

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

**[HERC/Review Petition No. 9, 10 & 11 of 2020
Along with RA-2 of 2016]**

**Date of Hearing : 19.11.2025
Date of Order : 20.11.2025**

In the Matter of

Remand back in LPA no 2352-2025 (O&M) and connected cases by Hon'ble Punjab and Haryana High Court, vide order dated 15.09.2025 in the case of Jindal Stainless Ltd. Vs. State of Haryana & others.

Petitioner

Haryana Vidyut Prasaran Nigam Limited (HVPNL)

Respondent (s)

1. Jindal Stainless Limited.
2. DCM Textile
3. Hisar Metal Industries
4. Punjab General Industries Pvt. Ltd.
5. Asahi India Glass Limited
6. BSL Casting Pvt. Ltd.
7. Neel Metal Products Ltd.
8. New Alle Berry Works
9. Star wire (India) Ltd.
10. Jai Bharat Maruti Ltd.
11. JBM Industries Ltd.
12. JBM Auto Ltd.
13. Sadhu Forging Ltd.

Present on behalf of the Petitioner

1. Shri Raheel Kohli, Advocate
2. Shri Ashok Mathuria, Xen/OA, HVPNL

Present on behalf of the Respondent

1. Shri Prateek Gupta, Advocate
2. Ms. Rose Gupta, Advocate

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 19.11.2025, as scheduled.
2. The Commission in its order dated 31.03.2016, while disposing of the Annual Transmission Tariff Petition No. 31 of 2015 filed by HVPNL, decided that Short Term Open Access (STOA) charges for the FY 2016-17, shall be Rs. 0.33/kWh i.e. annual transmission charges approved as divided by the energy drawn by the distribution licensee.
3. HVPNL filed a review petition no. RA-2 of 2016, against the ibid order of the Commission dated 31.03.2016 praying that STOA may be fixed at Rs. 0.43/kWh as against Rs.

0.33/kWh fixed in the ibid order dated 31.03.2016, considering the energy sold by Discoms in the FY 2015-16, in accordance with 2nd Proviso to Regulation 50 (b) of HERC MYT Regulations, 2012, which was rejected.

4. In view of the above, HVPNL filed an appeal against the ibid order dated 31.03.2016 of this Commission, before Hon'ble Appellate Tribunal for Electricity (APTEL vide Appeal No 214 of 2017).

5. Hon'ble APTEL in its order dated 28.08.2019, decided as under:-

"8.4 In view of these facts, we are of the opinion that the State Commission ought to have determined the STOA charges for the year in question as per its MYT Regulations and not otherwise.

For the forgoing reasons, we are of the considered opinion that the issue pressed in the present appeal, being Appeal No. 214 of 2017, has merits and, hence, the Appeal is allowed. The impugned Order dated 08.11.2016 passed by the Haryana Electricity Regulatory Commission in Review Petition, being Case No. HERC/RA-2 of 2016 as merged in the Order dated 31.03.2016 in Case No. HERC/PRO -31 of 2015, is hereby set aside to the extent challenged in the appeal by the Appellant. The matter stands remitted back to the State Commission with a direction to re-determine the STOA charges in accordance with law within a period of three months from the date of this judgment and order.

6. In pursuant the above decision of Hon'ble APTEL, the Commission, issued a consequential order dated 22.10.2019, deciding as under:-

"4. The Commission, in light of the above judgement, redetermines the STOA charges for short term open access consumers, as proposed by the petitioner in its review petition no. HERC/RA-2 of 2016, @ Rs. 0.43/kWh for the FY 2015-16."

7. The Commission also issued a corrigendum dated 20.11.2019, whereby the FY 2015-16, mentioned in the order dated 22.10.2019, was corrected as FY 2016-17.

8. In order to give effect to the ibid order of Hon'ble APTEL dated 28.08.2019 in the subsequent Financial Years, HVPNL filed review petition nos 9, 10 and 11 of 2020, for re-determination of STOA for the Financial Years 2017-18, 2018-19 and 2019-20, respectively.

9. The Commission, in accordance with 2nd proviso to MYT Regulations, 2012 as well as under the directions of Hon'ble APTEL, allowed the review petitions filed by HVPNL, vide its order dated 13.09.2021.

10. Against the ibid orders of the Commission, 13 nos. of Short Term Open Access Consumers, filed an Appeal in the Hon'ble Punjab and Haryana High court (LPA No. 2352-2025 (O&M) and connected cases), which was decided on 15.09.2025. The operative part of the order is as under:-

“Further, the direction which is being given while disposing of the present appeals is that, only those appellant (s) who have raised grievance with regard to non-hearing while fixing STOA charges, may be given an opportunity of hearing by the respondent-H.E.R.C within a period of eight weeks from the date of receipt of certified copy of this order. The said hearing can be a joint hearing of all the concerned parties by the H.E.R.C and after conclusion of said hearing, the points which may be raised by the appellant (s), be taken into consideration so as to decide whether the STOA charges which have been enhanced, needs a reconsideration at the hands of H.E.R.C or not. In case, as per the argument raised by all the appellant (s), the H.E.R.C. reaches to a conclusion that the STOA charges fixed vide impugned order needs to be revised, an action be taken accordingly by the H.E.R.C. Further, in case the charges which have been fixed by the H.E.R.C., by the impugned order are in accordance with law, appropriate order be passed on the said issue. It is noticed that in case the enhanced STOA charges are upheld by the H.E.R.C even after hearing the appellant (s), the Distribution Licensee will be entitled to recover the amount for which the demand has already been raised against the appellant (s).

Till any such fresh order is passed by respondent- H.E.R.C, the Distribution Licensee will not pursue the demand of money from appellants qua revised and enhanced charges which has already been raised.”

11. Consequently, the Commission took-up the issue suo-motu and decided that a public notice may also be given, so that any other stakeholder can also raise objection and file its comments, in the re-determination of STOA, under remand back from Hon'ble Punjab & Haryana High court.
12. Accordingly, a public notice was given in two newspapers viz Dainik Tribune and Indian Express, both dated 18.10.2025, inviting comments/objections on or before 28.10.2025 and intimating the date of hearing as 07.11.2025. The hearing fixed for 07.11.2025 was later adjourned to 19.11.2025.
13. Notice of hearing as well as adjournment was hosted on the website of the Commission as well as notice through email was sent to all the appellants before Hon'ble Punjab & Haryana High court. However, no comments have been filed by any stakeholder in the Commission yet
14. However, Shri Prateek Gupta, the learned counsel appearing for the respondent (s), sought further time to file its comments. In order to give a final opportunity to the appellants before Hon'ble Punjab & Haryana High court (respondents in the present lis), the Commission adjourns the case and allows the respondents to file their comments/objections within 2 weeks from the date of this order under affidavit along with power of attorney from all the respondents, with an advance copy to the petitioner (HVPNL). The petitioner (HVNPL) is allowed to file its reply on the same, within two weeks thereafter.

15. The registry of the Commission is directed to provide a fresh petition number to all the four review orders challenged before Hon'ble Punjab and Haryana High court passed in review petition nos. RA-2 of 2016, RA-9 of 2020, RA-10 of 2020 and RA-11 of 2020, which shall be heard as a bunch matter.
16. The case to come up for hearing on 06.01.2026.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 20.11.2025.

Date: 20.11.2025
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member

Sd/-
(Nand Lal Sharma)
Chairman