

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

**Case No. HERC/Review Petition No. – 9 of 2022**

**Date of Hearing : 09.11.2022  
Date of Order : 23.11.2022**

**IN THE MATTER OF:**

**Determination of fuel cost for renewable energy projects set up/ to be set up in Haryana viz. Biomass, Paddy Stubble, Biogas, Biomass Gasifier & Bagasse/Non- Bagasse (cogeneration). on the basis of parameters, except fuel cost, provided in the Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2021- Suo Motu.**

**Petitioner**

M/s. Oasis Commercial Pvt. Ltd.

**Respondent**

Nil

**Present on behalf of the Petitioner**

Dr. Malvika Singh, Advocate

**Quorum**

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

**Chairman  
Member**

**ORDER**

**Brief Background of the case**

1. The learned counsel appearing for the petitioner submitted that the present review petition has been filed, along with an application seeking condonation of delay in filing the present review petition, review of the impugned order dated 21.03.2022 passed by the Hon'ble Commission in the suo motu petition no 52 of 2021, determining the indicative fuel cost of biomass-based power projects.
2. The brief submissions of the petitioner are as under:-
  - 2.1 That the petitioner has set up 8.93 MW biomass (rice husk) based/non-fossil fuel co-generation power plant at Village Jatwar in Tehsil Naraingarh, Distt. Ambala, Haryana.
  - 2.2 That the petitioner has entered into a Power Purchase Agreement (the PPA) with the Haryana Power Purchase Centre (the HPPC) on 25.10.2012 whereby HPPC is purchasing up to 5 MW energy produced by the petitioner.

2.3 That Regulation 7 (e) of the 2021 HERC RE Regulations provides that this Hon'ble Commission may determine tariff for power plants for a higher capacity than 2 MW.

2.4 That the Commission vide its order dated 21.03.2022 passed in the Case No. HERC/Petition No. 52 of 2021, for suo-motu determination of fuel cost for inter alia biomass-cogeneration power-based, decided the fuel cost as Rs 3,313.94/MT.

2.5 That the present petition has been filed seeking review of the apparent erroneous part of the order dated 21.03.2022, passed by the Commission on the following grounds:-

a. The Commission has deviated from the biomass fuel cost determined by the Hon'ble Central Electricity Regulatory Commission (CERC) without assigning any reason/rationale for such deviation. The Hon'ble Commission in its order dated 21.03.2022 has noticed that it has been consistently following the fuel cost determined by the Hon'ble CERC, for the control period since 2014, as per the following table:-

FY	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
HERC- Fuel Cost	3055	3208	3368	3270	3434	3606	3786	3000	
CERC- Fuel Cost for State of Haryana	3055	3208	3368	3270	3434	3606	3786	3975	4173

b. Despite the consistent past practice of providing 5% escalation to the fuel cost at Rs. 3270 in line with the CERC Regulations, the Hon'ble Commission has committed an error apparent while not considering this important fact and has reduced the fuel cost escalation from 5% to 2.93% which is not linked to market conditions and does not take into account inflation in diesel pricing and labour cost.

c. That the paddy straw/rice husk is available only seasonally i.e. for a period of 45-50 days in a year. It has been completely ignored although recorded and noticed by the Hon'ble Commission in its order dated 21.03.2022. Apart from this, the fact that ground/market price of the paddy husk which would range from anywhere between Rs. 1.70 to Rs. 3.5 per quintal has been completely ignored. The seasonal availability of paddy husk and its consequent price variation and transportation cost is established by the bills raised on the Petitioner from time to time, which is tabulated below:-

Date	Seller	District/State	Qty/Rs (Per Quintal)	Rate/Rs. (Per Quintal)	Rate/ Rs. (Per Ton)
03.06.2022	M/s Anand Enterprices	Karnal	369.10	905/-	9050
03.06.2022	Prabhu Trading Co.	Ambala	390.30	910/-	9100
06.06.2022	M/s Balaji Enterprises	Kurukshetra	529.50	905/-	9050
07.06.2022	Suraj Trading Co.	Sangrur Punjab	269.40 320.40 256.70 344.30	910/-	9050
08.06.2022	Singla Feed Products	Sunam,Punjab	312.00 276.20	905/-	9050
11.06.2022	Shiv Shankar Trading	Sangrur,Punjab	267.10	905/-	9050
29.06.2022	Balaji Trading Co.	Sangrur,Punjab	263.50 339.90	905/-	9050
30.06.2022	Balaji Trading Co.	Sangrur,Punjab	332.90 311.10 336.70 328.10 330.90 257.90 373.30	905/-	9050

- d. The fuel cost determined at Rs 3,313.94/Mt. has been arrived at by the Hon'ble Commission by relying on the report submitted by the MDU, Rohtak which is not a public report/public document and neither available in public domain. No such report was made available for perusal of the petitioner.
- e. The fuel cost of Rs 3400 per MT considered by the Commission as cost of biomass fuel in the order is unrealistic as the cost of all inputs have gone up drastically. The two main costs contributing towards the cost of biomass are labour cost and diesel costs other than the amount of money which is paid to the farmer for the biomass fuel. Further, it is to be borne in mind that biomass fuel has inherent moisture and dust which cannot be removed, thereby resulting in higher cost due to low calorific value of the fuel. For this reason also the impugned order dated 21.03.2022 is liable to be reviewed.
- f. That the petitioner's PPA was signed in the year 2012 and the power plant came to be commissioned in the year 2014, resultantly, the design of the Boiler in the power plant is not feasible for fuel mixing [70% biomass with 30% paddy straw] Thus, with regard to existing plant which have already been commissioned in earlier control periods, it may be noted that changing the fuel mix by providing 30% weightage to paddy straw will be forcing the plants to operate with fuel beyond what they have been designed for.

- g. The RE Regulations provide that the biomass power projects should be designed to utilize multiple fuels available within the vicinity of the plant. Paddy straw is not cultivated all over the State of Haryana and hence allocating 30% weightage to paddy straw for fuel cost determination would result in forcing the plants to source the biomass fuel from faraway places while ignoring the biomass available in the vicinity of the plants.
- h. That the petitioner's cost of acquisition of per MT of biomass at Rs. 8000/- has been ignored and not dealt with in the order dated 21.03.2022.

2.6 Following prayers have been made by the petitioner: -

- i. review of the order dated 21.03.2022 passed by the Hon'ble Commission in Case No. HERC/petition No. 52 of 2021 in the matter of Suo Moto re-determination of fuel cost to the extent that the existing mechanism of fuel cost determination with 5% escalation be followed;
- ii. direct that determination of fuel cost should be done as per the CERC Regulations at Rs. 3975/MT for the FY 2021-22 with 5% escalation thereafter;
- iii. direct that procurement of fuel be done by the Power Purchase/Department of Power and the generator be charged separately for such procurement.
- iv. direct that the tariff being paid to the petitioner should incorporate the cost of setting up of new boiler to accommodate the fuel mixing of 70% bagasse and 30% paddy straw.
- v. pass any other order(s) and/or direction(s) as may be deemed fit and proper by the Hon'ble Commission in the facts and circumstances of the present case.

#### **Proceedings in the Case**

- 3. The case was heard on 09.11.2022, as scheduled, in the court room of the Commission. The delay in filing the present review petition is condoned.
- 4. The learned counsel for the petitioner mainly reiterated the contents of its petition, which for the sake of brevity has not been reproduced herein. Additionally, Dr. Malvika Singh, the learned counsel for the petitioner, vehemently argued on the maintainability of the present petition, relying on Section 114 of the Code of Civil Procedure, 1908 (CPC) and Order 47 Rule 1. In this regard, the counsel cited a few judgements of the Hon'ble Supreme Court, as under:-

3.1 In *BCCI and another v. Netaji Cricket Club* (2005) 4 SCC 741, the Hon'ble Supreme Court has held as under:

*“88. We are, furthermore, of the opinion that the jurisdiction of the High Court in entertaining a review application cannot be said to be ex facie bad in law. Section 114 of the Code empowers a court to review its order if the conditions precedent laid down therein are satisfied. The substantive provision of law does not prescribe any limitation on the power of the court except those which are expressly provided in Section 114 of the Code in terms whereof it is empowered to make such order as it thinks fit.*

*89. Order 47 Rule 1 of the Code provides for filing an application for review. Such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of the record but also if the same is necessitated on account of some mistake or for any other sufficient reason.*

*90. Thus, a mistake on the part of the court which would include a mistake in the nature of the undertaking may also call for a review of the order. An application for review would also be maintainable if there exists sufficient reason therefor. What would constitute sufficient reason would depend on the facts and circumstances of the case. **The words “sufficient reason” in Order 47 Rule 1 of the Code are wide enough to include a misconception of fact or law by a court or even an advocate. An application for review may be necessitated by way of invoking the doctrine “actus curiae neminem gravabit”.***

*91. It is true that in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius* [(1955) 1 SCR 520 : AIR 1954 SC 526] this Court made observations as regards limitations in the application of review of its order stating: (SCR p. 529)*

*“Before going into the merits of the case it is as well to bear in mind the scope of the application for review which has given rise to the present appeal. It is needless to emphasise that the scope of an application for review is much more restricted than that of an appeal. Under the provisions in the Travancore Code of Civil Procedure which is similar in terms to Order 47 Rule 1 of our Code of Civil Procedure, 1908, the court of review has only a limited jurisdiction circumscribed by the definitive limits fixed by the language used therein. It may allow a review on three specified grounds, namely (i) discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by him at*

*the time when the decree was passed, (ii) mistake or error apparent on the face of the record and (iii) for any other sufficient reason. It has been held by the Judicial Committee that the words 'any other sufficient reason' must mean 'a reason sufficient on grounds, at least analogous to those specified in the rule'."*

***but the said rule is not universal.***

**93.** *It is also not correct to contend that the Court while exercising its review jurisdiction in any situation whatsoever cannot take into consideration a subsequent event. In a case of this nature when the Court accepts its own mistake in understanding the nature and purport of the undertaking given by the learned Senior Counsel appearing on behalf of the Board and its correlation with as to what transpired in the AGM of the Board held on 29-9-2004, the subsequent event may be taken into consideration by the Court for the purpose of rectifying its own mistake."*

Thus, invoking the doctrine of "*actus curiae neminem gravabit*" meaning that the act of court shall prejudice no one, the petitioner has submitted that the Hon'ble Commission's misconception of fact that fuel cost of Rs 3113.14/MT in respect of square bales within 25 KMs of the project location, makes the impugned order dated 21.03.2022 liable to be reviewed by correcting such misconception of fact/error which is apparent. The petitioner has submitted that they are primarily dependent upon procurement of paddy straw outside the vicinity of the power plant and even from the State of Punjab; thus stand to prejudice from the Hon'ble Commission's such misconception of fact.

- 3.2 The petitioner has submitted that this Hon'ble Commission while reducing the cost escalation of the cost of fuel from 5% to 2.93%, has not considered its past practice and increase in input costs due to inflationary pressures. Further, the fact of lower Gross Calorific Value of paddy straw and the issue of fuel mixing which increases the damage to the boiler resulting in higher capital cost, were ignored. The Hon'ble Commissions has simply stated "*at this stage, the Commission is not going into the merits of the issues raised vis-à-vis calorific value of fuel, station heat ratio, fuel mix etc.*". There is no consideration and/or discussion of decline in cost escalation and the said issue has been overlooked by the Hon'ble Commission. In this regard, the reliance is placed on the following judgements of the Hon'ble Supreme Court:-

In *Rajender Singh v. Lt. Governor, Andaman & Nicobar Islands*, (2005) 13 SCC 289, the Hon'ble Supreme Court has held as under:-

*“15. We are unable to countenance the argument advanced by learned Additional Solicitor General appearing for the respondents. **A careful perusal of the impugned judgment does not deal with and decide many important issues as could be seen from the grounds of review** and as raised in the grounds of special leave petition/appeal. **The High Court, in our opinion, is not justified in ignoring the materials on record** which on proper consideration may justify the claim of the appellant. Learned counsel for the appellant has also explained to this Court as to why the appellant could not place before the Division Bench some of these documents which were not in possession of the appellant at the time of hearing of the case. **The High Court, in our opinion, is not correct in overlooking the documents relied on by the appellant and the respondents. In our opinion, review jurisdiction is available in the present case since the impugned judgment is a clear case of an error apparent on the face of the record and non-consideration of relevant documents.**XXX*

In **Ganesh Trading Company v. Government of Maharashtra, 2007 SCC OnLine Bom 184**, the Hon'ble Supreme Court has held as under:-

*“6. In yet another case reported in 2003 (12) SCC 339, Eastern Coalfields v. Joscon, the Apex Court ruled that **the party had a right to file a review application when the Court ignores some of the contentions raised before it. In the case at hand, it appears that the learned counsel for the applicants did raise a plea that the order is not correct as no application was filed under section 8 of the Arbitration Act. This Court, while dealing with the submission has simply observed that the Court has examined the impugned order and the reference order is correct. Apparently, therefore, the argument, as was raised, was not dealt with at all.** It was contended that the Court had also ignored the other argument that the defendant by filing written statement had submitted to the jurisdiction of the Court and hence no reference could be made. I am in agreement with the argument of the learned counsel that the argument though advanced, it was not dealt with. The review, therefore to my mind, is quite maintainable.”*

In **Eastern Coalfields v. Joscon, (2003) 12 SCC 339**, the Hon'ble Supreme Court has held as under:-

*“8.XXX A party to a lis may raise several contentions in the petition on the grounds of appeal but would confine his argument only to one question. **In the event, some other questions had been raised before the High Court which had not been dealt with by it, it is open to the party to file an application for review.** In the instant case, the appeal was disposed of at an interlocutory stage by treating the appeal on day's list. It is,*

therefore, inconceivable that the learned Judges would not notice the arguments of the learned counsel appearing on behalf of the appellant.

**9. If the appellant was aggrieved against the statement of fact contained in the judgment, it was open to him to file a review before the High Court which he did not propose to do.** Under such circumstances, we are not disposed to entertain this argument of the learned counsel for the appellant.”

In **State of J&K v. R.K. Zalpuri, (2015) 15 SCC 602**, the Hon'ble Supreme Court has held as under:-

**“19. We have referred to the aforesaid authorities as we are of the convinced opinion that in the present case, there was a manifest error by the High Court, for it had really not taken note of the stand and stance that was eloquently put by the State as regards the delay and laches. The averments in the writ petition were absolutely silent and nothing had been spelt out why the delay had occurred. The Single Judge, as stated earlier had chosen not to address the said issue. The Division Bench in the appeal addressed the submission, totally being oblivious of the ground pertaining to delay and laches clearly stated in the memorandum of appeal, and modified the order passed by the learned Single Judge as if that was the sole submission. It needs no special emphasis to state that in the obtaining factual matrix, the application for review did not require delving deep into the factual matrix to find out the error. It was not an exercise of an appellate jurisdiction as is understood in law. It can be stated with certitude that it was a palpable error, for the principal stand of the State was not addressed to and definitely it had immense significance and hence, the same deserved to be addressed to. Therefore, we are compelled to think that the order required review for the purpose of consideration of the impact of delay and laches in preferring the writ petition. Be that as it may, we shall proceed to deal with the repercussions of delay and laches, as we are of the considered opinion that the same deserves to be addressed to in the present case.”**

The petitioner has further submitted that the costs associated with procurement of paddy straw owing to its seasonality, storage, moisture content, collection and its lower GCV were hitherto pointed out; yet the contentions and arguments raised in this respect have been overlooked and had they been considered the *lis* would have been decided differently by the Hon'ble Commission.

- 3.3 The petitioner has submitted that violation of natural justice is a ground for maintaining review application. The petitioner has adverted to the Hon'ble Commission's non-

consideration of the specific stand of the renewable energy power project developers that while accepting the Maharishi Dayanand University, Rohtak's report, proposing cost of paddy straw at Rs 3113.14/MT (square bale up to 25 KMs) (hereinafter referred to as 'the MDU Report'), was not made available to the stakeholders/ put in public domain, so as to enable them to rebut its contents. Although the Hon'ble Commission has recorded the aforesaid objection in its order dated 21.03.2022 but it has not dealt with such objection; rather proceeded to rely on the MDU Report (to the detriment of the stakeholders) whose contents were not made available to the stakeholders including the petitioner. Such non-consideration not only is fatal to the principles of natural justice but is also a ground for preferring and maintaining a review application. In this regard the Hon'ble Supreme Court in ***Indian Council for Enviro-Legal Action v. Union of India (2011) 8 SCC 161*** holding violation of principles of natural justice to be a ground for maintaining review application has stated as under:

*139. Reviewing of various cases of different jurisdictions leads to irresistible conclusion that though the judgments of the Apex Court can also be reviewed or recalled but it must be done in extremely exceptional circumstances where there is gross violation of principles of natural justice.*

#### **Commission's Order**

5. The Commission has heard the arguments of the petitioner at length as well as perused the written submissions placed on record by it.
6. The Commission, before going into the merits of the review sought of the Commission's order dated 21.03.2022 (impugned order), has considered it appropriate to settle the issue of maintainability, agitated herein relying on certain judgements of the Apex Court, reproduced earlier in the present order.
  - i. The case laws cited by the petitioner, provides that the scope of an application for review is much more restricted and in order to be maintainable, the conditions precedent laid down for the purpose must be satisfied (BCCI and Anr V. Netaji Cricket Club (2005) 4 SCC 741).
  - ii. In view of the above, the Commission has tested the present review petition on the anvil of the 'condition precedent'.
  - iii. The 'condition precedent' include an error apparent on the face of record, discovery of a new and important piece of evidence, new facts and figures that were not known at the

time of passing of the order and for any other sufficient reasons including some mistake (Order 47 Rule 1 of CPC). Additionally, the petitioner emphasized the case law where the maxim of “actus curiae neminem gravabit” i.e. act of court shall prejudice no one and the principles of natural justice (BCCI and another v. Netaji Cricket Club (2005) 4 SCC 741) has been invoked.

iv. The petitioner has pointed out ‘error apparent’ by alleging that this Commission, while passing the impugned order, has overlooked certain costs associated with the procurement of paddy straw / stubble. Further, it has been submitted that this Commission, while relying on the report of Maharshi Dayanand University (MDU), Rohtak and by not making the said report / study available in the public domain, has violated the principles of ‘natural justice’ as the petitioner was devoid of the opportunity to rebut the findings of the MDU Rohtak.

Given the above averments, the Commission has examined, at length, the ‘error apparent’ pointed out by the petitioner while preferring the present review petition.

It has been submitted by the petitioner that this Commission has deviated from the norms notified by the Hon'ble Central Electricity Regulatory Commission (CERC) w.r.t. fuel cost (biomass) and annual escalation factor (%). The petitioner seems to have lost sight of the fact that it is a well-established principle that the State Commissions are bound by their own Regulations. The petitioner herein is seeking higher fuel cost in line with the CERC which is higher than that determined by this Commission, while HPPC / Discoms who procure power from biomass-based generators for onward supply to the electricity consumers of Haryana, is seeking lower cost of biomass/fuel. Moreover, HPPC / Discoms have preferred statutory appeal against the impugned order dated 21.03.2022 in the Hon'ble Appellate Tribunal for Electricity, New Delhi.

Further, it has been alleged that this Commission, while pegging the escalation factor at 2.93% per annum during the control period, did not consider the market conditions / inflationary pressures. Regarding this, the petitioner needs to note that while exercising legislative powers vested in it under section 61 read with section 181 of the Electricity Act, 2003, the Commission, after following the due process including prior publication and hearing, gave a final shape to the “Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulation, 2021 for the control period from the FY 2021-22 to FY 2024-25”. In the said notified

Regulations, the Commission had, after assigning appropriate weightage to the Wholesale Price Index (WPI) and Consumer Price Index (CPI) worked out an escalation factor at 2.93%. Hence, the contention of the petitioner is without any merit. Moreover, the Regulations notified by this Commission is in the nature of delegated legislation, against which a judicial review may lie in the Hon'ble High Court of competent jurisdiction. However, a review petition against any or all the provisions of the Regulations notified by this Commission is not maintainable and SERCs are also bound by their own Regulations as also held by the Hon'ble APTEL in a catena of judgements.

The Commission has examined the submissions of the petitioner on 'fuel cost' as under:

"38. Fuel Cost. – Biomass fuel price during first year of the Control Period shall be Rs. 3000 /MT and shall be escalated at the rate of 2.93% per annum for arriving at the levelised tariff for the entire useful life of the project.

Provided Further, that the Commission, for biomass / bagasse-based power project, both existing and to be set up, may consider two part tariff wherein the **fixed cost shall be the levelised tariff already determined for the existing projects and the fuel cost shall be as determined on a year to year basis** (emphasis added) so that the fuel cost remain aligned to the prevailing market conditions".

Accordingly, in line with the *ibid* statute, this Commission determined the fuel cost (Rs/MT). However, the study commissioned by this Commission (MDU Rohtak) was specifically targeted at paddy stubble and not biomass / biomass mix. Hence, due to enhanced cost of paddy stubble, the biomass rate was also increased in proportion to the weight assigned to it i.e. 30% in biomass fuel price. Consequently, no facts and figures were overlooked while passing the impugned order. Any increase in cost of power / fuel cost imposes financial burden on the entire electricity consumers of Haryana, hence, the Commission makes an endeavor to balance the interest of the consumers as well as that of the power producers. Needless to add, after assured RoE, fuel cost is not an area to seek profit.

**Having held as above, the Commission, at this stage, finds no infirmity in the fuel cost and GCV of the fuel determined by the Commission in line with the HERC Regulations in vogue; vide its impugned order.**

The petitioner, while presenting different figures at different places in its petition i.e. Rs. 9050 / MT based on the bills raised on the petitioner, Rs. 8000 / MT claimed as the cost of acquisition has prayed for being allowed Rs. 3975 / MT with 5% annual escalation as per the Regulations notified by the Hon'ble CERC. While seeking such relief, the petitioner lost sight of section 91(4) and section 61 and 61(a) of the Electricity Act, 2003, the former provides that the Commission may appoint consultants required to assist the Commission in the discharge of its function. Accordingly, this Commission assigned the task of primary data collection based on stratified random sampling and analysis of various cost component to MDU Rohtak. After due deliberations this Commission adopted the finding of the final report submitted by MDU Rohtak. The latter i.e. section 61 and 61(a) provides that the SERCs (Appropriate Commission) shall be guided by the principles and methodologies specified by the Central Commission for determination of the tariff applicable for generating companies and transmission licensees. A simple reading of this provision establishes the fact that the principles / methodologies notified by the CERC has not been made mandatory as such. Hence, along with other factors including State specific issues, CERC's principles / methodologies w.r.t. generation and transmission tariff is also one of the guiding factors.

The Commission has examined the contentions of the petitioner regarding mixing of 70% biomass and 30% paddy straw / stubble and the prayer that old boilers already installed are not designed to operate with 30% paddy straw / stubble. Additionally, paddy straw / stubble is also not available in the vicinity of their power plant and cost of transportation will add significantly to the cost of procuring paddy straw / stubble. The Commission observes that the HERC RE Regulations 2021 in vogue provides as under:-

“36. Fuel Mix. –

(3) Use of Fossil Fuel shall not be permitted. However, **at least 30%** (emphasis added) of the fuel requirement shall be met from Paddy Straw by all biomass/non- fossil-based cogeneration plants”.

In view of the ibid statute providing for fuel mix, the review against the same is not maintainable as the regulations can only be subjected to judicial review.

The petitioner, in its prayer clause, has sought directions from this Commission to the effect that procurement of fuel be done by the Power Purchase / Department of Power. Issuing such direction neither fall under the review jurisdiction of this Commission nor is within the powers of this Commission under the Electricity Act, 2003. Further, it needs to

be noted that this Commission in order to ensure transparency and equity for all the stakeholders had placed the draft HERC RE Regulations, 2021 in the public domain for inviting objections / comments / suggestions etc. Hence, the plea based on the principles of natural justice, which seems to be an afterthought, does not hold good.

In terms of the above discussions, the present petition seeing review of the Commission's order dated 21.03.2022, is dismissed as devoid of merits.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 23.11.2022.

Date: 23.11.2022  
Place: Panchkula

(Naresh Sardana)  
Member

(R.K. Pachnanda)  
Chairman

HERC