

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

Case No. HERC/RA-14 of 2020

Date of Hearing : 18.12.2020

Date of Order : 22.12.2020

In the Matter of

**REVIEW PETITION UNDER SECTION 94 (1) (F) OF THE ELECTRICITY ACT,
2003 READ WITH REGULATION 57 OF THE HARYANA ELECTRICITY
REGULATORY COMMISSION (CONDUCT OF BUSINESS) REGULATIONS,
2019 SEEKING REVIEW OF THE ORDER DATED 04.09.2020 PASSED BY
THE HON'BLE COMMISSION IN HERC/ PRO 30 OF 2020.**

Review Petitioner: Uttar Haryana Bijli Vitran Nigam Limited & Ors

V/s

Respondents: Sharad Farms and Holdings Pvt.Ltd

Present

On behalf of the Review Petitioner

Shri Samir Malik, Advocate

On behalf of the Respondent

Shri Ashwani Talwar, Advocate

QUORUM

Shri Pravindra Singh, Member (in chair)

Shri Naresh Sardana, Member

INTERIM ORDER

1. The matter was heard by the Commission on 18.12.2020, as scheduled, through video conferencing in view of Covid-19 Pandemic.
2. At the outset, Sh. Sameer Malik, Counsel for the Review Petitioner has reiterated his submission dated 16.12.2020 and tried to explain that the sanction of the present electrification infrastructure plan from Sector 3, Rohtak is not feasible as per feasibility report dated 28.09.2020. Counsel

for the Review Petitioner has tried his level best to make a case that the feasibility report dated 28.09.2020 is the only feasibility report, which was prepared by the review petitioner in compliance of the orders of HERC.

3. On the other hand, counsel for the Respondent Sh. Ashwani Talwar has argued that in spite of clear directions from the Commission, Electrical infrastructure plan has not been sanctioned till date. It was further submitted by the counsel for the Respondent that connectivity for infrastructure Plan for sector 35 of Developer for ultimate load of 14.6 MVA has already been approved by the WTDs of HVPNL through 33 KV independent feeder from 132 kV sub-station, Sector 3, Rohtak.
4. From the pleadings of the Review Petitioner, it has been brought out that load of 18 MVA from 33 kV sub-station, Bhalout and 16 MVA of 33 kV sub-station, Kansala is proposed to be shifted on proposed 220 kV Sub-Station, Nonand which was to come up in 2019 but work has not been started so far. Further, a grim picture has been presented by including 12.5 MVA of emergency load which is not fed from sub-station in routine. Shifting of load being fed from one sub-station to other newly created sub-station in the vicinity of the load is a dynamic process and is being done by Discoms/transmission utilities as brought out in the table in para No. 56 of the petition.
Facing with the situation, the Commission is of the view that Discoms are not approaching this Commission with clean hands. Their own pleadings show that the load to the tune of 14.6 MVA of the Respondent herein has already been approved by the Discom in consultation with the transmission utility and balance is likely to be made available in future after shifting load of 33 KV substation Kansala and Bhalout on proposed 220 kV sub-station Nonand.
5. At this stage, the arguments advanced by the review petitioner that 220 KV sub-station of Nonand may not come up in near future and therefore it is only after the 220 KV sub-station is installed, they would be in a position to sanction the connectivity of requisite load as demanded by the Respondent. The arguments advanced by the Review Petitioner does not cut much ice as per view of the Commission. Shifting of load being a dynamic exercise, which is continuously being undertaken by the Utilities, the same cannot be a ground to deny the sanction of electrification plan of developer. Connectivity of a load of 14.6 MVA has already been approved from 132 kV sub-station sector 3 Rohtak by the WTDs of UHBVNL and HVPNL. In this view of the matter, the Commission observes that there cannot be any hinderance to give connectivity upto time load is build up to 14.6 MVA. Needless to mention that there was a suggestion from the Respondent that in case 220 KV sub-station does not come up in time and ultimate load of developers

increases beyond 14.6 MVA and if there is requirement of shifting the same to some other sub-station (to be created in future), the respondent developer will bear the cost of 33kV line required for such shifting. Keeping in view the suggestions and arguments of both the parties, the Commission is of the view that review petitioner/Discom may also keep this suggestion in mind while approving the electrification infrastructure plan of respondent.

6. The respondent further requested for release of load of upto 5 MVA as an interim measure because area has already been partially developed and inhibited and the respondents are facing acute problems on account of non-supply of electricity. Since connectivity for a load of 14.6 MVA has already been sanctioned by the review petitioner, the Commission did not find any reason, as to why this load should not be released, but be that as it may direction is being given to the Discom to release the load upto 5 MVA reflected on 11 kV feeder as an interim measure to the respondents-developers. Needless to mention that interim measure, so directed, would not have any consequences upon the merits of the case.
7. No other issue was argued before the Commission nor the issue of show cause notices issued to the Directors of UHBVNL has been argued. Reply to the show cause notices, so issued, has been filed and taken on record. The same will be considered at the time of final disposal of the matter.
8. The matter to come up again on 12.01.2021 at 11.30 A.M.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 22/12/2020.

Date: 22/12/2020

(Naresh Sardana)

(Pravindra Singh)

Place: Panchkula

Member

Member