

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

CASE NO: HERC / PRO-69 of 2017

**DATE OF HEARING : 12.01.2021
DATE OF ORDER : 12.01.2021**

IN THE MATTER OF:

Petition under section 86(1)(f) of The Electricity Act, 2003 read with Regulation 23 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 seeking payment of Rs.76,61,606/- towards the deemed generation as the grid down time exceed the considerable downtime/maintenance hours under Power Purchase Agreement dated 20th August, 2010 executed between the petitioner and respondent no. 1 on behalf of respondent no. 3 & 4 along with interest @ 18% p.a. and other damages.

Petitioner

M/s. Zamil Infra Pvt. Ltd.

Respondents

1. Haryana Power Purchase Centre (HPPC), Panchkula
2. Chief Engineer, HPPC, Panchkula
3. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN), Hisar
4. Uttar Haryana Bijli Vitran Nigam Limited (UHBVN), Panchkula

Present

On behalf of the Petitioner through Video Conferencing

Shri Vishal Garg Narwana, Advocate.

On behalf of the Respondents through Video Conferencing

Shri Shubham Arya, Advocate for HPPC

Quorum

**Shri Pravindra Singh Chauhan,
Shri Naresh Sardana,**

**Member (In Chair)
Member**

INTERIM ORDER

1. The case has been heard through Video conferencing on 12.01.2021, as scheduled, in view of COVID-19 pandemic.

2. During the hearing, Shri Vishal Garg Narwana, Ld. Advocate appearing on behalf of the Petitioner made comprehensive submissions on the Petition.
3. Shri Shubham Arya, Ld. Advocate for the Respondents vehemently argued that the Petition is time barring. The Petition was filed on 18.09.2017, therefore the claims preferred for the period prior to 18.09.2017, are time barred. Secondly, the 'force majeure events' caused by grid failure does not constitutes backing down by HPPC and therefore is not eligible for deemed generation.
4. The Commission, after hearing both the parties at length, directs the Respondents to intimate the number and duration of time the generator herein was backed down due to scheduled maintenance and instances where the power was backed down by HPPC in spite of the availability of the system. The Petitioner is directed to substantiate the fact that the loss of generation claimed by it occurred due to refusal of the Respondents to off take the power. The requisite information may be provided within two weeks from the date of issue of this Order.
5. The next date of hearing shall be fixed separately.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12.01.2021.

Date: 12.01.2021
Place: Panchkula

(Naresh Sardana)
Member

(Pravindra Singh Chauhan)
Member