

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

Case No. HERC/PRO- 55 of 2021

Date of Hearing : 11.05.2022

Date of Order : 18.05.2022

IN THE MATTER OF:

Petition under Section 43, 46 and 50 of the Electricity Act, 2003 and Regulation 8 and 9 of the HERC Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in providing Supply and Power to require Security) Regulations, 2016 (“Duty to Supply Regulations”) and Regulation 16 of the HERC Electricity Supply Code Regulations, 2014 (“Supply Code”) read with Section 142 and 146 of the Electricity Act, 2003.

Petitioner

Dakshin Haryana Bijli Vitran Nigam, Vidyut Sadan, Vidyut Nagar, Hisar, Haryana –
125005 ... Petitioner

VERSUS

Respondent(s)

1. M/s Ansals Properties and Infrastructure; 115, Ansal Bhawan, 16 Kasturba Gandhi Marg, New Delhi though Managing Director &
2. M/s Ansal Buidwell; 118, UFF, Parkash Deep, 7, Tolstory Marg, New Delhi though Managing Director.
3. M/s Unitech Ltd., Unitech House, 6, Community Centre, Saket, New Delhi though Managing Director.
4. M/s Saraswati Kunj; Cooperative Housing Building Society Ltd. Village Wazirabad, Gurugram though Managing Director.
5. M/s Vipul Limited; Vipul Tech Square, Golf Course Road, Sector-43, Gurugram though Managing Director.
6. M/s Malibu Estate and Infrastructure; 38, DDA Commercial Complex, Kailash Colony, Exten. (Zamrudpur), New Delhi though Managing Director.
7. M/s Sheetal International Pvt. Ltd. Mayfield Project, Sector-50, Mayfield Garden, Gurugram though Managing Director.
8. M/s Parsvanth Developers, Tower near Shahdara Metro Station 19, Barakhamba Road, New Delhi. though Managing Director.
9. M/s Uppal Limited; 5th Floor, South Tower, NBCC Place, Bhisham, Pitamha Marg, Paragati Vihar, New Delhi though Managing Director.

10. M/s Uddar Gagan Properties Pvt. Ltd, Suncity Business Tower-2nd Floor, Golf Course Road, Sector-54, Gurugram through Managing Director.
11. M/s Vatika Limited; Vatika Traingle, 7th Floor, Sushant Lok Phase-I, A-Block, Mehrauli Road, Gurugram through Managing Director.
12. M/s JMD Limited; 6th Devika Tower, Upper Ground Floor, Nehru Place, New Delhi through Managing Director.
13. M/s Countrywide Promoters Pvt. Limited, 1st Floor, Dasnac Annexe 1, ECE House, 28, KG Marg, Barakhamba, New Delhi through Managing Director.

... Respondents

Present

On behalf of the Petitioner

1. Sh. Samir Malik, Advocate
2. Sh. Kuldeep Singh, XEN OP Division Sub Urban, DHBVN, Gurugram
3. Sh. Dharm Singh, SDO OP, Sub Division, Sohna Road, Gurugram

On behalf of the Respondent (s)

1. Sh. Varun Pathak, Advocate for R-1 & R-11
2. Sh. Meher Nagpal, Advocate for R-2, R-5 & R-7
3. Sh. Jatin Sahrawat, for R-9
4. Sh. Hemant Saini, Advocate for R-13
5. Sh. Anurag Jain, for R-6
6. Sh. Dhruv Chawla, Advocate for R-3

QUORUM

Shri R.K. Pachnanda, Chairman
Shri Naresh Sardana, Member

INTERIM ORDER

1. The case was heard on 11.05.2022 as scheduled in the court room of the Commission.
2. At the outset, Sh. Samir Malik counsel appearing for the petitioner submitted that in pursuant to the Hon'ble Commission's order dated 02.02.2022, 1782 consumers have applied for release of connection out of which 1682 connections have already been released up to 10.05.2022 and total amount of Rs. 35.38 Crores has been received as development charges against the inadequate electrical infrastructure. He further submitted that out of 13 respondents/developers, in addition to reply of M/s. Ansal Property Infrastructure Ltd (R-1) and M/s Vatika Ltd (R-11), preliminary reply of few other respondents/developers i.e. M/s Malibu Estate and Infrastructure (R-6),

M/s Parsvanth Developers (R-8), and M/s Uppal Limited(R-9) have been received, whereas rest of the developers are yet to file their replies.

3. Sh. Varun Pathak, counsel appearing for the respondent no 1 and 11 submitted in detail the issues pertaining to the maintainability of the petition in its present form citing various provisions of the Conduct of Business Regulations along with provision of the Electricity Act 2003. He further submitted that each builder's agreement is to be seen separately with the peculiar facts of the agreement. He further submitted that the load norms have been revised by DHBVN, due to which there is change in inadequacies.
4. The Commission has considered the aforesaid submissions made by the parties. Since the inadequacy of each builder/respondent is required to be assessed individually as per the norms/regulations occupying the field at relevant time, the Commission directs the petitioner to file separate petitions regarding inadequacy of infrastructure in respect of each developer with all the relevant details/ facts for adjudication within 5 weeks.
5. The case shall be next heard on 6 July 2022.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 18.05.2022.

Date: 18/05/2022

Place: Panchkula

(Naresh Sardana)

Member

(R.K. Pachnanda)

Chairman