

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

**Case No. HERC/PRO- 55 of 2021**

**Date of Hearing : 07.09.2022**

**Date of Order : 14.09.2022**

**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 recover 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

**VERSUS**

**Respondent(s)**

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

**Present**

**On behalf of the Petitioner**

Ms Nikita Chaukse, Advocate

**On behalf of the Respondent (s)**

1. Sh. Varun Pathak, Advocate for R-1 & R-11
2. Ms. 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. Ms Kanupriya, Advocate for R-6
6. Sh. Dhruv Chowfla, Advocate for R-3

**QUORUM**

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

**ORDER**

1. The case was heard on 07.09.2022 as scheduled in the court room of the Commission.
2. The present petition was filed by DHBVN seeking directions against the 13 Respondent developers under Section 142 read with Section 146 of the Act asserting that the issue of inadequacies in electrical infrastructure in the projects developed by these developers has remained unresolved despite specific directions/orders of this Commission, as well as the Hon'ble High Court. In this regard, DHBVN has sought for the following reliefs:

(a) *Permission to the Petitioner to recover 'Development Charge(s)' as per Annexure P/2 and para 97 and 98 herein below, from each of the prospective applicant(s) seeking new connections, consumers seeking grant of additional load or no objection (situated within the Projects), subject to*

*adjustment/refund on curing deficiencies by the Delinquent Developers or payment of cost thereof (in any of the manner mentioned below), so as to grant immediate respite of granting connections/additional load to applicants/consumers within the Projects.*

*(b) Directions to the Delinquent Developers to, forthwith: -*

*(i) cure inadequacies within the above-named Projects; or*

*(ii) pay a sum of money either: -*

*(1) in cash deposit equivalent to the cost of curing the aforesaid inadequacies; or*

*(2) by way of bank guarantee(s) of the cost of curing the aforesaid inadequacies to the Petitioner; and*

*(3) by way of transfer of an immovable property duly certified by DTCP to be of encumbrance free and of value equivalent to the cost of curing the aforesaid inadequacies.*

*(c) Ad-interim/interim permission to the Petitioner in terms of the clause (a) above during pendency of this Petition”*

3. Vide interim order dated 02.02.2022, this Commission while noting the hardships faced by the public due to non-release of new connections in the areas/projects developed by the respondents had issued the following interim directions:

*“ 15. In the given circumstances, the Commission deems it appropriate to grant immediate relief to the distressed residents of the subject areas/projects developed by the respondent developers and permits the petitioner to release new electricity connections/additional load on voluntary payment of development charges mentioned in the Petition. This is an ad-interim measure aimed at resolving needs of those distressed persons, who are in urgent need of an electricity connection/additional load and voluntarily opt to pay development charges.*

*16. The petitioner is directed to keep a record of the charges paid by applicant(s) seeking release of new connection/additional load in the areas developed by respondents and to make the same available to the Commission as and when directed to do so. In case, the petitioner recovers cost of the claimed*

*inadequacies, the aforesaid charges, voluntarily paid by the above applicants, shall be adjusted/set off in their future energy bills”*

4. Thereafter vide Order dated 18.05.2022, this Commission had observed and directed as under:

*“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. Accordingly, pursuant to the said order, DHBVN has filed separate petitions regarding inadequacy of infrastructure in respect of each developer. Thus, with separate petitions being filed against each developer, the present Petition has essentially become infructuous.
6. In the given facts and circumstances, the Commission deems it fit to dispose off the present petition in view of the separate petitions filed by DHBVN. The Commission will now adjudicate the issue of inadequacies in respect of each of the concerned respondent developer based on the relevant facts and details mentioned in the separate petitions filed by DHBVN. Accordingly, the interlocutory application (IA) filed by M/s Unitech Ltd, respondent no-3 shall be heard with the separate petition no 46 of 2022 (DHBVN Vs M/s Unitech Ltd). Meanwhile, in the interest of justice, the ad-interim directions passed in the present petition vide interim order dated 02.02.2022 qua release new electricity connections/additional load on voluntary payment of development charges shall extend to each of the separate petitions filed by DHBVN against the respective Respondent-developers.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 14.09.2022.

**Date: 14/09/2022**  
**Place: Panchkula**

**(Naresh Sardana)**  
**Member**

**(R.K. Pachnanda)**  
**Chairman**