

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 53 of 2026

Date of Hearing : 06.10.2026

Date of Order : 15.10.2026

In the Matter of

Petition under section 181 of the electricity act 2003 and under proviso 10, 11, 12, 13 and 14 of the Haryana Electricity Regulatory Commission (green energy open access) regulations no 59, 2023 dated 24th April, 2023 for removal of difficulties and power to relax.

Petitioner

M/s Avtar Steel Pvt. Ltd. through its authorised representative Mr. Satish Kumar, Village Jat Joshi, Sonipat and Village Mohana, Sonipat – 131001, Email ID juristakshayoffice@gmail.com

Respondents

- 1) Haryana Vidyut Prasaran Nigam (HVPNL) through its Chief Engineer/SO and Commercial, Shakti Bhawan, Sector-6, Panchkula-134109 Email ID: cesocomml@hvpn.org.in, md@hvpn.org.in
- 2) Uttar Haryana Bijli Vitran Nigam (UHBVNL) through its Superintending Engineer, System Operation, Panchkula-134109, Email ID: ucrpanchkula@uhbvn.org.in, md@uhbvn.org.in

Impleadment Applications

- 1) Bharat Pet Limited, Vill. Joshi Jat, Bahalgarh, Sonipat, Email: Info@sharplegal.in
- 2) Duratuf Glass Industries Pvt. Ltd., 38/4, Jakhoda Village, Rohtak Road, Bahadurgarh, Distt. Jhajjar, Haryana, Email: Info@sharplegal.in

Present on behalf of the Petitioner

Mr. Akshay Gupta, Advocate

Present on behalf of the Respondents

1. Ms. Aerika Singh, Advocate
2. Mr. Lovepreet Singh, Advocate
3. Mr. Krishan Lal, Xen, UHBVNL

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 Avtar Steel Pvt. Limited, seeking interpretation and clarification regarding the scope and applicability of Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access approved by the Hon'ble Commission on 29.11.2023, and for removal of the regulatory difficulty which has arisen during the processing of the Petitioner's application for Long-Term Green Energy Open Access.

2. Petitioner (s)'s submissions: -

- 2.1 That the present Petition is being filed by M/s Avtar Steel Limited, having its industrial units at Village Jat Joshi and Village Mohana, District Sonipat, under the provisions of the Electricity Act, 2003 and the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023, seeking an authoritative interpretation and clarification regarding the scope and applicability of Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access approved by this Hon'ble Commission, and for issuance of appropriate directions to facilitate grant of Long-Term Green Energy Open Access in accordance with the applicable statutory framework.
- 2.2 That the present Petition is not adversarial in nature. The Petitioner is not seeking any relief against the Respondents on account of any wrongful action or omission. Rather, the Petition has been necessitated solely because a genuine regulatory ambiguity has arisen during the processing of the Petitioner's application for Long-Term Green Energy Open Access. In fact, the Respondent itself has sought clarification from this Hon'ble Commission regarding the interpretation of Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access before taking a decision on the Petitioner's application. The present proceedings are, therefore, intended only to obtain an authoritative interpretation and clarification from this Hon'ble Commission so that the applicable statutory provisions may be implemented uniformly and the Petitioner's application may be processed in accordance with law.
- 2.3 That the Petitioner Company is having an HT Industrial electricity connection sanctioned by UHBVN, the Distribution Licensee, for its industrial premises and has been regularly availing electricity supply thereunder.
- 2.4 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 signed power purchase agreement with EPJPD Pvt Ltd Gurugram to set up a Solar Power Project of 9 MW in village Chack Kharij Bahu (Rewari) Haryana after completing all the legal formalities and after obtaining all the necessary approvals from various authorities in this regard, including HAREDA Registration and Grant of Connectivity from HVPNL the nodal agency in Haryana.
- 2.5 That the Petitioners acquired the land for the aforesaid project in the month of Dec., 2025 and thereafter applied for registration with HAREDA on 23.02.2026. The Petitioner was granted the said registration by HAREDA on 09.03.2026.
- 2.6 That the Petitioner has set up a 9 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 at Sonipat through the mechanism of Open Access, in accordance with the applicable provisions of law.

- 2.7 That to evacuate power from this 9 MW solar power plant, the Petitioner has obtained connectivity from its nearest and feasible substation. That in the process of setting up and obtaining various clearances, the connectivity has been granted by HVPNL from 132 kV HVPNL substation Bahu Jholri (village Chack Kharij Bahu – District Jhajjar at 33 kV level and accordingly, 33 kV line shall be 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 second week of Feb, 2026 and the same was duly approved by UHBVN vide approval dated 17.02.2026.
- 2.9 That the Petitioner applied for Long Term Open Access in the month of May with HVPNL (Nodal Agency for Open Access) and HVPNL has sent application for consent to UHBVN for further processing of application under Green Open Access procedure
- 2.10 That the petitioner has two consumption points at 33 kV, one is at Village Jat Joshi, Sonipat with Long Term Open Access capacity of 6.84 MW and second is at Village Mohana, Sonipat with Long Term Open Access Capacity of 2 MW.
- 2.11 That the petitioner is having 33 kV independent feeder on both the locations, having 3 no of existing consumers at Village Jat Joshi, Sonipat and 1 existing consumer at Village Mohana, Sonipat.
- 2.12 That the connectivity is issued by the HVPNL on 23.04.2026 vide its memo number CH-15/ISB-918.
- 2.13 That no objection whatsoever has been raised regarding the Petitioner's eligibility, captive status, HAREDA registration, grant of connectivity, technical feasibility, metering arrangement or evacuation system. The only issue which has arisen during the processing of the Petitioner's application pertains to the interpretation of Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access, on account of which UHBVN has sought clarification from this Hon'ble Commission.
- 2.14 That during the processing of the Petitioner's application for grant of Long-Term Green Energy Open Access, the Respondents referred to Clause 16(A)(2) of Annexure-II (Procedure for Grant of Green Energy Open Access) approved by this Hon'ble Commission vide order dated 29.11.2023. The Respondents have taken the view that since the Petitioner's consumer(s) are connected through an independent feeder having more than one consumer, the applicability and interpretation of Clause 16(A)(2) requires clarification from this Hon'ble Commission before processing the Petitioner's application. Accordingly, the matter has been referred to this Hon'ble Commission for appropriate clarification. The relevant portion of Clause 16(A)(2) is reproduced hereunder:

“(2) A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred kW and above connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub-station, shall also be entitled for seeking open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative. However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as prescribed by the Commission in the Haryana Electricity Regulatory Commission (Single Point Supply to Employers’ Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013, as amended from time to time.”

2.15 That Clause 16(A)(2) merely provides an enabling mechanism whereby two or more consumers connected through the same independent feeder may, at their option, seek Green Energy Open Access collectively through a group representative. The said provision neither expressly nor by necessary implication makes such collective application a mandatory pre-condition for grant of Long-Term Green Energy Open Access to an otherwise eligible consumer. Consequently, the interpretation adopted by the Respondents defeats the object of the Green Energy Open Access framework and introduces a restriction not contemplated by the Electricity Act, 2003, the Ministry of Power Rules or the HERC Regulations.

2.16 That immediately following Clause 16(A)(2), the Procedure for Grant of Green Energy Open Access itself contains the following proviso:

"Provided further that the consumers of a distribution licensee with contract demand of 100 kW or above who are not on independent feeders may be allowed open access subject to the condition that they agree to the system constraints as well as the power

cut restrictions imposed by the distribution licensee serving them. In such cases, under drawal, if any, on account of power cut restrictions shall not be compensated."

- 2.17 That plain reading of the aforesaid proviso makes it abundantly clear that the Procedure itself contemplates grant of Green Energy Open Access even to consumers who are not connected through independent feeders, subject only to acceptance of system constraints and power cut restrictions. Therefore, if consumers connected through ordinary (non-independent) feeders are eligible to avail Green Energy Open Access, there is no rational or legal basis to interpret Clause 16(A)(2) as imposing a mandatory condition that an otherwise eligible consumer connected through an independent feeder can obtain Long-Term Green Energy Open Access only if all other consumers on such feeder collectively apply through a group representative. Such an interpretation would render the proviso redundant and defeat the object of the Green Energy Open Access framework.
- 2.18 That the present Petition has been necessitated on account of the regulatory ambiguity which has arisen during the processing of the Petitioner's application for grant of Long-Term Green Energy Open Access. The said ambiguity is evident from the fact that UHBVN itself, vide Office Memo No. Ch-269/SE-SO 67/LTOA/ CAPTIVE/ EPJPD/AVTAR STEEL LTD dated 19.06.2026, has sought a clarification from the Commission regarding the interpretation and applicability of Clause 16(A)(2) of Annexure-II (Procedure for Grant of Green Energy Open Access) approved by this Hon'ble Commission vide order dated 29.11.2023, while processing the Petitioner's request for grant of Long-Term Green Energy Open Access.
- 2.19 That the Petitioner has approached this Hon'ble Commission seeking an authoritative interpretation and clarification of Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access so as to remove the ambiguity which has arisen in its implementation and to ensure that the Procedure is applied harmoniously with the Electricity Act, 2003, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (as amended), and the HERC (Green Energy Open Access) Regulations, 2023. Without prejudice to the aforesaid, the Petitioner also prays that, if this Hon'ble Commission is of the view that any procedural relaxation is required to give effect to the object of the Regulations, the same may kindly be exercised in the facts and circumstances of the present case.
- 2.20 That the Central Government, in exercise of its powers under Section 176 of the Electricity Act, 2003, notified the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 vide Notification No. G.S.R. 418(E) dated 06.06.2022. Rule 5(2) thereof provides that all applications for Green Energy Open Access shall be processed by the Nodal Agency within the prescribed period and

stipulates that only consumers having a contracted demand or sanctioned load of 100 kW or above shall be eligible to avail Green Energy Open Access. The said Rule further categorically provides that there shall be no limit of supply of power for captive consumers availing Green Energy Open Access. The only operational condition contemplated under the Rule is that the Appropriate Commission may prescribe reasonable conditions regarding the minimum number of time blocks for scheduling of power. Significantly, the said Rules do not prescribe that an eligible captive consumer must necessarily be connected through an exclusive independent feeder or that all consumers connected to an independent feeder must collectively apply through a group representative.

- 2.21 That the Central Government thereafter issued the Electricity (Promoting Renewable Energy Through Green Energy Open Access) (Second Amendment) Rules, 2023 vide Notification No. G.S.R. 381(E) dated 23.05.2023, whereby the first proviso to Rule 5(2) was substituted. The amended provision further liberalises the eligibility criteria by providing that consumers having a contracted demand or sanctioned load of 100 kW or above, whether through a single connection or multiple connections aggregating 100 kW or more located in the same electricity division of a distribution licensee, shall be eligible to avail Green Energy Open Access, while continuing to provide that there shall be no limit of supply of power for captive consumers. Even after the aforesaid amendment, the Central Rules do not prescribe any mandatory requirement that all consumers connected through an independent feeder must collectively apply before Long-Term Green Energy Open Access can be granted to an otherwise eligible captive consumer.
- 2.22 That the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, as amended, are statutory Rules framed by the Central Government under Section 176 of the Electricity Act, 2003. Consequently, the HERC (Green Energy Open Access) Regulations, 2023 and the Procedure framed thereunder are required to be interpreted in a manner consistent with the aforesaid Rules. The Procedure cannot be construed to impose an additional substantive eligibility condition, namely compulsory collective application by all consumers connected to an independent feeder, when no such condition is contemplated either under the Electricity Act, 2003, the Ministry of Power Rules or the HERC Regulations themselves.
- 2.23 That the following prayers have been made:-
- a. Issue an authoritative interpretation and clarification of the provisions of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 read with the Procedure for Grant of Green Energy Open Access approved vide Order dated 29.11.2023, particularly Clause 16(A)(2), and

declare that the said provision is an **enabling provision** and not a mandatory eligibility condition requiring all consumers connected through an independent feeder to collectively apply through a group representative before grant of Long-Term Green Energy Open Access, AND;

- b. Hold and declare that an otherwise eligible captive consumer fulfilling all statutory requirements under the Electricity Act, 2003, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (as amended), and the HERC (Green Energy Open Access) Regulations, 2023 cannot be denied Long-Term Green Energy Open Access merely because the independent feeder also supplies electricity to other consumers, AND;
- c. Direct HVPNL, UHBVN and all concerned authorities to process and grant the Petitioner's application for Long-Term Green Energy Open Access in accordance with law without insisting upon collective application by other consumers connected on the same feeder or compliance with conditions not prescribed under the Electricity Act, 2003, the Ministry of Power Rules or the HERC Regulations, AND;
- d. In the alternative, and without prejudice to the above, exercise the powers of this Hon'ble Commission under the applicable provisions of the HERC (Green Energy Open Access) Regulations, 2023 to relax the requirement, if any, contained in Clause 16(A)(2) of the Procedure, so as to remove the implementation difficulty and to give full effect to the object of promoting renewable energy and Green Energy Open Access, AND;
- e. Pass such further or other orders, directions or reliefs as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case, in the interest of justice, equity and promotion of renewable energy, AND;

3. **The reply dated 17.06.2026, jointly filed by Respondent No.1 (HVPNL) and Respondent No. 2 (UHBVNL): -**

- 3.1 That, the relevant provisions of HERC (Green Energy Open Access) Regulations, 2023, 1st Amendment Regulations, 2025, are reproduced as under:-

“4. Eligibility criteria for Green Energy Open Access:

The consumer who has contracted demand or sanctioned load of hundred kW and above either through single connection or through multiple connections aggregating hundred kW or more located in same electricity operation division of a distribution licensee shall be eligible to take power through Green Energy Open Access and there

shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:

Provided that such open access shall be for a minimum twelve-time blocks of 15 minutes time interval during a day, for which the consumer shall not change the quantum of power consumed through open access:

Provided further that all applications for open access of green energy shall be allowed by the State Nodal Agency within a period of thirty days:

Provided further that such consumer of a distribution licensee shall be entitled for seeking open access provided he is connected through an independent feeder emanating from a grid sub-station. In case of more than one such consumer on such independent feeder, the following condition shall apply: -

A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred kW and above connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub-station, shall also be entitled for seeking open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative. However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as prescribed by the Commission in the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013, as amended from time to time:

Provided further that the eligible consumers of a distribution licensee who are not on independent feeders may be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the

distribution licensee serving them. In such cases, under drawl, if any, on account of power cut restrictions shall not be compensated.

Provided further that such consumers, having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of the distribution / transmission licensee or having a case of unauthorized use of electricity/theft of electricity pending against him at the time of application, shall not be eligible for open access:

Provided further that the green energy open access consumer shall restrict the sum of his total drawl from open access and from the distribution licensee upto the total sanctioned contract demand. The maximum admissible drawal in any time block during the day for green energy open access consumer shall be the difference of sanctioned contract demand and scheduled entitlement.”

GEOA Procedure:

“16. Mandatory Requirements:

The following requirements /pre-conditions are mandatorily required to be fulfilled by the Open Access customer before applying/availing the Short-Term Open Access (STOA)/ Medium-Term Open Access (MTOA)/ Long Term Open Access (LTOA): A. Eligibility criteria for Green Energy Open Access:

(1)

(2) In case of more than one such consumer on such independent feeder, the following condition shall apply: - A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred kW and above connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid substation, shall also be entitled for seeking open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative. However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the

contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as prescribed by the Commission in the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013, as amended from time to time.

... ..”

- 3.2 That similar provisions finds mention in the Haryana Electricity Regulatory Commission (Terms and Conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 (“OA Regulations, 2012”), as amended vide the 1st Amendment, 2013.
- 3.3 That, at this stage, attention of the Hon’ble Commission is also brought towards the Suo-Moto order dated 24.04.2023 passed at the time of notification of the GEOA Regulations, 2023, the relevant extract of which is reproduced below:

“9.8.1 Comments filed by Saini Power Transactor

It is requested to kindly remove this condition as in the current scenario we are facing difficulty and the NOAR portal allows registration of a single company and NOC is also issued to that company. There is no provision of grouping 2 or more consumers on the NOAR Portal. Moreover, the Green Open Access Portal (<https://greenopenaccess.in>) is also designed in a similar manner and no provision of grouping on Green Open Access portal and hence separate NOC needs to be issued.

Further it also contradicts with the condition that:

“The consumers who have contracted demand or sanctioned load of hundred kW and above shall be eligible to take power through Green Energy Open Access”

If a consumer has a contract demand of 500kW but is connected to an independent feeder along with 2 other consumers, then he is also eligible and not eligible as there is contradiction in the regulation itself. The right of one consumer provided in Electricity Act under section 38(2)(d), section 39(2)(d), section 40(c), section 42(2) and section 42(3) are hindered due to some other consumer which is against the principle of natural justice.

In addition to this HERC Regulation No. HERC/34/2016 Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations, 2016 clause 4.8.2(vii) states that:

“For connecting second or subsequent consumer on an independent feeder, if after such connection, the capacity of the feeder is utilized within seventy percent of its rated capacity, no consent of original consumer shall be required. In case due to connection of such subsequent consumer(s) on the independent feeder, the load increases to more

than seventy percent of the rated capacity of the feeder, the consent of the original consumer(s) shall be required.”

Some consumers have been connected with the independent feeders of existing consumers and no consent was taken from the consumer as per the regulation but, their ABT meters were installed at the substation end and were either bypassed/disconnected or moved to the company premises. However, there were some instances where the new consumer who got connected to the existing independent feeder are not willing to avail Open Access for their premises but making the existing consumer ineligible to avail open access.

In Gurugram region the independent feeders of some industries have been clubbed together and the independent feeders of the consumers will be clubbed together in order to create a much more robust and reliable system and even the DISCOM will not be able to ensure the compliance of such clause. In such scenarios where, independent feeders of existing Open access consumers whose feeders have been clubbed with other consumers but are not willing.

Commission’s View: - The Commission has considered the issue raised by the intervener on eligibility criteria as per the draft Regulations. It is observed that there could be two main concerns i.e. an eligible consumer who is served by an independent feeder but there is more than one consumer on the same feeder; to circumvent the operational issues of metering, billing, apportionment of losses etc. the Commission has considered it appropriate to make a provision for a group represented. The ‘Group Representative’ shall be a single entity who would seek the requisite registration NoC etc. The arrangements between the constituents of such Group will have to arrive at mutual agreement of different aspects that may arise while seeking and availing Green Open Access under these Regulations. In case a consumer on such Independent Feeder do not want to come together for seeking Open Access then for operational point of view it would be difficult to manage such a situation without leading to multiple litigations at all times. Hence, the dispensation as per the draft can only facilitate Open Access in such a situation.

The issue raised by the intervener regarding no ‘consent’ taken from the existing consumer(s) for adding a consumer on an existing Independent Feeder as per the Supply Code, is not germane to the issue under consideration.

In view of the above observations, the objections filed by the intervener on the issue listed above is dismissed as devoid of merit.”

As have been observed by the Hon’ble Commission vide the Suo-Moto order dated 24.04.2023, it is respectfully submitted that since all such consumers draw power

through the same independent feeder emanating from a common grid sub-station, it is not technically feasible to segregate the open access entitlement of one consumer from the rest without appropriate individual metering and accounting infrastructure at the feeder level. The reasoning behind the Regulations, from an operational standpoint the same would inevitably give rise to repeated disputes and litigation between the constituents and the distribution licensee. It is for this reason that the dispensation contemplated under the Regulations is structured on an "all or none" basis.

- 3.4 That it is pertinent to mention that the Jat Joshi unit is connected through an independent feeder having three existing consumers, while the Mohana unit is connected through an independent feeder having one existing consumer in addition to the Petitioner. However, none of these existing consumers have been arrayed as party respondents to the present proceedings.

Without prejudice to the foregoing, it is the case of the Answering Respondents that in the event the present petition is allowed, the Petitioner should be directed to bear any loss or liability that may accrue to the Answering Respondent on account of the relaxation so granted. Any loss caused to the Answering Respondent by reason of litigation initiated by the existing consumers shall be the liability of the Petitioner. This position finds support in the object underlying the Suo-Moto order dated 24.04.2023 passed by the Hon'ble Commission, wherein it was observed that since all such consumers draw power through the same independent feeder emanating from a common grid sub-station, it is not technically feasible to segregate the open access entitlement of one consumer from the rest, absent appropriate individual metering and accounting infrastructure at the feeder level. Were any one constituent consumer permitted to seek open access individually, or to withhold consent from joining the group, the very object of the provision would stand defeated, rendering the scheme unworkable from an operational standpoint and giving rise to repeated disputes and litigation between the constituents and the distribution licensee. Accordingly, any loss arising from such litigation shall be borne by the Petitioner.

It is further submitted that the proviso to the Regulations, 2023 reproduced hereinabove, provides that:

*"...all such **consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises**, and provided further that the schedule of power through open access of individual consumers shall also be supplied by the group representative. However, all the **individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges**."*

Further, Regulation 8 of the Regulations, 2023 enumerate the charges to be borne by the consumer. As a matter of fact certain losses are also liable to be borne by the consumer, in terms Regulation 8(7) of Regulations, 2023 reproduced below:

“(7) In addition to wheeling charge, wheeling loss shall be applicable to consumers seeking Green Energy Open Access and it shall be determined as average of 52-week wheeling loss for the previous year as approved by the Commission.”

It is accordingly submitted that compliance with the aforesaid proviso may also be directed to be undertaken by the Petitioner on its own and such charges/ losses shall be directed to be paid by the Petitioner.

- 3.5 That insofar as the argument of the Petitioner, that it satisfies the conditions contained in the Electricity Act, 2003 is concerned, attention in this regard is brought towards the following provisions of the Electricity Act, 2003:

“Section 2. (Definitions): --- In this Act, unless the context otherwise requires,--

... ..

(47) “open access” means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation **in accordance with the regulations specified by the Appropriate Commission;**

... ..

Section 42. (Duties of distribution licensee and open access): ---

... ..

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity **in accordance with regulations made by the State Commission** and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.”

As such, it is the case of the Answering Respondent that the Answering Respondent is bound by the Regulations of the Hon'ble Commission.

- 3.6 That, Section 42 of the Act, 2003, apart from dealing with open access, also provides for the establishment of a forum for redressal/settlement of individual consumer disputes. The relevant extract of Section 42 is reproduced hereunder for ready reference:

“42. Duties of distribution licensee and open access.- (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical

distribution system in his area of supply and to supply electricity in accordance with the provisions of this Act.

... ..

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission."

It is submitted that since Section 42 itself deals with the subject of "open access", the Ld. CGRF has been constituted pursuant to sub-section (5) thereof as the designated forum for redressal of consumer grievances, including those arising in the context of open access. In view of the foregoing, it is respectfully submitted that any grievance of the Petitioners relating to Open Access ought to have been, agitated before the Ld. CGRF in the first instance.

- 3.7 That, the Petitioner has two drawal points, namely Village Jat Joshi and Village Mohana, and the concerned independent feeders also serve other consumers. The applicability of the specific mechanism prescribed for more than one eligible consumer on an independent feeder is therefore required to be considered with reference to the sanctioned load/contracted demand of the consumers connected on the concerned feeders. The communication of UHBVNL relied upon by the Petitioner itself records the relevant feeder position, namely that the Jat Joshi unit is connected through an independent feeder having three existing consumers and the Mohana unit is connected through an independent feeder having one existing consumer in addition to the Petitioner. The said factual position is relevant for determining the applicability of the independent-feeder/group mechanism under the applicable regulatory framework.
- 3.8 That the Petitioner's reliance upon its captive status or it being a renewable plant of 9 MW capacity has not applicability to the facts of the present case, the Answering Respondent cannot on its own dispense with the conditions governing the use of the transmission/distribution system for open access.
- 3.9 That the Petitioner has invoked the power to remove difficulties. However, no difficulty in giving effect to Clause 16(A)(2) has been demonstrated. The provision is clear, the feeder position is ascertainable and the mechanism for collective application is expressly prescribed.
- 3.10 That it is further made clear that the Respondents have not rejected the Petitioner's claim to Green Energy Open Access, the Respondents have only required the

application to be dealt with in accordance with the specific feeder-related requirement contained in the applicable regulatory framework.

4. The rejoinder dated 01.10.2026, filed by the Petitioner

- 4.1. That the present Rejoinder is being filed on behalf of the Petitioner, M/s Avtar Steel Limited, in response to the Reply filed on behalf of Respondent No. 1, Haryana Vidyut Prasaran Nigam Limited ("HVPNL"), and Respondent No. 2, Uttar Haryana Bijli Vitran Nigam Limited ("UHBVN/UHBVNL").
- 4.2. That the principal apprehension raised by the Respondents regarding metering, billing and apportionment of losses is not applicable to the actual facts of the present case. Petitioner's consumption is presently recorded through the consumer-end meter installed at its premises, whereas the feeder/reference meter is installed at the sub-station end. UHBVN is already undertaking separate monthly billing of the consumers connected to the concerned feeder and the applicable feeder losses are being apportioned/recovered through the existing billing mechanism.
- 4.3. That the Petitioner is therefore already bearing its proportionate share of applicable feeder losses under the existing billing system. Consequently, permitting the Petitioner to avail Green Energy Open Access would not result in any additional loss or financial burden upon UHBVN.
- 4.4. That after grant of Open Access, the existing DISCOM billing shall continue in the normal course through the consumer-end meters. The Open Access energy adjustment shall additionally be accounted for through the ABT meter(s) to be installed for Open Access purposes. There shall therefore be no disruption or change in the regular billing of the other consumers connected to the feeder.
- 4.5. That the bills issued to the petitioner already include the energy charges and line losses, the line losses are also charged as per the short assessment pointed out by the Audit party.
- 4.6. That the Respondents have not placed on record any technical report, feeder-wise calculation or billing analysis demonstrating that individual Open Access to the Petitioner would cause any additional loss or operational difficulty to UHBVN.
- 4.7. That the Petitioner undertakes to comply with all applicable requirements relating to ABT metering, scheduling, energy accounting, transmission/wheeling charges, applicable losses, SLDC charges and all other lawful requirements.
- 4.8. That Regulation 4.8.2(vii) of the HERC (Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security) Regulations, 2016 specifically deals with connection of a second or subsequent consumer on an independent feeder. It provides, inter alia, that where the feeder

utilisation remains within 70% of its rated capacity, consent of the original consumer is not required, whereas where the proposed connection takes utilisation beyond 70%, consent of the original consumer is required.

- 4.9. That the aforesaid provision demonstrates that the subsequent connection of another consumer on an independent feeder is a matter governed by the distribution licensee and the applicable regulatory framework. The Petitioner cannot be deprived of its Green Energy Open Access merely because another consumer has subsequently been connected/tapped on the feeder.
- 4.10. That the Petitioner had neither requested nor caused the subsequent connection of any other consumer on its independent feeder. If such connection was made by UHBVN, the consequences of such connection cannot subsequently be shifted upon the Petitioner by making its Green Energy Open Access conditional upon the consent or participation of such other consumer.
- 4.11. That the Petitioner further submits that the applicable HERC framework recognises arrangements for subsequent consumers on independent feeders, including apportionment of feeder-related costs. The regulatory scheme therefore itself contemplates the existence of more than one consumer on an independent feeder.
- 4.12. That the Respondents' submission that the Petitioner should bear any liability arising from possible litigation by other consumers is wholly misconceived. Whereas, the regular electricity billing of each consumer is separately undertaken by UHBVN. The Petitioner has no control over the billing, consumption, contractual arrangements or Open Access decision of another consumer connected to the same feeder. The Petitioner cannot be made responsible for an arrangement created or permitted by the distribution licensee itself, particularly when the Petitioner has neither sought such connection nor exercised any control over the same.
- 4.13. The apprehension of possible future litigation, by itself, cannot constitute a technical impediment in the Petitioner's case, particularly when the Petitioner has undertaken to comply with all applicable metering, scheduling, energy accounting, loss and settlement requirements. Any dispute arising from the independent contractual or billing relationship of another consumer with the distribution licensee cannot automatically be attributed to the Petitioner.
- 4.14. That the Green Energy Open Access Regulations, 2023 recognise eligibility of consumers having contracted demand/sanctioned load of 100 kW and above and also provide for Green Energy Open Access to captive consumers without a limit on supply. The Regulations further contain a mechanism dealing with consumers on independent feeders and also contemplate Open Access for eligible consumers not on independent feeders, subject to system constraints and power-cut restrictions.

- 4.15. That the existence of the aforesaid provisions demonstrates that the independent-feeder/group mechanism is intended to address operational requirements and cannot be applied in a manner which defeats the substantive entitlement of an otherwise eligible captive consumer, particularly where the alleged operational difficulties can be effectively addressed through existing metering and accounting arrangements.
- 4.16. That the Commission, while considering objections to the Green Energy Open Access Regulations, had itself considered the operational concerns relating to multiple consumers on an independent feeder and observed that the group mechanism was intended to facilitate operational management. The said observation ought to be considered in the factual context of the present case, where separate consumer metering, billing and loss accounting are already in operation.
- 4.17. That the Procedure for Grant of Green Energy Open Access was approved by this Hon'ble Commission vide order dated 29.11.2023 pursuant to the Green Energy Open Access Regulations, 2023. The Procedure ought to be interpreted harmoniously with the Electricity Act, 2003, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, as amended, and the HERC Green Energy Open Access Regulations, 2023, so as to facilitate, rather than unnecessarily obstruct, legitimate Green Energy Open Access.
- 4.18. That the objection of the Respondents that the Petitioner ought to have approached the Consumer Grievance Redressal Forum is misconceived. The present Petition does not concern an individual billing dispute or grievance against the distribution licensee. The Petitioner seeks interpretation/clarification of a provision framed/approved by this Hon'ble Commission and, in the alternative, exercise of the Commission's power to remove difficulties and relax the requirement, if considered necessary. The issue raised herein is therefore regulatory in nature and falls within the jurisdiction of this Hon'ble Commission.

Proceedings in the Case

5. The case was heard on 25.08.2026, 28.09.2026 and finally on 06.10.2026 in the Court Room of the Commission, wherein the Petitioner as well as the Respondent mainly reiterated the submissions made in their respective Petition, Reply and Rejoinder, which, for the sake of brevity, are not being reproduced herein. Mr. Akshay Gupta, learned counsel appearing on behalf of Bharat Pet Limited and Duratuf Glass Industries Pvt. Ltd., sought withdrawal of the impleadment applications filed on their behalf. The said applications having been withdrawn, the same are not being dealt with in the present Order.

Commission's Analysis and Order

6. The Commission heard the arguments of the parties at length as well as perused the application/reply filed in the matter. Before proceeding further on merits of the issues raised in the Petition, the Commission considers it appropriate to first examine the maintainability of the Petition before the Commission and in order to examine the same, the Commission has perused Section 86 (1)(f) of the Electricity Act which provides that the state commissions shall adjudicate upon the disputes between the licensees and the generating companies, Section 42 (5) and (6) of the Electricity Act, 2003 which mandate a distribution licensee is to establish a Consumer Redressal Forum in accordance with the guidelines issues by the respective State Commission to enable the consumers to seek redressal of their grievances.
7. The Commission has examined the submission of the Respondents that the jurisdiction to settle the dispute between a consumer and a licensee lies with "CGRF/Electricity Ombudsman". The Respondents have argued that the Petitioner is aggrieved in the capacity of a Long-Term Open Access consumer.
8. Per contra, the Petitioner has vehemently contended that the present Petition does not pertain to any individual billing dispute or grievance against the distribution licensee. Rather, the Petitioner seeks interpretation and/or clarification of a provision framed and approved by this Hon'ble Commission and, in the alternative, seeks exercise of the Commission's powers to remove difficulties and relax the applicable requirements, if considered necessary. The issue raised in the present Petition is, therefore, regulatory in nature and falls squarely within the jurisdiction of this Hon'ble Commission.
9. The Commission has examined the provisions of Section 86(1)(f) of the Electricity Act, 2003, which empowers the State Commission to adjudicate upon disputes between licensees and generating companies. Further, Section 86(1)(e) of the Electricity Act, 2003 gives mandate to the Commission to promote renewable energy generation and Section 86(1)(k) is a general provision which empowers the Commission to discharge such other functions as may be assigned to it under the act. Similarly, the Commission is empowered under Regulations 65, 66 and 67 of the HERC (Conduct of Business) Regulations, 2019 to issue appropriate orders to secure the ends of justice, prevent abuse of process and adopt such procedure as may be necessary in special circumstances. Further, Regulation 68 empowers the Commission to amend any defect or error in proceedings to determine the real issue involved. The Commission is also vested with inherent regulatory jurisdiction under Regulations 10, 11, 12, 13 and 14 of GEOA Regulations to remove implementation difficulties arising during operationalisation of its Regulations, provided such exercise does not dilute or override the substantive provisions of the Regulations themselves.

10. In the present case, the Petitioner is also a 100% captive power generator and the issues raised pertain not merely to operational disputes but also to interpretation of regulatory provisions and prayer for relaxation of the Regulations. Such reliefs fall squarely within the domain of the Commission and cannot be effectively adjudicated by any other forum.
11. The Commission observes that the controversy involved in the present proceedings relate to the substantive eligibility of Renewable Energy based Captive Generating Plants to avail the green energy open access under Regulation 4 of the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 (hereinafter referred to as the "GEOA Regulations") and the procedural difficulties arising during the implementation of Annexure-II prescribing the Procedure for Grant of Green Energy Open Access. Upon examination of the pleadings, the Commission finds that the Respondents have consistently maintained that they are merely implementing the Procedure as approved by the Commission and are not empowered to deviate therefrom.
12. Accordingly, the Commission holds that the present petition, insofar as it invokes powers to relax, removal of difficulties and power to amend enshrined under Regulations 65, 66 and 67 of the HERC (Conduct of Business) Regulations, 2019 as well as Regulations 10, 11, 12, 13 and 14 of GEOA Regulations, is maintainable before this Commission. The Commission is of the considered view that the Petitioner, may at its discretion seek appropriate remedy from CGRF/Electricity Ombudsman as well as from the State Commission, so far as disputes as Captive Power Generator and a Licensee are concerned.

The preliminary objection raised by the Respondents on the ground of maintainability is, therefore, rejected.
13. Having decided the maintainability issue, the Commission now proceeds to decide the issues within the jurisdiction of this Commission. The Petitioner has submitted that the Regulation 4 of Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 read with Clause 16(A)(2) of the 'Procedure for Grant of Green Energy Open Access' approved by the Commission, vide Order dated 29.11.2023, is an enabling provision and not a mandatory eligibility condition requiring all consumers connected through an independent feeder to collectively apply through a group representative before grant of Long-Term Green Energy Open Access, therefore, Long-Term Green Energy Open Access cannot be denied merely because the independent feeder also supplies electricity to other consumers. The petitioner has also invoked the residuary powers of the Commission vested under Regulations 10, 11, 12, 13 and 14 of GEOA Regulations to relax the requirement, if any, contained in Clause

16(A)(2) of the Procedure, so as to remove the implementation difficulty and to give full effect to the object of promoting renewable energy and Green Energy Open Access.

14. The Respondent Distribution Licensees have, on the other hand, submitted that since more than one consumer draw power through the same independent feeder emanating from a common grid sub-station, it is not technically feasible to segregate the open access entitlement of one consumer from the rest without appropriate individual metering and accounting infrastructure at the feeder level. The same would inevitably give rise to repeated disputes and litigation between the constituents and the distribution licensee.
15. In order to examine the issue in hand, the Commission has considered it appropriate to examine Regulation 4 of Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023 as well as Clause 16(A)(2) of the 'Procedure for Grant of Green Energy Open Access' approved by the Commission, vide Order dated 29.11.2023. The extract of the relevant provisions are reproduced hereunder:-

"4. Eligibility criteria for Green Energy Open Access:

The consumers who have contracted demand or sanctioned load of hundred kW and above shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access.

Provided that such open access shall be for a minimum twelve time blocks of 15 minutes time interval during a day, for which the consumer shall not change the quantum of power consumed through open access.

Provided further that all applications for open access of green energy shall be allowed by the State Nodal Agency within a period of thirty days.

Provided further that such consumer of a distribution licensee shall be entitled for seeking open access provided he is connected through an independent feeder emanating from a grid sub-station. In case of more than one such consumer on such independent feeder, the following condition shall apply:-

*A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred kW and above connected to the distribution system of licensee at 11 kV or above **through an independent feeder emanating from a grid sub-station, shall also be entitled for seeking open access if all such consumers collectively apply** for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative.*

However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as prescribed by the Commission in the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013, as amended from time to time.

Provided further that the **consumers of a distribution licensee with contract demand of 100 KW or above who are not on independent feeders may be allowed** open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the distribution licensee serving them. In such cases, under drawl, if any, on account of power cut restrictions shall not be compensated.

.....”

(Emphasis supplied)

The procedure for grant of open access also contains the similar provision. Clause 16(A)(2) of the 'Procedure for Grant of Green Energy Open Access' approved by the Commission, vide Order dated 29.11.2023, is reproduced hereunder:-

“16. Mandatory Requirements:

The following requirements /pre-conditions are mandatorily required to be fulfilled by the Open Access customer before applying/availing the Short-Term Open Access (STOA)/ Medium-Term Open Access (MTOA)/ Long Term Open Access (LTOA):

A. Eligibility criteria for Green Energy Open Access:

.....

(2) In case of more than one such consumer on such independent feeder, the following condition shall apply: -

A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred kW and above connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub- station, shall also be entitled for seeking

open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative. However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as prescribed by the Commission in the Haryana Electricity Regulatory Commission (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013, as amended from time to time. Provided further that the consumers of a distribution licensee with contract demand of 100 KW or above who are not on independent feeders may be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the distribution licensee serving them. In such cases, under drawl, if any, on account of power cut restrictions shall not be compensated.

.....”

The Commission observes that the Regulations, as well as the procedure, expressly contemplate a situation where more than one consumer is connected to an independent feeder and all such consumers intend to avail open access, represented by their Group Representative for the purpose of scheduling. However, neither the Regulations nor the procedure expressly provide for a situation where only one among multiple consumers connected to an independent feeder intends to avail open access. Nevertheless, it may be gathered from the proviso that open access shall not be denied to consumers who are not connected to an independent feeder, subject to their agreeing to the system constraints as well as the power-cut restrictions imposed by the distribution licensee

serving them. In such cases, any under-drawl attributable to such power-cut restrictions shall not be compensated.

16. The Commission observes that HERC Open Access Regulations, 2012, notified on 11.01.2012, contains the similar provisions and no dispute has been raised in last around 14 years. The relevant extract of the regulation is reproduced hereunder:-

“8 (3) A group of two or more consumers of the distribution licensee having a combined contracted demand of 1 MVA or above and connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub-station, shall also be eligible for seeking open access if all such consumers collectively apply for open access through a group leader to be nominated by all such consumers on that feeder and also agree to the rostering restrictions that may have to be imposed by the utility.

Provided that a person covered by a policy of the State Government, existing on the date of coming into force of these regulations, relating to captive generation or generation from non conventional energy sources, shall be eligible to avail open access irrespective of contract demand

(4) The consumers with contracted demand of 1 MVA or above who are not on independent feeders shall be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the utility serving them. In such cases the duty of the distribution licensee shall be of a common carrier providing non – discriminatory open access as per section 42 (3) of the Act.

.....”

17. The Commission is empowered under Regulations 65 of the HERC (Conduct of Business) Regulations, 2019 as well as under Regulations 10, 11, 12, 13 and 14 of GEOA Regulations, to issue appropriate orders to secure the ends of justice, prevent abuse of process and adopt such procedure as may be necessary in special circumstances. The Commission is also vested with inherent regulatory jurisdiction to remove implementation difficulties arising during operationalisation of its Regulations, provided such exercise does not dilute or override the substantive provisions of the Regulations themselves. The provisions of the relevant Regulations 10, 11, 12, 13 and 14 of the HERC (Green Energy Open Access) Regulations, 2023, are reproduced hereunder:-

“11. Power to Relax.: The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected may suo-moto relax any of the provisions of these regulations or on an application made before it by an interested person.

12. Issue of orders or directions.: Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and procedural directions with regard to the implementation of these regulations and specify the procedure to be followed on various matters, which the Commission has been empowered by the regulations to direct and matters incidental thereto.

13. Power to amend.: The Commission may, at any time, add, vary, modify or amend any of the provisions of these regulations.

14. Power to remove difficulties.: If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, make such provisions, which in the opinion of the Commission are necessary or expedient to do so.

15. Savings.: Nothing in these Regulations shall limit the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of law / statutes. Nothing in these Regulations shall bar the Commission from adopting, any other procedure, which may be at variance with any of the provisions of these Regulations, as long as they are in conformity with the provisions of the Electricity Act, 2003 and the policies framed by the Central / State Government thereto."

Further, Regulation 65 of the HERC (Conduct of Business) Regulations, 2019 provide as under:

"Saving of inherent power of the Commission

65. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission."

18. After giving thoughtful consideration to the rival submissions, the Commission notes that Regulation 4 of the GEOA Regulations, read with Clause 16(A)(2) of the Procedure for Grant of Green Energy Open Access, which contemplates the situation where consumers of a distribution licensee having a contract demand of 100 kW or above are not connected to independent feeders, is applicable to the situation arising in the present Petition, where not all consumers connected to an independent feeder intend to avail open access. Accordingly, in such a situation, open access shall be granted subject to the consumer agreeing to the system constraints as well as the power-cut restrictions imposed by the distribution licensee serving the consumer. In such cases, any under-draw attributable to such power-cut restrictions shall not be compensated.

The Commission clarifies that this Order does not amend Regulation 4 of the HERC (Green Energy Open Access) Regulations, 2023 and the procedure framed thereunder. This Order merely removes practical implementation difficulties arising from procedural sequencing so as to give full effect to the object and intent of the Regulations.

Accordingly, this Order shall govern all applications for Green Energy Open Access. All pending applications seeking approval for Open Access shall be disposed of strictly in accordance with the directions and stipulations contained herein.

19. The petition is accordingly allowed to the aforesaid extent and stands disposed of along with all pending interlocutory applications, if any.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 15.10.2026.

Date: 15.10.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Officiating Chairman