

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

Case No. HERC/Petition No. 14 of 2024

Date of Hearing : 29/04/2024

Date of Order : 03/05/2024

IN THE MATTER OF:

Petition on behalf of the petitioner under Section 181 of the Electricity Act, 2003 and Regulations 16 and 17 of HERC (Electricity Supply Code), Regulations, 2014 read with Regulations 65, 68, 69, 70 and 71 of HERC (Conduct Of Business) Regulations, 2019, seeking relaxation/removal of difficulty thereto of clauses 4.4 and 4.5 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 along with clause 1(c) of sales circular no. U-20/2020 dated 31.08.2020 in compliance with the order of the HRERA dated 22.11.2023.

Petitioner

Uttar Haryana Bijli Vitran Nigam, Plot No. IP-3&4, Vidyut Sadan, Sector -14,
Panchkula.134113(Haryana)

VERSUS

Respondent:

1. GLM Buyers Welfare Association, Vill. Moginad, Sector 30, Panchkula.
Through President Mr. K.S. Saini.
2. Global Land Masters Infratech Pvt. Ltd., H.No:-1411, Sector-21 Panchkula.
Through MD Mr.Surinder Singh Deswal.

Present

On behalf of the Petitioner

1. Ms. Sonia Madan, Advocate

On behalf of the Respondent

1. Sh. K. S. Saini, President, RWA
2. Sh. A. S. Thakur, Representative of R-1
3. Sh. Rajiv Garg, Representative of R-2

QUORUM

**Shri Naresh Sardana, Member
Shri Mukesh Garg, Member**

ORDER

1. The Petition was filed by Uttar Haryana Bijli Vitran Nigam (hereinafter referred to as "UHBVN/ Petitioner") through the Superintending Engineer/Commercial, UHBVN who is authorized and also well conversant with the facts of the case. The petitioner submitted as under:
 - 1.1. That by way of present petition, the Petitioner is seeking relaxation/removal of difficulty thereto of Clauses 4.4 and 4.5 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 along with clause 1(c) Sales Circular no. U-20/2020 dated 31.08.2020 qua the Respondent i.e. GLM Buyers Welfare Association in terms of Regulations 16 and 17 of HERC (Electricity Supply Code), Regulations, 2014 read with Regulations 65, 68, 69, 70 and 71 of HERC (Conduct of Business) Regulations, 2019.
FACTUAL MATRIX
 - 1.2. That, at the outset, it is submitted that the instant petition is being filed by the Petitioner so as to comply with the directions passed by the Haryana Real Estate Regulatory Authority (hereinafter referred to as "Authority/HRERA") vide Order dated 22.11.2023 in the matter titled '*GLM Buyers Welfare Association v/s Global Land Masters Infratech Pvt. Ltd. (Erstwhile M/S Bhoomi Infrastructure Company) in Complaint no. 559 of 2018.*
 - 1.3. That by way of brief background, it is submitted that an integrated Real Estate Group Housing Project in the name of "Amazon Defence Country" ("Project") was being developed by Global Land Masters Infratech Pvt. Ltd. (erstwhile Bhoomi Infrastructure Company) on land measuring 16.812 acres, in Sector 30, Panchkula. In this regard, a license no. of 2009 dated 03.07.2009 was issued to Global Land Masters Infratech Pvt. Ltd ("Respondent no. 2/Developer"). Further, a temporary connection was also released in the name of Neeraj, Green Bhumi bearing account no. 5868340000; Category: NDS, SL-21KW for the construction of towers.
 - 1.4. That Global Land Masters Infratech Pvt. Ltd. initially undertook the construction work for raising only 4 Towers which were being constructed on a FAR measuring 55699.39 Sq. mts. The remaining FAR of 63362.26 Sq Mts was reserved by them for future development. However, due to delay in construction, the possession of the flats was not handed over to the allottees on 18.10.2022.
 - 1.5. That being aggrieved by the action of the Global Land Masters Infratech Pvt. Ltd., in September 2018, the majority of these allottees formed an association named 'GLM Buyers Welfare Association' and approached HRERA seeking relief against the Developer – Respondent no. 2. The Authority vide Order dated 24.07.2019 directed Respondent-Association as under-
"..if the aforesaid information is correct, 37 out of 40 allottees from whom money has been already collected on the pretext of allotting them flats in the 6 Towers yet to be commenced, can be accommodated in the semi-built 4 Towers yet to be commenced, can be accommodated in the semi-built 4 Towers. So, it is a case where the remaining development work of 4 semi-built Towers can be got accomplished with the money which is yet to be recovered from the existing allottees and putting to sale some such part of the vacant land as may be necessary for the contribution of funds towards completion of the project.

5. *The aforesaid being the situation, the Authority finds it to be a fit case exploring a chance of getting the project completed for delivery of possession to the existing allottees. So, the Authority directs the complainants/allottees as under :*
- (i) *They shall form an association of at least 2/3rd number of total existing allottees of the project and such association shall be got registered with the concerned Assistant Registrar Cooperative Societies and a Memorandum of Association may be placed before this Authority showing that the association has been duly acknowledged by the competent authority and it can now legitimately claim a right on behalf of existing allottees to undertake remaining construction work of the incomplete tower;*"
- 1.6. Thereafter, vide Order dated 18.05.2022, the Authority handed over the project to the Respondent-Association for completion of the remaining construction and development works at its own level. The complete possession of the project was handed over to the Respondent- Association on 18.10.2022. Further, to commence with the construction, the Respondent-Association approached the Petitioner for a grant of an electric connection. However, the same could not be granted on account of the non-submission of valid documents in terms of Electricity Supply Code Regulation No. HERC/29/2014 dated 08.01.2014 read with Sales Circular No. U-20/2020.
- 1.7. That it is pertinent here to mention that a temporary connection in the name of 'GLM Infratech Pvt. Ltd.' is still continuing under *NDS-Temporary* Category with a sanctioned load of 19.4 KW. The said connection was given on 20.03.2020 and is being used currently by the respondent association. The Petitioner cannot extend the load under the existing connection owing to system constraints and therefore, the Respondent Association so as to complete the construction of the project is seeking new connection with enhanced load.
- 1.8. That this Hon'ble Commission, in the exercise of the powers conferred by Section 50 and clause (x) of sub-section (2) of Section 181 of the Electricity Act, 2003) (hereinafter referred to as 'Act, 2003') had framed regulations namely *Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014* (hereinafter referred to as 'HERC Regulation, 2014') notified on 08.01.2014. The said regulations stipulate a procedure under Clause 4.4 and Clause 4.5 with respect to the grant of temporary connection. As per the provisions of Clause 4.4 and 4.5, the application for temporary at the project site of colonizer/builder/developer would only be allowed if it is submitted along with an approved electrification plan, and valid documents in the shape of license, layout plan, undertaking, etc.
- 1.9. That the Sales Circular no. U-20/2020 dated 31.08.2020 has been issued in furtherance of the provisions of the HERC Regulation, 2014. The complete procedure for the release of temporary connection has been stipulated under Clause 1(c) which expressly mentions that the application for the temporary connection at the project site of the colonizer/developer would only be allowed if the application is submitted along with the approved electrification plan, copy of license, layout plan etc. Furthermore, in cases where an electrification plan has been submitted for approval, then the application for a temporary connection will be evaluated once all the required valid documents such as licenses, layout plans, and undertaking etc. have been submitted. The relevant excerpts of the said provisions are reproduced herein under for ease of reference:
- "(I) (b) Application for temporary connection at the project site of the colonizer/developer shall be allowed, if it is submitted along with the*

approved electrification plan. Where the electrification plan has been submitted for approval, the application for temporary connection shall only be considered when all the valid documents i.e., license, layout plan, undertakings have been submitted and there is no deficiency on the part of the applicant and the approval is pending on part of the Nigam for finalization of electrification plan and technical feasibility. Concerned SE (OP) shall ensure that the pending electrification plan is approved within one month by following up with various offices.

The electrification plan shall be considered for approval for complete scheme and not based on individual license which forms part of scheme & lay out plan.

.....

(c) While submitting the application for temporary connection, the colonizer/developer shall also submit undertaking on Non-Judicial Stamp Paper for the following:

(i) That the temporary connection shall only be used for construction activities.

(ii) That he/it shall not extend the supply of temporary connection for any permanent use of residents or for commercial purposes or for commercial purposes or for use of any community or common services.

(iii) That he/it shall upon completion of a building disconnect electricity supply to the same and these building disconnect electricity supply to the same and these building shall remain disconnected from electricity supply until a permanent connection is obtained in accordance with Supply Code.

(iv) That none of the building (s) and/or part of the project shall be given any electricity supply from the said temporary connection upon completion of such building (s) and/or part of the project.

(v) That for permanent use of residents, communities, commercial area or common area offered for possession to permanent connection shall be obtained as per the Supply Code and guidelines of the Nigam.

(vi) That he/it shall submit to concerned SDO (OP) & XEN (OP) of Nigam a copy of:-

(1) Occupation certificate issued by the competent authority;

(2) Allotment letter and offer for occupation issued to each the purchaser of a unit in the project within 15 days of issuance thereof;

(vii) That he/it shall before offering occupation publish a copy of the occupation certificate and proposed date of handing over of the occupation of the building/part of the building in a newspaper circulated locally and also display the same prominently on this/its project site and publish the same on his/its web-site. The information of such publication in newspaper and on website shall be submitted (with a copy of such publication) to the concerned SDO (OP) & XEN (OP) of Nigam 10 days before making any offer of occupation.

..."

1.10. That the Authority issued certain directives to DHBVN vide Order dated 24.11.2022, which reads as under-

"6 (iv) As regards to outstanding bill of Rs. 12,27,332/- in name of Mr. Neeraj which was sent to complainant association by UHBVN to clear before granting new connection to them, the Authority observes that project was handed over to association of allottees free from all encumbrances. Thus, association of allottees is not obligated to clear this outstanding bill. Therefore, Authority hereby directs superintending engineer and Xen, DHBVN concerned to immediately grant a fresh connection to association of allottees for the project and claim the outstanding bill, if any, from the concerned consumer."

- 1.11. That it is apposite to mention herein that when the aforesaid directions were issued; the Petitioner was not a party to the proceeding in Complaint No. 559 of 2018. Pursuant to the aforesaid Order dated 24.11.2022, the Respondent-Association again approached the Petitioner for a grant of temporary electric connection on 03.02.2023. The said application of the Respondent-Association was responded upon by the Petitioner on 15.02.2023 and it was intimated that the connection cannot be provided on account of non-submission of the documents as mentioned in the HERC Regulations, 2014 read with Sales Circular U-20/2020. Thereafter, the Respondent-Association filed the status report before the HRERA wherein they mentioned as under-
- 11. That, as regards Temporary Electricity connection, we met MD and Superintending Engineer, UHBVN, they agreed in principle but wanted details of builder's License, Approved plan and Approved Electrification plan. We have requested the respondent to provide the same vide our letter at ANNEXURE-8.*
- It is prayed that since respondent is not likely to provide the required documents, suitable directions be issued to UHBVN to provide the Temporary electricity connection on priority to the association.*
-"
- 1.12. That the HRERA vide Interim Order dated 27.07.2023 directed the Petitioner to consider the case of Respondent-Association seeking fresh electricity connection for exemption from submission of documents as per HERC Regulations and immediately grant a fresh connection to the association of allottees for the project. The relevant excerpts of the said Order are reproduced herein under for ready reference-
- "(ii) With respect to that request of association of allottees that directions to issued to UHBVN to provide the temporary connection on priority to the association for completion of construction work, it is observed that case undoubtedly falls under special circumstances where the licensee (respondent-promoter) was unable to complete the project, and Authority by virtue of the provisions of the RERA Act, 2016 has handed over the project to the association for completion. Now the association is facing hurdles as UHBVN has refused to provide them connection because association has not submitted documents pertaining to licence of respondent, service drawings and other documents. These documents are not in possession of the association has made serious efforts to obtain these documents from respondent-promoter, however they have not been able to obtain the same. Since it is a case falls under special circumstances, therefore Authority directs Superintending Engineer and Xen, DHBVN concerned to consider exempting the association from submission of such documents and immediately grant a fresh electricity connection to association of allottees."*
- 1.13. That against the said Order dated 27.07.2023, an application was moved by the Petitioner on 17.10.2023 seeking relaxation/review/modification of the Order dated 27.07.2023 along with impleadment application on the ground that the jurisdiction to adjudicate the relief sought by the Respondent-Association qua the release of temporary connection without submitting requisite documents is with this Hon'ble Commission and therefore, any relaxation / removal of difficulty qua the implementation of HERC Regulations, 2014 can be considered by this Hon'ble Commission alone.
- 1.14. That the foregoing application of the Petitioner was considered by the Authority and considering the difficulties highlighted therein and the position of law to the effect that the power to relax any

rules/regulations/norms of the State Commission vests with the State Commission alone; the Authority vide Order dated 22.11.2023 had directed the both the Petitioner and Respondent-Association therein to jointly approach this Hon'ble Commission. The relevant expert of the said Order is reproduced hereinunder for ready reference-

"2. Appearing on behalf of respondent no.6, UHBVN, Ms. Sonia learned counsel submitted that the complainant association in this case is praying for provision of temporary electricity connection at the site. However, the exemption of providing temporary electricity connection without electrification plans can only be provided by Haryana Electricity Regulatory Commission (HERC). She submitted before the Authority that directions be issued to complainant association to move requisite application before HERC to avail temporary electricity connection. A joint request can be made on behalf of both the respondent no. 4 and the association to HERC for providing of temporary electricity connection."

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7(iii) With regard to the provision of temporary electricity connection, it is observed that Authority has repeatedly issued directions to Superintending Engineer UHBVN, for facilitating the electricity connection at the site of the project. Innocent consumers cannot suffer on account of documentary liabilities amongst various government and respondent builder for obtaining a temporary electricity connections required for the purpose of start of construction works at the site. However, for obtaining permanent electricity connection for the project, the association will have to fulfill all requisite compliances related to submission of electrification plans for grant of necessary approvals. So, respondent no. 6 cannot be allowed to evade from its responsibility of facilitating the provision of electricity connection at the site. Accordingly, respondent no. 6 is directed to assign an adequate official from its department to pursue the matter with regard to providing temporary electricity connection to the complainant association for pursuing the matter before HERC. In that case, both the complainant association and respondent no. 6 shall jointly approach HERC to expedite grant of temporary electricity connection at the site. Respondent no.6 is again strictly directed to expedite the matter for the benefit of the members of the complainant association."

- 1.15. That in view of the Order dated 22.11.2023 mentioned above, the Petitioner by way of present petition has approached this Hon'ble Commission to consider relaxation of the provisions of Clauses 4.4 and 4.5 of HERC Regulation, 2014 along with Clause 1(c) Sales Circular no, U-20/2020 dated 31.08.2020. In this respect, it is further submitted that the said relaxation is sought only qua Respondent-Association. The Respondent-Association is aggrieved by the act and conduct of the Promoter-Developer who abandoned the project in mid-way and since then no construction work could be carried out on account of non-grant of temporary electricity connection.

LEGAL CONSPECTUS

- 1.16. That in view of the above, it is submitted that HERC (Electricity Supply Code), Regulations, 2014 read with Regulations HERC (Conduct of Business) Regulations, 2019 confers wide power to this Hon'ble Commission to pass such orders/ make amendment/ relax regulations as are necessary to meet the ends of justice. The Hon'ble Commission has the power to dispense with the requirements of any of the Regulations in a specific case.
- 1.17. That in terms of Regulations 16 and 17 of HERC (Electricity Supply Code), Regulations, 2014, and Regulations 65, 68, 69, 70 and 71 OF HERC

(Conduct Of Business) Regulations, 2019, the Hon'ble Commission as the delegatee has the vast powers to amend/ relax the Clauses 4.4 and 4.5 of HERC Regulation, 2014 along with Clause 1(c) Sales Circular no, U-20/2020 dated 31.08.2020.

- 1.18. That in light of the foregoing submissions, it is humbly prayed before this Hon'ble Commission to consider the provisions of Clauses 4.4 and 4.5 of HERC Regulation, 2014 along with Clause 1(c) Sales Circular no, U-20/2020 dated 31.08.2020 and adjudicate whether the said provisions can be relaxed to the extent that temporary electricity connection can be granted to the Respondent- Association without submission of details of builder's license and approved layout plan. The foregoing relaxation shall enable resolution of difficulty expressed by the Respondent-Association.
 - 1.19. That the present Petition is within the jurisdiction of the Hon'ble Commission.
 - 1.20. That the Petitioner has paid the requisite fee as per Haryana Electricity Regulatory Commission (Fee) Regulations, 2005, 7th Amendment Regulations, 2022.
PRAYER
 - 1.21. In view of the foregoing submissions, it is most humbly submitted that the Hon'ble Commission may be pleased to:
 - 1.22. Pass appropriate directions regarding release of electricity connection to the Respondent Association with relaxation of Clauses 4.4 and 4.5 of HERC Regulation, 2014 along with Clause 1(c) Sales Circular no, U-20/2020 dated 31.08.2020 to the extent stated above; and/or
 - 1.23. Pass any such further order(s) that this Hon'ble Commission for removal of difficulty mentioned in the instant petition and as may deem fit and necessary in the facts and circumstances of the case.
 - 1.24. AND FOR THIS ACT OF KINDNESS AND JUSTICE THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.
2. The case was heard on 10/04/2024. The counsel for the petitioner requested for short adjournment as the main counsel was not available for presenting the case. The representative of the respondent-developer submitted that the temporary connection in the name of developer is already being used by RWA and developer has nothing to do with this petition. Moreover copy of the petition has not been received. Representative of respondent No. 1 stated that president of association was not in a position to be present today. He did not file any power of attorney. The Commission directs the respondents to file their replies within 2 weeks along with their power of attorney/authority letters and to be present on the next date of hearing. The Commission, further directs the petitioner to provide the copy of the petition to the respondent no. 2 today itself.
 3. The respondent-RWA submitted its reply on 29/04/2024 and submitted as under:
 - 3.1. That the present case is fixed for 29/04/2024 before this Hon'ble Commission.
 - 3.2. That, the deponent being President of respondent Association is duly authorised and competent to swear this affidavit on behalf of respondent Association.
BRIEF FACTS OF THE CASE
 - 3.2.1. That the Honourable Haryana Real Estate Regulatory Authority (HRERA) vide its order dated 18.05.2022 handed over 4 towers of the project,

situated at Amazon - The Defence County, Sector 30, Village Moginand, Panchkula to the Association. The housing project, that was being developed by Ms GLM Infratech Pvt. Ltd, was handed over to the Association, free from all encumbrances, for completion of the remaining construction and development works of the 4 towers that exist at the project site.

- 3.2.2. That possession of the 4 towers was physically taken over by the Association on 18.10.2022 Thereafter the Association awarded a contract for completion of the 4 towers to a civil contractor. The civil contractor requested the Association to arrange for a temporary electricity connection to enable them to carry out the construction activities.
- 3.2.3. That, a request was submitted to the SDO, UHBVN, Madanpur for a temporary electricity connection but the same was denied on the grounds that a sum of Rs 12,27,332.00 was overdue in the name of Neeraj, c/o Green Bhoomi, Moginand near Temple Panchkula (now GLM Infratech Pvt. Ltd). As the default was prior to the taking over the project by the Association a request was made to the Learned Authority. HRERA in its order dated 24.12.2022 vide Para No 6(iv) observed, as under:
As regards to the outstanding bill of Rs 12,27,332.00 in name of Mr Neeraj which was sent to the complainant Association by UHBVN to clear before granting new connection to them, the Authority observes that project was handed over to Association of allottees free from all encumbrances. Thus, Association of allottees is not obligated to clear this outstanding bill. Therefore, Authority hereby directs Superintending Engineer and XEN, DHBVN concerned to immediately grant a fresh electricity connection to association of allottees for the project and claim the outstanding bill, if any, from the concerned consumer.
- 3.2.4. That, thereafter the Association applied for a grant of a temporary electricity connection on 03.02.2023. However, the same was rejected on 20.02.2023 with the reason "Other- Defaulting amount and incomplete documents" (Annexure The matter was pursued by the Learned Authority and directions were issued to the Superintending Engineer, UHBVN to consider exempting the Association from submission Of such documents and immediately grant a fresh electricity connection to the Association of allottees.
- 3.2.5. That, the Association persisted in its efforts to obtain the connection by means of several letters and personal visits to the concerned officials of UHBVN, but could not succeed in its efforts.
- 3.2.6. That on 27.02.2023 the Authority vide Interim Order directed the Petitioner to consider the case of the Association seeking fresh electricity connection, for exemption from submission of documents as per HERC Regulations and immediately grant a fresh connection to the Association of allottees for the project.
- 3.2.7. That, on 17.10.2023 an application was filed by UHBVN against the Order dated 27.07.2023 of the Authority seeking relaxation/review/modification of the Order dated 27.07.2023 along with impleadment application on the ground that the jurisdiction to

adjudicate the relief sought by the Respondent Association qua the release of temporary connection without submitting requisite documents is with this Hon'ble Commission and therefore, any relaxation / removal of difficulty qua the implementation of HERC Regulations, 2014 can be considered by this Hon'ble Commission alone.

- 3.2.8. That, on 22.11.2023, the application of UHBVN was considered by the Authority and considering the difficulties highlighted therein and the position of law to the effect that the power to relax any rules/regulations/norms of the State Commission vests with the State Commission alone; the Authority directed that both UHBVN and the Association jointly approach this Hon'ble Commission.
- 3.3. Regarding the submissions made by UHBVN we submit our comments para wise in seriatim as under:
- 3.3.1. Matter of record- No comments warranted.
- 3.3.2. Matter of record- No comments warranted.
- 3.3.3. Matter of record- No comments warranted.
- 3.3.4. Matter of record- No comments warranted.
- 3.3.5. Matter of record- No comments warranted,
- 3.3.6. Matter of record- No comments warranted.
- 3.3.7. Matter of record- No comments warranted.
- 3.3.8. The existing connection of 19.4 KW was inadequate, as our civil contractor had sought a connection of 30 KW to operate heavy machinery.
- 3.3.9. We agree that the Association, not being a commercial builder, is not able to furnish the documents required in terms of HERC Regulations, 2014.
- 3.3.10. As stated above the Association, despite its best efforts could not arrange the documents required as per Sales Circular no. U-20/2020 dated 31.08.2020 issued in furtherance of the provisions of the HERC Regulation, 2014.
- 3.3.11. Matter of record- No comments warranted.
- 3.3.12. Matter of record- No comments warranted.
- 3.3.13. Matter of record- No comments warranted.
- 3.3.14. Matter of record- No comments warranted.
- 3.3.15. Matter of record- No comments warranted.
- 3.3.16. We agree with the submissions of the petitioner and humbly submit that the Association represents the interests of nearly 300 allottees, who are awaiting completion of the project for 15 years. The Association is a non-commercial organisation that is endeavouring to complete the 4 towers for the benefit of the allottees, under the aegis of the Learned HRERA. The Association does not possess a builder's licence and other documents that are required by UHBVN for grant of a temporary electricity connection, in terms of reported extant instructions/guidelines of the Hon'ble Commission.
- 3.3.17. No comments
- 3.3.18. No comments
- 3.3.19. No comments

3.3.20. No comments

3.4. PRAYER

3.4.1. That, in the meanwhile the civil contractor had to cease construction works at the site due to various reasons, chief among them being non-provision of an electricity connection and paucity of funds. Therefore, a fresh connection at the present juncture is not immediately required.

3.4.2. That, it is however humbly prayed that necessary exemptions /waivers/relaxations may please be accorded so that UHBVN can provide a temporary electricity connection to the Association at the project site for use as and when required in the future.

4. The respondent no 2, M/S G.L.M. Infratech Pvt Ltd in its reply submitted on 29/04/2024 submitted as under:

At the very most outset, it is stated that the respondent no 2 has gone through all the averments and pleadings made by the Applicant in this petition filed with the Hon'ble Commission under the Section 181 of the Electricity Act 2003 and regulations 16 and 17 of HERC (Electricity Supply Code) and are submitting a comprehensive reply. This reply has been prepared in two parts. First part consists of the brief history of the case and Second part pertains to point wise reply of the facts mentioned in the petition.

Part — 1 (Brief History)

4.1. That it is humbly submitted that the company M/S GLM Infratech Pvt Ltd is developing a group housing society by the name of "Amazon — The Defence County" at Sector-30, Panchkula.

4.2. Originally, this entity was a partnership firm by the name of Bhoomi Infrastructure Company. License was granted in the name of this partnership firm. However, later when term loan for the project was sanctioned by Punjab & Sind Bank, the bank made it mandatory for us to convert the firm from partnership firm to a private limited company. Hence, the firm was converted to a private limited company namely GLM Infratech Pvt Ltd and the license and land were also converted in the name of the company by the competent authorities.

4.3. That at the time of start of the construction work of the project, temporary electric connection was applied for and granted by UHBVN. This connection continues to exist as it was and all dues to UHBVN have been cleared on a regular basis.

4.4. That due to some unavoidable reasons, the progress of work at the site came to a halt. The allottees formed an association by the name of GLM Buyers Welfare Association and approached HRERA, Panchkula to handover the four towers being developed in phase-I to them for completion of pending work.

4.5. That HRERA, Panchkula ordered the company to handover the project to GLM Buyers Welfare Association vide its order dated 18.05.2022 for completion of pending work of these four towers.

4.6. That after taking over the project, the GLM Buyers Welfare Association approached the company to provide them electric supply through the electric connection available with the company. The company acceded to the request and GLM Buyers Welfare Association has been availing facility of electric

- supply through this connection ever since they had requested us sometime in 2022. We had made a provision of temporary sub meter to be installed so that the electric charges of the construction work were paid by the contractor and the cost of bill of office occupied jointly by the company and the association was shared on a 50% basis. As stated above, till date, the bills have been paid by us regularly and there are no outstanding dues.
- 4.7. That in between, the association applied to UHBVN for a separate electric connection. UHBVN was unable to provide them the connection as they wanted the load to be increased because of anticipated work to be done by the contractor. This connection was not sanctioned by UHBVN and has become the cause of this petition of UHBVN.
- 4.8. That, due to paucity of financial resources, GLM Buyers Welfare Association has also informed HRERA, Panchkula that they are finding it difficult to complete the work. That the contractor to whom the work was allotted by the GLM Buyers Welfare Association has already left the site some time ago and presently there is no work in progress.
- 4.9. That, after this situation of suspension work at site came to our knowledge, we submitted to HRERA, Panchkula that our company is in negotiations with few investors and in case the Hon'ble Authority considers our request, we can pursue this matter more seriously with prospective investor. This matter was discussed in the hearing of HRERA, Panchkula on 01.02.2024 and time was granted to the company up to 04.04.2024. During the hearing on 04.04.2024, the company presented all facts to the Hon'ble Authority again and as it stands now, Hon'ble Authority has ordered the company to negotiate with prospective investor and submit a concrete proposal to the Authority by 15.06.2024 and the next date of hearing has been fixed as 18.07.2024.
- 4.10. That as far as we are concerned, we have never put any obstacle to the GLM Buyers Welfare Association in providing electric supply to them. Secondly, we have had no problem UHBVN either. At present, construction work is not in progress at the site. However, as and when the construction work gets started, there will be a requirement of extension of load for which we will submit application to UHBVN. Hence, to the best of our knowledge, there is no issue between us and the petitioner and we have been included as respondent without the company having any role in the issue between the petitioner and GLM Buyers Welfare Association.
- 4.11. Part — 2 (Point wise reply to the petition)
- 4.11.1. That the petition has been filed by the competent authority of UHBVN and needs no comment / reply.
- 4.11.2. That the contents of this point are technical in nature as per the details mentioned therein. Since we as a company do not have knowledge of the existing rules and regulations, no comment is to be offered by us.
- 4.11.3. That details mentioned in this point are matter of fact and need no reply.
- 4.11.4. That, it is confirmed that our company (M/S GLM Infratech Pvt Ltd) is the owner of the property and had started development of the project. Temporary electric connection was taken in the name of the company when required. The temporary connection mentioned in the name of Neeraj (Bhoomi Greens) had no relation to our company. Land was

purchased by us from many land owners and Neeraj who was managing a Nursery by the name of Bhoomi Greens was also one of the persons who facilitated sale of land to our company. To the best of our knowledge, the land was purchased by us in 2007-08 and hence allotment of connection to Neeraj must have been done before that and not in 2014 as mentioned in the petition. We have been clearing all dues of the electric connection provided to us.

- 4.11.5. That the point as mentioned in the petition is a matter of record and needs no reply.
- 4.11.6. That the point as mentioned in the petition in this point is also a matter of record and needs no comment reply from us.
- 4.11.7. That the details mentioned in this point have been mentioned in our reply in Part-I and we hereby confirm once again that details of this point are a matter of record and need no reply from our end.
- 4.11.8. That we have stated the same fact in Part-I of our reply in Para 6 above. We confirm that the services were availed by the association in full. That as regards the load conditions, at present the work is not in progress and extension of load is not required. However, load extension application be submitted when the work starts. We will fulfill conditions of UI-IBVN and we are hopeful that load extension will be granted as and when required.
- 4.11.9. That this point gives details of the rules and regulations which UHBVN has to comply with to adopt the procedure of granting electric connection to any entity. The subject is beyond our scope and needs no reply.
- 4.11.10. That as mentioned in Para 9 above, this point also pertains to rules and regulations and procedures to be adopted by UHBVN for sanction of an electric connection and beyond our jurisdiction to comment on the same.
- 4.11.11. No comments being a matter of record.
- 4.11.12. That the matter is between the petitioner and GLM Buyers Welfare Association and we have no role on this subject.
- 4.11.13. That the details mentioned are a matter of record.
- 4.11.14. That the point pertains to a request made by UI-IBVN to the Hon'ble Commission.
- 4.11.15. That details given in this point are also matter of record. We would like to humbly submit that since we as company have not been part of the proceedings till now and hence are in no knowledge of these details.
- 4.11.16. That, we as the promoter of the project have never caused any problem to the GLM Buyers Welfare Association on the subject of providing electric supply on as required basis. We have already explained the procedure adopted and payment made to UHBVN on a regular basis. Hence, we deny the allegation that we have caused any problem to the association in this regard. The system is even currently in vogue wherein, the monthly electric charges are being shared on 50% basis. Whenever, the work starts, extension of load will be required and we will request UHBVN for the same.

Summary / Synopsis

- 4.12. The basic point of the dispute is seeking permission by the GLM Buyers Welfare Association for an electric connection from UHBVN. The project was

handed over by HRERA, Panchkula to the association in May 2022. Since then, we have been providing services of electric supply as and when required. Now, the contractor has stopped the work and gone away from the site. There is already connection in the name of the company and that can be used by the association in whatever form and as and when required.

- 4.13. Hence, we are not able to infer the cause of this litigation. At our end, we can only confirm that as the promoters, we will never cause any impediment to the association in availing the facility of electric supply through the connection which is in the name of the company. At the cost of repetition, we would like to humbly submit once again that this procedure has been followed w.e.f. May 2022 when the project was handed over to the association on orders of HRERA, Panchkula. Extension of load will be required when the work starts and we will follow the procedure for the same with UHBVN and comply with the rules & conditions for the same as required by UHBVN.

PRAYER

- 4.14. In light of the facts and submissions made above, this Hon'ble Commission may kindly be pleased to:
- 4.14.1. Remove our name from the list of respondents as we have no role on the subject as the issue is between UHBVN and The GLM Buyers Welfare Association.
- 4.14.2. Pass any other Order or grant any other relief in favour of the Answering Respondent which this Hon'ble Commission deems fit in the facts and circumstances of the present

Proceedings:

5. The case was heard on 29/04/2024. The Commission enquired about the present status of the case. The representatives of GLM Buyers Welfare Association ("RWA") submitted that the construction work is on halt due to paucity of funds and other issues.
6. The commission observes that HRERA has directed the RWA and petitioner to jointly approach the Commission for release of connection whereas the UHBVN has filed the petition alone and made the RWA a respondent.
7. The counsel of the petitioner submitted that RWA was not coming forward for filing joint petition and since HRERA is monitoring the progress of the project, the petitioner has filed the present petition to help the respondent-RWA for timely completion of the project and putting an end to harassment of the RWA / consumers.

Commission's Order:

8. After hearing both the parties, the Commission observes that:
- a. The present matter has been filed by UHBVN seeking appropriate directions regarding release of electricity connection to GLM Buyers Welfare Association with relaxation of Clauses 4.4 and 4.5 of HERC Regulation, 2014 along with Clause 1(c) Sales circular No. U-20/2020 dated 31.08.2020.
- b. Ms. Sonia Madan Ld. Counsel for UHBVN submitted that the matter has been filed in pursuance to the Order of the Haryana Real Estate Regulatory

Authority dated 22.11.2023 passed in Complaint no. 559. In the background, it was submitted that an integrated Real Estate Group Housing Project in the name of "Amazon Defence Country" was being developed by Global Land Masters Infratech Pvt. Ltd. in Sector 30, Panchkula, for which license was granted to developer in 2009. The possession of the flats was not handed over to the allottees until 2022, owing to which the Authority handed over the project to the Respondent-Association for completion of the remaining construction and development works at its own level.

- c. It was further informed that a temporary connection under NDS-Temporary Category with a sanctioned load of 19.4 KW earlier given in the name of GLM Infratech Pvt. Ltd. is being used currently by the Respondent association. The grievance that led to filing to instant petition is that the Respondent Association, in order to complete the remaining construction, requires a temporary connection of 30 KW to operate heavy machinery, for which they are unable to submit requisite documents in terms of Regulation 4.4 and 4.5 of Electricity Supply Code, 2014.
- d. Sh. A.S.Thakur, appearing on behalf of Respondent no. 1 i.e. GLM buyers Welfare Association stated that they have submitted a soft copy of reply through email and a hard copy of the same shall be filed during the course of the day. It was stated that they require connection of 30 KW to get the construction completed but since they are not a commercial builder, are not able to furnish the documents required in terms of Regulations such as a builder's license. It was however, mentioned and specifically stated in prayer clause in reply that '*a fresh connection at the present juncture is not immediately required*'.
- e. The Respondent no. 2 i.e. GLM Infratech Private Limited also filed their reply. It has been stated in the reply that at present, construction work is not in progress at the site as the contractor to whom work was allotted by RWA, has left. However, as and when the construction work gets started, there will be a requirement of extension of load for which they will submit application to UHBVN. It was also mentioned that company is in negotiations with few investors for completing the construction and HRERA has allowed them to submit the proposal by 15/06/2024 and next date of hearing has been fixed on 18/07/2024. The Respondent no. 2 also stated that till date the bills have been paid by them regularly and there are no outstanding dues.
- f. In light of the submissions made by Respondent no. 1 and 2, it emanates that at present there is no requirement for fresh connection and the construction of the project is not progressing due to various other reasons. It is also not clear as to whether the construction will be completed by the association or the developer or a third-party investor who shall step into the shoes of the developer to complete the project. Further, the Respondent no. 2 categorically states that they will apply for enhancement of load as and when new investor shall require enhanced load. In that case, the relief sought for in the present petition is pre-mature.
- g. During the course of the arguments, Ld. Counsel for the UHBVN informed that there are other such like cases as well where another entity steps into the shoes of the developer and seeks electricity connection for completion of

project. To deal with such eventualities, Commission may consider framing appropriate regulations.

- h. The Commission observes that DISCOMs have filed number of petitions against developers for giving directions to cure inadequacies in electrical infrastructure for providing connection to occupants. The Commission in ad-interim relief in petition no. 55 of 2021 inter alia decided:

“this Commission while noting the hardships faced by the public due to non-release of new connections in the areas/projects developed by the respondents had issued the following interim directions:

15. In the given circumstances, the Commission deems it appropriate to grant immediate relief to the distressed residents of the subject areas/projects developed by the respondent developers and permits the petitioner to release new electricity connections/additional load on voluntary payment of development charges mentioned in the Petition. This is an ad-interim measure aimed at resolving needs of those distressed persons, who are in urgent need of an electricity connection/additional load and voluntarily opt to pay development charges.

16. The petitioner is directed to keep a record of the charges paid by applicant(s) seeking release of new connection/additional load in the areas developed by respondents and to make the same available to the Commission as and when directed to do so. In case, the petitioner recovers cost of the claimed inadequacies, the aforesaid charges, voluntarily paid by the above applicants, shall be adjusted/set off in their future energy bills”

In the instant case HARERA in order dated 22/11/2023 has mentioned *“for obtaining permanent electricity connection for the project, the association will have to fulfil all the requisite compliances related to submission of electrification plan for grant of necessary approvals”*. There is no requirement of any temporary connection at present as stated by RWA in the reply and respondent no. 2 has stated that load of existing connection shall be got extended as and when required. Thus the relief sought is premature as already mentioned in para (f.) above.

While applying for approval of electrification plan, RWA is required to complete all the formalities as per HERC regulations except license which stands dispensed with in view of the directions of HARERA by allowing RWA to develop the project. No case for relaxation of HERC regulations, as prayed for, is made out as the Commission is bound by own regulations and case is required to be dealt at par with case of other developers wherein the inadequacies have not been cured.

9. The present petition is therefore, disposed off in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 03/05/2024.

Date: 03/05/2024
Place: Panchkula

(Mukesh Garg)
Member

(Naresh Sardana)
Member