

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA
Case No. HERC/Petition No. HERC/PRO 33 of 2015
and HERC/PRO 35 of 2015

Date of Hearing : 25.09.2025
Date of Interim Order : 26.09.2025

IN THE MATTER OF:

Judgement dated 12.08.2025 passed by Hon'ble APTEL in Appeal No. 82 of 2017 (Faridabad Industries Association Vs. HERC and Ors).

And

In the matter of

Petition for True-up of the ARR for the FY 2014-15, Annual (Mid-Year) Performance Review for the FY 2015-16 and determination of Revised ARR and Distribution and Retail supply tariff for the FY 2016-17 for Uttar Haryana Bijli Vitaran Nigam Limited (UHBVNL) and Dakshin Haryana Bijli Vitaran Nigam Limited (DHBVNL), under the provisions of the Haryana Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Distribution & Retail Supply under Multi Year Tariff Framework) Regulations, 2012, read with section 45, 46, 47, 61, 62, 64 & 86 of the Electricity Act, 2003.

Petitioner

1. Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVNL)
2. Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL)
3. Haryana Vidyut Prasaran Nigam Ltd. (HVPNL)

Respondent

1. M/s. Faridabad Industries Association (FIA)

Present on behalf of the Petitioner

1. Col. P.K. Sharma, President, FIA

Present On behalf of the Respondents

1. Ms. Sanaya, Advocate
2. Mr. Anirudh Narsaria, Advocate
3. Mr. Puneet Kundu, SE/RA, UHBVNL
4. Mr. Sumit, JSE/RA, DHBVNL
5. Mr. Anirudh, Consultant, DHBVNL
6. Ms. Kusum, SDO/RA, DHBVNL

Quorum

Shri Nand Lal Sharma
Shri Mukesh Garg
Shri Shiv Kumar

Chairman
Member
Member

INTERIM ORDER

1. The case was heard on 25.09.2024, as scheduled, in the court room of the Commission.
2. At the outset, the Commission observes the judgement of the Hon'ble Appellate Tribunal for Electricity (APTEL) dated 12.08.2025, wherein the APTEL has observed as under:-

“44. The Respondents concede partial non-compliance but submit an explanation by reiterating that the data availability is restricted by the structural division of the electricity network: distribution licensees’ control and thus have data for voltage levels up to 33 kV, while higher voltages (66 kV and above) lie within the transmission licensee’s (HVPNL) domain, whose data is not entirely accessible to the Discoms.

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47. It is evident that the Respondents have made partial but incomplete progress in meeting the mandated data submission requirements. The structural impediment regarding data above 33 kV is acknowledged, but should not be a shield against proactive and documented coordination with HVPNL. Similarly, projects such as consumer indexing and feeder indexing must achieve full fruition within reasonable, monitored timelines.

48.Non-submission of finer data does not per se invalidate tariff orders, provided that the Commission actively directs improvement, transparently records limitations, and, where feasible, coordinates across entities for data acquisition.

49. At the same time, the Tribunal stresses that continued, unexplained non-compliance is unacceptable. Going forward, the Commission and licensees are directed to:

- Prepare and make public comprehensive timelines and action plans for data adequacy;*
- Document all efforts at coordination with HVPNL and other stakeholders to acquire missing voltage-wise data;*
- Conduct and report annually on progress in consumer and feeder indexing projects and metering enhancements;*
- Consider regulatory sanctions or adverse inferences in utility filings for unjustified non-compliance.*

50. We direct the State Commission to ensure the same within strict timelines, but in no way to exceed two years from now.

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55. We, however, direct that the Cross Subsidy Surcharge as decided in the Tariff Order shall be paid for the disputed period, subject to final determination based on category-wise and voltage-wise determination.

56. We also direct that in case of failure to determine category-wise and voltage-wise Cross Subsidy Surcharge, the Cross Subsidy Surcharge paid by the Appellant shall be adjusted on the basis of the Cross Subsidy Surcharge paid immediately before the disputed period.

ORDER

For the foregoing reasons as stated above, we are of the considered view that the Appeal No. 82 of 2017 has merit and is allowed on the aforesaid terms.

The Impugned Order dated 01.08.2016 passed by the Haryana Electricity Regulatory Commission is hereby set aside to the extent indicated above. The matter is remanded back to the Haryana Electricity Regulatory Commission with a direction to undertake a fresh adjudication after obtaining and analyzing complete, category-wise and voltage-wise data on cost of supply and AT&C losses from the distribution licensees and to pass a speaking order with proper rationale and justification for fixing the cross-subsidy surcharge and additional surcharge, that reflects a fair, transparent, and data-driven approach, expeditiously but in no way later than 2 years from the date of this judgment.”

3. Consequently, the Commission took-up the issue suo-motu and scheduled the case for hearing on 25.09.2025.
4. Upon hearing the parties, the Commission directs the petitioners (DHBVNL and UHBVNL, collectively referred to as ‘DISCOMs’ along with HVPNL) to file its detailed written submissions under affidavit in compliance of the following directions of Hon’ble APTEL in the ibid order, by 31.10.2025, with copy to the respondents:-
 - 4.1. Prepare and make public comprehensive timelines and action plans for data adequacy;
 - 4.2. Document all efforts at coordination with HVPNL and other stakeholders to acquire missing voltage-wise data;
 - 4.3. Conduct and report annually on progress in consumer and feeder indexing projects and metering enhancements;
 - 4.4. Voltage-wise and Consumer-category-wise CoS, by adopting an approach / methodology which closely and most appropriately presents the true and fair view. Further, given the fact that uniform tariff is determined for the State as a whole, Discoms may arrive at the ‘average consumer category wise and voltage-wise Cost of Supply’, for the state as a whole.
5. The Commission observes that HVPNL is an essential party in the case and impleads HVPNL, as petitioner no. 3.
6. The registry of the Commission is directed to provide a fresh petition number.
7. The case to come up for hearing on 12.11.2025.

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