

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION

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

Case No. HERC/PRO – 23 of 2019

DATE OF HEARING : 01.05.2019

DATE OF ORDER : 14.05.2019

IN THE MATTER OF:

Application under regulation 17, 85, 87 and 88 of the conduct of Business Regulations, 2004 filed on behalf of the petitioner, Model Economic Township Limited seeking correction/ rectification of fact with respect to amount of bank guarantee submitted by MET Ltd. to UHBVN and HVPNL in the final order dated 26.03.2019.

Petitioner

Model Economic Township Limited

V/s.

Respondent

Uttar Haryana Bijli Vitran Nigam Limited

Haryana Vidyut Prasaran Nigam Limited

PRESENT

On behalf of the Petitioner:

1. Shri Vinay Saini, Advocate

On behalf of the Respondent:

1. Shri Ashutosh K. Srivastava, Advocate, UHBVNL

2. Shri Sanjeev Gupta, SE (RA) UHBVNL

3. Shri Manoj Garg, XEN, UHBVNL

4. Shri Vinay Baranwal, XEN (RA), UHBVNL

5. Shri B.K. Ragjava, XEN (TS), HVPNL

QUORUM

Shri Jagjeet Singh, Chairman

Shri Pravindra Singh Chauhan, Member

ORDER

Brief background of the Case:

1.1. The Petitioner has submitted that:

- a) They have filed the Petition before this Commission seeking rectification of factual statement in the order dated 26.03.2019 passed in Case No. HERC/PRO-68 of 2017 passed in proceedings under Section 42, 43, 46, 47, 50, 57, 58, 60, 61, 62, 66, 86, 94, 181 of Electricity Act, 2003 seeking relaxation or alteration or amendment or otherwise removal of difficulties in the operation of the *HERC Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulation, 2016.*
- b) In the present Petition, Petitioner has sought rectification/correction of amount of Bank Guarantee mentioned in para vi) on page 13 of the Order, reads as under –
- “The petitioner further raised few issues on 23.04.2018 while moving an application are early hearing in the case and submitted that METL has submitted BGs, for aggregate value of 1.5 Crores to the respondent, worked out at 1.5 times of the estimated cost of electrical infrastructure and it is difficult to submit bank guarantee for additional amount of 160 crores for the second phase of the electrical infrastructure for other licensee are of METL.”*
- c) They had submitted BGs amounting to Rs. 145.04 Cr. with Respondent No. 1 and 2, i.e. UHBVN and HVPNL. However, one BG (002GM07180530003) amounting to Rs. 14,39,15,000/- valid up to 22.02.2019 which was submitted against 220 KV Transmission Line Bhadana has been returned back from UHBVN since cost of Bhadana 220 KV TL has been deposited to HVPNL by the Applicant. Therefore, as on date, BG amounting to Rs. 130,66,40,510 (130.66 crores) is lying with the Respondents.
- d) The details of Bank Guarantee lying with the Respondents as on date are depicted as under for the reference of the Hon’ble Commission –

Sr. No.	Bank Guarantee Number	Bank Guarantee Amount (in Rs.)
1	002GM07173480001	13,87,27,535
2	1637617BG0000549	10,00,00,000
3	1637617BG0000550	9,26,16,975
4	1637617BG0000551	10,00,00,000

Sr. No.	Bank Guarantee Number	Bank Guarantee Amount (in Rs.)
5	1637617BG0000552	10,00,00,000
6	1637617BG0000553	10,00,00,000
7	1637617BG0000554	10,00,00,000
8	002GM071853002	19,87,96,000
9	002GM071853004	37,65,00,000
Total amount of BG's		130,66,40,510

- e) Accordingly, in para vi of page 13 of the order needs correction to the extent that observation of the Commission that '*METL has submitted BGs, for aggregate value of 1.5 Crores*' may be rectified as '*METL has submitted BGs, for aggregate value of 145.04 Crores which is now reduced to 130.66 Crores*'.
- f) The removal of the aforesaid observation relating to amount of Bank Guarantee submitted by Applicant to Respondents will have no prejudice or repercussion on the Respondents, as the amount of Bank Guarantee's is a matter of record. However, grave prejudice may be caused to the Applicant if such an observation is not corrected.

1.2. In view of the above, the petitioner has prayed as follows:

- (a) *Pass an appropriate order allowing the instant application and rectifying the observation in para vi) on page 13 of the Order dated 26.03.2019 with respect to the amount of the Bank Guarantee; and*
- (b) *Pass any such other or further directions as this Hon'ble Commission may deem fit and proper.*

Commission's Analysis and Order

2.1 The Commission heard the matter on 01.05.2019 as scheduled. The representatives of both the parties were present.

2.2 The Counsel appearing on behalf of the Petitioner briefed the Petition before the Commission. On enquiry from the Commission about the Bank Guarantee

deposited by the Petitioner with UHBVNL, UHBVNL representatives sought time to submit the same.

2.3 UHBVNL vide its Memo No. Ch-05/SE/RA/N/F-PRO 23/2019 dated 2/05/2019 has submitted that the total BG amounting to Rs. 130.66 Cr. has been deposited by the Petitioner on account of balance electrical infrastructure yet to be completed.

2.4 After going through the above facts the Commission considered it appropriate to rectify the typographical error at page 13 of the Commission's Order dated 26/03/2019 in Case No. HERC/PRO – 68 of 2017, which may be read as follows:

*“vi) The petitioner further raised few issues on 23.04.2018 while moving an application for early hearing in the case and submitted that METL has submitted BGs **for aggregate value of 145.04 Crores which is now reduced to 130.66 Crores**, to the respondent, worked out at 1.5 times of the estimated cost of electrical infrastructure and it is difficult to submit bank guarantee for additional amount of 160 crores for the second phase of the electrical infrastructure for other licensee.”*

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 14/05/2019.

Date: 14.05.2019

(Pravindra Singh Chauhan)

(Jagjeet Singh)

Place: Panchkula

Member

Chairman