

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Review Petition No. 1 of 2025 and IA No. 1 of 2025

Date of Hearing	:	14.05.2025
Date of Order	:	12.06.2025

In the Matter of

Petition under Section 94 (1) (c) of the Act, 2003 (Electricity Act), read along with Regulation 57, 58, 65 and 66 of Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 (HERC 2019 Regulations) seeking review and modification of order dated 16.02.2024 in Case No. HERC/Petition -68 of 2023 passed by this Hon'ble Commission.

Petitioner

Haryana Vidyut Prasaran Nigam Limited (HVPNL)

Respondent

Nil

Quorum

**Shri Nand Lal Sharma
Shri Mukesh Garg**

**Chairman
Member**

INTERIM ORDER

1. The matter was taken up for hearing on 22.04.2025, as per the scheduled date, in the courtroom of the Commission. The present Review Petition has been filed by Haryana Vidyut Prasaran Nigam Limited (HVPNL) seeking reconsideration of the Commission's Order dated 16.02.2024 in Petition No- 68 of 2023, wherein carrying cost amounting to INR 10.86 million on terminal benefits was disallowed.
2. The Review Petition has been filed after a delay of 289 days beyond the 45-day limitation period prescribed under Regulation 57 of the HERC (Conduct of Business) Regulations, 2019. Along with the Review Petition, the Petitioner has also filed an Interlocutory Application seeking condonation of this delay.
3. Pursuant to the Commission's directions dated 23.04.2025, the Petitioner submitted an additional information supported by a chronology of events, explaining the reasons for the delay in filing the Review Petition.
4. It is noted that the Petitioner became aware of the impugned order shortly after its issuance in February 2024 and initiated internal consultations with relevant departments within a few weeks. The Petitioner filed another timely review petition on related tariff issues in March 2024. Subsequently, from May to July 2024, multiple internal reviews, recommendations from the Senior AO (Pension) and CAO, and legal

vetting processes took place, including engagement of external counsel with due approvals obtained by June 2024. The draft petition underwent several revisions incorporating legal and financial inputs, with final approvals from Whole Time Directors granted in December 2024. Filing formalities were completed in January 2025, with minor procedural defects rectified promptly in February 2025.

5. Upon perusal of the chronology, it is observed that the sequence of events, although demonstrating sustained procedural movement towards finalisation of the Review Petition, reveals **an inordinate and unjustifiable delay of nearly one year from the date of awareness of the impugned order.**
6. The Commission is constrained to record that the internal functioning of the Petitioner's offices demonstrates a degree of complacency incompatible with the regulatory obligations as **this delay reflects serious internal inefficiencies, and procedural laxity within the Petitioner's organizational hierarch and** is a direct consequence of poor coordination and pronounced sluggishness across multiple tiers of decision-making. While there is no mala fide intent or deliberate suppression, the delay unmistakably exposes administrative lethargy, a blatant lack of accountability, and a gross failure to act with the requisite promptness and diligence expected of a licensee under the Electricity Act.
7. Also, the review petitioner has placed reliance upon the decision of the Hon'ble Supreme Court in ***G. Ramegowda, Major and Others v. Special Land Acquisition Officer, Bangalore* [AIR 1988 SC 897]** in support of its prayer for condonation. However, the reliance is misplaced. In that case, the Hon'ble Court condoned delay on the ground that public authorities, bound by cumbersome procedures and institutional constraints, should be accorded latitude. Crucially, the context was land acquisition involving individual rights of compensation—a factually and legally distinguishable field.
8. In the instant matter, the delay relates to regulatory filings by a power utility governed by financial prudence and accountability, and where no such overarching public interest such as land acquisition or individual compensation is implicated. The degree of professional expectation and administrative efficiency from HVPNL is significantly higher.
9. Instead, the present case is more appropriately guided by the authoritative pronouncement in ***Basawaraj & Anr. v. Special Land Acquisition Officer* [(2013) 14 SCC 81]**, wherein the Hon'ble Supreme Court held that when the statutory scheme governing limitation is clear and unambiguous, **courts are not vested with discretionary powers** to extend the prescribed period merely on equitable grounds. The statutory limitation period must be enforced with full rigour, and equity cannot be

invoked to circumvent legislative intent. The law of limitation, being substantive in nature and aimed at achieving legal finality, cannot be diluted through sympathetic considerations. Accordingly, the Court held that **judicial leniency in condoning delay cannot be exercised in disregard of express statutory provisions**, lest it renders the limitation law otiose and unpredictable. This jurisprudence mandates a strict and reasoned application of limitation law where administrative negligence is apparent. The Commission cannot disregard these binding principles merely on grounds of procedural tolerance.

10. Nonetheless, the Commission is also guided by the jurisprudential balancing undertaken by the Hon'ble Supreme Court in **Collector, Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors. [(1987) 2 SCC 107]**, where it was held:

"When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred."

11. In weighing these divergent authorities, the Commission is persuaded **that while delay cannot be justified by mere internal inefficiency, the regulatory nature of this matter impacting tariff and consequential consumer interests requires adjudication on merits to avoid miscarriage of justice**. It is on this limited and cautious ground, without delving into the merits of the review itself, that the Commission finds it appropriate to condone the delay in filing.

12. Accordingly, and purely in the interest of justice and fair regulatory determination, **the delay of 289 days in filing the present Review Petition is condoned**. The Commission also finds support from the principles laid down by the Hon'ble Supreme Court in *N. Balakrishnan v. M. Krishnamurthy [(1998) 7 SCC 123]*, wherein it was held:

"Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. A litigant cannot be nonchalant or negligent and then seek indulgence of the court. However, the length of the delay is not material; acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned where the explanation is satisfactory."

13. The Interlocutory Application bearing IA No. 1 of 2025 seeking condonation of delay is therefore allowed and stands disposed of.

14. However, this Commission **strongly deprecates** the inefficiency and avoidable procedural delay caused by HVPNL and accordingly the review petitioner - HVPNL is

directed to initiate a time-bound departmental inquiry and fix responsibility on the officers who contributed to the procedural delay. A compliance report shall be filed within **30 days** from the date of this Order.

15. The matter shall now be **listed for public hearing** of the Review Petition on 05.08.2025, after issuance of Public notice with this effect.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12.06.2025.

Date: 12.06.2025
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman