

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

**Case No: HERC / Petition No. 27 of 2022**

**Date of Hearing**  
**Date of Order**

**08.09.2022**  
**13.09.2022**

**In the Matters of:**

Petition under Section 86 1 (k) read with Section 86 (3) Electricity Act, 2003 read with 'HERC (Terms and Conditions for grant of connectivity and open access for intra state Transmission and Distribution System) Regulation 2012' and Non implementation of the provisions of the 'Haryana Solar Power Policy, 2016' by respondents by not signing LTOA and injecting the Powers in the Solar Captive Power Plant of the petitioner despite all approval and compliances complied by the petitioner for energization of the project in terms of the approval granted by respondent No. 2 in the year 2017 and compliance done of the letter dated 11.11.2020 duly informed on 14.06.2021 and also file in detail representation to respondent no. 1 on 04.05.2022.

**Petitioner**

M/s. Micro Turner

**Respondents**

1. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula
2. Haryana Vidyut Prasaran Nigam Ltd (HVPNL), Panchkula

**Present**

**On behalf of the Petitioner**

1. Mr. Vishal Sharma, Advocate

**On behalf of the Respondents**

1. Mr. Rajesh Sheoran, Advocate for HVPNL
2. Smt. Sonia Madan, Advocate for UHBVNL

**Quorum**

**Shri R.K. Pachnanda**  
**Shri Naresh Sardana**

**Chairman**  
**Member**

**ORDER**

1. The present petition has been filed by M/s. Micro Turner, seeking directions from this Hon'ble Commission to the respondents to grant connectivity to their Solar Power plant by signing Long Term Open Access (LTOA) in compliance of their own letter dated

11.11.2020, which was duly complied by the petitioner and informed to the respondents on 14.06.2021 and 04.05.2022.

2. The case was heard on 08.09.2022, as scheduled, in the court room of the Commission. Shri Vishal Sharma, the learned counsel, appearing for the petitioner dwelt upon the facts of the case. Shri Sharma averred that they had applied for connectivity for 9 MW Solar Power Plant located at the Tehsil Sahzadpur District Ambala, in the year 2017. The respondent no. 2 i.e. HVPNL, vide letter dated 28.03.2017, granted technical feasibility clearance to the request for connectivity. Further, HVPNL vide its letter dated 23.05.2018 provided the signed 'connection agreement' and 'draft long term open access agreement'. However, on 11.11.2020, HVPNL intimated that open access is allowed only to consumers having contract demand of 0.5 MW or above (whereas contract demand of the petitioner was 0.3 MW). Accordingly, the petitioner, vide letter dated 14.06.2021 intimated the respondent no. 2 (HVPNL) that they had complied with the terms of the letter dated 11.11.2020 and accordingly enhanced the capacity of their Solar Power Plant from 0.3 MW to 0.5 MW and also 33KV line has been constructed to feed solar power so generated and requested to sign LTOA Agreement. However, despite fulfilling the terms as mentioned in the HVPNL's letter dated 11.11.2020, no action was taken by the respondent i.e. HVPNL on the long pending request of the petitioner.
3. Per-contra, Shri Rajesh Sheoran, the learned counsel appearing on behalf of HVPNL (Respondent no. 2), as well as Smt. Sonia Madan, the learned counsel appearing on behalf of UHBVNL (Respondent no. 1), brought to the notice of the Commission the fact that the petitioner's plant is ready only for 0.5 MW in place of the total approved capacity of 9 MW. The petitioner, vide its letter dated 08.03.2018, has given an undertaking to complete the 9 MW project within a period of 180 days, but failed to meet the timelines set and intimated by them. Accordingly, counsels for both the respondents vehemently argued that the petitioner cannot be allowed to part commission its plant being contrary to the objects of Regulation 6 (14) of the HERC OA, 2012 which provides that full load testing is the essential as well as clause 9.18 of 'Procedure for making application for grant of connectivity in Transmission/Distribution System' mentioned in the 'Detailed Procedure for the Grant of Connectivity and Intra-State Open Access' dated 15.04.2021, which provides as under:-

*"9.18 Part commissioning of generating project shall not be allowed."*

Shri Rajesh Sheoran, the learned counsel for respondent no. 2 (HVPNL), averred that vide memo No. Ch-123/ISB-502 dated 25.06.2021, they had duly informed the petitioner to comply with the aforementioned Clause 9.18. The counsels for the respondents further argued that there is a material change in the quantum of power to be interchanged by the petitioner i.e. from 9 MW to 0.5 MW, therefore, the petitioner is required to submit a fresh application under the HERC OA Regulations, 2012.

4. While replying to the contentions of the respondents, the counsel for the petitioner submitted that the stipulation of 'part commissioning' as per clause 9.18 (supra) was a development subsequent to their application for grant of LTOA i.e. their application dates back to the year 2017, while the stipulation on 'part-commissioning' was made in the 'Procedure for grant of connectivity' approved on 15.04.2021.
5. After hearing the rival contentions and careful examination of the documents placed on record by the parties, the Commission proceeds to examine the relevant regulations cited by the parties. The Commission observes that Regulation 6(14) of the HERC (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 (hereinafter referred to as 'HERC OA Regulations, 2012') provides as under:-

*"(14) A generating station, including a captive generating plant, which has been granted connectivity to the intra-State grid, shall be allowed to inject infirm power into the grid during testing including **full load testing** (emphasis added) before commencing its commercial operation for a period not exceeding three months after obtaining prior permission of the State Load Despatch Centre.*

*Provided that the State Load Despatch Centre while granting such permission shall keep the grid security in view and ensure that injection of such infirm power is only for the purpose of testing, prior to commencing of commercial operation of the generating station or a unit thereof."*

Further, Clause 9.18 of 'Procedure for making application for grant of connectivity in Transmission/Distribution System' mentioned in the 'Detailed Procedure for the Grant of Connectivity and Intra-State Open Access' dated 15.04.2021, provides as under:-

*"9.18 Part commissioning of generating project shall not be allowed."*

6. **From the above, the Commission observes that the procedure/guidelines for grant of connectivity read with relevant provisions of HERC OA Regulations, 2012 as amended from time to time, has clearly stipulated that part commissioning of generating project shall not be allowed. The records of the case reveal that the**

petitioner has made the application for grant of connectivity for 9 MW solar plant out of which 0.5 MW has been set up by the petitioner till now. This shows that there is certain lack of willingness on the part of the petitioner for setting up the plant for remaining capacity of 8.50 MW and if granted connectivity, the transmission capacity of 8.50 MW will continue to remain stranded. HVPNL had approved the Intra-state long term open access for 9 MW solar power plant of the petitioner to be drawn by its four units, which has changed materially due to part commissioning of the approved capacity by the petitioner. Further, subsequent amendments/procedure was also accepted by the petitioner. Hence, the amendments given effect are equally applicable along with the principle regulations/procedures. It also needs to be noted that evacuation of 300 KW or 500 KW of solar generation would require 11 KV line and not 33 KV line/evacuation system constructed by the petitioner. Thus, the asymmetry is evident flying in the face of the claim of the petitioner that the expense on the evacuation system undertaken by them is stranded. It is well established in law that when a law/statute provides something to be done in a certain manner, it has to be done in that manner. To the contrary, the Commission tends to agree with the respondents that the transmission capacity to the extent of 9 MW remained blocked, depriving other consumers of the benefit of the same.

In view of the above discussions, the prayer of the petitioner is liable to be rejected as the same is not in conformity with the law/statute/approved procedure.

7. Having held as above, the Commission observes that the petitioner may explore alternative remedy, as suggested by the learned counsel for the respondent no.1, i.e. the petitioner may submit a fresh application under the HERC OA Regulations, 2012 seeking connectivity for its 0.5 MW solar power plant that has already been commissioned.
8. In terms of the above order, the present petition is disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 13.09.2022.

Date: 13.09.2022  
Place: Panchkula

(Naresh Sardana)  
Member

(R.K. Pachnanda)  
Chairman