

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

**Case No. HERC/P. No. 34 of 2023**

**Date of Hearing : 20.03.2024**

**Date of Order : 21.03.2024**

**IN THE MATTER OF:**

**Petition under Section 43, 46 and 50 of the Electricity Act, 2003 and Regulation 8 and 9 of the Haryana Electricity Regulatory Commission(Duty to Supply Electricity on Request , Power to recover expenditure incurred in providing Supply and Power to recover expenditure incurred in providing Supply and Power) 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**

Uttar Haryana Bijli Vitran Nigam, IP-3 & 4, Sector-14, Panchkula, Haryana – 125005

**VERSUS**

**Respondent(s)**

1. M/s Ansal Properties & Infrastructure, #15, Ansal Bhawan 16, Kasturba Gandhi Marg New Delhi-110001, through its Director Sh. Jagath Chandra.
2. Sushant City Resident Welfare Association (SCRWA), (Regd No.01143) Ansal Sushant City, Panipat-132103 through Sh. Suresh Gumber, President-RWA.

**Present**

**On behalf of the Petitioner**

1. Ms. Sonia Madan, Advocate
2. Sh. Pradeep Balodi, AE, UHBVN

**On behalf of the Respondent**

1. Sh. Varun Pathak, Advocate
2. Sh. Akhil Shandilya, Advocate

**QUORUM**

**Shri Nand Lal Sharma, Chairman  
Shri Naresh Sardana, Member  
Shri Mukesh Garg, Member**

## **INTERIM ORDER**

1. The case was heard on 20/03/2024, as scheduled, in the court room of the Commission.
2. At the outset, Ms. Sonia Madan, Advocate appearing for the petitioner submitted that rejoinder has been filed. The Counsel re-iterated the contents of the petition and asserted that the objections raised by the respondent in its reply regarding maintainability of the petition, Jurisdiction of the Commission, difficulty in implementing the regulations, Power to remove difficulty and recovery of development charges have already been addressed in the previous orders by the commission and all the petitions are maintainable, fall in the jurisdiction of the Commission and the Commission has all the powers to implement regulations and to remove difficulties, if any.
3. The counsel for the respondent contested that the Commission has adjudicatory powers only for the cases between distribution licensee and generator. The respondent is a colonizer and there is no provisions with regard to colonizers in the Electricity act. The counsel cited various judgements of Hon'ble Supreme Court and asserted that the agreement / License has been issued by DTCP and any dispute in this regard can only be addressed by their regulator. However, the counsel failed to produce documentary evidence before the Commission in support of his contentions. The Counsel requested for one weeks' time to submit compendium of judgments/citations.
4. After hearing the contentions of both the parties, the Commission observes that the documentary evidences of quoted citations are required for reference of the Commission and even opposite counsel is not in a position to counter in absence of the same.
5. The commission adjourns the matter and directs the respondent-developer to submit requisite documents with in a week with an advance copy to the petitioner.
6. The matter to come up next on 12/04/2024.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 21/03/2024.

**Date: 21/03/2024**  
**Place: Panchkula**

**(Mukesh Garg)**  
**Member**

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

**(Nand Lal Sharma)**  
**Chairman**