

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 28 of 2026

Date of Hearing : 09.07.2026

Date of Order : 05.08.2026

In the Matter of

Petition under section 63 of the Electricity Act, 2003 for adoption of tariff discovered through Competitive Bidding Process for setting up of 250 MW/500 MWh Standalone Battery Energy Storage System (BESS) in the state of Haryana.

Petitioner

SJVN Ltd. Through its General Manager, 6th Floor, Tower -1, Office Block, NBCC Complex, East Kidwai Nagar, New Delhi-110023, Email Id: sjvn.reia@sjvn.nic.in, adarsht912003@gmail.com

Respondent

1. UHBVNL Through its Chief Engineer (Commercial) Vidyut Sadan, IP No. 3 & 4, Sector-14, Panchkula (HR)-134113, Email Id: cecommercial@uhbvn.org.in
2. Hardi Hydro Energy Pvt. Ltd. Through its Director # 148, HIG-A, Super Delux, Type A Duplex situated at Emerald Park City, Basewania, Bhopal (MP) -462043, Email hardihydroenergy@gmail.com

Present on behalf of the Petitioner

1. Mr. Ajitesh Garg, Advocate
2. Mr. Divankur Choudhary, Sr. Manager

Present on behalf of the Respondents

1. Mr. Raghujeet Madan, Advocate for R-1
2. Ms. Aerika Singh, Advocate for R-1
3. Mr. Lovepreet Singh, Advocate for R-1

Quorum

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

**Chairman (Deceased)
Member (In-Chair)
Member**

ORDER

1. The case was taken up for hearing on 09.07.2026, as scheduled, in the courtroom of the Commission.
2. At the outset, Mr. Ajitesh Garg, the learned counsel for the petitioner, submitted that they have filed an affidavit dated 18.06.2026, seeking permission to withdraw the present petition, in view of the successful bidder having expressed its unwillingness to

proceed with the project with liberty to approach the Commission afresh, if so required, at an appropriate stage. The Petitioner further prayed for refund of the petition filing fee on the ground that the withdrawal of the present petition has become necessary due to circumstances beyond its control. The similar prayer was reiterated in the final written submissions filed by the petitioner dated 14.07.2026. The petitioner, in its written submissions, further submitted that the VGF scheme for the BESS in Haryana remains operative and has been effectively extended. The Ministry of Power has mandated that a fresh, combined tender for the entire 530 MWh capacity (comprising the 500 MWh PSDF-funded project and the revised 30 MWh budgetary support project) is to be undertaken. The process for re-tendering the consolidated 530 MWh BESS capacity is currently underway and is in the final stages of approval by the competent authorities. Upon the successful conclusion of the aforesaid re-tendering process, the Petitioner, in all likelihood, will approach this Hon'ble Commission by way of a fresh petition seeking adoption of the tariff discovered through the new competitive bidding process for the 530 MWh capacity. The cause of action, i.e., seeking regulatory approval for VGF-supported BESS projects in Haryana, remains alive, although the specific tender process has been reset due to the aforementioned developments.

3. The Petitioner has submitted that, although the present Petition has been rendered infructuous, it would be in the interest of justice, equity, and good conscience if the court fee already deposited in the present proceedings is either refunded or permitted to be adjusted against the court fee payable in respect of the fresh petition proposed to be filed shortly concerning the same underlying projects. Accordingly, the Petitioner has expressed its desire to withdraw the present Petition, with liberty as prayed for, in accordance with law.
4. The respondent no. 2 i.e. Hardi Hydro Energy Pvt. Ltd., in its written submissions dated 15.07.2026, submitted that the tariff sought to be adopted vide the instant petition is not market aligned due to subsequent development. The respondent no. 2 prayed to dismiss the instant Petition filed by SJVN, reject the tariff discovered in the tariff based competitive bid process and quash the subject tender/bidding process and its consequential actions/effects.
5. The Commission has considered the submissions made by the learned counsel for the Petitioner as well as the respondents. In view of the request made by the Petitioner,

the present petition has become infructuous and has consequently lost its substratum. Accordingly, the petition is dismissed as withdrawn, with liberty to approach the Commission afresh, if so required, in accordance with law. The Commission further observes that the regulatory framework governing the Haryana Electricity Regulatory Commission does not envisage any provision for refund or adjustment of the petition filing fee once a petition has been instituted. The filing fee is a statutory levy prescribed under the HERC (Fee) Regulations, 2005, as amended from time to time, and is payable at the time of institution of the petition. Accordingly, the prayer of the Petitioner seeking refund or adjustment of the filing fee against any petition that may be filed in future cannot be acceded to and is, therefore, rejected.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 05.08.2026.

Date: 05.08.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member