

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

**HERC/Petition No. 45 of 2025**

<b>Date of Hearing</b>	<b>:</b>	<b>26.09.2025</b>
<b>Date of Order</b>	<b>:</b>	<b>26.09.2025</b>

**IN THE MATTER OF:**

Petition under Section 61 and 62 read with 64(2) and Section 86(b) and 86(c) of the Electricity Act, 2003 read with Regulation 7 of the Haryana Electricity Regulatory Commission (Terms and conditions for determination of tariff from Renewable Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2021 for determination of tariff.

**Petitioner**

M/s. Fatehabad Bio Energy LLP

**Respondents**

1. Haryana Power Purchase Centre (HPPC), Panchkula
2. Haryana Renewable Energy Development Agency (HAREDA)
3. Haryana Vidyut Prasaran Nigam Ltd (HVPNL), Panchkula
4. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL)
5. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL)

**Present on behalf of the Petitioner**

1. Shri Namit Khurana, Advocate
2. Shri Mayank Wadhwa, Advocate

**Present on behalf of the Respondents**

1. Smt. Sonia Madan, Advocate for R-1, R-3, R-4 and R-5
2. Shri Lovepreet Singh, Advocate for R-1, R-3, R-4 and R-5
3. Shri Gaurav Gupta, XEN/HPPC
4. Smt. Renu Bala, AEE/Open Access, HVPNL
5. Shri Rajeev Kumar, Chief Engineer, SO & Commercial, HVPNL
6. Shri Anil Kumar Sharma, Chief Engineer, Commercial, DHBVNL
7. Shri Vishal Bhatnagar, SE-A, HAREDA
8. Shri Sunit Kumar, STM, HAREDA

**Quorum**

**Shri Nand Lal Sharma  
Shri Mukesh Garg  
Shri Shiv Kumar**

**Chairman  
Member  
Member**

**INTERIM ORDER**

1. The case was taken up for hearing on 26.09.2025, as scheduled.
2. At the outset, Ms. Sonia Madan, the learned counsel appearing for respondent no. 1, 3, 4 and 5, averred that the petitioner has filed its rejoinder on 10.09.2025 running into 6 volumes without any categorisation/summarisation/identification along with additional

documents which ought to have been filed along with original petition. Faced with these circumstances, Ms. Madan prayed for grant of four weeks time to file its sur-rejoinder/response to the new documents and submissions.

3. Per-contra, Shri Mayank Wadhwa along with Shri Namit Khurana, the learned counsels appearing for the petitioner, vehemently argued that the paddy procurement season is about to begin and will be over by mid of October, 2025. The petitioner has been continuously incurring costs for fuel procurement, operations and maintenance, debt servicing etc. The payment received from HPPC upon the grant of interim tariff of Rs. 4.60/kWh, in respect of the generation from 11.05.2023 till 28.04.2025 as well as for the current generation, has been exhausted in the repayment of bank dues. The counsels requested for grant of levelized tariff in the interim till the determination of final tariff by this Hon'ble Commission.
4. Upon hearing the parties, the Commission observes that paddy straw procurement season is very short and in case the petitioner is not able to lift the paddy straw within the short span of time, farmers shall be forced to burn the same in fields, which is against the basis objective of commissioning of such power projects. The Commission is of the view that power generated by an environmentally benign paddy-straw based power plant which have been granted 'Must Run' status, should be promoted and cannot be allowed to remain stranded. The Commission observes that in the order dated 26.03.2025 (Petition No. 1 of 2025), fuel cost of Rs. 5.33/kWh was determined for the FY 2024-25, in respect of 100% paddy straw- based power projects using Air Cooled Travelling Grate Boiler. The Commission has taken note of the argument advanced by Ms. Madan that in the project specific tariff determination, the petitioner is not allowed generic tariff and every parameter has to be approved based on actuals subject to the prudence check of the Commission. Nevertheless, there are other fixed costs also such as O&M Expenses, interest on term loan, working capital, etc., which are bound to be incurred in the generation of electricity, but the fuel cost is the bare minimum necessity of the generator, which has to be incurred in the procurement of fuel for the whole year during the short span of time.
5. Accordingly, the Commission decides that the interim tariff of Rs. 4.60/kWh, granted earlier, vide its interim order dated 10.06.2025 shall be substituted by Rs. 5.33/kWh, in respect of the generation from 11.05.2023 till 28.04.2025 as well as for the current generation. HPPC is directed to make the payment of the differential amount within ten days from the date of this order, failing which HPPC shall be liable to pay interest @

12% p.a., from the date of expiry of the period of ten days to the date of actual payment. Needless to add that the interim tariff of Rs. 5.33/unit shall be subject to adjustment upon final determination of tariff by the Commission.

6. Further, the petitioner is directed to file the tabular statement segregating and indexing all the documents forming part of their pleadings equipment/work wise and providing a breakdown of aggregate expenditure reflected in the invoices vis-à-vis claimed expenditure, as sought by the respondents, latest by 5.00 PM of 29.09.2025, with advance copy to the respondents. The respondents may file sur-rejoinder/response on the same, by 08.10.2025.
7. Chief Engineer/SO & Commercial, HVPNL and Chief Engineer/Commercial, DHBVNL, are directed to be present in the next date of hearing.
8. The case shall be listed for arguments on 09.10.2025.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 26.09.2025.

**Date: 26.09.2025**  
**Place: Panchkula**

**(Shiv Kumar)**  
**Member**

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

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