BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/P. No. 21 of 2026

Date of Hearing	**:**	**26/08/2026**
Date of Order	**:**	**09/09/2026**

IN THE MATTER OF:
Petition seeking execution of order dated 16.01.2026 passed by Hon'ble Commission in PRO 11 OF 2025 under:

1. **Section 142 of The Electricity Act 2003 – punishment for noncompliance of directions by the appropriate Commission**
2. **Section 146 of the Electricity Act 2003 – punishment for noncompliance of order or directions.**

Petitioner
RPS Infrastructure Ltd, Sector 27-C, Faridabad through authorized representative Mr B K Singh

VERSUS

Respondent:

1. Dakshin Haryana Bijli Vitran through its officers.
2. The Director / Operation, Vidyut Nagar Hisar
3. The Chief Engineer / Commercial, Vidyut Nagar, Hisar
4 The Chief Engineer/Operation, Vidyut Nagar, Hisar
5. The Superintending Engineer / Operation Circle, Faridabad
6. Executive Engineer / Operation, Old Faridabad Division, DHBVN, Faridabad
7. Sub Divisional Officer / Operation Mathura Road, Sub- Division, DHBVN, Faridabad

Present
On behalf of the Petitioner
Sh. Sanjeev Chopra, Representative

On behalf of the Respondent.
1. Sh Raheel Kohli, Advocate
2. Sh. Devender Attri, XEN, DHBVN

QUORUM

Shri Mukesh Garg, Chairman
Shri Shiv Kumar, Member

ORDER

1. **Petition:**

1.1 The Petitioner is developing an IT Park at Village Sarai Khwaja, Sector 27C, Faridabad, on land measuring 7.587 acres under Licence No. 19 of 2010 dated 10.03.2010 (Scheme LC 1555A) granted by The Director, Town & Country Planning, Haryana. The licence stands renewed till 09.03.2029 vide Memo No. LC 1555 JE(MK) 2024/11697 dated 09.04.2024.

1.2 The Petitioner was facing persistent difficulties in obtaining a regular electricity supply for the said IT Park. The Respondents had withheld release of the connection, citing non-payment of "differential cost" between 33 kV and 11 kV infrastructure, despite 33 kV infrastructure being unavailable in the area - a deficiency solely attributable to the Respondents.

1.3 The Petitioner, therefore, filed a petition bearing Case No. HERC/P. No. 11 of 2025 before the Hon'ble Commission on 20.01.2025 under Section 181 of the Electricity Act, 2003, seeking removal of difficulties in relation to the provisions of Clauses 16 and 17 of the Haryana Electricity Supply Code, 2014 (as amended from time to time), as well as Clauses 9, 10, and 11 of the Duty to Supply Electricity Regulations.

1.4 During the pendency of the said Petition, this Hon'ble Commission directed the Respondents to release a partial load in permanent connection of 1100 KW/1100 kVA, which was done in April 2025.

1.5 The said Petition was, thereafter, duly heard on merits and disposed of by this Hon'ble Commission vide a well-reasoned Order/ Judgement dated 16.01.2026. A copy of the said Order/ Judgment dated 16.01.2026.

1.6 That the operative portion of the Order/ Judgement dated 16.01.2026 is reproduced herein below for ready reference:

"*6. On a considered evaluation of the pleadings, averments, and the statutory framework, the Commission notes that Regulation 3.2.2 intends recovery of differential cost where supply is given at a voltage other than the specified level. However, the regulation proceeds on the premise that such higher voltage infrastructure is available or is to be created. In the present case, the material on record, including the sanctioned electrification plans and correspondence, clearly establishes that 33 kV infrastructure is not available in the vicinity and, as stated by the petitioner without specific rebuttal, HVPN has taken a policy decision not to allow further 33 kV bays at existing 66 kV substations in Faridabad. In such a situation, no expenditure is either incurred or proposed to be incurred by the respondents towards creation of 33 kV infrastructure for the petitioner. Demand of differential cost in respect of an infrastructure which is admittedly not going to be created amounts to recovery which results in unjust enrichment of the distribution licensee*".

7. Further the ultimate sanctioned load of 5029.73 kVA is marginally above threshold of 5000 kVA and No additional bay or extra investment is required for ultimate load as no 2nd 11 kV feeder is needed.

8. The reliance placed by the respondents on the decision in Sharad Farms is distinguishable on facts. In that case, the Commission itself emphasized that differential cost must be reasonable and relatable to the actual infrastructure from the approved feeding source. In the present matter, the demand of Rs. 3,11,25,012/- is based on a hypothetical comparison with 33 kV infrastructure which is neither available nor feasible, while the entire 11 kV feeder has already been created at the cost of the petitioner.

9. In view of the above facts and statutory provisions of the Electricity Act, 2003, the HERC (Electricity Supply Code) Regulations, 2014, the (Single Point Supply) Regulations, 2020, and the principles laid down in earlier orders of the Commission, the Commission observes that the petitioner falls in a category where supply at 11 kV has been necessitated solely due to system constraints of the licensees and where there is no likelihood of creation of 33 kV infrastructure in future. In such circumstances, insistence on payment of differential cost of Rs. 3,11,25,012/- is arbitrary, lacks legal justification and causes undue hardship.

10. Accordingly, The Commission allows the petition. The demand raised by the respondents towards differential cost between 33 kV and 11 kV supply is deferred till the creation of 33 kV infrastructure in future avoiding undue burden on the petitioner for network deficiency attributable to respondent. The respondents are directed to release the sanctioned load and proceed further in accordance with law, without insisting upon differential cost at present. Upon 33 kV readiness notice by respondent, the petitioner shall be liable to pay differential cost prevailing at that time irrespective of petitioner opting either to shift to 33 kV or to retain 11 kV supply.

11. The petition is disposed of in above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 16/01/2026"

1.7 The Petitioner has submitted multiple written requests and reminders dated 20.01.2026, 23.02.2026 and 14.03.2026 requesting the Respondents to comply with the said Order/ mandate of this Hon'ble Commission seeking i) approval of the Revised Electrification Plan as per the application dated 30.12.2024 and ii) Enhancement/extension of the load from 1100 KW/1100 kVA to 2200 kVA under Account No. 5459064553 pursuant to the application initially filed on 22.09.2025. Copies of letters dated 20.01.2026, 23.02.2026 and 14.03.2026 are annexed. Copies of initial applications dated 22.09.2025 and 30.12.2024, as submitted by Petitioner to the Respondents.

1.8 Despite repeated written reminders and the lapse of over two months since the Order, the Respondents have neither acted upon nor complied with the Hon'ble Commission's directions. No response or action has been taken on the Petitioner's pending applications to date.

1.9 That act and omission on the part of the Respondents in not approving the revised electrification plan and extension of load from 11OO kVA to 2200 kVA amounts to willful disobedience and non-compliance of the Order passed by this Hon'ble Commission for which the

Respondents are subjected to appropriate action penal as well as coercive under sections 142 read with section 146 and 149 of the Electricity Act 2003. Sections 142, 46 and 149 of the Electricity Act, 2003 are reproduced below for ready reference of this Hon'ble Commission:

Section 142. (Punishment for non-compliance of directions by Appropriate Commission): In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.

Section 146. (Punishment for non-compliance of orders or directions): Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence.

Section 149: (1) Where an offence under this act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly

(2) Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Not withstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.

1.10 The Petitioner is facing an imminent crisis due to the approaching summer of 2026; the load is increasing with every passing day:

a) Infrastructure Strain: The current 1100 KW/1100 kVA load released in April 2025 pursuant to the interim order of this Hon'ble Commission is fully exhausted; any excess results in immediate penalties or disconnection. In the past, on several occasions, the Respondents have disconnected the supply whenever the MDI exceeded its limit due to higher consumption.

b) Environmental & Financial Burden: To avoid outages, the Petitioner is forced to run parallel Diesel Generator (DG) sets, defeating the purpose of seeking a regular grid connection.

c) Respondent Apathy: The Respondents have neither implemented the Order nor responded to any representations, demonstrating a blatant disregard for the Commission's authority.

d) In the absence of immediate action by the Respondents, the Order dated 16.01.2026 shall be rendered ineffective and otiose, and the filing of the Petition infructuous, despite securing orders on merits.

e) Respondents, in fact, instead of acting in a consumer-friendly manner, have continued to adopt an approach that causes undue hardship to the Petitioner. A matter which could have been resolved at their own level, without necessitating the intervention of this Hon'ble Commission, remains unresolved even after more than a year of proceedings, detailed pleadings and arguments, and despite the passing of a clear and reasoned Order / Judgement in the matter, evidencing clear defiance of the Authority's mandate.

1.11 The Petitioner is, therefore, constrained to believe that the Respondents are willfully disregarding and failing to implement the Order of this Hon'ble Commission without any justification. The present Execution Petition is accordingly filed invoking Sections 142, read with Section 146 and 149 of the Electricity Act, 2003, seeking appropriate action against the Respondents for non-compliance with the Commission's Order dated 16.01.2026.

1.12 That by way of the present petition, the Petitioner also seeks to highlight the arbitrary conduct and undue hardship faced by a bona fide and law-abiding consumer, as even the Order/Judgement passed by the Hon'ble Commission has failed to secure resolution of the issue.

PRAYER

In view of the foregoing facts and circumstances, the Petitioner respectfully prays that this Hon'ble Commission may be pleased to:

a) Admit the present Execution petition;

b) direct the Respondents to immediately comply with the Order/Judgement dated 16.01.2026 passed in the matter of PRO 11 of 2026, in letter and spirit, without any further delay;

c) direct the Respondents to forthwith grant extension of load from 1100 KW/ 1100 kVA to 2000 KW /2222 kVA and to approve the Revised Electrification Plan in accordance with law.

d) initiate penalty proceedings under Sections 142, 146 and 149 of the Electricity Act 2003 against the concerned officers/Respondents for willful disobedience of this Hon'ble Commission's directions;

e) Pass any such other order(s)/ direction(s) as this Hon'ble Commission may deem fit

2. The case was heard on 16/04/2026, Sh. Sanjeev Chopra re-iterated the contents of the petition and requested to direct the respondents to comply the directions of the Commission in Petition No. 11 of 2025. Sh. Raheel Kohli counsel for the respondents submitted that the directions of the Commission have already been complied with and requested for two weeks' time to file the reply. He further submitted that a review petition has also been filed on the same order and requested to club the same with present petition and be heard along with on next date of hearing. Sh. Sanjeev Chopra requested for three days to file rejoinder and one week for filing the reply to review petition. Acceding to requests of the parties the Commission adjourns the matter and directs to list the review petition on the next date of hearing of instant petition. Further directs the respondents to submit their reply with in two (2) weeks and petitioner to file rejoinder and reply to review petition within one week thereafter with advance copies to either parties. The matter shall come up next on 28/05/2026.

3. The case was heard on 04/06/2026, Sh. Raheel Kohli, Counsel for the respondents submitted that the reply has been submitted. Sh. Sanjeev Chopra requested for time to file rejoinder. Acceding to requests of the petitioner the Commission adjourns the matter and directs to file the rejoinder within 3 weeks with advance copy to the respondents

4. **Reply submitted by DHBVN dated 05.06.2026**

4.1 The present reply is being filed on behalf of Dakshin Haryana Bijli Vitran Limited ("DHBVN"/ "Respondent") in response to the above captioned petition filed by M/s RPS Infrastructure Limited, IT Park ("Petitioner") and all submissions are made in the alternative and without prejudice to each other. All allegations made by the Petitioner are denied in totality and the same may be treated as a denial as if it was made in seriatim. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.

4.2 At the outset, the Respondent submits that the allegation of non-compliance is wholly misconceived, factually erroneous, and legally unsustainable. The Petitioner has, under the guise of seeking compliance with the Order dated 16/01/2026, sought to introduce a completely independent subject matter (namely, approval of a Revised Electrification Plan) which was never adjudicated upon, never directed, and forms no part of the operative directions of the said Order. The Order dated 16/01/2026 was confined exclusively to the adjudication of a demand notice issued by DHBVN pertaining to the differential cost between 33 KV and 11 KV supply, and the consequential direction to release the sanctioned electrical load. No other relief was granted thereunder.

4.3 The Respondent further submits that with respect to the sole direction actually contained in the Order, being the release of the enhanced load connection, DHBVN has fully and completely complied, and the enhanced connection was formally released on 16/04/2026 upon completion of all mandatory statutory formalities by the Petitioner.

BRIEF FACTS

4.4 The Order dated 16.01.2026 passed by this Hon'ble Commission in Case No. HERC/P.No. 11 of 2025 arose from a petition filed by the Petitioner specifically challenging the demand raised by DHBVN towards the differential cost between 33 KV and 11 KV supply. The said demand, amounting to INR 3,11,25,012, had been raised by DHBVN pursuant to its applicable regulations and had resulted in the pendency of the Petitioner's load extension application.

4.5 The Hon'ble Commission, upon adjudicating the said demand notice, passed the following operative directions in the order dated 16.01.2026:

(a) The Commission allows the petition. The demand raised by the respondents toward differential cost between 33 KV and 11 KV supply is deferred till the creation of 33 KV infrastructure in future, avoiding undue burden on the petitioner for network deficiency attributable to respondent.

(b) The respondents are directed to release the sanctioned load and proceed further in accordance with law, without insisting upon differential cost at present.

(c) Upon 33 KV readiness notice by the respondent, the petitioner shall be liable to pay differential cost prevailing at that time, irrespective of petitioner opting either to shift to 33 KV or to retain 11 KV supply.

4.6 A plain and careful reading of the Order dated 16/01/2026 reveals unambiguously that the Commission adjudicated one specific demand notice and issued one operative direction to DHBVN, being the release of the sanctioned load without insisting upon the deferred differential cost. The Order is entirely silent on, and does not in any manner adjudicate or direct, the approval of any Revised Electrification Plan.

4.7 It is respectfully submitted that the scope of the Order dated 16/01/2026 is therefore confined to the following two matters: (a) deferral of the differential cost demand, and (b) direction to release the sanctioned load in accordance with law. No further obligation was cast upon the Respondent by the said Order.

SUBMISSIONS ON MERIT

4.8 The Petitioner, in its application alleging non-compliance, has contended that DHBVN failed to comply with the Order dated

16.01.2026 on account of: (i) non-approval of the Revised Electrification Plan as per an application dated 30.12.2024, and (ii) non-release of the enhanced/extended electrical load from 1100 KW/1100 KVA to 2200 KVA under Account No. 5459064553.

4.9 The Respondent submits that the Petitioner has deliberately and improperly conflated two wholly independent matters into a single non-compliance application, thereby attempting to secure, through the compliance jurisdiction of this Hon'ble Commission, a relief that was never granted by the Order dated 16/01/2026. This constitutes a manifest overreach and merits unequivocal rejection.

4.10 It is a well-settled principle of adjudicatory jurisprudence that compliance jurisdiction cannot be invoked to secure a relief that was never granted by the order in question. The Petitioner cannot, through the mechanism of a non-compliance application, enlarge the scope of the Order dated 16.01.2026 to incorporate directions that the Commission never issued. To permit such an exercise would be to allow the Petitioner to collaterally obtain, through enforcement proceedings, what was neither sought in the original petition nor granted by the Commission.

4.11 Without prejudice to the submission that the application for approval of the Revised Electrification Plan does not form part of the Order dated 16.01.2026, the Respondent places on record the sequence of actions undertaken by DHBVN pursuant to and in compliance with the directions contained in the said Order. In this regard, the attention of this Hon'ble Commission is respectfully invited to the following facts:

A. Immediately upon passing of the Order dated 16.01.2026, DHBVN initiated the process for implementation of the directions contained therein. Accordingly, the Technical Feasibility Report ("TFR") was forwarded by the SDO (OP), Mathura Road Sub-Division to the XEN (OP), Old Faridabad Division vide Memo No. 415 dated 21.01.2026, i.e., within five days of the Order passed by this Hon'ble Commission.

B. It is submitted that processing of an application for enhancement of load necessarily requires examination at various technical and administrative levels, including assessment of system feasibility, verification of network capacity, scrutiny of consumer liabilities and compliance with applicable regulations and departmental instructions. Such scrutiny is mandatory and forms an integral part of the statutory process governing release of enhanced load.

C. During the course of processing of the enhancement application, the Petitioner was required to furnish and maintain valid Bank Guarantees towards the applicable commercial requirements. In this regard, the Bank Guarantee amounting to INR 42,82,000 furnished towards Advance Consumption Deposit (ACD) had expired on 22.01.2026 and, accordingly, the Petitioner was called upon vide Memo No. 793 dated 25.02.2026 to renew the same. The renewed Bank Guarantee was thereafter furnished by the Petitioner on 26.02.2026. Further, vide Memo No. Ch-80/GC-

149 dated 18.02.2026, the Petitioner was also required to furnish a Bank Guarantee amounting to INR 86,90,937 towards Phase-III internal infrastructure requirements, which was furnished on 24.02.2026. It is respectfully submitted that compliance with and verification of these mandatory commercial requirements constituted an essential prerequisite for processing the proposal to the stage of final sanction and release of load in accordance with the applicable regulatory framework.

D. Thereafter, the proposal continued to be processed at each successive level without any avoidable delay. The TFR was forwarded by the XEN (OP), Old Faridabad Division to the SE (OP), Faridabad Circle on 13.03.2026 and thereafter by the SE (OP), Faridabad Circle to the CE (OP), Delhi Zone on 09.04.2026 for grant of final approval.

E. Upon completion of the requisite scrutiny and verification, the Chief Engineer (Operations), Delhi Zone, vide Memo No. Ch-62/CE-OP/DELHI/GGN-I/EOL/B-83 dated 13.04.2026, accorded sanction for enhancement of load in favour of the Petitioner.

F. Pursuant thereto, and upon completion of all prescribed formalities, the enhanced electrical load was formally released in favour of the Petitioner on 16.04.2026.

G. Pursuant thereto, and upon completion of all prescribed formalities, the enhanced electrical load was formally released in favour of the Petitioner on 16.04.2026.

4.12 The aforesaid chronology unequivocally demonstrates that DHBVN acted with utmost promptitude in implementing the Order dated 16.01.2026. The process for release of the enhanced load was initiated within five days of the Order and was thereafter carried forward through each statutory and technical level of scrutiny prescribed under the applicable regulatory framework. At no stage did DHBVN insist upon payment of the differential cost which stood deferred pursuant to the Order dated 16.01.2026. On the contrary, the record establishes that the application was processed and sanctioned immediately upon fulfilment of the requisite technical and commercial requirements by the Petitioner.

4.13 In view of the above, the allegation of non-compliance is wholly misconceived and devoid of merit. The sole operative direction requiring action on the part of DHBVN was to release the sanctioned load in accordance with law without insisting upon payment of the deferred differential cost. The said direction stands fully complied with upon release of the enhanced electrical load on 16.04.2026. The present proceedings are, in substance, founded not upon any alleged non-compliance of the Order dated 16.01.2026 but upon the Petitioner's attempt to introduce issues relating to approval of the Revised Electrification Plan, which neither formed part of the original proceedings nor constituted the subject matter of any direction issued by this Hon'ble Commission.

4.14 It is further submitted that the present Petition proceeds on a fundamentally erroneous assumption that the Order dated 16.01.2026 dispensed with the Petitioner's obligation to comply with the applicable statutory, technical and commercial requirements governing enhancement of load. The Order merely directed release of the sanctioned load "in accordance with law" and did not exempt the Petitioner from furnishing valid Bank Guarantees, satisfying departmental requirements, or undergoing the prescribed technical feasibility and approval process. DHBVN has, therefore, acted strictly in conformity with both the Order dated 16.01.2026 and the applicable regulatory framework, leaving no occasion whatsoever for invocation of the execution or compliance jurisdiction of this Hon'ble Commission.

4.15 In view of the above, it is respectfully submitted that DHBVN has fully complied with the Order dated 16.01.2026 by processing the Petitioner's application in accordance with law and releasing the enhanced load on 16.04.2026 without insisting upon payment of the deferred differential cost. The allegations of non-compliance are therefore wholly unfounded. To the extent the Petition seeks to raise issues concerning approval of the Revised Electrification Plan, the same fall outside the scope of the Order dated 16.01.2026 and cannot be agitated in the present proceedings.

5. The case was heard on 08/07/2026. At the outset, Sh. Sanjeev Chopra representative of petitioner requested for two weeks' time to submit the rejoinder due to hospitalization of his father. Acceding to requests of the petitioner the Commission adjourns the matter and directs to file the rejoinder within two (2) weeks with advance copy to the respondents.

6. **Rejoinder filed by Petitioner dated 21.08.2026.**

6.1 That at the outset all the contentions, adverts and statements made by the Respondents in the replies are denied and nothing therein shall be deemed as admitted by the Petitioners, by reason of non-traverse or otherwise, unless specifically admitted hereinafter. It is submitted that the reply filed by Respondents is nothing but a misuse of the process of law and is devoid of any merits and is therefore liable to be dismissed.

6.2 That the Petitioners reserve the right to file additional evidence, including, but not limited to, additional documents and witnesses as well as the expert opinion, should the same become inevitable at any stage of the proceedings and / or arising out of the further submissions made by the respondents.

INTRODUCTORY SUBMISSION

6.3 That the necessity to file the present Petition had arisen because the Respondents were not implementing the order dated 16.01.2026 passed the Hon'ble Commission in Petition no. 11 of 2025.

6.4 That it is respectfully submitted that Petition No. 11 of 2025 primarily agitated two issues:-

a). one was regarding sanctioning of the revised Electrification Plan (EP) after the petitioner had obtained the "Indian Green Building Council (IGBC) Certification on 27.12.2024 for optimization of energy utilization and had accordingly applied for further reduction in the ultimate load as per norms for the Green Building. As per provisions of Sales Circular no. D-25/2024, the ultimate load had reduced to 4526.76 kW and after dividing it by 0.90, the ultimate load in kVA had reduced to 5029.73 kVA (Para no. 31 of the Petition 11 of 2025).

b). The other issue was regarding release of connection to the Petitioners. An Interlocutory Application (IA) had to be filed to get immediate release of 1100 kVA of load and the hon'ble Commission was very kind to pass an order in that regard.

6.5 That relevant portion of the order dated 16.01.2026 passed by this Hon'ble Commission reproduced herein below:

"Accordingly, The Commission allows the petition. The demand raised by the respondents towards differential cost between 33 kV and 11 kV supply is deferred till the creation of 33 kV infrastructure in future avoiding undue burden on the petitioner for network deficiency attributable to respondent. The respondents are directed to release the sanctioned load and proceed further in accordance with law, without insisting upon differential cost at present. Upon 33 kV readiness notice by respondent, the petitioner shall be liable to pay differential cost prevailing at that time irrespective of petitioner opting either to shift to 33 kV or to retain 11 kV supply.

6.6 Thus, the order dated 16.01.2026 clearly stipulated that demand of differential cost of Rs. 3,11,25,012/- was no more an impediment in processing of the case of the Petitioner, may it be release of further load or may it be sanctioning of the revised EP. But, even after filing of the present petition, the Respondents have only increased the load from 1100 kVA to 2222 kVA but are still withholding the sanction of revised EP on the pretext that the Commission's order did not specifically mention sanctioning of revised EP

6.7 It is wrong on the part of Respondents to say that they have complied with the orders just by enhancing the running load from 1100 kVA to 2222 kVA. They have not yet approved the revised EP, as explained above, and therefore they fully deserve imposition of penalty under Sections 142, 146 and 149 of the Electricity Act 2003 against the concerned officers/Respondents for willful disobedience of this Hon'ble Commission's order

6.8 Therefore, the present rejoinder is being filed, bringing out all the facts of the case before the hon'ble Commission.

PARAWISE REPLY TO SUBMISSIONS AND / OBJECTIONS FILED BY RESPONDENTS DHBVN ON DATED 25.06.2025:

1. That the contents of para no. 1 are wrong, contrary to facts, misconceived and hence denied. The Petition is bonafide and contains the facts available on record without any reason for the Respondents to deny.

2. That the contents of para no. 2 are wrong, misconceived, malicious and hence denied. It is wrong on the part of Respondents to say that approval of revised Electrification Plan didn't form a part of the order or that it has not been adjudicated upon. The respondents have signally failed to appreciate that the approval of the revised Electrification Plan (EP) and the consequential release of the enhanced load were withheld solely on the pretext that the petitioner had not deposited the alleged differential cost amounting to Rs.3,11,25,012/- (Rupees Three Crore Eleven Lakh Twenty-Five Thousand Twelve Only); however, once this Hon'ble Commission categorically found no merit in the respondents' contention and expressly ordered the deferment of the said differential cost, the very basis of the respondents' defense stood extinguished, thereby leaving no legally sustainable ground or justification for the respondents to continue withholding the approval of the revised EP. The order clearly says "The respondents are directed to release the sanctioned load and proceed further in accordance with law, without insisting upon differential cost at present". What else the Respondents want to clarify is not understood. The order clearly says "to release the sanctioned load" for which the approval of revised EP is a prerequisite. It seems that Respondents have mistaken the "Sanctioned Load" as "Partial Load of 2222 kVA" and that is why they wrongly assumed that they have complied with the order. In fact, partial load has to come within from the sanctioned load, for which the Respondents first need to approve the revised EP. Therefore, it is wrong on the part of the Respondents that the issue concerning approval of revised EP has not been adjudicated upon. A cogent reading of the order would reveal that all processes of the Petitioner, including approval of revised EP and Sanctioning of load, have to move together and immediately without being delayed by the issue of the differential cost. Respondents must understand that the Hon'ble Commission ordered release of sanctioned load and not just the partial load out of the total sanctioned load. It is also wrong on the part of Respondents to say that Petitioner has tried to add an altogether new issue of approval of revised EP in the guise of release of partial load.

It is further relevant to mention herein that in original petition no. 11 of 2025, Respondent has annexed the load sheet (Annexure R-1/16), wherein the Bank Guarantee for internal infrastructure has been calculated on the basis of a load of 5035.36 KVA. Further, in rejoinder, Petitioner has enclosed the letter dated 06.03.2025 issued by the SE (OP), Circle, Faridabad, addressed to the SE (Commercial), Hisar. In Point No. 4 of the said letter, it is specifically recorded that the applicant had applied for re-approval of the electrification plan, but the second phase Bank Guarantee for internal infrastructure amounting to Rs.87,23,505/- and the differential cost were pending. The letter also recommends that the request for re-approval of the load may be examined. Hence, Approval of revised EP is a pre-requisite for sanctioning of the load, and this has been a part of the original petition 11 of 2025 at para no. 31also.

3. That the contents of the para no. 3 are totally wrong, misconceived, mischievous and hence denied. Respondents have said in the para that the sole direction contained in the order was release of the enhanced load. Here also, the Respondents have grossly erred in reading the order. The order of 16.01.2026 does not say at all "release of the enhanced load" but it says "release of the sanctioned load". The Respondents have self-assumed that the order was to release only the "enhanced load". If the Respondents do not understand the difference between the "enhanced load" and the "sanctioned load", there is nothing which the Petitioners can do about it.
4. That the contents of para no. 4 are wrong and hence denied. It is wrong on the part of Respondents to say that non-deposition of differential cost by the Petitioners resulted into withholding of enhanced load only. If they check up from their records, they would find that the application filed by the Petitioners for approval of revised EP was also held up because of non-deposition of differential cost.
5. That the contents of para no. 5 is a matter of record. No comments are required.
6. That the contents of para no. 6 are totally wrong, baseless, misunderstood and hence denied. Respondents have failed to understand the order which clearly says sanctioning of the load as per law, and to act in accordance with law, they have to approve the revised EP before sanctioning of the load. The issue raised here in the para is a repetition of para no. 2, which has been adequately replied to in para no. 2 above. Therefore, it is not being repeated here for the sake of brevity.
7. That the contents of para no. 7 are just a repetition of para nos. 2 and 6 above, which have been adequately replied to above in the respective paras. Not being repeated here for the sake of brevity.
8. That the contents of para no. 8 are a matter of record. No comments except that contents of petition are bonafide and draw their source from the main petition 11 of 2025.
9. That the contents of para no. 9 are totally wrong, misconceived, misunderstood and hence denied. The Respondents must understand that the main issue brought before the Hon'ble Commission in petition no. 11 of 2025 was that demand of differential cost was unjustified but because of which, the Respondents had been withholding approval of revised EP and increase of running load from 1100 kVA to 2222 kVA. The order dated 16.01.2026 clearly said that deposition of differential cost was not to be insisted upon. As a matter of compliance of the order, all the issues which the Respondents had put on hold, were to be

processed and approved together in accordance with law. The respondent had only enhanced the load but did not approve the revised EP, which is very much included in it. In fact, after the order, Respondents were obligated to process applications of Petitioners in a manner as if there was no differential cost. But the Respondents have not yet accepted the fact that the order actually dispensed with the demand of differential cost.

10. That the contents of para no. 10 are totally baseless, wrong, misconceived and hence denied. It is wrong on the part of Respondents to say that Petitioners have added any entirely new issue in the present petition. The facts are otherwise. It is the Respondents themselves who have not understood the order or the issues raised in the petition 11 of 2025. Approval of revised EP was clearly mentioned in the Petition and it was very much a mention therein.
11. That the contents of para no. 11 are just a matter of Respondents' own internal correspondences and record, to which the Petitioner cannot comment upon. But the fact remains, that it took full three (3) months for the Respondents to release the load of 2222 kVA. The order of hon'ble Commission is 16.01.2026 and the load has been released on 16.04.2026
12. That the contents of para no. 12 are just a justification of 3 months' delay in release of 2222 kVA load as given by the Respondents. Petitioner have nothing to add on except that the Respondents did not do any action to approve the revised EP, which had also been ordered in the order dated 16.01.2026.
13. That the contents of para no. 13 are just a repetition of the above paras, which have been adequately replied to. Respondents have not yet come out of their self-assumed compliance status without realizing that they have not approved the revised EP even after 6 months of the passing of the order. Respondents have mistaken the "Sanctioned load" with "Enhanced load" and therefore, they have failed to realize that they have complied with the order only partly.
14. That the contents of para no. 14 are wrong, baseless and hence denied. Here again, in the reply, the Respondents are totally confused between the "sanctioned load" and the "enhanced load". They have failed to note that the Hon'ble Commission did not use "enhanced load" anywhere in the order but it is they who have self-assumed that "sanctioned load" and "enhanced load" are the same. Respondents have also raised the issue of submission of requisite Bank Guarantees by the Petitioner. But nowhere in their reply, the Respondents have ever said that they asked for some BGs and the Petitioners refused to submit the same. In fact, whenever any BGs have been demanded, the Petitioner have complied with. This has also been admitted by the Respondents in their reply in para no. 11 above

Contents of para no. 15 are wrong, baseless, misconceived and hence denied. Respondents' contention here in the para that revised EP falls outside the scope of the order dated 16.01.2026 is totally unfounded, misunderstood and an utter failure to understand the whole process of approval of EP and sanctioning of load as detailed out in EP.

PRAYER

In view of the foregoing facts and circumstances, the Petitioner respectfully prays that this Hon'ble Commission may be pleased to:

a) Direct the Respondents to immediately comply with the Order/Judgement dated 16.01.2026 passed in the matter of PRO 11 of 2026, in letter and spirit, without any further delay;
b) Direct the Respondents to approve the Revised Electrification Plan in accordance with law.
c) Direct the Respondents to consider the petitioner as a normal consumer as all other consumers and to process future applications and requests for load extension and revisions with respect to sanctioned load in accordance with law.
d) Initiate penalty proceedings under Sections 142, 146 and 149 of the Electricity Act 2003 against the concerned officers/Respondents for willful disobedience of this Hon'ble Commission's directions;
e) Pass any such other order(s)/ direction(s) as this Hon'ble Commission may deem fit

Commission's Order:

1. The case was heard on 26/08/2026, as scheduled, in the court room of the Commission.
2. At the outset, Sh. Raheel Kohli, counsel for the Respondent, submitted that the present execution petition is confined strictly to securing compliance of the order dated 16.01.2026 passed in Petition No. 11 of 2026, which has been duly and completely complied with. He further contended that any prayer seeking revision of the Electrical Plan (EP) or any other relief not covered by the operative directions of the said order cannot be considered in the present execution proceedings.
3. Sh. Sanjeev Chopra, authorized representative for the Petitioner, stated that the order has been complied with to the satisfaction of the Petitioner.
4. Taking cognizance of the statements made by the parties and the satisfaction conveyed by the Petitioner, the Commission observes that the grievance stands redressed and nothing survives for further adjudication in the present matter. The Petition stands disposed of, accordingly.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 09/09/2026.

	-Sd/-	-Sd/-
Date: 09/09/2026	**(Shiv Kumar)**	**(Mukesh Garg)**
Place: Panchkula	**Member**	**Chairman**