

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

**Case No. HERC/Petition No. 05 of 2026
Case No. HERC/Petition No. 06 of 2026
Date of Hearing : 24.04.2026
Date of Order : 30.04.2026**

IN THE MATTER OF:

Petition filed under Section 42 (4) of the Electricity Act 2003 and Regulations 22 of Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 and amendments thereof for determining the Additional Surcharge for Second (2nd) Half of FY 2025-26 and approval for levying the same to the Open Access consumers till the issuance of the next order

Petitioner(s)

1. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula
2. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar

Respondent(s)

General Public

Present on behalf of the Petitioner(s)

1. Sh. Puneet Kumar, SE/RA, UHBVNL
2. Sh. Sankalp Parihar, SE/RA, DHBVNL
3. Sh. Vinod Kumar, XEN, UHBVNL
4. Ms. Pushpa, AE, UHBVNL
5. Sh. Hritik Rawat, Consultant/RA, DHBVNL

Present on behalf of the Respondents

Nil

Quorum

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

**Chairman
Member
Member**

ORDER

1. The instant petition(s) have been filed by the distribution licensees in Haryana viz. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula and Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar (hereinafter referred to as "DISCOMs) for determination of Additional Surcharge for the 2nd half of the FY 2025-26 and approval for levying the same to the Open Access consumers till the issuance of the next order.
2. The DISCOMs have submitted as under:

2.1 Background

- 2.1.1 Regulation 22 of the "Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and

distribution system) Regulations, 2012 and its amendments thereof (hereafter referred as "HERC OA Regulations, 2012") states as under:

"Additional Surcharge:

- (1) An open access consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge in addition to wheeling charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act. Provided that such additional surcharge shall not be levied in case open access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.*
- (2) This additional incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and recovered through wheeling charges.*
- (3) The distribution licensee shall submit to the Commission, on six monthly basis the details regarding the quantum of such stranded costs and the period over which these remained stranded and would be stranded. The Commission shall scrutinize the statement of calculation of such stranded fixed costs submitted by the distribution licensee and determine the amount of additional surcharge. Provided that any additional surcharge so determined shall be applicable to all the consumers availing open access from the date of determination of same by the Commission.*
- (4) The consumers located in the area of supply of a distribution licensee but availing open access exclusively on inter-State transmission system shall also pay the additional surcharge.*
- (5) Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access".*

2.1.2 Petitioner has universal obligation to supply power to all consumers on their application within the state under Section 43 of the Electricity Act 2003. To meet the growing demand in most economical manner, Discoms entered into long-term power purchase agreements with various generating sources. In case, if consumers opt to draw power from the sources other than Discoms under open access (through collective transactions or bilateral transactions) then it attributes to stranded capacity and Discoms without getting compensated become liable to be pay for such contracted capacity under the contractual obligations.

2.1.3 Hon'ble Supreme Court in its judgement dated 10.12.2021 in case of MSEDCL v. JSW Steel Limited and others (2022) 2 SCC 742 clearly provides for the liability of open access consumers to pay additional surcharge to meet the fixed cost of the distribution licensee arising out of its obligation to supply which has remained stranded.

2.1.4 The Hon'ble Commission in the Oder dated 16.11.2015 in the Case No PRO-05 of 2015 has approved the methodology for determination of additional surcharge. The

same was re-examined and upheld by the Hon'ble Commission in the Order dated 06.03.2020 in the Case No. PRO -40 of 2019 and PRO-01 of 2020.

2.1.5 The Hon'ble Commission has approved the Additional surcharge of Rs. 1.21/unit for the first half of FY 2025-26 vide Order dtd. 06.08.2025. Accordingly, the Additional Surcharge for second half of FY 2025-26 has been determined based on the above mentioned directions and methodology approved by the Hon'ble Commission. The detailed calculations are entailed in the subsequent sections of the instant Petition.

2.2 of Additional Surcharge

2.2.1 In line with the HERC Open Access Regulations, 2012, and the directions issued in the subsequent Orders of the Hon'ble Commission, the Additional Surcharge for Second (2nd) Half of FY 2025-26 is calculated by considering the actual data of Backing Down, DAM Power Purchase and Open Access of second half of FY 2024-25 (i.e., Oct'24 to Mar'25). The details of the actual data in Block wise, Day wise and Month wise basis has been provided with the petition.

2.2.2 Further to ensure that power stranded due to open access consumers shall only be accounted for determination of additional surcharge, lower of the open access or backing down net of power purchased on DAM basis has been considered in slot wise basis to calculate the additional surcharge.

2.2.3 The Admissible stranded power for Additional Surcharge and estimated Open Access Units for H2 of FY 2025-26 has been considered equivalent to first (2nd) Half of FY 2024-25.

2.2.4 The admissible stranded power is adjusted with the approved per unit fixed charge for FY 2025-26 approved by the Commission, in the Tariff Order dated 28.03.2025 (Case No. HERC/Petition no 66 of 2024 & HERC/Petition no 67 of 2024) i.e., Rs 1.44/unit to determine the stranded power cost for Additional Surcharge.

2.2.5 Accordingly, the per unit Additional Surcharge is determined by dividing the total Additional Surcharge with the estimated Open Access Units (MUs) in the second half of the FY 2025-26, on an assumption that the quantum of power bought by the consumers under open access mechanism, will be the same as that in the second half of the FY 2024-25.

2.2.6 The month-wise details of stranded power and open access quantum in terms of Mega Watt (MW) and Million Units (MU) for determination of Additional Surcharge for the Second (2nd) Half of FY 2025-26 are as follows:

Monthly Stranded Power & Open Access Purchase

Month	Min. of OA & stranded power	Min. of OA & stranded power	OA Quantum	OA Quantum
	MW	MU	MW	MU
Oct-24	53.72	39.97	56.03	41.69
Nov-24	58.55	42.15	59.89	43.12
Dec-24	35.53	26.44	38.40	28.57
Jan-25	18.50	13.76	19.90	14.81

Month	Min. of OA & stranded power	Min. of OA & stranded power	OA Quantum	OA Quantum
	MW	MU	MW	MU
Feb-25	14.53	9.76	16.17	10.87
Mar-25	16.95	12.61	17.76	13.21
H2 of FY 2024-25 (Sum)		144.70		152.26

2.2.7 The additional surcharge recoverable from the Open Access consumers during second(2nd) Half of FY 2025-26 is calculated in the table below:

Sr.No.	Particulars	Units	Formula	Quantity
1	Admissible stranded power for Additional Surcharge	MU	A	144.70
2	Effective Fixed Charges (Tariff Order dt. 28.03.2025)	Rs/kWh	B	1.44
3	Cost of stranded power eligible for Additional Surcharge	Rs Cr.	C=A*B	20.79
4	Estimated Open Access Units for H2 of FY 2025-26	MU	D	152.26
5	Additional Surcharge recoverable from Open Access Consumers during H2 of FY 2025-26 and onwards	Rs/kWh	E=C/D	1.37

2.2.8 The Additional Surcharge for second (2nd) Half of FY 2025-26 is estimated as Rs 1.37 per unit. It is humbly requested to the Hon'ble Commission that Additional Surcharge @ Rs 1.37/unit may be allowed to recover from the Open Access consumers during Second (2nd) Half of FY 2025-26 and thereof till the issuance of the further order.

2.3 : In view of the above-mentioned facts, the discoms as under:

- The instant Petition for Additional Surcharge may kindly be approved;
- Additional Surcharge of Rs. 1.37/kWh may kindly be allowed to recover from Open Access consumers during Second (2nd) Half of FY 2025-26 and thereof till the issuance of subsequent order;
- Condone any inadvertent omissions/errors/shortcomings and permit the Petitioners to add/change/modify/alter this filing and make further submissions as may be required during the proceedings in the matter;
- Pass the necessary order as may be deemed fit for recovery of Additional surcharge from the Open Access Consumers.

Proceedings in the Case

3. In order to take the process forward, the Commission issued a Public Notice in two Newspapers having wide circulation in Haryana i.e. The Dainik Jagran (Hindi) and The Hindustan Times (English) both dated 04.03.2026, for inviting comments/objections from the general public/stakeholders, on or before 20.03.2026 and intimating that hearing shall be held on 24.04.2026 in the court room of the Commission. The said public notice was also hosted on the website of the Commission under the heading "Public Notice".
4. In response to the ibid public notice, no comments have been received from any of the stakeholders.

Commission's Analysis and Order

5. The Commission observes that since both the petitions i.e. petition no. 05 and 06 of 2026 are identical; therefore, it would be appropriate to hear them as a bunch matter and decide them through the present common order. Accordingly, both the cases were heard on 24.04.2026, as scheduled. The parties present during the hearing, reiterated the contents of their respective filings, which for the brevity has not been reproduced herein again.
6. The Commission has considered the submissions and observes that the Additional Surcharge is being levied in line with the provisions of Section 42(4) of the Electricity Act, 2003 and Regulation 22 of the HERC (Terms and Conditions for Intra-State Open Access) Regulations, 2012 as well as formula provided in the National Tariff Policy, 2016 including the methodology suggested by the Hon'ble APTEL in its judgement dated 30.05.2011 (Appeal No. 102,103 & 112 of 2010). Discoms have also elaborated and addressed the concerns raised by the intervenor which is in sync with the earlier order of this Commission. Therefore, no further deliberations on the same is required.
7. The Commission has carefully examined the regulations occupying the field and earlier orders passed in the matter of the determination of additional surcharge.
8. The Commission has examined the proposed Additional Surcharge keeping in view of the Regulation 22 of the Haryana Electricity Regulatory Commission (Open Access) Regulations, 2012, which casts an obligation on the DISCOMs to file the requisite data regarding quantum of stranded power on six monthly basis and forms the basis for determination of Additional Surcharge by the Commission. Accordingly, the DISCOMs have filed the relevant data for the period Oct 2024-March 2025. The same has been examined as under: -
 - a) That the petitioner has worked out backing down quantum day-wise and slot-wise for six months of the FY 2024-25 (2nd half), from the implemented schedule and the entitlements as per their last revision, for a particular day. To ensure that only the power stranded/surrendered due to open access consumers is considered for determination of additional surcharge, the lower of the open access power and surrendered power net of power purchased on DAM basis in each time slot has been taken into account to calculate the quantum of stranded power for determination of the Additional Surcharge.
 - b) That due to the change in the declared capacity of the inter-state generator during the day, the change in entitlement of the State from that particular generator is automatically accounted for.
 - c) It has been further observed that the generating units which are not at bar due to less demand have not been considered and only the backing down of running units has

been considered for arriving at the stranded cost of power for determination of the additional surcharge.

- d) While calculating the fixed cost for estimating the Additional Surcharge, the DISCOMs have taken the average fixed cost i.e. Rs 1.44 per unit, approved by the Commission in its ARR order dated 28.03.2025, for the FY 2025-26.
- e) Accordingly, the Additional Surcharge, recoverable from the Open Access consumer(s) has been determined as per the details provided in the table below:-

Months	MW	MU	OA (MW)	OA (MU)	
	A= Stranded Power lower of OA & backdown (MW)	B= A converted into MU	C= Open Access Purchase (MW)	D= C converted into MU	
Oct-24	53.72	39.97	56.03	41.69	
Nov-24	58.55	42.15	59.89	43.12	
Dec-24	35.53	26.44	38.40	28.57	
Jan-25	18.50	13.76	19.90	14.81	
Feb-25	14.53	9.76	16.17	10.87	
Mar-25	16.95	12.61	17.76	13.21	
Total		144.70		152.26	
Quantum considered for Addl. Surcharge (lower of the power backed down/surrendered and open access power)				MU	144.70
Per Unit Fixed Cost of Power Purchase for the FY 2025-26				Rs/kWh	1.44
Cost of stranded power eligible for Additional Surcharge				Rs. Cr.	2079
Estimated Open Access Units for H2 of FY 2025-26 (considered same as in H2 of FY 2024-25)				MU	152.26
Additional Surcharge to be applicable on OA Consumers				Rs/kWh	1.37

It is observed that the methodology as well as the calculations placed on record by the Discom(s) are in order. Hence, the Commission orders that Rs. 1.37/kWh shall be the Additional Surcharge applicable from the date of this order and shall be applicable to the consumers of Uttar Haryana Bijli Vitran Nigam (UHBVN) and Dakshin Haryana Bijli Vitran Nigam (DHBVN) who avail power under the Open Access mechanism in terms of the Haryana Electricity Regulatory Commission (Terms and Conditions for Grant of Connectivity and Open Access for Intra-State Transmission and Distribution System) Regulations, 2012, from any source other than the distribution licensees. The additional surcharge shall continue to be effective till the same is revised / amended by the Commission.

9. In terms of the above order, the present petition is disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 30.04.2026.

Date: 30.04.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member

Sd/-
(Nand Lal Sharma)
Chairman