

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

Case No. HERC/Petition No. 38 of 2026

IA no 28 of 2026

Date of Hearing : 25.08.2026

Date of Order : 21.09.2026

In the Matter of

Petition under Section 142, read with Section 146 read with Section 94 of the Electricity Act 2003 and under proviso 6 of the HERC (Green Energy Open Access) Regulations, 2023 dated 24th April, 2023 for allowing connectivity and open access to electricity generated from green energy sources, read with the procedure for grant of green energy open access approved by the HERC vide its order dated 29.11.2023 in the petition no. 35 of 2023 for imposing penalty u/s 142 and institution of complaint u/s 146 of the Electricity Act, 2003 for non-granting approval of connectivity within stipulated time as laid down under the regulations and procedure and violating the instructions of regulations.

Petitioner

M/s BSL Casting, plot no 263, sector 24, Faridabad through its authorized representative Mr. Satish Kumar, Email: juristakshayoffice@gmail.com, rajan@bsltd.net

Respondent

Haryana Vidyut Prasaran Nigam Ltd. (HVPNL), through its Chief Engineer/SO and Commercial, Email: cesocomml@hvpn.org.in

Present on behalf of the Petitioner

1. Mr. Akshay Gupta, Advocate
2. Mr. Satish Kumar

Present on behalf of the Respondent

1. Mr. Raghujeet Madan, Advocate
2. Ms. Aerika Singh, Advocate
3. Mr. Lovepreet Singh, Advocate
4. Mr. Rajesh Goyal, CE HVPNL
5. Mr. Rohtas, SE/STU, HVPNL
6. Mr. Vikas Malik, XEN, HVPNL

Quorum

**Shri Mukesh Garg
Shri Shiv Kumar**

**Officiating Chairman
Member**

ORDER

Brief Background of the case

1. The present petition has been filed by M/s. BSL Casting seeking to impose penalty of Rs. 1,00,000/- on the respondent under Section 142, read with Section 146 of the Electricity Act 2003 for failure to grant connectivity within the timelines prescribed under

Regulation 6 of the HERC (Green Energy Open Access) Regulations, 2023 read with the sr. no. 14 of the 'Procedure for grant of Connectivity'. The petitioner has further prayed to grant deemed date of approval of connectivity on the completion of 30th day of the filing of application as per Regulation 6(3) of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 along with other consequential benefits and Rs. 2,00,000/- as court fee and litigation expenses.

2. The petitioner's submissions: -

- 2.1. That the Petitioner is a private limited company having its registered corporate office at Plot No. 263, Sector-24, Faridabad, Haryana – 121005.
- 2.2. That the Petitioner Company is having an HT Industrial electricity connection sanctioned by DHBVN, the Distribution Licensee, for its industrial premises and has been regularly availing electricity supply thereunder.
- 2.3. That in order to promote use of solar power and to substitute the licensee's power with solar power through open access, the Petitioner has set up a Solar Power Project of 6 MW in village Bhojraj (Hisar District) Haryana after completing all the legal formalities and after obtaining all the necessary approvals from various authorities in this regard, including HAREDA, the nodal agency in Haryana.
- 2.4. That the Petitioner acquired the land for the aforesaid project in the month of December, 2025 and thereafter applied for registration with HAREDA on 22.01.2026. The Petitioner was granted the said registration by HAREDA on 30.01.2026.
- 2.5. That the Petitioner has set up a 6 MW Solar Power Plant, being a 100% captive generating plant, and seeks to use the power generated therefrom for its captive consumption at its industrial premises situated in Faridabad through the mechanism of Open Access, in accordance with the applicable provisions of law.
- 2.6. That to evacuate power from this 6 MW solar power plant, the Petitioner requires connectivity from its nearest and feasible substation.
- 2.7. That in the process of setting up and obtaining various clearances, the connectivity has been suggested by HVPN from 132 kV HVPN substation Bhojraj (village Bhojraj – District Hisar) at 33 kV level and accordingly, 33 kV line has been erected by petitioner for evacuation of power.
- 2.8. That the Petitioner, in furtherance of the aforesaid project, applied for grant of Captive Status in the first week of February, 2026 and the same was duly approved by DHBVN vide approval dated 20.02.2026.

- 2.9. That the Petitioner applied for necessary approval along with all documents for connectivity on-line on the Portal on 06.03.2026.
- 2.10. That the Petitioner has already procured the solar modules required for the aforesaid project on 31.03.2026, and copies of the relevant invoices evidencing such procurement are annexed.
- 2.11. That the Ministry of New and Renewable Energy (MNRE), Government of India, vide Office Memorandum No. 283/63/2025-GRID SOLAR dated 25.05.2026, considered the representations received from renewable energy developers and decided that, although no blanket extension of the ALMM deadline would be granted beyond 01.06.2026, projects in respect of which substantial steps had already been undertaken, including procurement and installation of solar modules, could be considered for appropriate exemption/extension on a case-to-case basis, subject to fulfilment of the prescribed conditions.
- 2.12. That the Petitioner squarely falls within the category of projects where substantial investments and effective steps had already been undertaken prior to the cut-off date, including acquisition of land, obtaining statutory approvals, procurement of solar modules and initiation of the connectivity process. Therefore, the Petitioner's project is entitled to be considered in accordance with the aforesaid Office Memorandum issued by the MNRE.
- 2.13. That Clause 13 of the Procedure, under Sr. No. 13, prescribes the timeline for disposal of applications seeking Grid Connectivity/Open Access. The relevant portion of the said Procedure is reproduced hereinbelow:-

Time Frame for Disposal of Application		
Sr.no.	Description of Activity	Time Frame
1	Submission of Application	0 Day
2	Communication of deficiency or defect in the application	1st – 2nd day (within 2 days)
3	Forwarding the case to Planning/PD&C wing of concerned HVPNL/DISCOMs after completion of Application (after removing deficiency/defect or submission of requisite documents)	3rd– 5th day (within 3 days)
4	Supply of Technical Feasibility report by Planning/PD&C wing of concerned	6th – 20th day (within 15 days)
5	Accept/Reject the application by Nodal Agency and issuance of Grid Connectivity	21st – 30th day (within 10 days)
6	Acceptance or Clarification/Change by the applicant	Within 10 days
7	Submission of Connection agreement	Within 45 days of date of issue of Connectivity

- 2.14. That, as per the prescribed timelines, an application seeking Grid Connectivity is required to be either accepted or rejected by the Nodal Agency within 30 days from the

date of submission of a complete application. Further, upon grant of Grid Connectivity, the Connection Agreement is required to be executed/submitted within 45 days from the date of issuance of Connectivity. Accordingly, the entire process has been specifically time-bound under the applicable Procedure so as to ensure expeditious disposal of applications and timely grant of connectivity to eligible applicants.

- 2.15. That the Respondents, due to their own procedural delays granted the Technical feasibility on 21.04.2026 despite the fact that Regulation 6 of The Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 read with the Procedure for grant of green energy open access stipulates disposal of the application within 30 days of the application.
- 2.16. That due to inordinate and unexplained delay on the part of Respondents, the approval of connectivity, which is mandated to be given within 30 days of filing of the application, has not been given even after a gap of 105 days of the filing of application.
- 2.17. That due to this delay on the part of Respondents, the Petitioner has suffered a loss not only in terms of money but also that it has not been possible to evacuate power despite 100% captive generation.
- 2.18. That the petitioner rightfully deserves the deemed date of approval of connectivity on the 30th day from the date of application i.e. on 5th February 2026.
- 2.19. That Regulation 6 of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 is reproduced as under:

6. Procedure for grant of Green Energy Open Access:

(1) The detailed procedure for grant of connectivity and Green Energy Open Access including the application format and applicable Bank Guarantees/Fee/Charges etc., shall be prepared by the State Nodal agency, within a period of 30 days from the date of notification of these regulations and filed in this Commission for approval. The STU may be guided by the procedure prepared by (The Grid Controller of India Ltd.) for grant of green energy open access.

(2) All the applications for the Green Energy Open Access complete in all respects, shall be submitted on the portal setup by the Central Nodal Agency and these applications shall get routed to the State nodal agency as specified by the Commission under these Regulations for grant of green energy open access.

(3) The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of thirty days from the date of receipt of complete application for connectivity /open access, failing which it shall be deemed

to have been approved subject to the fulfillment of the technical requirements as specified by the Commission:

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out.

- 2.20. That the relevant powers of the Hon'ble Commission are vested in the Electricity Act 2003 as under:

Electricity Act, 2003- Section 94 (Powers of Appropriate Commission):

(1) The Appropriate commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of following matters, namely:

- (a) Summoning and enforcing the attendance of any person and examining him on oath;*
- (b) Discovery and production of any document or other material object producible as evidence;*
- (c) Receiving evidence on affidavits;*
- (d) Requisitioning of any public record;*
- (e) Issuing commission for the examination of witnesses;*
- (f) Reviewing its decision, directions and orders;*
- (g) Any other matter which may be prescribed.*

(2) The Appropriate Commission shall have the powers to pass such interim order in any proceedings, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3) The Appropriate Commission may authorize any person, as it deems fit, to represent the interest of the consumers in the proceedings before it.

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 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 if 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 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, with both in respect of each offence and in the case of 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:

2.21. That the following prayers have been made:-

- i) To admit the present petition and;
- ii) To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act 2003 for failure to comply with the Regulation 6 of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;
- iii) To grant the deemed date of approval of connectivity as 5th February 2026 i.e. on the 30th day of the filing of application as per Regulation 6(3) of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and ;
- iv) To grant all other consequential benefits to the Petitioner based upon the deemed date of approval of connectivity as 5th February 2026 and;
- v) To award the penalty imposed on Respondents in favour of the Petitioner and;
- vi) To direct the Respondents to pay Rs. 2,00,000/- (Rs. Two Lac only) as court fee and litigation expenses and ;
- vii) To allow any other relief as deemed fit by the Hon'ble Commission.

Proceedings in the Case

3. The case was initially heard on 10.06.2026. Mr. Rohtas, SE/STU, HVPNL, present during the hearing informed that the matter of grant of connectivity to the petitioner is under consideration of Whole-Time Directors (WTDs), since April, 2026.
4. Upon hearing the parties and considering the submissions made on record, the Commission, vide its interim order dated 11.06.2026, directed the Respondent to file

- an affidavit indicating the status and outcome of the meetings of the Whole-Time Directors (WTDs) held during the months of April and May, 2026. Further, taking note of the prevailing circumstances and the fact that the grant of connectivity has remained pending beyond the prescribed period of thirty (30) days, the Respondent was directed to file its reply, along with the current status of the connectivity application with deemed date of grant of connectivity within the timeline prescribed in the regulations/procedure.
5. The case was next heard on 16.06.2026. The Commission observed that the respondent has not yet filed its reply as directed in the Interim Order dated 11.06.2026 including the affidavit indicating the status and outcome of the meetings of the Whole-Time Directors (WTDs) held during the months of April and May, 2026.
 6. Upon hearing the parties and considering the submissions made on record, the Commission, vide its interim order dated 16.06.2025, directed that CE/HVPNL shall file an affidavit on or before 19.06.2026 by 5.00 PM, containing the following details:-
 - a) Number of applications for grant of connectivity received during the period from 01.01.2026 to 31.05.2026, bifurcating into the number of such applications received in physical mode and through online portal.
 - b) Details of such applicants.
 - c) Date of grant of connectivity.
 - d) In case of refusal to grant connectivity, the date of such communication along with reasons for the same.
 - e) Number of days taken to grant connectivity from the date of receipt of application complete in all respects.
 7. Further, considering the assurance given by Shri Raghujeet Madan, the learned counsel appearing for the respondent, that the matter shall be considered and resolved in the ensuing Whole-Time Directors (WTDs) meeting scheduled for 24.06.2026, the Commission allowed the respondent to file its reply by 11.00 AM of 25.06.2026 along with the status of grant of deemed connectivity within the timeline prescribed in the regulations/procedure, with an advance copy of the reply to the Petitioner. The petitioner was also allowed to file its written submissions on or before 25.06.2026.
 8. **Affidavit filed by CE/HVPNL (Respondent) dated 19.06.2026: -**
 - 8.1. That in compliance with the directions of this Hon'ble Commission, the details of applications received for grant of connectivity during the period from 01.01.2026 to 31.05.2026 have been furnished hereinbelow.

8.2. That during the aforesaid period, a total of 22 applications seeking grant of connectivity were received by the Respondent, out of which 18 applications were received through physical mode and 04 applications were received through the online portal. The particulars of the applications received, the mode of receipt, date of grant of connectivity/refusal, reasons for refusal (where applicable), and the number of working days taken for grant of connectivity from the date of receipt of complete application are tabulated as under:

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
1.	M/s Skypack Solar Power LLP	07.01.2026	Physical	27.01.2026	01.04.2026 (with the approval of WTDs, HVPNL on 27.03.2026) (Technical feasibility received on 20.02.2026)	No	42 days
2.	M/s SI Solar Power LLP	07.01.2026	Physical	27.01.2026	01.04.2026 (with the approval of WTDs, HVPNL on 27.03.2026) (Technical feasibility received on 20.02.2026)	No	42 days
3.	M/s Religreen Prima Solar Pvt. Ltd.	12.01.2026	Physical	18.03.2026	01.04.2026 (with the approval of WTDs, HVPNL on 27.03.2026) (Technical feasibility received on 05.03.2026)	No	8 days

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
4.	M/s Ampin C&I Power Twenty Pvt. Ltd.	15.01.2026	Physical	-	09.02.2026 (with the approval of WTDs, HVPNL in its meeting held on 04.02.2026) (Technical feasibility not required)	No	16 days
5.	M/s Ampin C&I Power Six Pvt. Ltd.	15.01.2026	Physical	-	09.02.2026 (with the approval of WTDs, HVPNL in its meeting held on 04.02.2026) (Technical feasibility not required)	No	16 days
6.	M/s LR Energy Sonipat Pvt. Ltd.	15.01.2026	Physical	10.02.2026	The memorandum is placed before the WTDs, HVPNL for consideration and approval in the meeting scheduled to be held on 24.06.2026 (Technical feasibility received on 27.04.2026)	-	-
7.	M/s Voltalia Energy Pvt. Ltd.	02.02.2026	Physical	08.05.2026	The memorandum is placed before the WTDs, HVPNL for consideration and approval in the meeting scheduled to be held on 24.06.2026 (Technical feasibility received on 17.03.2026 & 09.06.2026)	-	-

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
8.	Smt. Sonal Singh	10.02.2026	Physical	27.05.2026	Technical feasibility received from DHBVNL on 15.06.2026 & Connectivity Under Process	-	-
9.	Sh. Raj Kumar	10.02.2026	Physical	27.05.2026	Technical feasibility received from DHBVNL on 15.06.2026 & Connectivity Under Process	-	-
10.	M/s Renyo greenfield Pvt. Ltd.	13.02.2026	Physical	-	Clarification regarding documents (PPA & HAREDA registration) awaited from the applicant (Technical feasibility received on - 13.05.2026)	-	-
11.	M/s Hexa Energy HRI Pvt. Ltd. (SPD i.e. Solar Power Project in the Solar Park (SPPD) of M/s HEXA Sun Energy Pvt. Ltd.)	13.02.2026	Physical	-	The SPPD (Solar Park) has submitted application for extension of tentative completion time. The application of M/s Hexa Energy HRI Pvt. Ltd. (SPD) shall be processed after approval of extension of tentative completion time. (Technical feasibility not required)	-	-

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
12.	M/s FPEL HR1 Energy Pvt. Ltd. (SPD i.e. Solar Power Project in the Solar Park (SPPD) of M/s FPEL Sustain Energy Pvt. Ltd.)	17.02.2026	Physical	-	Bank Guarantee awaited from the applicant (Technical feasibility not required)		
13.	M/s BSL Castings Pvt. Ltd.	06.03.2026	Online	06.04.2026	The memorandum is placed before the WTDs, HVPNL for consideration and approval in the meeting scheduled to be held on 24.06.2026. (Technical feasibility received on - 21.04.2026 & 09.06.2026)	-	-
14.	M/s Clean Max Kaziranga Pvt. Ltd.	Online (25.03.2026) Hard copy of documents including Bank Guarantee (09.03.2026)	Online & Offline	-	04.06.2026 (with the approval of WTDs, HVPNL in its meeting held on 28.05.2026) (Technical feasibility not required)	No	56 days

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
15.	M/s Rays Power Experts Limited	12.03.2026	Online	-	The memorandum is placed before the WTDs, HVPNL for consideration and approval in the meeting scheduled to be held on 24.06.2026. (Technical feasibility received on - 10.04.2026 & 09.06.2026)	-	-
16.	M/s Clean Max Gaia Pvt. Ltd.	17.03.2026	Physical	-	29.04.2026 (with the approval of WTDs, HVPNL in its meeting held on 28.04.2026) (Technical feasibility not required)	No	27 days
17.	M/s Imperial Nature Pvt. Ltd. (SPD i.e. Solar Power Project in the Solar Park (SPPD) of M/s Truere Solar Pvt. Ltd.)	Online (09.03.2026) Hard copy of documents including Bank Guarantee (20.03.2026)	Online & Offline	-	The SPPD (Solar Park) has submitted application for extension of tentative completion time. The application of M/s Imperial Nature Pvt. Ltd. (SPD) shall be processed after approval of extension of tentative completion time. (Technical feasibility not required)		

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
18.	M/s EPJPD Pvt. Ltd.	24.03.2026	Physical	03.04.2026	23.04.2026 (with the approval of WTDs, HVPNL on 22.04.2026) (Technical feasibility received on - 03.04.2026)	No	14 days
19.	M/s Clean Max Laguna Pvt. Ltd.	27.03.2026	Physical	-	04.06.2026 (with the approval of WTDs, HVPNL in its meeting held on 28.05.2026) (Technical feasibility not required)	No	44 days
20.	M/s Clean Max Karakoram Pvt. Ltd.	10.04.2026	Physical	-	04.06.2026 (with the approval of WTDs, HVPNL in its meeting held on 28.05.2026) (Technical feasibility not required)	No	36 days
21.	M/s Raj Darbar Assets Pvt. Ltd. (SPD i.e. Solar Power Project in the Solar Park (SPPD) of M/s Urmiya Solar Pvt. Ltd.)	13.04.2026	Physical	04.05.2026	The SPPD (Solar Park) has submitted application for extension of tentative completion time. The application of M/s Raj Darbar Assets Pvt. Ltd. (SPD) shall be processed after approval of extension of tentative completion time (Technical feasibility not required)	-	-

Sl.	Name of Applicant	Date of Receipt of Application	Mode of Submission of Application (Online / Offline)	Date on which Defects, if any cured by the Applicant (Date of submission of application complete in all respects)	Date of grant of connectivity	In case of refusal to grant connectivity, the date of such communication along with reasons for the same.	Number of working days taken to grant connectivity from the date of receipt of application complete in all respects.
22.	M/s DD Resorts Pvt. Ltd. (SPD i.e. Solar Power Project in the Solar Park (SPPD) of M/s Urmiya Solar Pvt. Ltd.)	13.04.2026	Physical	04.05.2026	The SPPD (Solar Park) has submitted application for extension of tentative completion time. The application of M/s DD Resorts Pvt. Ltd. (SPD) shall be processed after approval of extension of tentative completion time. (Technical feasibility not required)	-	-

9. That the aforesaid details have been compiled from the records maintained by the Respondent and are true and correct to the best of the deponent's knowledge and belief.

10. **Final Submissions filed by the Petitioner dated 24.06.2026: -**

That in compliance with the directions of Hon'ble Commission, the petitioner has filed the submissions as under:

10.1. That the Respondent has filed an affidavit dated 19.06.2026 purportedly in compliance with the interim order dated 16.06.2026 passed by this Hon'ble Commission.

"The Commission directs that CE/HVPNL shall file an affidavit on or before 19.06.2026 by 5.00 PM, containing the following details:-

a) Number of applications for grant of connectivity received during the period from 01.01.2026 to 31.05.2026, bifurcating into the number of such applications received in physical mode and through online portal.

b) Details of such applicants.

c) Date of grant of connectivity.

d) In case of refusal to grant connectivity, the date of such communication along with reasons for the same.

e) Number of days taken to grant connectivity from the date of receipt of application complete in all respects."

10.2. That the affidavit filed by the Respondent does not disclose the true and correct facts as directed by this Hon'ble Commission and is therefore misleading in material particulars.

10.3. The Hon'ble Commission specifically directed the Respondent to furnish:

"Number of days taken to grant connectivity from the date of receipt of application complete in all respects."

However, instead of calculating the period from the date of receipt of the application complete in all respects from the applicant, as specifically directed by this Hon'ble Commission, the Respondent has adopted an entirely different, self-serving and impermissible methodology by treating the date of receipt of the Technical Feasibility Report from its own field offices/licensees as the date on which the application became complete. Such an approach is contrary to the provisions of the HERC (Green Energy Open Access) Regulations, 2023 and the Procedure approved by this Hon'ble Commission.

10.4. That the Respondent has deliberately excluded the period consumed in obtaining Technical Feasibility Reports and other internal approvals solely for the purpose of portraying that the applications were processed within a shorter period and to create a misleading impression of compliance with the prescribed timelines. The date of receipt of a Technical Feasibility Report, which is an internal administrative exercise undertaken entirely by the Respondent and its subordinate offices, cannot be equated with the date on which an application becomes complete in all respects. Acceptance of such a methodology would permit the Respondent to indefinitely delay internal processing and thereafter artificially reduce the period of delay by shifting the commencement of the statutory timeline to a date of its own convenience.

10.5. That the affidavit, therefore, does not disclose the actual number of days taken by the Respondent to process and grant connectivity applications, but instead presents a distorted and understated computation designed to conceal the true extent of delay

and non-compliance with the Regulations and the specific directions issued by this Hon'ble Commission.

- 10.6. That such an approach is contrary to the provisions of the HERC (Green Energy Open Access) Regulations, 2023 and the Procedure for Grant of Green Energy Open Access approved by this Hon'ble Commission vide order dated 29.11.2023.
- 10.7. That under the statutory framework, submission of technical feasibility is not an obligation of the applicant. Rather, technical feasibility examination is one of the mandatory internal processing stages required to be undertaken by the Respondent authorities after receipt of the application from the applicant.
- 10.8. That the Respondent cannot artificially postpone the commencement of the prescribed timeline by excluding the period consumed in obtaining technical feasibility from its own offices. Acceptance of such interpretation would render the timelines prescribed under the Regulations and Procedure completely redundant because the Respondent would be free to delay technical feasibility indefinitely and thereafter claim compliance by counting time only from the date on which such feasibility is received.
- 10.9. That the expression "application complete in all respects" refers to the application submitted by the applicant along with all prescribed documents, fees, undertakings and bank guarantee, wherever applicable. The said expression cannot be interpreted to include completion of internal scrutiny, technical feasibility studies, inter-departmental correspondence, approvals of committees or approvals of the Whole Time Directors of HVPNL.
- 10.10. That the affidavit itself establishes that in several cases the Respondent has excluded substantial periods consumed in obtaining technical feasibility reports and other internal approvals. Consequently, the figures shown under the column "Number of working days taken to grant connectivity from the date of receipt of application complete in all respects" are factually incorrect and materially understate the actual time taken by the Respondent.
- 10.11. That in the specific case of the Petitioner, the application for connectivity was submitted online on 06.03.2026. The Respondent has shown 06.04.2026 as the date on which the application became complete and has further relied upon technical feasibility reports received on 21.04.2026 and 09.06.2026. This itself demonstrates that the Respondent is treating receipt of technical feasibility as a prerequisite for considering the application complete, which is the clear violation of the procedure approved by the HERC.

- 10.12. That the Petitioner had initially submitted its application for grant of connectivity on 06.03.2026 through the online portal along with the prescribed documents.
- 10.13. That the documents placed on record by the Respondent would reveal that no deficiency was communicated to the Petitioner within the prescribed scrutiny period. As per the Procedure for Grant of Green Energy Open Access approved by this Hon'ble Commission, scrutiny of the application and communication of deficiencies, if any, is required to be undertaken within the stipulated period of 7 days but no such communication was made by the respondent.
- 10.14. However, the Respondent failed to communicate any deficiency within the prescribed timeline. On the contrary, after the lapse of approximately 20 days from submission of the application, the Respondent sought amendment in the Bank Guarantee. Even such communication was not issued proactively by the Respondent but only after repeated follow-ups made by the Petitioner.
- 10.15. That even assuming, without admitting, that any amendment or rectification in the Bank Guarantee was required, the same could only have been effected upon issuance of a specific communication by the Respondent/beneficiary to the concerned bank specifying the nature of the amendment required. It is an undisputed banking practice that a Bank Guarantee cannot be unilaterally modified by the applicant without the concurrence or request of the beneficiary. Therefore, once the Respondent formed an opinion that any modification in the Bank Guarantee was necessary, it was incumbent upon the Respondent to promptly communicate the requisite changes and facilitate the process by issuing the necessary instructions or clarification to the issuing bank. The delay occasioned on account of such amendment, if any, was thus entirely attributable to the Respondent and cannot be used as a ground to contend that the Petitioner's application was incomplete or that the statutory timeline stood suspended. In fact, the Respondent's own conduct demonstrates that the application had already been taken up for processing and scrutiny, and therefore the subsequent issue relating to the Bank Guarantee cannot retrospectively alter the date of submission or completeness of the application.
- 10.16. That the Respondent cannot run away from his obligations by taking advantage of its own procedural lapses. Once the scrutiny period prescribed under the Procedure approved by commission had expired without communication of any defect, the application ought to have been treated as complete for all practical purposes. Any

delay in scrutiny beyond the prescribed timeline is solely attributable to the Respondent.

- 10.17. Without prejudice to the Petitioner's contention that the application was complete upon submission on 06.03.2026, even if the Respondent's stand is accepted for the sake of argument and 06.04.2026 is considered as the date on which the application became complete in all respects, the Respondent still failed to comply with the mandatory timelines prescribed under the Regulations and Procedure.
- 10.18. That the applicable provisions prescribe a period of 30 days for grant of connectivity from the date of receipt of application complete in all respects. Therefore, even according to the Respondent's own case, connectivity ought to have been granted on or before 06.05.2026.
- 10.19. That the affidavit filed by the Respondent itself establishes that no connectivity was granted by 06.05.2026. Rather, the Respondent has stated that the matter is proposed to be placed before the Whole Time Directors of HVPNL in the meeting scheduled on 24.06.2026. Thus, even on the Respondent's own showing, the prescribed timeline stands grossly violated.
- 10.20. That internal approvals, processing of technical feasibility, circulation of memoranda, administrative delays, scheduling of meetings of the Whole Time Directors or inter-departmental correspondence are matters entirely within the control of the Respondent and cannot be cited as grounds for extending the statutory timelines prescribed under the HERC (Green Energy Open Access) Regulations, 2023.
- 10.21. That the conduct of the Respondent clearly demonstrates that it has attempted to artificially shift the commencement of the limitation period by treating receipt of technical feasibility reports as the date of completion of the application and thereby conceal the actual delay in grant of connectivity.
- 10.22. That the aforesaid stand is wholly untenable because technical feasibility forms part of the connectivity processing mechanism to be undertaken by the Respondent and cannot be used to extend or suspend the statutory timeline prescribed under the Regulations.
- 10.23. That the affidavit further reveals a consistent pattern wherein, in numerous cases, the Respondent has counted the timeline only after receipt of technical feasibility and ignored the substantial period elapsed between receipt of the application and obtaining such feasibility. Thus, the data furnished before this Hon'ble Commission does not represent the actual time taken for grant of connectivity.

- 10.24. That the affidavit filed by the Respondent reveals that during the relevant period, a total of 22 applications for grant of connectivity were received, out of which only 3 applications, including that of the Petitioner, were submitted through the online portal. Significantly, the records furnished by the Respondent demonstrate that in respect of the other two online applications, the Respondent authorities processed and considered the applications through both online as well as offline modes and proceeded with the grant of connectivity.
- 10.25. That the Petitioner's application alone was singled out and subjected to a different treatment. Despite repeated requests made by the Petitioner, the Respondent refused to process the Petitioner's application through the offline mode, although the same course had admittedly been adopted in the case of the other online applicants. Such differential treatment, without any rational basis or justification, is arbitrary, discriminatory and violative of the principles of equality and fairness governing administrative action.
- 10.26. That the Petitioner's application was the first application submitted through the newly introduced online portal after implementation of the software system. The Petitioner was therefore among the earliest applicants to utilize the online mechanism introduced by the Respondent. During the initial stages of implementation, the online portal suffered from multiple operational and technical issues. The Petitioner repeatedly faced difficulties in processing the application through the portal and brought such issues to the notice of the Respondent authorities from time to time.
- 10.27. That the Petitioner specifically requested the Respondent authorities to process the application through the offline mode so that the grant of connectivity may not be delayed on account of software-related issues and operational difficulties being experienced in the newly introduced system. However, while similar flexibility was extended to other applicants, the Petitioner's request was not considered and no reasonable explanation has been furnished for such refusal.
- 10.28. That the conduct of the Respondent therefore discloses a clear case of pick-and-choose and hostile discrimination. Having adopted an offline processing mechanism for other similarly situated applicants, the Respondent could not selectively deny the same treatment to the Petitioner. The delay occasioned on account of defects, limitations or operational difficulties in the Respondent's own software system cannot be attributed to the Petitioner, nor can the Petitioner be made to suffer adverse

consequences for being the first applicant to utilize the online portal introduced by the Respondent.

10.29. That the affidavit filed by the Respondent is not in true compliance of the order dated 16.06.2026 and amounts to concealment and suppression of material facts relevant for adjudication of the present proceedings.

10.30. That the following prayers have been made:-

- a) Reject the computation methodology adopted by the Respondent in the affidavit dated 19.06.2026;
- b) Direct the Respondent to file a fresh affidavit indicating the actual number of working days taken for grant of connectivity calculated from the date of receipt of applications complete in all respects from the applicants, without excluding the period consumed in obtaining technical feasibility and internal approvals;
- c) Draw an adverse inference against the Respondent for furnishing misleading particulars and for concealing the actual period consumed in processing connectivity applications;
- d) Hold that the delay in obtaining technical feasibility and internal approvals is attributable solely to the Respondent and cannot be excluded while computing the statutory timelines prescribed under the HERC (Green Energy Open Access) Regulations, 2023 and the Procedure approved thereunder;
- e) Pass appropriate orders under Sections 142 and 146 of the Electricity Act, 2003 for violation of the Regulations and directions of this Hon'ble Commission; and
- f) Pass such further order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.
- g) Hold that even as per the Respondent's own affidavit, the Petitioner's application stood complete on 06.04.2026 and the statutory period of 30 days for grant of connectivity expired on 06.05.2026;
- h) Declare that the Petitioner became entitled to connectivity upon expiry of the prescribed timeline and consequently direct that connectivity shall be deemed to have been granted to the Petitioner with effect from 06.05.2026;
- i) Direct the Respondents to process and grant all consequential approvals, including Green Energy Open Access permissions and scheduling arrangements, by treating connectivity as deemed to have been granted on 06.05.2026;
- j) Pass such further orders as may be necessary to give full effect to the deemed connectivity from 06.05.2026 and to protect the Petitioner from losses occasioned by

the Respondents' failure to adhere to the timelines prescribed under the Regulations and Procedure.

- k) Hold that the Respondent has acted arbitrarily and discriminatorily in denying to the Petitioner the benefit of offline processing which was extended to other similarly situated applicants, and consequently direct that no prejudice shall be caused to the Petitioner on account of delays arising from the implementation or functioning of the Respondent's online portal/software system.

11. Reply filed by the Respondent dated 25.06.2026: -

That in compliance with the directions of Hon'ble Commission, the respondent has filed the reply as under:

- 11.1. That the present petition has been filed by the Petitioner under Section 142 read with Section 146 of the Electricity Act, 2003 (hereinafter the "Act"), alleging non-compliance of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 (hereinafter "Regulations, 2023") on the part of the Answering Respondent.
- 11.2. That the present petition is misconceived and an abuse of the process of law. In this regard, it is brought to the notice of the Hon'ble Commission that the Petitioner, vide prayer clause (iii) of the petition, has sought grant of deemed connectivity as on 05.02.2026, claiming it to be the 30th day from the date of filing of the application. The said prayer clause is reproduced below for ready reference:

"To grant the deemed date of approval of connectivity as 5th February 2026 i.e. on the 30th day of filing of application as per Regulation 6(3) of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;"

It is humbly submitted that such a claim made by the Petitioner is patently false, misleading, and untenable in law in view of the following reasons:

- i. The Petitioner's own application for grant of connectivity was submitted on the online portal of the Answering Respondent only on 06.03.2026. A perusal of the said application form shows that Fee towards the application was paid on 20.02.2026 and the application was filed online on 06.03.2026. Attention in this regard is also brought towards para no. 10 of the petition where the Petitioner has also admitted the date of application to be 06.03.2026. It is submitted that the date of filing of the application i.e. 06.03.2026 constitutes "Day 0" for the purpose of computing the 30-day period under

Clause 13 of the "Procedure for grant of Green Energy Open Access" (hereinafter "Procedure").

- ii. The date of 05.02.2026 sought to be declared as the date of deemed approval by the Petitioner is a date prior to the filing of the application itself. No provision of the Act, the Regulations, or the Procedure contemplates grant of any approval, express or deemed, from a date prior to the filing of a valid application. The prayer is self-contradictory and legally impermissible.

- iii. That it is further submitted that the Petitioner's computation of the 30-day period is also erroneous for the reason that the said period is not to be computed in calendar days but in working days. The Procedure, under Clause 2(xiv), defines "Day" as under:

"2. Definitions: In these Regulations, unless the context otherwise requires:

... ..

xiv) "Day" means a working day starting at 00.00 hours and ending at 24.00 hours:

In view of the above definition, all timelines prescribed under Clause 13 of the Procedure, are to be reckoned in working days and not calendar days.

- iv. That even assuming, without admitting, that the application was filed on 06.03.2026, the application was not complete on that date, since the Bank Guarantee (hereinafter "BG") submitted by the Petitioner alongside the application was not in conformity with the format prescribed under Clause 7(h) of the Procedure. The relevant provision reads as under:

"7. Documents to be attached with the application for grant of connectivity:

a) The applicant shall mention voltage level of connectivity & Geographical location of its Project site, Maximum quantum of power to be interchanged with the system, without specifying the substation from which it is to be connected along with requisite fee. Applicant shall categorically mention in its application that the evacuation system shall be created through self-execution or to be created by HVPNL/ Discom as deposit work (including the compensation for arranging RoW, if any).

b) Bank generated proof of payment of application fee;

c) Duly notarised affidavit;

d) In case of Company, Board Resolution authorizing a designated person for filing of application for grant of Connectivity as per Annexure-E.

e) In case of a project based on Renewable/ Green Energy, Registration/ NOC of project issued by Haryana New & Renewable Energy Department/ HAREDA;

f) In case of Captive Power Plants (CPPs), documentary proof/ certificate issued by respective DISCOM w.r.t. captive status, in line with Electricity Act, 2003 & Electricity Rules, 2005 duly ascertained/ verified by respective DISCOMs.

g) In case of Third party Sale/ Purchase of power, copy of the Power Purchase Agreement (PPA) executed.

h) In case of generating projects based on Renewable/ Green Energy (other than those having PPA with Haryana DISCOMs/ HPPC), Bank Guarantee of Rs. 10 lakh/ MW as per Annexure-G for the capacity for which Connectivity has been sought by the applicant."

The deficiency in the BG was communicated to the Petitioner on 13.03.2026, immediately after the submission of the application on 06.03.2026 (being a Friday). The tracking details can be duly viewed by the Petitioner on the online portal. A further formal notice was issued to the Petitioner vide letter dated 20.03.2026, specifically calling upon the Petitioner to submit the BG in the correct format.

- v. That despite the communication of the deficiency on 13.03.2026, the Petitioner furnished the correct BG only on 06.04.2026. As such, the complete and valid application was received by the Respondent only on 06.04.2026. In this regard, reference is made to the Note appended to Clause 13 of the Procedure, which unequivocally provides as follows:

"Note:- The time taken by the applicant before or during the processing of the application shall not be accounted towards Nodal Agency. The applicant shall endeavour to supply the requisite documents/ information sought by the department within the stipulated time. At any stage, If the applicant does not respond or fails to supply the complete application or requisite information within stipulated time, the application shall liable to rejected/ cancelled as per the procedure."

In view of the above, the period from 13.03.2026 to 06.04.2026, i.e., the time taken by the Petitioner in furnishing the corrected BG, cannot be attributed to the Answering Respondent for the purposes of computing the 30-day period. The Petitioner cannot seek to penalise the Answering Respondent for a delay that is squarely attributable to the Petitioner's own failure to submit a complete and compliant application. It is reiterated that no provision of the Act, the Regulations, or the Procedure contemplates grant of any approval, express or deemed, from a date prior to the submission of a valid application complete in all aspects.

- 11.3. That even otherwise, the Procedure does not contemplate the grant of "deemed connectivity". Further, Regulation 6(3) of the Regulations, 2023, which provides for deemed approval upon failure to act within 30 days, operates in relation to the complete application for connectivity and open access. The same is reproduced below for ready reference:

“(3) The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of thirty days from the date of receipt of complete application for connectivity/open access, failing which it shall be deemed to have been approved subject to the fulfillment of the technical requirements as specified by the Commission:

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out.”

The Petitioner has neither sought a waiver of any such technical requirement nor has it sought any relaxation of the procedural conditions precedent to the grant of connectivity. In the absence of such a prayer, the Petitioner cannot be permitted to claim the benefit of deemed approval.

- 11.4. That as established above, the complete application was filed only on 06.04.2026 (after submission of the corrected BG), and the 30-day period from that date does not expire till 06.05.2026. In any case, the present petition itself was filed on 02.06.2026, when the matter was actively being processed by the Answering Respondent. No provision of law entitles the Petitioner to a backdated "deemed" approval predating even the filing of the actual application.
- 11.5. That upon receipt of the complete application along with the correct BG, the Answering Respondent had taken the following action in furtherance of the grant of connectivity:
- i. The Technical Feasibility was approved by the competent authority on 21.04.2026, i.e., within 10 working days from the date of receipt of the complete application, well within the 15-day period prescribed at Sr. No. 4 of Clause 13 of the Procedure. A perusal of the Application Tracking Details (Annexure R-2) confirms this factual position. Thereafter, the application was sent for pre-audit and a financial review was conducted on 24.04.2026, which was found to be in order. A copy of the Noting recording the financial review is annexed with the reply.
 - ii. That in view of the vacancy of the post of the Director, the matter was sent for approval of Memorandum to the Managing Director of the Respondent. The

Memorandum once approved would be placed before the Whole Time Directors (hereinafter "WTD") for approval of Connectivity.

- iii. It is humbly submitted that certain observations were made by the Managing Director regarding the simultaneous placement of matters pertaining to Connectivity and Bay Allocation before the WTD. In this regard, it is submitted that, at present, the Consumer's case for grant of connectivity and the case relating to Bay Allocation are being placed separately before the WTD for consideration. However, the following observations were made by the Managing Director keeping in view the interest of consumers:

"While going through the case and letter dated 21.04.2026 of SE/NCR Planning (CP-6), it has been mentioned at Sr. No. 1(v) of ibid letter that "The case of allocation of 132 kV Bay will be dealt with after sanction of grant of connectivity by CE/SO & Commercial, HVPNL, Panchkula".

Considering above, it is apprehended that when this case file will be placed before the WTDs in the present matter, the Planning Wing will again submit the file for approval of WTDs, leading to avoidable repetition. This is likely to cause unnecessary delay in granting connectivity to the consumer, particularly since the date of WTDs meeting is yet to be finalized.

Accordingly, to avoid repeated submission of the case before WTDs and to expedite the approval process, it is proposed that the case of bay allocation may be processed simultaneously and a complete case be submitted for consideration.

Further, it is also clarified that whether comments of DHBVN are taken while assessing Technical Feasibility, since the consumer is seeking connectivity at 33 kV Voltage level from HVPNL's sub-station."

It is submitted and reiterated that the observations were made in the larger interest of the Petitioner and consumers of Haryana, to prevent a situation where the matter would have to be placed before the WTD twice, once for Connectivity and once for Bay Allocation. The observations demonstrate the proactive and consumer-centric approach of the Answering Respondent.

- iv. That in view of the above-mentioned observations by the Managing Director of the Answering Respondent, the matter could not be placed before the WTD Meeting scheduled in the month of April i.e. on 28.04.2026. Simultaneously, Bay Approval was sought from the office of CE/SO & Commercial, HVPNL, and was received on 09.06.2026. A copy of Memo No. Ch-8/NCR/HSR-66 dated 09.06.2026 has been

annexed with the reply. As the Bay Approval was received only on 09.06.2026, the matter could also not be placed before the WTD Meeting held in the month of May i.e. on 28.05.2026.

- v. That the Memorandum has now been placed before the WTD Meeting, held on 24.06.2026. The same has been considered. Though the Minutes of Meeting are awaited, however, the letter granting connectivity shall be issued to the Petitioner once the approved minutes of meeting of the WTD received.

In view of the steps taken by the Answering Respondent, as have be elaborated hereinabove, the present petition may kindly be dismissed.

11.6. That without prejudice to the foregoing, it is submitted that the present petition under Section 142 of the Act is not maintainable in the present form in view of the following grounds:

- i. Section 142 of the Act provides that a penalty thereunder can be imposed in a case where 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"*. A contravention of a direction of the Commission is the sine-qua-non for invoking Section 142. In the present case, the Petitioner has not demonstrated any specific direction of the Hon'ble Commission that has been violated by the Answering Respondent.
- ii. That, even otherwise, a bare reading of Section 142 shows that the provision requires a "complaint" to be filed, and not a "petition". The present proceeding has been instituted as a petition, which is not the form contemplated under Section 142 of the Act. As such, the maintainability of the present petition in its current form is itself in question.
- iii. That it is settled law that Section 142 of the Act is a penal provision and must be construed strictly. It does not create an absolute offence. Both actus reus (the act) and mens rea (guilty intent) must be established before any penalty can be imposed. The Petitioner has not made out any case of deliberate, willful, or contumacious conduct on the part of the Answering Respondent.

11.7. That in this regard, reliance is placed on the following decision of the Hon'ble APTEL:

- i. B.M. Verma, CMD Vs. Uttarakhand Electricity Regulatory Commission [2007 SCC Online APTEL 95; Law Finder Doc Id # 1435210], wherein the Hon'ble APTEL has held:

"10. Firstly, mens rea is the basic ingredient of any offence. Mere non-compliance with an order could not be sufficient to take penal action. It was necessary for the Commission to obtain evidence of mens rea or culpable state of mind before holding the appellant guilty of a punishable offence. A mere failure to meet a deadline in complying with an order cannot be an offence. Section 142 of The Electricity Act, 2003 does not create an absolute offence.

11. Secondly, the burden of proof has to be on prosecution and not on the defense. It appears from the order that it was appellant who was made to prove his innocence rather than the prosecution made to prove the guilt. Only when mens rea was established could the Commission shift the onus on the appellant. But the Commission from the very outset proceeded with a presumption of guilt and put the entire onus on the appellant. This is entirely against all principles of criminal justice.

12. Thirdly, no one can be punished on the basis of sheer suspicion. The guilt has to be proved beyond doubt."

- ii. Tata Power Delhi Distribution Limited v. Delhi Electricity Regulatory Commission [Appeal No. 22 of 2021, Decided on 15.09.2022; Law Finder Doc Id # 2097778]- In the present case the Hon'ble APTEL, while setting aside the penalty imposed by the State Commission held:

"The contravention which is to be dealt with under Section 142 must be deliberate or intentional. After all, it is a penal provision for invocation of which not only actus reus but also mens-rea must be shown to exist. Further, being a penal clause, it must be construed strictly."

The Tribunal further held that since the licensee had acted in accordance with available provisions, no deliberate or intentional contravention was established, and the finding of guilty could not be sustained.

- iii. Chhattisgarh State Electricity Board Daganiya Vs. Chhattisgarh State Electricity Regulatory Commission [Appeal No. 119 of 2007, Decided on 20.02.2008; Law Finder Doc Id # 1424308] - In the said case, the Hon'ble APTEL allowed the appeal and set aside the penalty imposed by the Hon'ble Commission, while holding as under:

"10. Although the Board could not establish call centers to the satisfaction of the Commission, it cannot be said that the Board was callous about its

responsibility and disregarded the Commission's orders altogether. Before proceeding to punish the Commission must establish that the default or violations were contumacious. We find that the Board had made its efforts to establish call centers in order to provide customer care services although the efforts did not yield the desired result and did not satisfy the Commission. This will however not entail the consequences of violation of the Commission's order. In our opinion, the Board should not have been visited by the penalty. We therefore allow the appeal and set aside the impugned order. The show cause notice stands discharged "

- 11.8. That in this regard, attention of the Hon'ble Commission is also brought towards Section 168 of the Act, reproduced below:

"Section 168. (Protection of action taken in good faith): No suit, prosecution or other proceeding shall lie against the Appropriate Government or Appellate Tribunal or the Appropriate Commission or any officer of Appropriate Government, or any Member, Officer or other employees of the Appellate Tribunal or any Members, officer or other employees of the Appropriate Commission or the assessing officer or any public servant for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder."

- 11.9. That, in the present case, all actions taken by the Answering Respondent have been bonafide, diligent, and in the best interests of the Petitioner. There has been absolutely no willful, deliberate, or contumacious default.

- 11.10. That the following prayers have been made:

- a. Dismiss the present petition being misconceived, frivolous, and not maintainable under Section 142 of the Electricity Act, 2003;
- b. Decline to impose any penalty on the Answering Respondent, there being no deliberate, wilful, or contumacious default on its part;
- c. Reject the prayer for grant of deemed connectivity as on 05.02.2026, as the same is factually incorrect and legally impermissible;
- d. Award costs in favour of the Answering Respondent for the filing of a frivolous petition;
AND/ OR
- e. Pass any other order or direction as the Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

12. The Commission, vide its interim order dated 16.06.2026, reserved the order, on the assurance given by Shri Raghujeet Madan, the learned counsel for the respondent,

that the matter shall be considered and resolved in the ensuring Whole-Time Directors (WTDs) meeting scheduled for 24.06.2026. The respondent (HVPNL) was directed to file its reply by 25.06.2026 at 11.00 AM along with the status of grant of deemed connectivity within the timeline prescribed in the regulations/procedure.

- 12.1. HVPNL was directed to issue connectivity to the petitioner with deemed date on or before 06.05.2026. However, HVPNL, in its reply dated 24.06.2026, submitted that Memorandum has been considered before the WTD Meeting on 24.06.2026. Though the Minutes of Meeting are awaited, however, the letter granting connectivity shall be issued to the Petitioner once the approved minutes of meeting of the WTD received.
13. The Commission perused the ambiguous reply filed by the respondent in response to its interim order dated 16.06.2026. Faced with the situation, the Commission perused the provisions of Regulation 32 of Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019, which empowers it to issue interim orders. The relevant clause is reproduced as under:
*“Regulation – 32 Orders of the Commission
(2) The Commission may pass at any stage, in any proceeding before it, such interim orders, including interim ex-parte orders that it may consider appropriate, amongst other things, to protect the rights and interest of any of the parties to the proceedings or any other person including consumers or any class or classes of consumers.”*
14. In view of the ambiguous reply filed by the respondent and urgency cited by the petitioner, as the last date to apply on the portal developed by National Institute of Solar Energy (NISE), seeking exemption from sourcing their solar PV modules from ALMM, was 30.06.2026, the Commission, vide its Interim Order dated 26.06.2026, approved deemed connectivity to the petitioner w.e.f. 06.05.2026. The respondent was directed to file compliance report within 5 days with copy to the petitioner. Detailed order was to be followed.

Compliance report filed by HVPNL dated 03.07.2026

15. In response to the interim order dated 26.06.2026, HVPNL filed the compliance report on 03.07.2026, reproduced as under:
- 15.1. That the matter regarding grant of connectivity to M/s BSL Castings Pvt. Ltd., Faridabad was placed before the Whole-Time Directors of HVPNL in its meeting held on 24.06.2026. The Whole-Time Directors ('WTD') considered the memorandum and approved the proposal for grant of connectivity.

- 15.2. That pursuant to the aforesaid approval, the Respondent/HVPNL has issued the formal connectivity approval in favour of the Petitioner vide Memo No. Ch-16/ISB-915 dated 30.06.2026, for its Captive Solar Power Plant of 6 MW, with point of injection at 132 kV Substation, HVPNL, Bhojraj at 33 kV voltage level, subject to the terms and conditions contained therein.
- 15.3. That the Respondent/HVPNL is in the process of filing a separate application seeking clarification/modification of the interim order dated 26.06.2026 to the limited extent of the directions contained therein. Since the matter already stands reserved for orders, it is prayed that the final order may kindly be pronounced after taking into consideration the said application.
16. **Show Cause Notice dated 10.07.2026 issued by the Commission:**
The Commission perused the response to the interim order dated 26.06.2026 filed by HVPNL on 03.07.2026. While the Commission ordered deemed connectivity effective from 06.05.2026, HVPNL issued the approval dated 30.06.2026. This post-facto approval fails to acknowledge the "deemed" status already granted by the Commission and indicates a failure to comply with the 30-day statutory timeline mandated by the HERC Regulations. Further, the respondent's stated intent to seek "modification" of the interim order rather than providing unconditional compliance further underscores a lack of adherence to the Commission's specific directions. The delay in granting connectivity (initially required by 06.05.2026) constitutes a violation of the unambiguous direction of the Commission.
In view of the deliberate contravention of the Commission's orders and the violation of statutory timelines prescribed in HERC (Green Energy Open Access) Regulations, 2023 and the approved procedure thereunder, a Show Cause Notice dated 10.07.2026 was issued under Section 142 read with Section 146 of the Electricity Act, 2003 to Sh. Rajesh Goyal, Chief Engineer/SO and Commercial, HVPNL and Sh. Rohtas, Superintending Engineer/STU, to explain within 15 days why penal action should not be initiated against them.
17. **Interlocutory Application (IA) – IA no 28 of 2026**
The said IA was filed by HVPNL on 16.07.2026 seeking clarification/ modification of the interim order dated 16.06.2026 and 26.06.2026. The application has been reproduced as under:

- 17.1. That the Applicant/Respondent- HVPNL is filing the present Application seeking clarification and/or modification of the Interim Order dated 16.06.2026 and 26.06.2026 passed by this Hon'ble Commission in the above-noted Petition No. 38 of 2026, whereby, this Hon'ble Commission has approved "deemed connectivity" to the Petitioner with effect from 06.05.2026, and has directed the Applicant/Respondent to file a compliance report within 5 days from the date of the Impugned Order. The relevant part of the order dated 26.06.2026 is reproduced below:

"1. The respondent (HVPNL) was directed to file its reply by 25.06.2026 at 11.00 AM along with the status of grant of deemed connectivity within the timeline prescribed in the regulations/procedure.

... ..

4. In view of the ambiguous reply filed by the respondent and urgency cited by the petitioner, as the last date to apply on the portal developed by National Institute of Solar Energy (NISE), seeking exemption from sourcing their solar PV modules from ALMM, is 30.06.2026, the Commission approves deemed connectivity to the petitioner w.e.f. 06.05.2026. The respondent is directed file compliance report within 5 days from the date of issue of this order, with copy to the petitioner."

- 17.2. That the present Application is not filed with any intention to delay or avoid compliance with the directions of this Hon'ble Commission and is confined to bringing to the notice of this Hon'ble Commission certain difficulty being faced by the Applicant/ Respondent regarding the grant of "deemed connectivity" to the Petitioner w.e.f. from 06.05.2026 to the Petitioner.
- 17.3. That the Applicant/ Respondent, by way of its Reply dated 25.06.2026, had brought to the notice of this Hon'ble Commission that the Petitioner's application for grant of connectivity became complete only on 06.04.2026, upon submission of the corrected Bank Guarantee. It was further submitted that, thereafter, the Applicant/ Respondent processed the said application with due diligence and, upon completion of the requisite scrutiny, placed the Memorandum seeking approval for grant of connectivity before the Whole-Time Directors ("WTDs")
- 17.4. That the Applicant/ Respondent had further apprised this Hon'ble Commission that the aforesaid Memorandum had now been duly approved by the WTDs in their meeting held on 24.06.2026. Pursuant thereto, the approved Minutes of the Meeting of the WTDs have also been placed on record before this Hon'ble Commission. Further, the

connectivity letter issued in favour of the Petitioner dated 30.06.2026 has also been placed on record.

- 17.5. That the present Application is being preferred by the Applicant/ Respondent seeking clarification/modification of the interim order on account of a regulatory impediment. The applicable Regulations/ Procedure do not contain any enabling provision for grant of connectivity with effect from a deemed date, particularly a date preceding the approval accorded by the Whole-Time Directors ("WTDs").
- 17.6. That this Hon'ble Commission, in para no. 2 of the interim order dated 26.06.2026 has made reference to Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023 ("the Regulations, 2023") and Clause 17.3 of the "Procedure for grant of Green Energy Open Access" ("the Procedure") to hold that the application ought to have been approved within a period of 30 days, failing which it stood deemed approved. However, it is submitted, with utmost respect, that both the provisions extracted and relied upon in the Impugned Order govern the grant of "open access" and not the grant of "connectivity", which is a procedurally antecedent to the grant of open access. Attention in this regard is brought towards the following aspects:

"6. Procedure for grant of Green Energy Open Access:

... ..

(3)The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of thirty days from the date of receipt of complete application for connectivity/open access, failing which it shall be deemed to have been approved subject to the fulfilment of the technical requirements as specified by the Commission:

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out."

- 17.7. That a perusal of the aforesaid provisions shows that the same relate solely to the application seeking "open access". This position is further reinforced by the very structure of the Procedure approved by Commission, which is divided into separate chapters, namely:
- a. Scope and Extent of Application;
 - b. Procedure for Grant of Connectivity;
 - c. Registration on the Green Energy Open Access Portal (GOAR);
 - d. Procedure for Grant of Open Access;
 - e. Banking; and

f. Charges for Green Energy Open Access.

It is submitted that no provision regarding deemed grant of Connectivity finds mention anywhere under the chapter titled "Procedure for Grant of Connectivity" [Chapter (ii) above]. It is further submitted that the Clause 17.3 reproduced in the interim order dated 26.06.2026, falls exclusively under the chapter "Procedure for Grant of Open Access" [Chapter (iv) above]. Had it been the intent of the Regulations to permit deemed grant of Connectivity, a corresponding provision would necessarily have been incorporated within the chapter dealing with Connectivity itself. No such provision exists. In other words, the deeming fiction has been consciously incorporated in the Procedure applicable to Open Access, and has been just as consciously omitted from the Procedure applicable to Connectivity.

17.8. That, as a matter of fact, as per the prayer clause of the present petition, the Petitioner has sought grant of connectivity *only*. The Petitioner has not sought grant of open access. The prayer clause is reproduced below:

- "i. To admit the present petition and;*
- ii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act, 2003 for failure to comply with the Regulation 6 of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;*
- iii. **to grant deemed date of approval of connectivity** as 5th February 2026 i.e. on the 30th day of the filing of the application as per Regulation 6(3) of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;*
- iv To grant all other consequential benefits to the Petitioner based upon **the deemed date of approval of connectivity** as 5th February 2026; and*
-"*

Further, the Office Memorandum dated 25.05.2026 of the Ministry of the New & Renewable Energy (MNRE) relied by the Petitioner also makes reference to the grant of connectivity and not the grant of open access.

17.9. That no provision of the Regulations or the Procedure confers upon the Applicant/Respondent any enabling power to itself grant deemed Connectivity with effect from any antecedent date. Attention in this regard is also invited to the "*Affidavit on behalf of the Respondent in Compliance with the Interim Order dated 16.06.2026*",

filed on behalf of the Applicant/ Respondent, furnishing particulars of applications received between 01.01.2026 and 31.05.2026. A perusal of the column "*Date of grant of Connectivity*" shows that Connectivity has, in every instance, been granted only after approval by the WTDs had been obtained.

- 17.10. That, without prejudice to the foregoing, it is submitted that Clause 2(xiv) of the Procedure defines "Day" as follows:

"xiv) "Day" means a working day starting at 00.00 hours and ending at 24.00 hours:"

In view of the above definition, all timelines prescribed under Clause 13 of the Procedure are required to be reckoned in working days, and not calendar days. This very definition was specifically extracted and relied upon in the Reply filed by the Applicant/ Respondent. However, while computing the prescribed period of thirty days from 06.04.2026, being the date on which the complete application along with the corrected Bank Guarantee was received from the Petitioner, so as to arrive at 06.05.2026 as the date of deemed connectivity, calendar days, instead of the prescribed working days, appear to have been taken into consideration. It is respectfully submitted that, in view of Clause 2(xiv) of the Procedure, the said computation is required to be undertaken by excluding intervening non-working days, including Sundays and gazetted/notified holidays, and the 30th working day so computed would necessarily fall on a date later than 06.05.2026. It is pertinent to mention that the Applicant/ Respondent had specifically pleaded in its Reply as under: *"5. That as established above, the complete application was filed only on 06.04.2026 (after submission of the corrected BG), and the 30-day period from that date does not expire till 06.05.2026. In any case, the present petition itself was filed on 02.06.2026, when the matter was actively being processed by the Answering Respondent. No provision of law entitles the Petitioner to a backdated "deemed" approval predating even the filing of the actual application."*

- 17.11. That, in view of the foregoing, it is submitted that the Impugned Order may be clarified / modified keeping in view the aforesaid factual aspect that the applicable Regulations/ Procedure do not contain any enabling provision for grant of connectivity with effect from a deemed date being any date preceding the approval of the WTD, and that the power, if any, to grant connectivity from an earlier date vests solely with Commission.

- 17.12. That the following prayers have been made:-

- a) Issue appropriate modification/ clarification that the deeming provision under Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023 read with Clause 17.3 of the Procedure, applies only to approval of applications for Open Access, and not to the grant of Connectivity; AND/ OR
- b) Pass any other order or direction as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case. and for this act of kindness, the applicant shall, as is duty bound, ever pray.

Reply to SCN dated 21.07.2026:

The replies filed by the concerned officers, in response to SCN, are regarding the administrative constraints and regulatory interpretations. The replies are reproduced as under:

18. **Reply to SCN filed by Sh. Rohtas, SE/STU dated 21.07.2026**
- 18.1. That the reply is being filed in response to the Show Cause Notice dated 10.07.2026 issued by the Hon'ble Commission in the present proceedings concerning the grant of deemed connectivity to the Petitioner, M/s BSL Casting. By the said Show Cause Notice, Sh. Rohtas, SE/STU have been called upon to explain why proceedings under Section 142 of the Electricity Act, 2003 should not be initiated against me for the alleged non-compliance with the Interim Order dated 26.06.2026.
- 18.2. That Sh. Rohtas, SE/STU hold the Hon'ble Commission in high esteem and respect. An order from the Hon'ble Commission is an article of faith, and Sh. Rohtas, SE/STU have the highest regard for the Hon'ble Commission and cannot think of ignoring or disobeying any directions of the Hon'ble Commission.
- 18.3. That Sh. Rohtas, SE/STU is neither impleaded as a party to the present petition nor has any specific direction been issued to Sh. Rohtas, SE/STU in official capacity as Superintending Engineer (STU), HVPNL, under the Interim Order dated 26.06.2026.
- 18.4. That Sh. Rohtas, SE/STU had only attended the proceedings on 10.06.2026 before this Hon'ble Commission in my official capacity as a representative of Haryana Vidyut Prasaran Nigam Limited (HVPNL), for the limited purpose of assisting the Hon'ble Commission and no directions whatsoever were issued to Sh. Rohtas, SE/STU either in the hearing dated 10.06.2026 or in the hearing dated 26.06.2026.
- 18.5. That the proposal for the grant of connectivity was required to be considered and approved by the competent Whole-Time Directors of Haryana Vidyut Prasaran Nigam Limited. Upon such approval, the formal Connectivity Approval Letter was required to

be processed and issued by the concerned competent office in accordance with the applicable Procedure and the internal administrative framework of Haryana Vidyut Prasaran Nigam Limited.

- 18.6. That Sh. Rohtas, SE/STU had filed submissions dated 03.07.2026 in furtherance of the interim order dated 26.06.2026, the same had been filed in official capacity. It is submitted that by way of the said submissions Sh. Rohtas, SE/STU had placed before the Hon'ble Commission a copy of the communication dated 30.06.2026 conveying the approval of the Whole Time Director as well as the copy of the letter dated 30.06.2026 issued in favour of the Petitioner whereby the connectivity was granted. It is submitted that there is no act or omission relating to the processing, approval, issuance, or implementation of the Connectivity Approval Letter. However, by way of the said submissions dated 03.07.2026, only the factual aspects were placed on record before the Hon'ble Commission.
- 18.7. That proceedings under Section 142 of the Electricity Act, 2003 ought not to be continued in the absence of any specific direction addressed to Sh. Rohtas, SE/STU, any authority vested in him to comply with such direction, or any identifiable act or omission attributable to him.
- 18.8. That in this regard, reliance is placed upon the judgment dated 04.02.2025 passed by the Hon'ble Division Bench of the Rajasthan High Court in **M/s South West Mining Limited v. Rajasthan Electricity Regulatory Commission and Others**, [D.B. Special Appeal Writ No. 742 of 2023, Neutral Citation No. 2025:RJ-JD:7036-DB]. In the said case, the Hon'ble High Court observed that the appellant-company was not a party to the proceedings before the Electricity Regulatory Commission and that, without impleading it as a party, no direction could have been issued against it. The aforesaid principle supports the submission before the Hon'ble Commission.
- 18.9. That the following prayers have been made:-
The Hon'ble Commission may discharge the Show Cause Notice dated 10.07.2026 and drop the proceedings under Section 142 of the Electricity Act, 2003 against Sh. Rohtas, SE/STU. AND/OR Any other order deemed fit and proper may also be passed in the facts and circumstances of the case
19. **Reply to SCN filed by Sh. Rajesh Goyal, CE/SO & Commercial dated 21.07.2026**
- 19.1. That the present Reply is being filed in response to the Show Cause Notice dated 10.07.2026 issued by this Hon'ble Commission, to explain why proceedings under

Section 142 of the Electricity Act, 2003 should not be initiated for the alleged non-compliance of the Interim Order dated 26.06.2026.

19.2. That the Answering Respondent submitted that Respondent holds the Hon'ble Commission in high esteem and respect. An order from the Hon'ble Commission is an article of faith, and the Answering Respondent has the highest regard for the Hon'ble Commission and cannot think of ignoring or disobeying any directions of the Hon'ble Commission.

19.3. That, Answering Respondent submitted as under:

- a. The present matter was taken up before this Hon'ble Commission for the first time on 10.06.2026, when the Petitioner raised the issue regarding the alleged delay in the grant of deemed connectivity and contended that there had been intentional delay on the part of the Respondent/HVPNL in not granting the requisite approval within the prescribed time frame. In view of the submissions made by the Petitioner, the Hon'ble Commission vide interim order dated 11.06.2026 directed the Respondent to – *“... file an affidavit indicating the status and outcome of the meetings of the Whole-Time Directors (WTDs) held during the months of April and May, 2026. Further, taking note of the prevailing circumstances and the fact that the grant of connectivity has remained pending beyond the prescribed period of thirty (30) days, the Respondent is directed to file its reply, along with current status of connectivity application with deemed date of grant of connectivity within the timeline prescribed in the regulations/ procedure.”* The matter was subsequently listed for arguments on 16.06.2026.
- b. The matter was thereafter taken up for hearing on 16.06.2026 when the Hon'ble Commission had directed to file an affidavit on or before 19.06.2026 containing the information w.r.t. the number of applications for grant of connectivity received during the period from 01.01.2026 to 31.05.2026, including the dates of grant or refusal of connectivity and the time taken for processing such applications. Further, time was granted to the Respondent to file a reply by 25.06.2026.
- c. In compliance with the aforesaid directions, it is submitted that an affidavit **dated 19.06.2026** was duly filed by Respondent wherein the details, as have been sought by the Hon'ble Commission vide order dated 16.06.2026, were duly provided. It is pertinent to mention here that in all the applications reflected in the aforesaid affidavit, connectivity was granted only after approval of the

competent authority.

- d. Further, the reply was also filed on 25.06.2026 by the Respondent. It is submitted that Respondent, by way of the said reply, had duly brought to the notice of the Hon'ble Commission that the Procedure does not contemplate the grant of deemed connectivity. Further, it was informed that the case of the Petitioner has been placed before the WTD's meeting held on 24.06.2026 and the same has been considered. Since the Minutes of Meeting of the WTD's were awaited, the letter granting connectivity could not be placed on record before the Hon'ble Commission.
- e. That for placing the matter before the whole Time Directors (hereinafter "WTD") for approval of connectivity, the Memorandum first requires the approval of the Director. That in view of the vacancy of the post of the Director, the matter was sent for approval of Memorandum to the Higher authority of the Respondent. The Memorandum once approved would be placed before the Whole Time Directors (hereinafter "**WTD**") for approval of Connectivity.
- f. It is submitted that certain observations were made by the Higher authority regarding the simultaneous placement of matters pertaining to Connectivity and Bay Allocation before the WTD's. Accordingly, Chief Engineer/PD&C, HVPNL, Panchkula vide letter dated 22.05.2026 was requested to submit the proposal for creation of 1 no. 33 kV line bay for the connectivity of 6 MW Captive Solar Plant of M/s BSL Castings Pvt. Ltd. at 33 kV voltage level from 132 kV Substation Bhojraj. SE/NCR Planning, HVPNL, Gurugram vide letter dated 09.06.2026 has submitted the proposal and memorandum has been supplied by the Respondent to Company Secretary, HVPNL for placing the same for approval WTDs HVPNL.

The Answering Respondent respectfully submit that the delay in placing the proposal before the Whole-Time Directors was not on account of non-holding of meetings during the months of April and May, as meetings of the Whole-Time Directors were in fact held during the said months. However, the proposal could not be placed before the Whole-Time Directors due to the pendency of the Bay allocation proposal from planning wing of HVPNL. It is submitted that the grant of connectivity and the proposal for bay allocation were placed together before the WTD to avoid repeated submission of the matter. Accordingly, the bay proposal was received on 09.06.2026, whereafter the complete proposal was placed before the Whole-Time Directors in their

meeting held on 24.06.2026 and was duly approved.

- g. It is submitted that though no hearing was conducted thereafter, however, the Hon'ble Commission was pleased to pass an interim order **dated 26.06.2026**, whereby deemed connectivity was granted in favour of the Petitioner w.e.f. 06.05.2026. Further, the Respondent was directed to file a compliance report within 5 days from the issuance of the order.
- h. It is submitted that, in furtherance of the interim order dated 26.06.2026, the Respondent had filed submissions **dated 03.07.2026**. By way of the said submissions, the Respondent placed on record the communication conveying the approval of the Whole-Time Directors as well as the formal Connectivity Approval Letter dated 30.06.2026. It is humbly submitted by way of the submissions dated 03.07.2026 that the Respondent had duly brought to the notice of the Hon'ble Commission that the Respondent is in the process of filing a separate application seeking clarification/ modification of the interim order dated 26.06.2026 and the same has been submitted on 17.07.2026 to Hon'ble HERC. A copy of the application is also enclosed with the reply.

It is submitted that a bare perusal of the above application shows that the same was intended only to seek clarification regarding implementation of the direction of deemed connectivity, in the absence of any enabling provision under the Regulations and/or the Procedure. It is pertinent to mention that the Respondent, in its reply, had also stated that there is no provision relating to deemed connectivity. The deeming provision is with respect to Open Access and not with respect to the applications seeking only connectivity.

- 19.4. That it is submitted that this Hon'ble Commission, in para no. 2 of the interim order dated 26.06.2026 has referred to Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023 ("the Regulations, 2023") and Clause 17.3 of the "Procedure for grant of Green Energy Open Access" ("the Procedure") to hold that the application ought to have been approved within a period of 30 days, failing which it stood deemed approved. However, it is submitted, with utmost respect, that both the provisions extracted and relied upon in the Order govern the grant of "open access" and not the grant of "connectivity", which is a procedurally antecedent to the grant of open access. Attention in this regard is brought towards the following aspects:

"6. Procedure for grant of Green Energy Open Access:

... ..

(3) *The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of thirty days from the date of receipt of complete application for connectivity/open access, failing which it shall be deemed to have been approved subject to the fulfilment of the technical requirements as specified by the Commission:*

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out."

- 19.5. That a perusal of the aforesaid provisions shows that the same relate solely to the application seeking "open access". This position is further reinforced by the very structure of the Procedure approved by this Hon'ble Commission, which is divided into separate chapters, namely:
- a. Scope and Extent of Application;
 - b. Procedure for Grant of Connectivity;
 - c. Registration on the Green Energy Open Access Portal (GOAR);
 - d. Procedure for Grant of Open Access;
 - e. Banking; and
 - f. Charges for Green Energy Open Access.

It is submitted that no provision regarding deemed grant of Connectivity finds mention anywhere under the chapter titled "*Procedure for Grant of Connectivity*" [Chapter (ii) above]. It is further submitted that Clause 17.3 reproduced in the interim order dated 26.06.2026, falls exclusively under the chapter "*Procedure for Grant of Open Access*" [Chapter (iv) above]. Had it been the intent of the Regulations to permit deemed grant of Connectivity, a corresponding provision would necessarily have been incorporated within the chapter dealing with Connectivity itself. In other words, the deeming fiction has been consciously incorporated in the Procedure applicable to Open Access, and has been just as consciously omitted from the Procedure applicable to Connectivity.

- 19.6. That, as a matter of fact, as per the prayer clause of the present petition, the Petitioner has sought the grant of connectivity *only*. The Petitioner has not sought the grant of open access. The prayer clause is reproduced below:

"i. To admit the present petition and;

ii. To impose penalty of Rs. 1 Lakh on respondent(s) under Section 142 of Electricity Act, 2003 for failure to comply with the Regulation 6 of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;

*iii. **to grant deemed date of approval of connectivity** as 5th February 2026 i.e. on the 30th day of the filing of the application as per Regulation 6(3) of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 dated 24th April 2023 and;*

*iv To grant all other consequential benefits to the Petitioner based upon **the deemed date of approval of connectivity** as 5th February 2026; and"*

Further, the Office Memorandum dated 25.05.2026 of the Ministry of New & Renewable Energy (MNRE) (Annexure P-1/5) relied on by the Petitioner also makes reference to the grant of connectivity and not the grant of open access.

- 19.7. That it submitted that, in view of the above, no provision of the Regulations or the Procedure confers upon the Respondent any enabling power to itself grant deemed Connectivity with effect from any antecedent date. Attention in this regard is also invited to the "Affidavit on behalf of the Respondent in Compliance with the Interim Order dated 16.06.2026", filed on behalf of the Respondent, furnishing particulars of applications received between 01.01.2026 and 31.05.2026. A perusal of the column "Date of grant of Connectivity" shows that Connectivity has, in every instance, been granted only after approval by the WTDs as per approved procedure.
- 19.8. That it is further submitted that Clause 2(xiv) of the Procedure defines "Day" as follows: "xiv) "Day" means a working day starting at 00.00 hours and ending at 24.00 hours:" In view of the above definition, all timelines prescribed under Clause 13 of the Procedure may kindly be reckoned in working days, and not calendar days. The aforesaid definition was specifically extracted and relied upon in the Reply filed by the Respondent. The Respondent had specifically pleaded in its Reply as under: "5. That as established above, the complete application was filed only on 06.04.2026 (after submission of the corrected BG), and the **30-day period from that date does not expire till 06.05.2026**. In any case, the present petition itself was filed on 02.06.2026, when the matter was actively being processed by the Answering Respondent. No provision of law entitles the Petitioner to a backdated "deemed" approval predating even the filing of the actual application."
- 19.9. That in the absence of any enabling provision authorising the Respondent to issue retrospective deemed date connectivity, the Answering Respondent was faced with a genuine issue. It is humbly submitted that the Answering Respondent was acting on a bona fide understanding of the applicable regulatory framework. There was no intentional/ deliberate refusal to comply with the Interim Order.

- 19.10. That the Answering Respondent respectfully submit that proceedings under Section 142 of the Electricity Act, 2003 ought not to be continued against respondent in the absence of any wilful or intentional non-compliance on behalf of Nigam.
- 19.11. That in this regard, reliance is placed upon the judgment dated 07.10.2015 passed by the Hon'ble Appellate Tribunal for Electricity in **M/s Linde India Limited v. Maharashtra Electricity Regulatory Commission and Another**, Appeal No. 138 of 2014. In the said case, while considering the prayer for penal action under Sections 142 and 146 of the Electricity Act, 2003, the Hon'ble Tribunal accepted the existence of genuine operational difficulties and observed that *"there is no willful default on the part of MSEDCL"* and *"there was no intention to contravene any provisions of the Electricity Act."* The aforesaid principle supports respondent submission that where the conduct is bona fide and the alleged non-compliance arises from a genuine or administrative difficulty, without any deliberate intention to disregard the directions of the Commission, penal action under Section 142 is not warranted.
- 19.12. That no action under Section 142 read with Section 146 of the Act shall be initiated taking into consideration that there is no willful disobedience of the Order. Reliance is placed upon judgments of the Hon'ble Supreme Court in **Ashok Paper Kamgar Union v. Dharam Godha &Ors.**, [(2003) 11 SCC 1 (Para 17)] and **Ram Kishan vs. Tarun Bajaj &Ors.**[(2014) 16 SCC 204 (Para 10)], wherein it was held that the element of willingness is an indispensable requirement for holding a person guilty of contempt. Para 17 of the said judgment is extracted hereunder:
- "17 Section 2(b) of Contempt of Courts Act defines 'civil contempt' and it means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of undertaking given to a Court. 'Wilful' means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done that is to say with bad purpose either to disobey or to disregard the law. It signifies a deliberate action done with evil intent or with a bad motive or purpose. Therefore, in order to constitute contempt, the order of the Court must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extra ordinary effort nor should be dependent, either wholly or in part, upon any act or omission of a third party for its compliance. This has to be judged having regard to the facts and circumstances of each case."* The Hon'ble Supreme Court in Ram Kishan vs. Tarun Bajaj & Ors

(2014)16 SCC 204 held as under:

"10. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is 'wilful'. The word 'wilful' introduces a mental element and hence, requires looking into the mind of person/contemnor by gauging his actions, which is an indication of one's state of mind. Wilful means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bonafide or unintentional acts or genuine inability.

Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct". (Vide: S. Sundaram Pillai, etc. v. V.R. Pattabiraman; AIR 1985 SC 582; Rakapalli Raja RamaGopala Rao v. Naragani Govinda Sehararao & Anr., AIR 1989 SC 2185; Niaz Mohammad & Ors. etc. v. State of Haryana & Ors., AIR 1995 SC 308; Chordia Automobiles v. S. Moosa, AIR 2000 SC 1880; M/s. Ashok Paper Kamgar Union & Ors. v. Dharam Godha & Ors., AIR 2004 SC 105; State of Orissa & Ors. v. Md. Illiyas, AIR 2006 SC 258; and Uniworth Textiles Ltd. v. CCE, Raipur, (2013) 9 SCC 753)."

- 19.13. That it is also not out of place to mention here that the Petitioner has relied on the MNRE O.M. No.283/63/2025-Grid Solar dated 25.05.2025 to state that the last date to apply on the portal developed by the National Institute of Solar Energy (NISE), seeking exemption from sourcing their solar PV modules from ALMM is 30.06.2026. However, it is submitted that the said O.M. dated 25.05.2025 stands superseded vide the O.M. No. 283/53/2026-GRIDS SOLAR dated 18.07.2026, whereby it has been decided that – "... a limited window is being provided for Net-metering projects and Open Access RE power projects, whereby such projects can now commission with exemption of ALMM List-II (for solar PV cells), till 31st December 2026." In other

words, the last date has now been extended to 31.12.2026. A copy of the O.M. dated 18.07.2026 has annexed with reply.

- 19.14. PRAYER: In view of the foregoing, the respondent prayed that Commission may discharge the Show Cause Notice dated 10.07.2026 and drop the proceedings under Section 142 of the Electricity Act, 2003 insofar as they relate to the Answering Respondent. AND/OR Any other order deemed fit and proper may also be passed in the facts and circumstances of the case.
20. The case was next heard on 05.08.2026. Vide Interim Order dated 06.08.2026, the Commission ordered as under:
- 20.1. At the outset, Shri Raghujeet Madan, the learned counsel appearing for the respondent, submitted that there is no willful disobedience of the orders of Hon'ble Commission. He further stated that Mr. Rajesh Goyal, CE HVPNL and Mr. Rohtas, SE/STU, HVPNL are also present and the reply to the SCN was also filed within time.
- 20.2. The counsel for the petitioner, Mr. Akshay Gupta, stated that despite providing connectivity on 30.06.2026, LTOA approval is still pending at the behest of HVPNL, showing intentional delay. However, Shri Raghujeet Madan, the learned counsel appearing for the respondent, submitted that matter regarding LTOA approval shall be considered and resolved in the ensuring Whole-Time Directors (WTDs) meeting scheduled for 18.08.2026.
- 20.3. The Commission took serious note of the administrative delays currently hampering the timely approval of Long-Term Open Access (LTOA) applications. It was observed that such applications are often delayed while awaiting formal, scheduled meetings of the Whole-Time Directors (WTDs) for final approval. This practice frequently leads to violations of the mandatory statutory timelines.
- 20.4. To ensure these statutory deadlines are strictly met and to prevent the unnecessary occurrence of "deemed approvals" due to administrative inertia, HVPNL was directed to discontinue the practice of waiting for formal WTD meetings to accord LTOA approvals. Instead, the Respondent shall adopt a streamlined internal procedure whereby the relevant files are circulated on a revolving basis to all WTDs to obtain necessary signatures and approvals well within the prescribed deadlines. The Managing Director (MD), HVPNL, was advised to take immediate note of this instruction and ensure its implementation to eliminate procedural delays and ensure that all green energy open access applications are disposed of within the timelines

specified under Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023.

- 20.5. The Commission directs the respondent (HVPNL) to file its reply by 25.08.2026 along with the status of grant of LTOA within the timeline prescribed in the regulations/procedure.

Commission's Analysis and Order

21. The case was finally heard on 25.08.2026, as scheduled, in the court room of the Commission. During the hearing, the counsel for the respondent, handed over written submissions dated 24.08.2026, reproduced hereunder:

"1. That the submissions are being filed in compliance with the interim order dated 06.08.2026, whereby the Hon'ble Commission had directed as under:

"4. Shri Rajesh Goyal, CE, HVPNL, submitted that matter regarding LTOA approval shall be considered and resolved in ensuring Whole Time Directors (WTDs) meeting scheduled for 18.08.2026.

... ..

6. The Commission directs the respondent (HVPNL) to file its reply by 25.08.2026 along with the status of grant of LTOA within the timeline prescribed in the regulations/ procedure."

2. That, in this regard, it is duly brought to the notice of the Hon'ble Commission that the Petitioner submitted its application, complete in all respects on 04.08.2026 and the LTOA stands granted to the Petitioner vide Memo No. Ch-23/ISB-930 dated 19.08.2026 i.e. well within the timeline prescribed by the Hon'ble Commission. A copy of the Memo dated 19.08.2026 is annexed herewith as Annexure R-A. It is humbly submitted that the first para of the Memo dated 19.08.2026, itself records- "Please refer to your application submitted vide letter dated 23.04.2026 (completed on 04.08.2026) on subject cited above."

3. That it is humbly submitted that the compliance is bonafide and in terms of the GEOA Regulations, 2023 read with the Procedure, duly approved by the Hon'ble Commission.

PRAYER

That in view of the facts and circumstances enumerated above, the Commission may take on record the compliance made by the Respondent-HVPNL vide Memo dated 19.08.2026 whereby the LTOA stands granted to the Petitioner; AND/OR Pass any

other order(s)/ direction(s) as the Hon'ble Commission may deem fit in the facts and circumstances of the present case, in the interest of justice."

22. The Commission has carefully considered the documents placed on record including the affidavit and replies filed by the respondent, reply to show cause notice and final submissions filed by the petitioner and respondent and the applicable HERC regulations. The Commission observes that the present petition has been filed primarily seeking grant of connectivity effective from the deemed date i.e. from the 30th day of the filing of application along with consequential benefits in line with Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 read with the procedures framed thereunder. The petitioner has also prayed that a penalty of Rs. 1,00,000/- may be imposed on the respondent (s) under Section 142 of the Electricity Act, 2003 for failure to comply with the regulations framed by this Commission. Per-contra, the respondent has submitted that the regulations read with the procedures does not contain any provision for grant of deemed connectivity.
23. The Commission observes that the respondent Nigam i.e. HVPNL has raised a vague argument that Clause 17.3 reproduced in the interim order dated 26.06.2026, falls exclusively under the chapter "*Procedure for Grant of Open Access*" [Chapter (iv) above]. The respondent has lost sight of the fact that the ibid order dated 26.06.2026, has referred clause 14 of the 'Procedure for grant of Connectivity to Intra-State Transmission or Distribution System', drafted by HVPNL itself, which provides as under:-

"14. Time frame for disposal of application: -

<i>Sr. No.</i>	<i>Description of activity</i>	<i>Time frame</i>
1	<i>Submission of Application</i>	<i>0 day</i>
2	<i>Communication of deficiency or defect in the application</i>	<i>1st – 2nd day (within 2 days)</i>
3	<i>Forwarding the case to Planning/PD&C wing of concerned HVPNL/DISCOMs wing after completion of Application (after removing deficiency/defect or submission of requisite documents)</i>	<i>3rd– 5th day (within 3 days)</i>
4	<i>Supply of Technical Feasibility report by Planning/PD&C wing of concerned HVPNL/DISCOMs wing to nodal agency</i>	<i>6th – 20th day (within 15 days)</i>
5	<i>Accept/Reject the application by Nodal Agency and issuance of Grid Connectivity</i>	<i>21st – 30th day (within 10 days)</i>
6	<i>Acceptance or Clarification/Change by the applicant</i>	<i>Within 10 days</i>
7	<i>Submission of Connection agreement</i>	<i>Within 45 days of date of</i>

		<i>issue of Connectivity</i>
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24. In view of the procedures cited above, the respondent (HVPNL) was directed in unambiguous terms to issue connectivity of the application, with deemed date on or before 06.05.2026. However, HVPNL, in clear violation of the its reply dated 24.06.2026, has submitted as under:-
“The Memorandum has now been placed before the WTD Meeting, held on 24.06.2026. The same has been considered. Though the Minutes of Meeting are awaited, however, the letter granting connectivity shall be issued to the Petitioner once the approved minutes of meeting of the WTD received.”
25. However, instead of granting deemed connectivity w.e.f. 06.05.2026 as directed, the respondent has issued a post-facto connectivity letter dated 30.06.2026 and indicated an intent to seek modification of the Commission’s specific directions. This conduct is viewed as a deliberate contravention of the Commission's orders and a violation of the statutory timelines prescribed under the HERC regulations. The Commission observes that the above mentioned conduct of the officers of HVPNL is in clear defiance of the regulations framed by this Commission read with the specific directions contained in the subsequent orders.
26. The Commission has taken note of the fact that the Petitioner has filed the application online on 06.03.2026. While the Respondent contended that the application was only "complete" on 06.04.2026 after a corrected Bank Guarantee (BG) was submitted, the Commission finds the Respondent's conduct regarding the BG to be dilatory. Under the approved Procedure, deficiencies must be communicated within two days i.e. by 08.03.2026. Accordingly, the Respondent has failed to issue a formal notice until 20.03.2026, nearly two weeks late.
27. The Commission is of the considered opinion that the Respondent’s methodology of treating the date of receipt of internal Technical Feasibility Reports as the commencement date for the statutory 30-day timeline is not acceptable. Technical feasibility is an internal administrative exercise. Equating internal departmental progress with the "completeness" of a consumer's application would allow the Nodal Agency to indefinitely suspend statutory timelines, rendering the timelines prescribed in the procedure as.
28. However, even considering the submissions of the respondent that the application was complete in all respects on 06.04.2026 i.e. the date when the corrected BG was

received, the 30-day statutory period expired on 06.05.2026. The Respondent's own affidavit reveals a systemic failure to adhere to the procedure mandating grant of connectivity within 30 days, as only a small fraction out of 22 applications were processed within the given timeline. It is also noted that in the present case, during the hearing, the matter was still under consideration by the Whole-Time Directors (WTDs), taking around 80 days after the complete application was received, thereby defeating the 30-day period specified in the regulations.

29. The Commission notes the Respondent's argument that delays were caused by the Managing Director's desire to merge "Connectivity" and "Bay Allocation" approvals for "consumer convenience". While the intent may have been proactive, administrative convenience cannot override statutory mandates. Regulations are binding and the Nodal Agency does not have the discretion to extend timelines based on its internal meeting schedules or procedural preferences.
30. Following the issuance of the Commission's interim orders, the Respondent formally granted grid connectivity on 30.06.2026, and subsequently approved and issued the Long-Term Open Access (LTOA) on 19.08.2026. The HERC (Green Energy Open Access) Regulations, 2023, were enacted to promote renewable energy and provide a time-bound, transparent mechanism for developers. The timelines have been specifically designed to protect applicants from the very type of procedural lethargy demonstrated in the present case.
31. The Commission has considered the written submissions filed by both parties, the submissions advanced on behalf of the Respondent, HVPNL, and the reliefs sought by the Petitioner. The Commission records its findings as under:

- i. **On the Inapplicability of "Deemed Approval" to Grid Connectivity:**

The Respondent contended that Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023, and Clause 17.3 of the approved Procedure apply exclusively to the grant of "Open Access" and do not contain any provision providing for "deemed connectivity".

The Commission is unable to accept the aforesaid interpretation. Grant of connectivity is a necessary and antecedent step for operationalisation of Green Energy Open Access. If connectivity applications were permitted to remain pending beyond the prescribed period merely on the ground that the subsequent approval of Open Access is subject to a separate process, the time-bound framework contemplated under the Regulations would be rendered ineffective.

Regulation 6(3) of the HERC (Green Energy Open Access) Regulations, 2023, prescribes a period of thirty days for approval of an application for Green Energy Open Access by the State Nodal Agency. Further, Clause 14 of the “Procedure for Grant of Connectivity to Intra-State Transmission or Distribution System” specifically prescribes a period of thirty days for disposal of an application for grant of connectivity. The two provisions, read harmoniously, demonstrate the legislative and regulatory intent that applications relating to Green Energy Open Access and the requisite connectivity thereto are to be processed within the prescribed time-bound framework. The Respondent, therefore, cannot seek to defeat the prescribed timelines by treating connectivity as an entirely independent process beyond the scope of the regulatory mechanism governing Green Energy Open Access.

ii. **On the Date of Completeness and Calculation of Timelines:**

The Respondent contended that the application was incomplete as on 06.03.2026 on account of an incorrect Bank Guarantee (BG) and became complete in all respects only on 06.04.2026. It was further submitted that, in terms of Clause 2(xiv) of the Procedure, the prescribed period is to be reckoned in working days and that the period of thirty days consequently expired on 06.05.2026.

Even assuming, for the sake of consideration, that the application became complete in all respects only on 06.04.2026, the prescribed period of thirty days expired on 06.05.2026 without grant of connectivity. The internal administrative process of the Respondent, including awaiting scheduled meetings of the Whole-Time Directors (WTDs) or coordinating connectivity approval with proposals relating to bay allocation by the Planning Wing, cannot operate to extend or override the statutory and regulatory timeline prescribed for disposal of the application.

iii. **Determination on Penal Action and Show Cause Notices (SCN)**

The Commission had issued Show Cause Notices dated 10.07.2026 under Section 142 of the Electricity Act, 2003, calling upon the concerned Respondents to explain why penal action should not be initiated for non-compliance with the interim directions of the Commission. While considering the question of imposition of penalty, the Commission has taken note of the subsequent developments, including the following:

- a) **Extension of ALMM Exemption Window:** The principal urgency highlighted by the Petitioner was the then prevailing deadline of 01.06.2026 for grant of connectivity and 30.06.2026 for submitting the claim on the website of NISE, in order to avail the exemption relating to sourcing of solar cells under the Approved List of Models and Manufacturers (ALMM) framework through the National Institute of Solar Energy (NISE) portal. However, the Ministry of New & Renewable Energy (MNRE), Government of India, vide Office Memorandum No. 283/53/2026-GRID SOLAR dated

18.07.2026, extended the exemption window for Open Access RE power projects to commission without compliance with ALMM List-II requirements up to 31.12.2026.

- b) Absence of Material Loss to the Petitioner: The Respondent granted grid connectivity on 30.06.2026 and subsequently approved the LTOA on 19.08.2026. Both these actions were completed prior to the extended ALMM exemption deadline of 31.12.2026. Consequently, the Petitioner has not suffered any forfeiture of the exemption or any demonstrated material loss on account of the delay in the present case.
- c) Nature of the Default: The delay on the part of the officers of HVPNL had the potential to cause substantial loss and prejudice to green energy generators coming up in the State of Haryana and is contrary to the objective of promoting the ease of doing business. The Commission views the delay seriously and finds that the same was contrary to the prescribed timeline and indicative of administrative lapses, red-tapism and an unacceptable degree of bureaucratic inertia in the functioning of the Nigam. Such an approach, if permitted to continue, is likely to adversely affect the timely integration of green energy projects in the State and defeat the very purpose of the time-bound regulatory framework.

However, considering the extension of the ALMM exemption period by the Ministry of New & Renewable Energy (MNRE), Government of India, the absence of any demonstrated material loss to the Petitioner, and the subsequent compliance by the Respondent, the Commission, in the facts and circumstances of the present case, takes a lenient view and refrains from imposing any financial penalty under Sections 142 and 146 of the Electricity Act, 2003. Accordingly, the Show Cause Notices dated 10.07.2026 stand discharged.

- 32. In view of the foregoing findings, the Commission finds the Respondent to be in clear contravention of the timelines prescribed under the Green Energy Open Access Regulations, 2023 read with procedure framed thereunder. However, since the grievance of the Petitioner has already been redressed, the Commission, while taking a lenient view and refraining from imposing any financial penalty at this stage, issues a strict warning to HVPNL regarding the administrative delay and procedural inertia observed in the present matter. HVPNL is hereby cautioned that postponing decisions relating to statutory applications for connectivity and open access on the ground that the matter is required to await a formally scheduled WTD meeting, or bundling such decisions with unrelated matters such as bay allocation or other planning approvals, is wholly inconsistent with and amounts to a disregard of the time-bound mandate prescribed under the HERC Regulations.

33. In future, where scheduled WTD meetings are delayed or are not held within the prescribed timeframe, files relating to connectivity and open access applications shall be circulated amongst the concerned WTD members on a revolving basis, or through such other expeditious mechanism as may be considered appropriate, so as to ensure that decisions are taken within the statutory period of 30 days.
- The Commission further makes it clear that any recurrence of such procedural or administrative delays in matters relating to green energy connectivity and grid integration shall be viewed seriously and may invite initiation of proceedings under Section 142 of the Electricity Act, 2003, including imposition of appropriate penalties upon the officer(s) found responsible as well as on the HVNPL, in accordance with law.
34. The Managing Director, HVPNL, is directed to take immediate note of the aforesaid observations and to put in place a streamlined administrative mechanism to ensure strict compliance with the statutory timelines prescribed for grant of connectivity and open access. An appropriate enquiry shall also be conducted to ascertain and fix responsibility for the delay in the present case, and suitable action may be taken against the officer(s) found responsible, under intimation to the Commission. The Commission shall also be apprised of the enquiry proceedings on weekly basis.
35. The prayer for reimbursement of court fees and litigation expenses is allowed to the extent that the Respondent is directed to reimburse to the Petitioner the court fee of Rs. 50,000/- along with Rs. 50,000/- towards litigation expenses, within 30 days from the date of this Order, on account of the Respondent's wilful non-compliance with the Regulations framed by the Commission read with the explicit directions contained in the Commission's Orders.
36. The Respondents are directed to place a copy of this order before the Managing Director, HVPNL, for strict compliance.
37. The present Petition, along with I.A. No. 28 of 2026, is accordingly disposed of in terms of the foregoing order.

Date:21.09.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Officiating Chairman

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 21.09.2026.