

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

**HERC/RA No. 4 of 2025 along with IA No. 24 of 2025**

**Date of Hearing** : **09.07.2025**

**Date of Order** : **10.07.2025**

**IN THE MATTER OF:**

Application seeking review/ clarification/ modification of Interim Order dated 10.06.2025 passed by the Hon'ble Commission in HERC/IA No. 19 of 2025 filed in HERC Petition no. 45 of 2025. (Review Petition No. 4 of 2025).

**And**

Interim Application requesting for urgent listing of the application filed by the applicant seeking review/clarification/ modification of the interim order dated 10.06.2025. (IA No. 24 of 2025).

**Review Applicant**

Haryana Power Purchase Centre (HPPC), Panchkula

**Respondent**

M/s. Fatehabad Bio Energy LLP

**Present on behalf of the Review Applicant**

1. Smt. Sonia Madan, Advocate for R-1
2. Shri Lovepreet Singh, Advocate
3. Shri Gaurav Gupta, XEN/HPPC

**Present on behalf of the Respondents**

1. Shri Namit Khurana, Advocate

**Quorum**

**Shri Nand Lal Sharma  
Shri Mukesh Garg**

**Chairman  
Member**

**INTERIM ORDER**

1. The case was taken up for hearing on 09.07.2025, as scheduled.
2. At the outset, Smt. Sonia Madan, the learned counsel for the review petitioner submitted that the present review petition was filed against the impugned order of the Commission dated 10.06.2025 in petition no. HERC/IA No. 19 of 2025 filed in HERC Petition no. 45 of 2025. However, they have complied with the directions given in the impugned order of the Hon'ble Commission and their argument is now confined to the clarification to the

effect that the interim tariff of Rs. 4.60/unit granted in respect of infirm power supplied prior to the date of CoD, shall also be subject to adjustment upon final determination of tariff by the Commission.

3. Per-contra, Shri Namit Khurana, the learned counsel appearing for M/s. Fatehabad Bio Energy LLP, raised objections on the maintainability of the present review petition, tested on the anvil of the conditions precedent laid down for the purpose under Order 47 Rule 1 of Code of Civil Procedure 1908 as well as the ratio decided by the Hon'ble Supreme Court in its various judgements. The impugned order was passed after taking into consideration of all the issues raised by the review applicant in its review petition. The Hon'ble Commission has passed the impugned order after taking into consideration of para 11 (ii) (c) of its order dated 03.01.2019 (Petition No. 45 of 2018), clause 6.10 of the duly executed PPA, Regulation 6.14 of HERC Open Access Regulations, 2012 and joint meter reading (JMR) of SE/SO letter no. Ch-47/SE/SO-1051, dated 03.06.2025, in respect of the generation from 11.05.2023 to 28.04.2025 as well as further power being supplied by the generator, while granting the interim relief @ Rs. 4.60 per unit. HPPC has averred that the IA was disposed of without hearing HVPNL and DHBVNL, who were essential party in the case; whereas, HPPC itself has not arrayed HVPNL and DHBVNL as party in the present review petition. It was very clearly mentioned in the impugned order that the interim tariff of Rs. 4.60/unit shall be subject to adjustment upon final determination of tariff by the Commission. HPPC has reiterated the same issued in the present review petition. Therefore, the present petition is outside the scope of review jurisdiction of this Hon'ble Commission.
4. The Commission heard the arguments of the parties at length as well as perused the contents of the review petition seeking to review /clarify/modify /remove the difficulty that has arisen in the implementation of the impugned order dated 10.06.2025. However, in terms of the submissions of HPPC confining their arguments to the clarification to the effect that the interim tariff of Rs. 4.60/unit granted in respect of infirm power supplied prior to the date of CoD, shall be subject to adjustment upon final determination of tariff, the Commission has not gone into the merits of the case including examination of the issue of maintainability of the present review petition.
5. The Commission observes that in the impugned order, it was amply clarified that the interim tariff of Rs. 4.60/unit shall be subject to adjustment upon final determination of tariff by the Commission. However, in order to address the concern of the review

applicant, it is clarified that the interim tariff of Rs. 4.60/unit shall be subject to adjustment upon final determination of tariff by the Commission, both in respect of generation from 11.05.2023 to 28.04.2025 as well as in respect of further power being supplied by the generator.

6. In terms of the above order, the present review petition along with IA filed in the matter is disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 10.07.2025.

**Date: 10.07.2025**  
**Place: Panchkula**

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

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