, Bahadurgarh, Jhajjar at 132 KV voltage level with a connected load of 8966 KW and Contract Demand of 6000 KVA subject to conditions mentioned and subject to deposit of cost as per regulations as detailed in Para 5 above.

PRAYER

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

- (i) Allow this Petition and approve grant of power connection to M/s Allied Strips Ltd. (Respondent no.1) located at Assaudha, Bahadurgarh, Jhajjar at 132 KV voltage level with a connected load of 8966 KW and Contract Demand of 6000 KVA as per the recommendations of the joint technical feasibility committee report of UHBVN & HVPN and subject to deposit of cost as applicable for new connection as per HERC Regulations as detailed in Para 5 of the Petition; And/ Or
- (ii) Pass such orders, as the Hon'ble Commission may deem fit and appropriate in the facts and circumstances of the present case.

2. Proceedings:

- 2.1 The case was heard on 20.07.2023, Ms. Sonia Madan, Counsel for the petitioner reiterated the contents of the petition and submitted that licensee has sought approval of the Hon'ble Commission in the instant petition under regulation (3.2.2) of the HERC (Electricity Supply Code) Regulations, 2014 (2nd Amendment) Regulations, 2019 for allowing electricity connection to respondent no-1 M/s Allied Strips Ltd. located at Assaudha, Bahadurgarh, Jhajjar for an applied load of 8966 KW and contract demand of 6000 KVA at 132 KV voltage level. She submitted that as per regulation 3.2.1 of the HERC Supply code, the connectivity for a connected load of 8966 KW and contract demand of 6000 kVA is to be granted at 33 kV level. However, on the request of the respondent no. 1, the technical feasibility for providing connectivity at 132 kV level was explored jointly by the field offices of UHBVN and HVPN from 132 kV Sub-Station at Assaudha.

The assessing Committee has recommended as under: -

For the applied contract demand of 6000 KVA, the applicable voltage level as per HERC Regulations on supply code is 33 KV level. Since, the consumer has opted 132 KV level, therefore as per clause 3.2.2 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 the connectivity is required to be got approved from the Haryana Electricity Regulatory Commission, which is reproduced as under: - "3.2.2 In case where supply, depending upon the technical conditions of the transmission/distribution system and / or the requirement of the consumer, has to be given at a voltage other than specified in Regulation 3.2.1 approved plan, the licensee may accept the request of the applicant with the approval of the Commission."

She further submitted that as per the regulation, it is a new connection and connection can be released at a voltage of higher level on payment of all the applicable charges as per the regulations. Per contra, the counsel for the respondent No. 1 requested for an immediate release of connection at 132 KV level instead of 33 KV voltage level on deposit of adhoc charges.

From the perusal of the petition, it has come to the notice of the Commission that the outstanding electricity bill of the respondent no. 1 at the time of disconnection on 2nd February, 2018 amounted to Rs. 2,87,99,971/- whereas the available ACD was only for an amount of Rs. 1.56 Crores. It appears that the ACD of the respondent no. 1 was not revised at the appropriate time to

make it equivalent to two months billing amount which led to under recovery of the outstanding amount. The Commission, in the larger consumer interest, directed the petitioner to make an enquiry into the matter to find out the reasons for the delinquency, fix responsibility and submit a report within 10 days.

The respondents were directed to file their response/ reply within one week so that the matter may be listed for final disposal

- 2.2 The case was heard on 09.08.2023, Ms. Sonia Madan, Counsel for the petitioner sought permission to place on record the submissions in pursuance to the directions of the Commission's order dated 25.07.2023. She submitted that the management of the petitioner had already taken the cognizance of delinquency of under recovery of outstanding electricity dues from the current ACD of M/s Allied Strips Ltd at the time of disconnection as observed by the Hon'ble Commission vide order dated 25.07.2023. Accordingly, disciplinary action has duly been taken against the concerned erring officers/officials by issuing charge sheets for the said lapse. Subsequently, on the basis of enquiry report of enquiry officer, the charge sheets of these officers were decided by issuing warning letters.

She further submitted that M/s Allied Strips Ltd. had filed a civil writ petition i.e. CWP No.13010 of 2023 before the Hon'ble High Court of Punjab and Haryana seeking quashing of petitioner's letter dated 24.07.2020 vide which the respondent was asked to apply for a new electricity connection specifying that all the charges for new connection have to be borne by the respondent. In the said matter, the Hon'ble High Court vide order dated 26.07.2023, as an interim measure, allowed the writ petition for restoration of supply of electricity connection on a deposit of Rs. One Crores over and above the amount already deposited, subject to the final outcome of this writ petition.

The Commission observed that it is astonishing to note the action taken by DISCOMs wherein erring officers have just been issued the warning letters for non-recovery of such a huge defaulting amount. The relevant provision 10.1 (i.e. Disconnection due to non-payment) of the Supply Code Regulations, 2014, inter-alia provides that "..... in case the consumer fails to make the payment of the bill within 15 days of the due date along with surcharge applicable, the consumer shall be liable for disconnection of his supply....." However, on perusal of the reply dated 09.08.2023 and the documents placed on record by the petitioner, it is evident that M/s Allied Strips Pvt Ltd. did not

make payment of the electricity bills of Rs. 1,14,10,843/- in Nov. 2017 and the next bill of Rs. 2,49,18,461/- was issued on 8.12.2017 and consumer was allowed to deposit payment of Rs. 1,12,08,860/- on 06.12.2017 knowing well that he has consumed energy for one more month and bill has become due. Thereafter, the electricity bill of January, 2018 amounting to Rs. 2,87,99,971/- (i.e. Rs. 1,50,90,370/- + Rs. 1,37,09,601/-) was raised, but no payment of this bill was made by the consumer. The connection of the firm was not disconnected till Jan, 2018 after the due date of this bill; therefore the electricity bill of Feb, 2018 amounting to Rs.3,52,11,681/- (i.e. Rs. 59,82,531 current + Rs.2,92,29,150 previous defaulting Amount) was also not paid by the firm. Subsequently, permanent disconnection order (PDCO) dated 02.02.2018 was effected on 09.02.2018 after accumulation of huge defaulting amount of Rs. 3,52,11,681/- which clearly reflects the negligence on the part of the concerned field officers. It was the duty of the field officers of Discoms to ensure the timely disconnection, as per the Regulations to prevent accumulation of defaulting amount. There has been a huge loss of crores to Nigam due to the negligence of officers and the issue of warning letters does not meet the ends of justice. The petitioner was directed to place the case before the Board of Directors for fresh consideration and enquiry, besides issuance of directions, to sensitize the field officers that in the eventuality of non- recovery of amount due to negligence of officers in timely disconnection or securing requisite ACD, the amount will be recovered from the negligent officers and will not be pass through in ARR's of DISCOMs thus putting burden on consumers at large.

2.3 The case was heard on 11.10.2023, Ms. Sonia Madan, Counsel for the petitioner submitted that the case was considered by the BODs of UHBVN and it has been decided to issue advisory to the delinquent officers. She further submitted that the concerned officers have already submitted their justification which have been accepted by the management.

The counsel for the respondent no. 1 submitted that the connection has already been released in compliance to the orders passed by the Hon'ble Punjab and Haryana High court in CWP No. 13010 of 2023. Thus, the petition has become infructuous.

The commission directed the petitioner to file the reply within four weeks with the decision of BODs regarding issue of advisory to the delinquent officials

along with instructions issued to prevent recurrence of such incidents in future for non-disconnection of supply, thus leading to accumulation of bills.

3. Commission's Order:

- 3.1 The case was heard on 29.11.2023, as scheduled, in the court room of the Commission.
- 3.2 At the outset, Ms. Sonia Madan, Counsel for petitioner submitted that in compliance to interim order dated 11.10.2023, a Sales Instruction no. U-05/2023 dated 21/11/2023 with respect to preventive measures to reduce the default in electricity bills by the electricity consumers has been issued. The circular besides referring to the regulations of the Hon'ble Commission with respect to default in payment of electricity bills also lists down various guidelines to prevent under recovery of the pending electricity dues from the HT industrial consumers. At Sr. No. (e) of the circular, reference is also made to the order dated 17/08/2023 passed by the Hon'ble Commission in the instant case and it has been specifically mentioned that in case of accumulation of the defaulting amount due to negligence of officers, the amount will be recovered from the negligent officers and will not be passed through ARRs of the DISCOMs. Directions have also been given to review availability of ACD and ensuring adequate ACD cover for all HT industrial consumers. A copy of the aforesaid instructions dated 21/11/2023 have been uploaded on the website of the petitioner and the same has also been forwarded to all officials and Industrial Consumer Associations.
- 3.3 The commission observes that the petitioner-UHBVN has issued Sales Instructions in compliance of interim order dated 11.10.2023 and the connection to respondent has already been released in compliance to the orders passed by the Hon'ble Punjab and Haryana High court in CWP No. 13010 of 2023. Therefore, nothing is left to be adjudicated.
- 3.4 The instant petition is disposed-off accordingly. However the petitioner is at liberty to approach commission, if circumstances so warrant after disposal of case by Hon'ble High Court.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 29.11.2023.

Date: 29/11/2023
Place: Panchkula

(Naresh Sardana)
Member