

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 4 of 2026

Date of Hearing : 26.05.2026

Date of Order : 23.06.2026

In the Matter of

Grant of NOC to the petitioners for drawl of 100 MW Round the Clock (RTC) Renewable from Petitioner's captive ISTS connected Wind Solar Hybrid Projects under inter-state GNA RE (Long Term) for consumption at Petitioner's manufacturing plant in Hisar, Haryana.

Petitioner

1. M/s. Jindal Stainless Ltd.

Respondents

1. The Chief Engineer, Co-ordination Committee for Open Access, HVPNL
2. Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVNL) through its Managing Director
3. Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL) through its Managing Director
4. Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) through its Managing Director
5. Haryana Power Purchase Entre (HPPC), through its Chief Engineer
6. Central Transmission Utility of India Ltd. (CTUIL), through its Chief Operating Officer

Present on behalf of the Petitioner (s)

1. Mr. Aashish Chopra, Sr. Advocate
2. Mr. Drupad Sangwan, Advocate
3. Mr. Madhur Panwar, Advocate
4. Mr. Yashpal Sharma, Advocate
5. Mr. Pankaj Sharma, Advocate
6. Mr. Rajesh Jain, Authorised Representative
7. Mr. Om Prakash Agarwal, Authorised Representative

Present on behalf of the Respondents

1. Mr. Raheel Kohali, Advocate
2. Mr. Tarsem Rana, Advocate, for R-1, R-2 and R-4
3. Mr. Himanshu Handa, Advocate
4. Mr. Amit Kumar, SDO, DHBVNL
5. Ms. Seema Sidana, Xen, HPPC (R-3 and R-5)
6. Mr. Baljeet Singh, Xen, SLDC (Op.), HVPNL (R-4)

Quorum

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

**Chairman
Member
Member**

ORDER

Brief Background of the case

1. The present petition has been filed by M/s. Jindal Stainless Limited (JSL) seeking grant of NOC for drawl of 100 MW Round the Clock (RTC) Renewable Power from Petitioner's Captive ISTS connected Wind Solar Hybrid Projects under Inter State GNA RE (Long Term) for consumption at Petitioner's manufacturing plant in Hisar, Haryana.

2. **Petitioner's submissions: -**

- 2.1 That the petitioner has entered into partnership with M/s Oyster Renewable Energy Private Limited (OREPL) to install ISTS connected Wind Solar Hybrid Project, domiciled in Oyster Green Hybrid One Private Limited (OGHOPL) for consumption of captive renewable power for Hisar plant of JSL.
- 2.2 That the petitioner is an embedded consumer of the Distribution Licensee viz. DHBVN, holding Consumer A/c Number: 8826520000. On January 7, 2025, the petitioner, Vide Memo No. JSL/SLDC/2025/001, the applicant approached the Nodal officer i.e. Chief Engineer S/O & Commercial HVPNL, seeking a No Objection Certificate (NOC) for drawing 100 MW Round the Clock renewable power from their captive ISTS-connected Wind Solar Hybrid Project under Inter State GNA for their manufacturing plant in Hisar, Haryana. No Objection Certificate (NOC) was sought, given the fact that the proposed Open Access, was an inter-state transaction.
- 2.3 That the Chief Engineer, S.O. & Commercial, HVPN, Panchkula responded on February 20, 2025 to the NOC request of the petitioner, through a memo indicated that HVPN had taken up the matter with HPPC and its reply is as under:

"Increase in DSM Charges. Since the drawl point is connected to the ISTS (Intra-State Transmission System), the actual power drawl by Haryana from the ISTS will increase. This will lead to higher Deviation Settlement Mechanism (DSM) charges because deviation for buyer is difference between Actual Drawl and Scheduled Drawl.

Limited Access of ISTS Network: The Available Transfer Capability ATC and Total Transfer Capability (TTC) of Haryana determine how much power can reliably be scheduled from ISTS. If JSL is allowed to draw 100 MW from ISTS, it will limit the access to ISTS network for Haryana by 100MW considering that General Network Access (GNA) allocated to Haryana is strict to 6913MW. However, this GNA limit can further be enhanced, if required, by way of T-GNA, to the maximum ATC/TTC of 10000/10300 MW."

It is pertinent to point out that during the summer months from June to September of FY 2024- 25, this office had been applying the TGNA in different time blocks of a day in the range of 20MW to 3500MW. The maximum demand felt during the last peak season was to the tune of 14709MW which is likely to increase to 15,600MW in the upcoming paddy season. As on date, Haryana has total contracted capacity of 16015.76MW, out of which only 4500MW capacity is available within State. As a result, over 11,100MW demand is likely to be met from sources outside the state, which can further Increase in case of forced outage of intra-state generators, while Haryana's current TTC and ATC limits stand at 10, 300MW and 10,000MW respectively.

Based on the observations from HPPC, wherein HPPC has explained their constraints, HVPN has stated that NOC cannot be given for applying for GNA (RE) to CTUIL. Further, any other way out/proposal by which the GNA of Haryana is not affected, may be sent.

- 2.4 That the petitioner on April 18, 2025, submitted a detailed response letter addressing HVPN's concerns point by point, explaining regulatory provisions from both CERC and HERC regulations, emphasizing that JSL was not seeking additional power demand but merely replacing existing procurement with renewable energy, and arguing that the refusal was not in consonance with regulatory provisions.

The point wise response was as follows:

a. No Additional Power Demand:

It may be appreciated that JSL is already a consumer of DHBVNL with contract demand of 130 MVA. We are not seeking any additional power beyond our allocated contract demand. The proposed power drawl is from our captive renewable energy generation & shall be within the said contract demand. Accordingly, it is merely a replacement of our existing power procurement with renewable energy. It may be appreciated that JSL is procuring power through hybrid mode which will reduce DISCOMs' Demand especially during the summer season of June to September. So DISCOM will be benefitted on account of reduction in costly power purchased and consumed at our manufacturing plant in Hisar,

b. DSM Charges:

Since our power requirement remains within the allocated demand, the concerns related to DSM charges and transmission network congestion should not arise. DISCOM's DSM is determined based on its' under-drawl and over-drawl from the schedule. Nevertheless, the treatment of DSM is through the applicable CERC/HERC regulations, and we undertake that we shall abide by applicable regulations and shall make timely payments, as applicable.

c. Regulatory Provisions

We intend to apply to CTUIL for transfer of GNA (RE) RTC power to our manufacturing facility in Hisar, Haryana from our captive projects. We have submitted brief details of the project in our earlier letter dated 07/01/2025."

- 2.5 That the Petitioner followed up on May 9, 2025, with another letter further accepting that power curtailment could be implemented in situations where state transmission capacity was insufficient, affirming their commitment to collaborate with HVPNL in managing such circumstances effectively within the regulatory framework.

- 2.6 That on May 20, 2025, the Petitioner sent yet another follow-up letter to the Director (Technical) of HVPNL, noting that their captive generation was scheduled for evacuation from June 2025 and emphasizing the urgency of receiving the NOC to proceed with NRLDC approvals, warning that further delay could cause losses to both the renewable energy generator and the national power system.
- 2.7 That aggrieved by the aforesaid illogical stand taken by the Nodal Agency viz. HVPNL in association with the Distribution Licensee, the petitioner herein, in line with the statutory provision of the Open Access Regulations, in vogue, approach the 'Co-ordination' committee, set up for the purpose and the main representation document was submitted on September 29, 2025, to the Grid Co-ordination Committee, comprehensively presenting JSL's case and requesting the Committee to review the matter holistically and direct the STU to grant the requisite NOC, highlighting the importance of supporting India's renewable energy targets of 500 GW by 2030.
- 2.8 That the Respondent No.1, the co-ordination committee vide its Letter dated 26.11.2025 informed that present petitioner that the committee in its meeting dated 13.11.2025 decided as under: -
- "The committee is of the opinion that margin is available in the transmission capacity during off peak season. Accordingly, request of M/s Jindal Stainless Ltd seeking NOC for drawl of 100 MW Round the Clock (RTC) Renewable Power from its Captive IST connected Wind Solar Hybrid Project (located in the state of Gujarat & MP) can be considered. However, to safe guard the interest of consumers of the state during peak summer season when the load demand is very high, the GNA request of Mis Jindal Stainless Ltd for 100 MW Round the Clock (RTC) Renewable Power from its Captive ISTS connected Wind Solar Hybrid Project (located in the state of Gujarat & MP) cannot be allowed."*
- Further, the committee's decision did not allow the petitioner request, with only allowing partial approval, which is non-viable and against the spirit of Electricity Act 2003 and intention behind that CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (hereinafter referred to as 'GNA Regulations').
- 2.9 That the Respondent No. 1, Co-ordination Committee has wrongly observed and erroneously found, which is against the applicable laws and regulations and against the record, regarding the following:-
- I. Wrong to conclude that Accommodating the Petitioner Will Restrict Respondents access to ISTS by 100 MW During Peak Months and there will be shortage of margin availability during the peak months.**

It is submitted that Haryana has 6913 MW GNA and ATC is 10,000 MW and hence import capacity of 3087 MW is available. The maximum demand felt during the months of June to September touches 15,600 MW and balance import capacity of 3087 MW is utilised for TGNA, hence accommodating the applicant herein will restrict them by another 100 MW and this is the main premise for not giving NOC. The said reasoning is wrong due to following factors: -

- A. It is submitted that at any point of time quite a few large inter-state generators may not be available or available with reduced capacity commitment on a long-term basis. Some of the gas-based generators are not scheduled at all as evident from the last three Discom's ARR /Tariff orders of the Hon'ble HERC. Hence, it is evident that 100 MW ought not pose any problem and the Petitioners can be easily accommodated.
- B. It is further submitted that typical system load curve for HVPN (Haryana Vidyut Prasaran Nigam) during the summer months of June, July, and August is highly dynamic, reflecting weather conditions and agricultural demands during the cropping season. Hence, as done by the Co-ordination Committee, in the present case, capacity constraints across the summer months cannot be generalised. HVPN, as the STU, manages the grid load for the entire state, which is supplied by the distribution companies (Discoms: UHBVN and DHBVN). The typical characteristic of the Haryana load curve during these peak summer months cited by the Co-ordination committee can be summarised as under: -

- i. **High and Sustained Overall Demand:** - June and July are typically the months with the highest annual peak demand for the state. Primarily driven by two factors viz Cooling Load: Intense summer heat drives widespread use of Air Conditioners (ACs) in residential, commercial, and industrial sectors, particularly in urban centres like Gurugram and Faridabad. This load is the single largest driver of the peak.

Agricultural Load: The demand for tubewells during the paddy cultivation season (Kharif season), which ramps up in June and July, adds a high sustained load, especially in the agricultural belts.

As the monsoon progresses into August, the overall demand witnesses a slight decline due to cooler temperatures reducing the AC load, and monsoon rains reducing the reliance on Agriculture Pump sets (Tubewells).

It needs to be considered that across the peak demand months the intraday load is sustained at the highest level. Hence, daily load duration also requires a careful analysis as under.

ii. Daily Load Curve Profile (Dual Peak)

The daily load curve in the summer months, as gathered from the information available in the public domain, typically exhibits a dual-peak pattern, as tabulated below.

Time Period	Characteristic	Driving Factors
Early Morning (1:00 AM - 5:00 AM)	Minimum load (Base Load)	Only essential loads, industrial minimum, and minimal agricultural/cooling load.
Morning Rise (6:00 AM - 10:00 AM)	Load Built Up	Residential morning routines, commercial activity starting, and continued agricultural supply.
Daytime Peak (Peak 1) (1:00 PM - 5:00 PM)	High Load	Maximum solar heat leading to the highest AC/cooling demand. This is often the absolute highest peak of the day due to the massive cooling load.
Afternoon Dip (5:00 PM - 7:00 PM)	Slight dip or flattening	Solar generation is waning, but cooling load is still high.
Evening Peak (Peak 2) (7:00 PM - 10:00 PM)	Second High Load	Residential and commercial lighting load combined with the remaining high cooling load (as temperatures remain high well into the night).
Late Night (11:00 PM - 1:00 AM)	Gradual decrease	Residential cooling load remains high, leading to a much slower drop than in winter months.

It may be seen from the above that even with the past data high day time load i.e. between 1:00 PM to 5 PM coincides with solar hours with absolute highest peak. Hence, the premises that during June, July and August, peak demand is sustained across all time durations does not hold good.

II. Petitioner's Voluntary Acceptance of Power Curtailment Further Defeats STU's submissions on limited access.

- A. The petitioner, in a demonstration of extraordinary accommodation and good faith, vide its letter dated 18.04.2025, has voluntarily accepted the following: -
"Further, in continuation to Petitioner's letter dated 18.04.2025, we Jindal Stainless Limited accepts that in situations where state transmission capacity is insufficient to meet demand, Power Curtailment may be implemented (Emphasis Supplied) in accordance with the applicable regulations. We affirm Petitioner's commitment to comply with such measures and understand that this curtailment will be exercised without any claim for compensation from the state utilities or transmission entities. You are requested to kindly issue NOC for the subject cited evacuation please."
- B. This voluntary acceptance by the petitioner conclusively demonstrates that:

- (a) The petitioner is willing to subordinate its power drawl to the needs of the state grid and other consumers during constrained periods.
 - (b) The petitioner will not cause any scheduling or deviation issues that could lead to DSM charges, as it has agreed to curtailment without compensation.
 - (c) All transmission and scheduling risks are being voluntarily assumed by the petitioner, leaving no basis for the STU to cite DSM concerns.
- C. The petitioner's willingness to accept curtailment without compensation during constrained periods removes any conceivable technical or commercial justification for denial of NOC on grounds of DSM charges or transmission capacity constraints. Once curtailment without compensation is accepted, the STU's entire objection related to Transmission capacity is not valid.
- D. Despite this extraordinarily accommodating position taken by the petitioner, the STU and Co-ordination Committee have persisted in their refusal, thereby demonstrating that the denial is arbitrary, unreasonable, and not based on any legitimate regulatory or technical concerns.

III. Allowing the Petitioner to Procure power through GNA will benefit the HPPC as 100 MW Will Come Out of HPPC's Basket and result in cost/ expenditure reduction of the HPPC.

A. Costly purchase of Short-term power during peak months: -

- a) Quantum of purchase: - It is submitted that based on regulatory filings and market reports for the Summer 2024 season, it can be seen that Haryana Power Purchase Centre (HPPC), which procures power for both Discoms, planned for significant short-term procurement to bridge the large deficit during the peak summer months. The HPPC sought and received regulatory approval for procuring large quantum of short-term power through competitive bidding (which includes power for the DAM/RTM).
 - i. One such approval granted for the Summer 2024 involved the procurement of up to 689 MW of Round-The-Clock (RTC) power on a short-term basis for the period up to July 31, 2024.
 - ii. Additionally, a separate short-term procurement of 527 MW was approved on a medium-term basis commencing in August 2024.

While these competitive bids (often conducted via the DEEP Portal) cover the base short-term requirement, the DAM/RTM serves to cover the residual, hourly, and daily variation in demand above this contracted quantum. The total *scheduled* volume drawn from DAM/RTM would therefore be in addition to the short-term bids and long-term contracted

power. This quantum is in the range of hundreds of Megawatts (MW) on average per hour, spiking to thousands of MW during peak deficit hours.

- b) **Average Cost of DAM/RTM Power:** - It is submitted that the cost of this of power in the Day Ahead Market (DAM) and Real Time Market (RTM) is highly volatile and fluctuates hourly based on pan-India demand, supply, and congestion. During the peak summer months of June to August, when demand in Haryana and the entire Northern Region is at its highest, the average price of power on the exchanges typically sees a significant increase. The weighted average cost for the total energy drawn from DAM/RTM by Haryana Discoms over the entire June-August period would likely settle in the range of ₹7.00/kWh to ₹8.50/kWh, reflecting the high cost incurred primarily to meet the cooling and agricultural load. It is submitted that in view of the above detailed analysis it would be commercially beneficial for the STU's to allow GNA to the Petitioner.

B. Reduced procurement liability: -

- a. It is submitted that the 100 MW that the petitioner proposes to draw through GNA from its captive renewable sources will directly reduce the procurement obligation of the DISCOMs by the same quantum.
- b. Currently, the DISCOMs are obligated to supply the petitioner's entire contracted load of 130 MVA (approximately 104 MW at 0.8 power factor). When the petitioner draws 100 MW through its own GNA arrangement, the DISCOMs will only need to supply approximately 4 MW to meet the petitioner's load.
- c. This reduction in supply obligation provides significant commercial benefit to the DISCOMs, particularly during peak months when they are procuring power at high costs from short-term markets:
- (a) The DISCOMs will save approximately ₹65-100 crores annually on account of not having to procure 100 MW for the petitioner at market rates ranging from ₹6.50 to ₹10.00 per kWh.
 - (b) The 100 MW capacity thus freed up can be utilized by the DISCOMs to serve other high-paying consumers or reduce their overall power procurement costs.
 - (c) The DISCOMs will not incur any additional transmission costs or charges, as these will be entirely borne by the petitioner as per the applicable regulations.
- d. Therefore, far from causing any restriction or disadvantage to the DISCOMs during peak month, granting NOC to the petitioner will actually aid and

benefit the DISCOMs by reducing their procurement burden and associated costs during the most expensive power purchase period.

That the Co-ordination Committee's conclusion is therefore not only factually and legally incorrect but also commercially illogical, as it denies a measure that would provide direct financial benefit to the very entities it seeks to protect.

IV. Non-granting of NOC is in direct violation of Electricity Act 2003, CERC provisions and established regulatory framework.

- a. **No Provision for Denial of NOC Under CERC Regulations:** -It is humbly submitted that the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022, particularly Regulation 7.2 dealing with the role and responsibilities of the STU, does not contain any provision enabling or authorizing the STU to deny NOC for GNA applications. Regulation 7 of the GNA Regulations provides:

"7. Role of State Transmission Utility

7.1. The State Transmission Utility (STU) shall, within 15 days of receipt of a copy of the application from NLDC, furnish a certificate to CTU and the Applicant that the transmission system within the State is adequate for the injection/drawl applied for by the Applicant and evacuation of power to the delivery point(s) as per the application, or that augmentation of intra-State transmission system, as the case may be, is necessary.

7.2. For the purpose of providing the certificate under Regulation 7.1, the STU may conduct a study and such study shall be carried out at the cost of the Applicant."

- b. A plain reading of the aforesaid provisions makes it abundantly clear that the role of the STU is limited to certifying the adequacy of the intra-State transmission system or identifying the need for augmentation. There is no provision whatsoever that empowers the STU to refuse or deny NOC based on commercial considerations, DSM charges, or capacity reservation for TGNA.
- c. The petitioner has, through its communications dated 18th April, 2025 and 9th May, 2025, categorically undertaken to bear all costs associated with augmenting the transmission system, including DSM charges and any other augmentation costs that may be determined necessary.
- d. In light of the petitioner's unequivocal commitment to bear all associated costs and charges, the STU's refusal to grant NOC is wholly unjustified, arbitrary, and in patent violation of the regulatory framework.

B. Long-term/GNA Has Higher Priority Over TGNA - Capacity Cannot Be Reserved for TGNA: -

- a. It is a well-established regulatory principle and fact that long-term GNA has higher priority as compared to Temporary GNA (TGNA). This priority hierarchy is fundamental to the transmission access framework.
- b. TGNA is granted on an opportunity basis and is subject to availability of transmission capacity after meeting committed long-term obligations. In contrast, GNA is granted on a committed basis for a specified period, and the grantee undertakes to pay transmission charges for the entire period regardless of actual power transfer.
- c. There exists no provision in the Electricity Act, 2003, the GNA Regulations, or any other applicable regulation that permits or authorizes the STU to reserve transmission capacity for TGNA applications at the cost of denying long-term GNA to eligible applicants.
- d. The respondents' stand that transmission capacity margin of approximately 3,100 MW (between allocated GNA of 6,913 MW and available capacity of 10,000 MW) should be reserved for TGNA during summer months is legally untenable, arbitrary, and contrary to established regulatory principles.
- e. By refusing NOC on the ground of reserving capacity for TGNA, the STU has inverted the regulatory priority mechanism and violated the petitioner's superior right to long-term GNA access.

C. Violation of Non-Discriminatory Access Obligation and Intent of The Regulations.

- a. The Electricity Act, 2003 under Section 38(2)(d) and Section 40(1)(c) mandates that CTU, STU and transmission licensees shall provide non-discriminatory open access to its transmission system for use by any licensee or generating company or consumer as the case may be on payment of the transmission charges.
- b. It is submitted that the STU is obligated to provide General Network Access (GNA) to the petitioner on a 'non-discriminatory' basis as mandated by the Preamble and intent of the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (hereinafter referred to as 'GNA Regulations').
- c. As per STU/HVPN letter the dated 20/02/2025 it may be observed that the ATC (Available Transmission Capacity) is 10,000 MW and GNA allocated to the

state is 6913 MW. As per the intent of HVPN, they intend to reserve the balance capacity i.e. 3087 MW (10000 minus 6913 MW) for TGNA for using the capacity during peak months. The refusal to grant NOC by the STU/HVPNL on the grounds stated in their communications is discriminatory in nature as it seeks to reserve transmission capacity for TGNA (Temporary GNA) during peak months, thereby denying the petitioner access to long-term committed GNA, which has established regulatory priority over temporary arrangements.

- (i) The petitioner is an eligible entity under Regulation 17 of the GNA Regulations. The relevant provisions state:

"17. Eligibility for GNA

17.1. The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:

- i. State Transmission Utility on behalf of intra-State entities including distribution licensees;*
- ii. A drawee entity connected to intra-State transmission system;*
- iii. A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above;*
- iv. Trading licensees engaged in cross border trade of electricity in terms of the Cross Border Regulations;*
- v. Transmission licensee connected to ISTS for drawl of auxiliary power."*

- (ii) The petitioner, as explained in its letter dated 18.04.2025, is an intra-state entity and therefore eligible to apply to CTUIL as per the above quoted regulation i.e. 17(ii).
- (iii) The STU's action in reserving transmission capacity for potential future TGNA applications amounts to discriminatory treatment of the petitioner, who is an eligible applicant under Regulation 17.1(ii) of the GNA Regulations as a drawee entity connected to the intra-State transmission system.
- (iv) Such reservation of capacity discriminates against the petitioner's access rights and violates the non-discriminatory access mandate under Section 38(2)(d) and Section 40(1)(c) of the Electricity Act, 2003.
- (v) The petitioner's application for GNA is for Round-the-Clock (RTC) renewable power, which aligns with national renewable energy policy objectives and should be facilitated rather than obstructed on untenable grounds.
- d. The denial of NOC effectively discriminates against the petitioner's statutory right to access the transmission system, which is available to similarly situated entities, and such discrimination is contrary to the fundamental principle of non-

discriminatory access enshrined in the Electricity Act, 2003 and the GNA Regulations.

V. Denial of NOC frustrates clean energy commitments and National Renewable Energy Policy.

- A. The Government of India has set a target of achieving 500 GW of non-fossil fuel-based energy capacity by 2030.
- B. As stated in the petitioner's letter dated 18.04.2025:
 - i. *"Further, India's renewable energy policy aims to increase the share of non-fossil fuels in the country's energy mix, This policy is driven by the need to address climate change, enhance energy security, and promote sustainable development. Accordingly, this should be accorded priority."*
- C. The National Electricity Policy and Tariff Policy emphasize the promotion of renewable energy sources and mandate that transmission access should be provided to renewable energy projects on a priority basis.
- D. The petitioner's proposal to draw 100 MW of Round-the-Clock renewable power from its captive Wind-Solar Hybrid Project directly aligns with and advances these national policy objectives. The project represents:
 - (a) Investment in renewable energy infrastructure
 - (b) Reduction in fossil fuel-based power consumption
 - (c) Advancement of clean energy adoption in the industrial sector
 - (d) Contribution to India's carbon reduction goals and international climate commitments
- E. The denial of NOC by the STU/HVPNL frustrates these policy objectives and acts as a barrier to renewable energy integration. At a time when the regulatory framework is being designed to facilitate and accelerate renewable energy adoption, the respondents' actions are contrary to the policy direction and legislative intent.

VI. Priority to Renewable Energy under Haryana Regulations

- A. It is submitted that the Commission has separately framed the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023, to facilitate and prioritise green energy access in the State. These Regulations provide that green energy open access consumers shall have preference over normal open access consumers and that among green energy open access consumers long-term requests shall have priority over medium and short-term requests, subject to available system capacity.
- B. The object and purpose of these Regulations is to accelerate renewable energy consumption and to remove barriers to green energy. The Coordination

Committee's decision to deny/partially allow GNA for 100 MW RTC renewable power (while reserving capacity for non-renewable TGNA or otherwise) is inconsistent with the regulatory priority and frustrates the intent of the Green Energy Open Access Regulations.

- C. In view of the express priority conferred to green/open access consumers under the Haryana Regulations, and the Commission's mandate under Section 86(1)(e) of the Electricity Act, 2003 to promote renewable generation, the impugned decision is arbitrary and must be set aside.

VII. Denial of NOC amount to Coercion and Anti-Competitive Practice by the Discoms.

- A. It is submitted that the refusal by the STU's to grant NOC effectively forecloses the petitioner's option to source power from its own captive renewable energy project and compels the petitioner to continue purchasing power exclusively from the DISCOMs.
- B. The Electricity Act, 2003 introduced the concept of Open Access precisely to break the monopoly of distribution licensees and provide consumers with the choice to source power from alternative sources. This choice is fundamental to creating competition in the electricity sector and protecting consumer interests.
- C. By denying NOC, the DISCOMs are effectively:
- (a) Forcing the petitioner to remain a captive consumer and continue to procure power of their supply despite having made substantial investment in developing alternative renewable energy sources.
 - (b) Denying the petitioner, the right to exercise choice in power procurement, which is a fundamental right granted under the Electricity Act, 2003.
 - (c) Preventing the petitioner from accessing more cost-effective and environmentally sustainable power from its own captive sources.
 - (d) Protecting their commercial interests at the cost of the petitioner's statutory rights and legitimate business interests.
- G. The Hon'ble Supreme Court of India has repeatedly held that statutory powers must be exercised to advance the object and purpose of the statute. The DISCOMs' exercise of their role in the NOC process to effectively negate the petitioner's right to Open Access is a perversion of statutory powers and must be corrected by appropriate directions from this Hon'ble Commission.
- H. The petitioner submits that the STU cannot be permitted to only protect the interests of the DISCOMs and use the NOC requirement as a tool to maintain their monopoly over captive consumers and deny them the benefits of

competitive power procurement and renewable energy integration. The STU need to act independently in accordance with the act / regulations and without any bias.

- I. The denial of NOC in the present case, when viewed in its entirety, represents a coercive practice that:
 - (a) Forces the petitioner to continue purchasing expensive power from DISCOMs during peak months when market rates are at their highest (₹6.50-10.00 per kWh).
 - (b) Prevents the petitioner from realizing the benefits of its substantial investment in captive renewable energy infrastructure.
 - (c) Denies the petitioner cost savings estimated at ₹65-100 crores annually.
 - (d) Compels the petitioner to remain dependent on the DISCOMs despite having developed self-sufficiency in power supply.
- G. The Hon'ble Commission is therefore urged to recognize this conduct as coercive and anti-competitive, and to pass appropriate directions to prevent the abuse of the NOC process by DISCOMs to perpetuate their monopolistic control over consumers.

VIII. Denial of NOC is a Retrograde Step.

- A. It is submitted that given the fact that 100 MW capacity, at the margin, will come out of the Discoms Basket and shift to the petitioner herein, especially during the summer months, the Discoms will not have to scout for expensive short-term power and burden the electricity consumers of Haryana by levying FOCA on a per unit consumption basis over and above the tariff determined by HERC. Further, for the power, if at all, stranded due to power brought from entities other than Haryana Discoms under Open Access mechanism, the financial loss to Discoms in terms of payment of 'Fixed Cost' despite not drawing power from the sources with which Haryana has signed long term PPA, is more than compensated by the petitioner herein by way of payment of the demand charge / fixed charge determined exorbitantly by the Hon'ble Commission i.e. from Rs. 290 / kVA / month up by more than 70% during the previous financial years. It may be worthwhile to point out that the per kVA fixed charge is levied on the entire sanctioned load / contract demand whether utilized or not. In addition, the Open Access consumers, other than captive, also pays for Additional Surcharge and Cross-Subsidy surcharge. Further, embedded consumers like the petitioner herein pays tariff which is more than 20% above the Cost of Service to meet the cross-subsidy requirements inbuilt in the tariff structure.

- B. In view of the above-stated factual scenario, non-granting NOC for bringing RE just on the basis of limited GNA access without considering capacity augmentation and limit extensions would be a negative step towards achieving the committed renewable energy usage goals.

2.10 That the following prayers have been made: -

- i. Declare that the decision of the Co-ordination Committee dated 26.11.2025 conveyed vide Memo No. Ch.-43 PC-106/SLDC/Op denying NOC to the Petitioner for drawl of 100 MW Round the Clock (RTC) Renewable Power through GNA is illegal, arbitrary, contrary to the provisions and declare the same as null and void.
- ii. Direct the Respondent No. 4 (HVPNL/STU) to forthwith issue No Objection Certificate (NOC) to the Petitioner for making application for grant of GNA (RE) to CTU/NLDC for drawl of 100 MW Round the Clock (RTC) Renewable Power from the Petitioner's Captive ISTS connected Wind Solar Hybrid Projects for consumption at the Petitioner's manufacturing plant at Hisar, Haryana;
- iii. Grant exemption from filing true certified copies of the annexures.
- iv. Pass any other order(s) and/or direction(s) as this Hon'ble Commission may deem fit and proper in the interest of justice and in the facts and circumstances of the case.

3. **Reply filed on behalf of Respondent No 04 (HVPNL) dated 24.03.2026: -**

- 3.1. That on 07.01.2025, the Petitioner submitted a representation to Respondent No. 4 seeking issuance of a No Objection Certificate (NOC) for drawal of 100 MW Round-The-Clock (RTC) renewable power from its captive ISTS-connected Wind-Solar Hybrid Project located in the States of Gujarat and Madhya Pradesh, under Inter-State GNA (RE-Long Term), for consumption at its manufacturing plant in Hisar, Haryana. It is pertinent to note that the aforesaid NOC was sought in accordance with Regulation 20 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 ("CERC Regulations").
- 3.2. That, under the CERC Regulations and the settled regulatory framework, the grant of NOC by the State Transmission Utility (STU) is strictly contingent upon the availability of adequate transmission capacity in the intra-state transmission system for the relevant quantum and period of GNA. In the present case, Respondent No. 4, upon due consideration of the prevailing system constraints, particularly the significantly higher electricity demand during the summer months (June to August), and in discharge of its obligation to prioritise the larger public interest (as consistently

emphasised by this Hon'ble Commission) vide its letter dated 20.02.2025, informed the Petitioner that the NOC could not be granted under the prevailing circumstances.

3.3. That aggrieved by the communication dated 20.02.2025, the Petitioner approached the Ld. Co-ordination Committee. During the proceedings, Respondent No. 4, inter-alia, placed on record the prevailing technical and operational constraints, and specifically apprised the Ld. Co-ordination Committee as under:

- i. Present ATC/TTC Limits of State of Haryana is 10400/10700MW.
- ii. It was further submitted that, for instance, in FY 2026–27, against a projected peak demand of approximately 16,500 MW, only about 3,500 MW is expected to be met from within the State, with the balance requirement of approximately 13,000 MW to be sourced from outside the State. In such circumstances, even considering the existing ATC/TTC limits (which are already in the process of being augmented by HVPNL), it would not be feasible to import the entire quantum of required power during the peak period. Accordingly, in view of the aforesaid constraints and in discharge of its obligation to prioritise the larger public interest and ensure grid reliability, Respondent No. 4 was constrained to decline the Petitioner's request for drawal of 100 MW Round-The-Clock (RTC) power during the peak season.

3.4. That the Ld. Co-ordination Committee, vide the Impugned Order, after duly considering the Petitioner's submissions and the system constraints specifically highlighted by Respondent No. 4, passed a reasoned and balanced order. It expressly acknowledged that while limited transmission margins may be available during the off-peak period, such margins are not available during peak demand conditions. Accordingly, the Ld. Co-ordination Committee held that the Petitioner's request for grant of NOC for drawal of 100 MW Round-The-Clock (RTC) renewable power from its captive ISTS-connected Wind-Solar Hybrid Project (located in the States of Gujarat and Madhya Pradesh) may be considered for the off-peak season. However, in unequivocal terms, and with a view to safeguarding the larger public interest (particularly the interests of consumers in the State of Haryana during the peak summer months when system demand is at its highest) the Ld. Co-ordination Committee held that the said request cannot be permitted during the peak period. The said decision reflects a conscious and judicious balancing of competing considerations by permitting the Petitioner the benefit of NOC for a substantial duration, while narrowly restricting the same during peak demand conditions solely in the interest of maintaining grid reliability and protecting consumers at large. The relevant finding of the Ld. Co-ordination Committee in the Impugned

Order, which forms the primary subject matter of challenge in the present proceedings, is reproduced herein below:

"During the meeting, it was discussed that the present ATC/TTC Limits of Haryana is 10400/10700MW and the present GNA of Haryana is 6913MW & 1500MW of additional GNA has also been applied on NSWS Portal, which indicates that margins/transmission capacity is available with Haryana But due to higher demand in Summer peak season (June, July & August months), Haryana has to arrange power through T-GNA to supply power to its consumers and meet the maximum demand in Summer peak. As intimated by HPPC, the maximum demand of upcoming summer season is expected to be 16500MW, which in present scenario is difficult to meet with the present ATC/TTC limits.

Keeping in view the discussions held during the meeting, the committee is of the opinion that margin is available in the transmission capacity during off peak season, accordingly, request of M/s Jindal Steel Ltd seeking NOC for drawl of 100 MW Round the Clock (RT) Renewable Power from its Captive ISTS connected Wind Solar Hybrid Project (located in the state of Gujarat & MP) can be considered. However, to safe guard the interest of consumers of the state during peak summer season when load demand is very high, the GNA request of Jindal Steel Ltd for 100 MW Round the Clock (RTC) Renewable Power from its Captive ISTS connected Wind Solar Hybrid Project (located in the state of Gujarat & MP) cannot be allowed."

- 3.5. That the above reproduced portion of the Impugned Order, it is evident that the Ld. Co-ordination Committee, having duly considered these constraints, correctly adopted a balanced and pragmatic approach by permitting the grant of NOC during the off-peak period where system margins are available, while restricting the same during peak demand conditions solely in order to safeguard grid stability and protect the interests of consumers in the State of Haryana.

Further, as per the 20th Electric Power Survey published by the Central Electricity Authority (CEA), as well as projections made by Haryana Power Purchase Centre ("HPPC" / Respondent No. 5), the projected peak demand for the State of Haryana is significantly higher, as detailed herein below:

Year	Projected Peak Demand (MW) as per 20 th EPS buy CEA	Projected Peak Demand (MW) as per HPPC
2026-2027	16337	16454
2027-2028	17380	17407
2028-2029	18478	18415
2029-2030	19744	19481
2030-2031	20648	20609
2031-2032	21644	21802

3.6. That the submissions advanced by the Petitioner are wholly misconceived, misleading, and based on a superficial and incorrect understanding of transmission planning and grid operations. The Petitioner's attempt to equate the arithmetical difference between the Available Transfer Capability (ATC) and the existing General Network Access (GNA) (stated to be approximately 3,087 MW) with firm and readily available transmission capacity is fundamentally erroneous and betrays a complete disregard of established regulatory and technical principles governing the power system. Further, it is submitted as follow:

- a) It is submitted that such so-called "available margin" is neither firm nor unencumbered capacity. On the contrary, it is dynamic, conditional, and critically required to maintain grid security, meet contingency requirements, and facilitate short-term procurement through mechanisms such as Temporary GNA (T-GNA). The Petitioner has conveniently ignored that, during peak demand conditions, this very margin is fully and necessarily utilised to ensure uninterrupted supply to consumers within the State of Haryana.
- b) Petitioner's contention that certain generating stations may not be available or may operate at reduced capacity is speculative, extraneous, and wholly irrelevant to the issue at hand. Transmission planning and grant of NOC cannot be predicated on conjectural assumptions regarding generation unavailability. Such an argument is not only technically unsound but also demonstrates a clear attempt to create an artificial perception of surplus capacity where none exists.
- c) Equally untenable is the Petitioner's reliance on the dynamic nature of the load curve. While intra-day variations may exist, the Petitioner has deliberately disregarded the critical aspect of sustained peak demand during the summer months (June to August), when the system operates under severe stress due to high cooling load and agricultural consumption. As already placed on record, during these periods, the State is compelled to rely extensively on short-term procurement, and the available transmission margins are fully utilised for such purposes. Any additional commitment, including the Petitioner's request for 100 MW RTC drawal, would directly impinge upon the State's ability to meet its peak demand obligations.
- d) That the Petitioner's entire case is premised on a selective and self-serving reading of isolated figures, while consciously ignoring the broader system constraints, operational realities, and the paramount requirement of safeguarding grid stability. The attempt to portray the denial of NOC as arbitrary is thus wholly misplaced and devoid of merit.

- e) That the Petitioner's reliance on an illustrative load curve is misplaced and based on a selective reading of data. The existence of intra-day variations or marginal dips does not mitigate the reality of sustained high system demand during the summer months, nor does it create firm transmission capacity for Round-The-Clock (RTC) drawal. Transmission planning is based on the system's ability to reliably meet peak demand under stressed conditions, including critical evening hours when demand remains high and renewable generation declines. The Petitioner's attempt to rely on transient or non-firm variations to justify a continuous 100 MW RTC allocation is therefore technically untenable and liable to be rejected.
- f) That in terms of the curtailment principles as prescribed in the CERC Regulations, transactions under Temporary GNA (T-GNA) are liable to be curtailed prior to those under long-term GNA in situations involving transmission constraints or grid security considerations. In this backdrop, the Petitioner's insistence on securing Round-The-Clock (RTC) power under long-term GNA, instead of availing the same through T-GNA, is a clear instance of regulatory arbitrage. The Petitioner is, in effect, seeking to position itself lower in the curtailment hierarchy so as to avoid the rigours of curtailment applicable to T-GNA transactions, thereby securing a preferential and insulated access to scarce transmission capacity. Moreover, permitting such an approach would directly jeopardise the interests of existing consumers in the State of Haryana, who are presently being supplied power sourced from outside the State through short-term arrangements, including T-GNA. By displacing or constraining such arrangements, the Petitioner's request would adversely impact the State's ability to meet its peak demand and maintain reliable supply to its consumers. Such conduct is contrary to the scheme and intent of the regulatory framework, which is designed to ensure equitable allocation of transmission capacity, operational flexibility, and prioritisation of grid security. The same, therefore, cannot be permitted.
- 3.7. That the submissions of the Petitioner are misconceived and proceed on an erroneous premise. While it is not disputed that the Petitioner is an embedded consumer of DHBVNL with a contracted demand of 130 MVA, it is an admitted position that the Petitioner seeks to draw 100 MW of power from outside the State through the existing transmission infrastructure. Such drawal necessarily entails utilisation of the intra-State transmission system and available ATC/TTC margins, which are already constrained, particularly during peak demand periods.

That the Petitioner's attempt to characterise the proposed arrangement as a "substitution" rather than an "addition" is nothing but a mere semantic device, intended to obscure the real impact on the transmission system. From a system perspective, the source of procurement is entirely irrelevant, the fact remains that 100 MW of power is required to be transmitted into the State using the same limited network capacity. Accordingly, permitting such drawal would directly encroach upon the already constrained transmission margins required for meeting the State's peak demand. Therefore, the contention that the arrangement would reduce the burden on the DISCOMs is equally misplaced and misleading. Power procurement and supply are undertaken in an integrated and system-wide manner, and transmission capacity cannot be selectively appropriated by an individual consumer to the detriment of overall system planning. The Petitioner's argument, if accepted, would result in a preferential allocation of scarce transmission capacity, thereby undermining equitable access and grid discipline. In fact, the Petitioner's submissions deliberately ignore that such prioritisation would adversely impact the State's ability to source power through short-term mechanisms, particularly during peak periods, thereby jeopardising supply to other consumers at large. This is precisely the mischief that has been consciously avoided by the Ld. Co-ordination Committee.

In any event, the issue stands conclusively addressed by the Ld. Co-ordination Committee, which has, after due consideration, adopted a balanced and technically sound approach by permitting such drawal during off-peak periods while restricting the same during peak demand conditions. The Petitioner's attempt to portray its request as capacity-neutral is thus ex facie untenable and liable to be rejected.

- 3.8. That the submissions of the Petitioner premised on its purported "willingness" to accept curtailment without compensation are legally irrelevant and fundamentally misconceived. The grant of NOC by the State Transmission Utility (STU) is governed by objective technical parameters, including availability of transmission capacity, system security, and public interest considerations, and cannot be made contingent upon unilateral undertakings or commercial concessions offered by an individual applicant. It is submitted that curtailment is an exceptional, real-time operational measure exercised by the Load Despatch Centres to preserve grid security under exigent conditions. It is not, and cannot be, a substitute for prudent transmission planning or a justification for over-allocation of constrained transmission capacity. The Petitioner's willingness to be curtailed (even without compensation) does not create transmission capacity where none exists, nor does it mitigate the inherent risks

associated with granting firm access in a constrained system. Further, it is submitted that:

- a. Petitioner's position is also self-contradictory and reveals a clear attempt to contract out of grid discipline. While seeking firm Round-The-Clock (RTC) access under long-term GNA, the Petitioner simultaneously seeks to dilute the consequences of such firm access by offering to accept curtailment. This is nothing but an impermissible attempt to secure the benefits of firm access while evading its attendant obligations, thereby defeating the very distinction between GNA and T-GNA under the regulatory framework.
- b. The aforesaid conduct is a classic instance of regulatory arbitrage, whereby the Petitioner seeks to re-engineer the regulatory framework to its unilateral advantage. If such an approach were to be accepted, it would open the floodgates for similarly placed entities to seek preferential allocation of scarce transmission capacity by offering to waive compensation, thereby undermining the principles of equity, non-discrimination, and orderly system operation. The allegation that the denial of NOC is arbitrary or unreasonable is therefore wholly baseless and is emphatically denied. On the contrary, Respondent No. 4 and the Ld. Co-ordination Committee have acted strictly in accordance with the applicable regulations, duly balancing system constraints with consumer interest.

3.9. That the submissions of the Petitioner in relation to Deviation Settlement Mechanism (DSM) charges are wholly misplaced and irrelevant to the present controversy. At the outset, it is submitted that the Ld. Co-ordination Committee has not based the Impugned Order on considerations relating to DSM charges. A bare perusal of the Impugned Order would demonstrate that the decision of the Ld. Co-ordination Committee is founded squarely on transmission capacity constraints during peak demand periods and the necessity to safeguard grid security and consumer interest. The Petitioner is, therefore, seeking to assail the Impugned Order on a ground which neither forms the basis of the decision nor has any determinative bearing on the outcome. It is a settled principle that an order must be tested on the reasons actually recorded therein, and not on extraneous considerations sought to be introduced subsequently. The elaborate submissions of the Petitioner on DSM, including its purported willingness to bear such charges, are thus wholly irrelevant and do not address the core issue of transmission constraints.

3.10. That the submissions of the Petitioner seeking to justify grant of NOC on alleged "commercial benefits" to the DISCOMs/HPPC are wholly misconceived, extraneous,

and contrary to the settled regulatory framework. At the outset, it is submitted that the grant of NOC by the State Transmission Utility (STU) is not predicated on perceived cost savings or commercial advantages to individual entities, but is governed by objective technical considerations, including availability of transmission capacity, system security, and the overarching public interest. Further, it is submitted that:

- a. Petitioner's attempt to rely on short-term procurement costs and market prices is entirely misplaced. Power procurement strategy, including recourse to short-term markets such as DAM/RTM, is a dynamic and system-driven function undertaken by HPPC to ensure reliable supply under varying demand conditions. The same cannot be used as a basis to seek preferential allocation of scarce transmission capacity to an individual consumer. In any event, such cost considerations were neither determinative nor form the basis of the Impugned Order, which is squarely founded on transmission constraints during peak demand periods.
- b. The contention that permitting the Petitioner to draw 100 MW would "reduce the burden" on DISCOMs is a mere reiteration of the already refuted "substitution" argument and is, once again, a semantic device. From a system perspective, the requirement to transmit power into the State remains unchanged, and the constrained transmission corridors would continue to be utilised for bringing power from outside the State. Accordingly, no real or effective transmission capacity is freed up during peak periods.
- c. The Petitioner's attempt to quantify alleged "savings" is speculative, exaggerated, and ignores the integrated nature of power procurement and system operations. DISCOMs are obligated to plan and secure power holistically to meet aggregate demand, and cannot rely on uncertain or conditional arrangements of individual consumers to reduce their procurement obligations, particularly during peak demand periods when system reliability is paramount.
- d. the argument of "commercial benefit" cannot override or dilute the fundamental requirement of maintaining grid security and ensuring equitable allocation of transmission capacity. The regulatory framework does not permit transmission access to be granted on the basis of perceived economic advantage to a particular consumer, especially where such access would compromise system flexibility and the State's ability to meet peak demand through short-term arrangements.
- e. In fact, permitting the Petitioner's request would have the opposite effect, inasmuch as it would lock in scarce transmission capacity under long-term GNA, thereby constraining the ability of the State utilities to procure power through short-

term mechanisms during critical peak periods, and consequently jeopardising supply to other consumers.

- f. That the Impugned Order is “commercially illogical” is therefore wholly unfounded. The Ld. Co-ordination Committee has rightly prioritised grid security, system reliability, and consumer interest over speculative and self-serving claims of commercial benefit. The Petitioner’s submissions, being extraneous to the core issue and based on untenable assumptions, are liable to be rejected.

- 3.11. That the Petitioner’s allegation that denial of NOC is in violation of the Electricity Act, 2003 and the CERC GNA Regulations is premised on a fundamentally flawed and selective reading of Regulation 7. The CERC Regulations does not mandate automatic or unconditional grant of NOC; rather, it expressly requires the STU to certify the adequacy of the intra-State transmission system. Where such adequacy is absent particularly during peak demand conditions the STU is not only empowered but statutorily obligated to withhold or suitably qualify the certification. The Petitioner’s interpretation, if accepted, would reduce the requirement of system adequacy to a mere formality and compel the STU to act in derogation of grid security and prudent utility practice, which is impermissible in law.

The contention that the STU has “reserved” capacity for T-GNA and thereby violated the alleged priority of long-term GNA is a deliberate distortion of the regulatory framework. There is no question of reservation; the issue is one of operational necessity arising from acute transmission constraints during peak periods, when the available margins are required to enable procurement through short-term mechanisms in the interest of maintaining reliable supply to the State. The so-called priority of long-term GNA operates only within the bounds of available transmission capacity and cannot be invoked to claim access where such capacity is demonstrably unavailable.

The Petitioner’s reliance on its undertaking to bear DSM, augmentation, or other costs is entirely misconceived and amounts to a red herring. Financial assurances cannot create or substitute physical transmission capacity, nor can they override binding considerations of grid security. The Petitioner’s interpretation, in effect, seeks to convert a conditional, capacity-linked regulatory framework into an unqualified right to access, which would do violence to the statutory scheme and render transmission planning unworkable. The Impugned decision is therefore fully consistent with the applicable legal and regulatory framework and warrants no interference.

Further, it is submitted that the Petitioner’s allegation of violation of the non-discriminatory access obligation under the Electricity Act, 2003 is wholly misconceived and rests on a fundamental mischaracterisation of the applicable framework. The

principle of non-discriminatory access does not confer an absolute or unconditional right to transmission access; it operates subject to availability of transmission capacity and the overarching requirement of maintaining grid security. All similarly situated entities are equally subject to these technical and operational constraints. The denial of NOC in the present case is not on account of the identity of the Petitioner, but solely due to demonstrable transmission limitations during peak periods, and therefore cannot, by any stretch, be termed discriminatory.

The Petitioner's contention that the STU is "reserving" capacity for T-GNA is a deliberate distortion of facts. The available margin, as cited by the Petitioner, is not firm, unencumbered capacity capable of being allocated on a long-term basis, but a dynamic and operational buffer required to manage peak demand fluctuations and enable short-term procurement in the interest of system reliability. The regulatory framework does not prohibit such operational prudence. On the contrary, the attempt of the Petitioner is to appropriate scarce and time-sensitive transmission capacity through long-term GNA, thereby foreclosing its availability for critical system operation, this, in itself, would result in inequitable and preferential treatment, to the detriment of other consumers.

The reliance on eligibility under Regulation 17 and the invocation of renewable energy objectives are entirely extraneous. Mere eligibility to apply does not translate into an indefeasible right to be granted GNA, particularly in the absence of system capacity. The Petitioner's plea of discrimination is thus nothing but a veneer to mask an attempt at regulatory arbitrage seeking to secure assured long-term access while bypassing the operational constraints applicable to all users. The Impugned decision, being uniformly applied, technically justified, and grounded in system requirements, is fully consistent with the non-discriminatory access mandate and warrants no interference.

- 3.12. That the Petitioner's attempt to cloak its request under the banner of national renewable energy policy is misplaced and amounts to a diversion from the core issue. While the promotion of renewable energy is an undisputed policy objective, the same is necessarily subject to the equally critical requirements of grid security, system adequacy, and reliable supply. The Electricity Act, 2003 and the applicable policies do not mandate that renewable energy access be granted in a manner that compromises transmission constraints or operational stability. Policy objectives cannot be invoked to override binding technical limitations of the network.
- 3.13. That the Petitioner's reliance on the Green Energy Open Access Regulations is wholly misplaced, as any preference to renewable energy is expressly **subject to availability of system capacity**, which is admittedly constrained during peak periods. The

allegation of “reservation” of capacity is a mischaracterisation, as the available margin is a dynamic operational requirement for maintaining grid stability and meeting peak demand. The Impugned decision, therefore, lawfully balances renewable promotion with grid security, and cannot be termed arbitrary or violative of the regulatory framework.

- 3.14. That the Petitioner’s allegation of “coercion” and “anti-competitive conduct” is wholly untenable and amounts to an attempt to malign a statutory and technical decision by attributing extraneous motives. The denial of NOC is based solely on demonstrable transmission constraints and grid security considerations, and not on any commercial interest of the DISCOMs. The framework of open access under the Electricity Act, 2003 does not confer an unfettered or absolute right, but is expressly subject to system availability and operational feasibility. The Petitioner’s attempt to portray a capacity-driven decision as coercive conduct is therefore entirely misconceived.
- 3.15. That the Petitioner’s characterisation of the denial of NOC as a “retrograde step” is wholly misconceived and founded on a repetition of its flawed “substitution” narrative. The assertion that 100 MW would come out of the DISCOMs’ basket ignores the fundamental reality that the Petitioner continues to utilise the same constrained transmission network to import power from outside the State. From a system perspective, the burden on the transmission corridors during peak periods remains unchanged. The attempt to portray such drawal as alleviating the State’s procurement burden is therefore a mere semantic device, divorced from operational realities. Also, the reliance on alleged financial benefits, including avoidance of short-term procurement costs, FOCA impact, or recovery of fixed charges, is entirely extraneous to the issue at hand. Transmission access and grant of NOC are governed by technical feasibility, system adequacy, and grid security not by postulated commercial advantages to an individual consumer or even the DISCOMs. In any event, the Petitioner’s assertions are speculative and ignore the integrated nature of power procurement, where DISCOMs are required to plan holistically to meet aggregate demand and maintain supply reliability across all consumer categories. The suggestion that denial of NOC is contrary to renewable energy objectives or requires capacity augmentation is equally untenable. Capacity augmentation is a time-bound, system-level exercise and cannot be invoked to mandate immediate grant of access in the face of existing constraints. The Impugned decision reflects a reasoned and balanced approach, permitting access subject to system capability while safeguarding grid security and public interest. The Petitioner’s grievance, in essence,

seeks preferential treatment under the guise of policy objectives, and is therefore liable to be rejected.

- 3.16. That the Respondents vehemently deny and take serious objection to the Petitioner's insinuation that the denial of NOC is motivated by commercial considerations of the DISCOMs or constitutes abuse of statutory powers. Such allegations are entirely baseless, misleading, and constitute a deliberate attempt to malign the Respondents and the Co-ordination Committee. The refusal to grant NOC is rooted solely in objective, demonstrable technical and operational constraints, including transmission system capacity limitations, grid security requirements, and the duty to prioritise the interests of consumers in the State of Haryana, particularly during peak demand periods. At no stage have commercial interests of the DISCOMs influenced the decision-making process. The Petitioner's repeated attempt to attribute malafide motives is a mischaracterization of the factual and regulatory matrix. It is respectfully submitted that the Petitioner's claim of coercion or abuse of statutory powers is wholly untenable and must be rejected. The Hon'ble Commission is urged to disregard such baseless contentions and uphold the rational, balanced, and legally grounded decision of the Co-ordination Committee and the STU.

4. **Rejoinder dated 06.04.2026 filed by the petitioner (JSL) to the reply filed by respondent no. 4 (HVPNL):-**

- 4.1. That Regulation 17.1 of the GNA Regulations, 2022 prescribes an exhaustive list of entities eligible to apply for GNA. Regulation 17.1(iii) specifically covers "A distribution licensee or a Bulk Consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above." The Petitioner falls squarely, completely and unambiguously within the category defined under Regulation 17.1(iii). That Regulation 17.1 of the GNA Regulations, 2022, reads as under:

Eligibility for GNA

The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:

- (i) *State Transmission Utility on behalf of intra-State entities including distribution licensees;*
- (ii) *A drawee entity connected to intra-State transmission system;*
- (iii) *A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above;*
- (iv) *Trading licensees engaged in cross border trade of electricity in terms of the Cross-Border Regulations;*
- (v) *Transmission licensee connected to ISTS for drawal of auxiliary power.*

- 4.2. That Regulation 20.1 of the GNA Regulations, 2022, which governs applications for GNA by entities other than the STU, reads as under:

20. Application for Grant of GNA by entities other than STU

20.1 Entities covered under clauses (ii) and (iii) of Regulation 17.1 of these regulations, may apply for GNA indicating bifurcation of GNA within the region and outside the region, from a specified date, for a specified quantum, and for a specified period of more than eleven months.

Provided that the entities covered under clause (ii) of Regulation 17.1 of these regulations shall furnish consent of the concerned STU in terms of availability of transmission capacity in intra-State transmission system for such quantum and period of GNA.

- 4.3. That a plain, literal and grammatical reading of Regulation 20.1 makes the following position unambiguous:
- (a) The main body of Regulation 20.1 grants the right to apply for GNA jointly to both Regulation 17.1(ii) entities and Regulation 17.1(iii) entities.
 - (b) The Proviso to Regulation 20.1 expressly and exclusively imposes the obligation to furnish STU consent/NOC only upon entities falling under clause (ii) of Regulation 17.1, i.e., drawee entities connected to the intra-State transmission system.
 - (c) The Proviso makes no reference whatsoever to clause (iii) of Regulation 17.1. The omission is deliberate, express and not susceptible to any contrary interpretation.
 - (d) Since the Petitioner falls under Regulation 17.1(iii), the Proviso requiring STU consent/NOC is simply not applicable to the Petitioner as relied upon the Respondents for denial of grant of GNA.
- 4.4. That it is a settled canon of statutory and regulatory interpretation that a Proviso carves out an exception or imposes an additional condition only upon the subject matter it expressly identifies. A Proviso cannot be extended to a category which it does not name. The Proviso to Regulation 20.1 names only "clause (ii)" entities. The Petitioner, being a "clause (iii)" entity, is therefore entirely outside the scope and operation of the said Proviso.
- 4.5. That Regulation 22.2(b) of the GNA Regulations, 2022 casts a mandatory and time-bound obligation upon the Nodal Agency to grant GNA to entities covered under clauses (ii) to (v) of Regulation 17.1. The Regulation reads as under:

“22.2. Grant of GNA to entities other than STU

- (a) Connectivity grantees covered under Regulation 4.1 of these regulations shall be deemed to have been granted GNA, equal to the quantum of Connectivity from the start date of Connectivity. In the event of split or transfer of Connectivity in terms of Regulation 15 of these regulations, the corresponding GNA shall be deemed to have been split or transferred, as the case may be.
 - (b) The Nodal Agency shall grant GNA to entities covered under clauses (ii) to (v) of Regulation 17.1 specifying start date of GNA, as per the following timeline:
 - (i) where GNA is granted on the existing system: by the end of the month subsequent to the month in which application complete in all respects has been received;
 - (ii) where augmentation of transmission system is required: within 180 days from the end of the month in which application complete in all respects has been received:

Provided that the Nodal Agency shall grant GNA with start date of GNA keeping in view the timeline of augmentation of the transmission system.
 - (c) Entities covered under clause (iv) of Regulation 17.1 and
 - (i) applying GNA for injection into the Indian Grid shall comply with all requirements as applicable to entities under Regulation 4.1:
 - (ii) For entities covered under Regulation 22.2(c)(i), Conn-BG1, Conn-BG2 and Conn-BG3 shall be returned in accordance with Regulation 16 of these regulations or on expiry of period of GNA, whichever is earlier;
 - (iii) applying GNA for drawal from the Indian Grid shall comply with all requirements as applicable to entities under Regulation 17.1(iii).
 - (d) Entities covered under Regulation 4.1 and clause (iii) of Regulation 17.1 of these regulations shall furnish one-time GNA charge for Rs. one lakh per MW for the quantum of GNA one month prior to the start date of GNA. In case, such charges are not furnished by the entity within the specified timeline, the same shall be recovered by encashment of Conn-BG1, Conn-BG2 and Conn-BG3 as required. The proceeds of such one-time GNA charge shall be used for reducing Monthly Transmission Charges under the Sharing Regulations.
- Provided that** the entities covered under Regulation 17.1(iii) shall pay monthly transmission charges for its GNA in addition to one time GNA charge in accordance with the Sharing Regulations.”

4.6. That the Respondent's conduct in withholding or conditioning the grant of GNA upon a requirement of STU consent which is not prescribed under the GNA Regulations, 2022 for the Petitioner's category has directly resulted in non-compliance with the mandatory timelines stipulated under Regulation 22.2(b), causing unlawful delay and prejudice to the Petitioner.

- 4.7. That further, the Respondent has rejected the Petitioner's application for GNA on the ground of "Larger Public Interest." It is most respectfully the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022, for applications under Regulation 20.1 do not discuss, contemplate, create, or prescribe any bar on the grant of GNA on account of "Larger Public Interest" or any consideration analogous thereto.
- 4.8. That the Petitioner sought grant of GNA for a quantum of 100 MW for drawal from the ISTS, in strict compliance with the procedure prescribed under the GNA Regulations, 2022. The Petitioner's application was made as per law and in the manner prescribed. The introduction of a ground of "Larger Public Interest" by the Respondent is therefore a complete deviation from the regulatory framework governing the grant of GNA, and has no basis whatsoever in the GNA Regulations, 2022.
- 4.9. That a reading of Regulation 20 read with Regulation 17 and Regulation 22 of the GNA Regulations, 2022 makes it unambiguous that the Regulations nowhere provide for rejection or denial of GNA on the ground of public interest. On the contrary, the Regulations contemplate that where the existing transmission system is insufficient, the appropriate course is **augmentation of the transmission system**, and not rejection of the Petitioner's application.
- 4.10. That Regulation 22.2(b) of the GNA Regulations, 2022 prescribes the procedure and timeline for grant of GNA. Upon receipt of a complete application, the Nodal Agency is required to examine one of two scenarios only:
- (a) Whether GNA is to be granted on the **existing transmission system** — in which case the Nodal Agency is required to grant GNA by the end of the month subsequent to the month in which the complete application was received; or
 - (b) Whether **augmentation of the transmission system** is required — in which case GNA is to be granted within 180 days from the end of the month in which the complete application was received, with the start date of GNA being fixed keeping in view the timeline of such augmentation.
- 4.11. That the scheme of Regulation 22 makes it manifest that the grant of GNA is not contingent upon "availability" of the existing transmission system. The Regulations explicitly contemplate a situation where the existing system is inadequate, and the prescribed remedy in that event is augmentation not refusal or indefinite deferral of GNA.
- 4.12. That the Respondent has sought to justify its actions on the ground of "prevailing technical and operational constraints." It is submitted that the expression "**prevailing technical and operational constraints**" finds no mention whatsoever in the GNA

Regulations, 2022. It is neither a prescribed criterion nor a permissible ground for refusal or delay in the grant of GNA. The reasons assigned by the Respondent are therefore not only inconsistent with the GNA Regulations, 2022 but are directly contrary to the intent and scheme of the said Regulations.

- 4.13. That in reply to the contents of **Paragraph No. 3(b)** of the of the Reply, are wrong and denied. The contents of the para under reply are based on erroneous assumption and interpretation of the legal provisions. The respondent has conveniently added the words "strictly contingent upon" which nowhere figures in the Regulations cited in the reply, which is wrong. The Respondent denial of NOC based on the fact that they "prioritize the larger public interest" is erroneous in terms of the Hon'ble Central Commission's Regulation 20.1. no occasion arises of denial of NOC and procedure as established under regulation 22 should have been followed which was not adopted by the Respondent. The Respondent's contention herein is completely misconceived, being contrary and inconsistent with applicable and governing Act and Regulations.
- 4.14. That the averments made in para 4-15 of this rejoinder it is submitted that the expected peak demand is approximately 16500 MW (sic) and only about 3500 MW is available within the State as a corollary for 13000 GNA is required Testing this on the basis of factual matrix based on statistics available in the public domain, the following emerges:
- i) HPGCL: 2582.4 MW (RGTPS 1200 MW, DCRTPS 600 MW, PTPS (6,7 and 8) 710 MW, WYC (Hydro) 62.4 MW, HPGCL Solar: 10 MW).
 - ii) Jhajjar Power Plant: 1320 MW 90% supplied to Haryana viz. 1188 MW.
 - iii) IGSTPP (JHALI - JHAJJAR): 693 MW.
 - iv) RE Sources 2787 MW (2400 MW Solar from 45000 rooftop solar system and 18.61 MW commissioned under PM Kusum, 151 MW biomass / bagasse, 114 MW paddy straw, 73.5 MW small hydro, 49 MW waste to energy).

Even if, the RE sources are discounted, the intra state power availability would add up to 4463.4 MW (further reduce by say 10% Auxiliary power consumption, it will still be 4017.06 MW). Against the above factual matrix, the answering respondent has built its arguments on intra state power availability of about 3500 MW. Further, if we add 431.586 MW active capacity of Faridabad CCGT (NTPC), 1424 MW Adani Power Ltd where power is delivered within Haryana periphery at Mahendragarh over a dedicated transmission line the intra state availability would be significantly higher. Needless to point out that APL power and BMB power (where Haryana has Constitutional share) are at the most cases of 'deemed GNA' and no ISTS is involved. Nonetheless, ISTS charges are being paid and nothing successfully has been contested by the answering respondent to secure 'larger public interest' in such cases. Whereas, again at para 3

(c)((ii) the reason to decline the petitioner's plea has been stated as "prioritize larger public interest" which is wrong.

- 4.15. That it is further denied Petitioner conveniently ignored that, during peak demand conditions, margin is fully and necessarily utilized to ensure uninterrupted supply to consumers within the State of Haryana. Nowhere in the governing regulation such a bar is created or laid down. Rather the tradeoff between allowing, long term RE Captive Power, vis-a-vis expensive short-term purchase, has been conveniently ignored by the power utilities. And at the same time denied least expensive 100 MW long term power to the petitioner. The "additionality" argument is also flawed and against the spirit of the Electricity Act, 2003, wherein it has been provided that the Distribution business has to be conducted on commercial principles and public interest, if any, is better left to the competent authority viz. State Govt. and not a company incorporated under the Companies Act and a Licensee operating within the terms and conditions of the license granted by the Commission.
- 4.16. That the respondent herein has cited AP Supply leading to sustained peak without delving into the characteristic features of AP tube well supply, wherein timing (about 5 hours in a day) and quantum of supply is regulated. So as to say, that if the Discoms decides to open AP Feeders (all segregated at 11 kV) at 3 AM, Haryana will witness peak at 3 in the morning.
- 4.17. That the respondent has made bald statements viz. system constraints (no load flow simulation mentioned with 100 MW drawl from Captive Sources), operational realities, grid stability etc. without putting the relevant facts and figures on record. If system is constrained a 'congestion charges' without approval of the Commission, could have been levied but still the Discoms continues with Peak Load Exemption charges and levies additional surcharge for stranded power under long term PPA.
- 4.18. That the answering respondent has labored hard to explain the concept of 'nondiscriminatory' open access. They have conveniently side tracked that While the Electricity Act, 2003 provide the parent definition, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 has significantly lowered the threshold for Green Energy users. These rules mandate that non-discriminatory Open Access must be granted to any consumer with a contracted demand or sanctioned load of 100 MW or more provided the energy is from RE sources, which is the case of the petitioner herein. Further, by denying such Long Term GNA to the petitioner the Respondent no 4 is forcing the Petitioner to access the ISTS through Short term GNA which is commercially beneficial to the Respondent No. 4 as they impose Cross Subsidy Surcharge on such transmission. Hence in the guise of public

interest and curtailed capacity, Respondent No. 4 is unjustly enriching itself at the cost of the Petitioner by forcing the petitioner to choose short term GNA over Long term GNA, which is nothing but coercion and abuse of its dominant position.

- 4.19. The Petitioner is already an embedded consumer of DHBVNL with a contracted demand of 130 MVA and is not seeking any additional power demand beyond what has already been allocated and contracted. The 100 MW of renewable power proposed to be drawn through GNA will substitute a portion of the power currently being supplied by the DISCOMs to meet the Petitioner's existing contracted load, it is a substitution, not an addition. Accordingly, granting NOC will not result in any restriction to Respondent No. 4's transmission capacity; on the contrary, it will reduce the burden on DISCOMs by 100 MW, as they will no longer be required to procure and supply this quantum of power to the Petitioner. The Petitioner's own letter dated 18.04.2025 expressly stated that since it is not seeking any additional power beyond the allocated contracted demand, it will not add to the demand or power requirement from the Haryana State grid. The attempt by Respondent No. 4 to characterize this as 'capacity encroachment' is factually incorrect and is denied.
- 4.20. That it is wrong to say its self-contradictory as the constraint agreed by the petitioner is to show that petitioner is in dire need for the ISTS long term GNA approval and the petitioner is ready to undertake any constraints for a specific period of time till the time STU are able to augment additional capacities in order to facilitate the Petitioners transmission requirement in accordance with the provisions of law. It is not regulatory arbitrage, it is a statutory right of the petitioner to seek long term ISTS and the same cannot be illegally denied by the STU wherein the STU is giving preference to short term GNA over the Long term GNA in contradiction of the legal positions.
- 4.21. That the Petitioner, vide its letter dated 18.04.2025, voluntarily and unconditionally accepted power curtailment during periods of transmission constraint, without any claim for compensation from the state utilities or transmission entities. This extraordinary accommodation conclusively demonstrates that the Petitioner is willing to subordinate its power drawl to the needs of the State grid, will not cause any scheduling or deviation issues leading to DSM charges, and has assumed all transmission and scheduling risks. The Respondent's contention that curtailment cannot substitute for prudent transmission planning is entirely misconceived in this context, the Petitioner is not seeking to bypass transmission planning but is voluntarily agreeing to bear the consequences of any constraint that too in a situation where the STU is not immediately planning an increase in its capacity to facilitate the petitioner which is required under the regulation. Once curtailment without compensation is

accepted, the STU's entire objection relating to transmission capacity constraints is rendered untenable. Despite this extraordinarily accommodating position, the persistent refusal of Respondent No. 4 is arbitrary, unreasonable, and unsupported by any legitimate regulatory or technical justification.

- 4.22. That the concern regarding increase in DSM charges raised by Respondent No. 4 is factually and legally erroneous and is denied. Since the Petitioner's power requirement remains within the already allocated contracted demand, the concern of DSM charges does not arise in the first place. The Petitioner is an existing embedded consumer and the total quantum of power being drawn within Haryana remains the same only the source of supply changes from DISCOM procurement to the Petitioner's own captive renewable generation. Further, the Petitioner proposes to draw Round-the-Clock (RTC) renewable power, which is firm, scheduled, and predictable, with minimal deviation potential and therefore negligible DSM liability. In fact, when the Petitioner draws power through its own GNA arrangement, the scheduling and forecasting burden on the DISCOM reduces, potentially leading to lower overall DSM exposure for the State. In any event, the Petitioner has categorically undertaken vide its letter dated 18.04.2025 to bear all DSM charges as per applicable regulations. It is also relevant to note that the Co-ordination Committee's impugned order is not even based on DSM concerns; therefore this entire line of argument advanced by Respondent No. 4 is wholly misconceived and must be rejected.
- 4.23. That the submissions of Respondent No. 4 on this ground are contrary to commercial and operational realities. The 100 MW that the Petitioner proposes to draw through GNA from captive renewable sources will directly reduce the procurement obligation of the DISCOMs by the same quantum. Currently, the DISCOMs are supplying the Petitioner's entire contracted load of approximately 130 MVA (approximately 104 MW at 0.8 power factor). Once the Petitioner draws 100 MW through its own GNA, the DISCOMs will need to supply only approximately 4 MW to the Petitioner. This translates into estimated annual savings of Rs. 65-100 crores to the DISCOMs on account of not having to procure 100 MW at market rates ranging from Rs. 6.50 to Rs. 10.00 per kWh during peak summer months. The Co-ordination Committee's conclusion that granting NOC is commercially illogical is therefore not only factually and legally incorrect but also commercially absurd, as it denies a measure that would provide direct and substantial financial benefit to the very entities it purports to protect.
- 4.24. That the submissions of Respondent No. 4 on this ground proceed on a fundamental misreading of the regulatory framework. CERC GNA Regulations, 2022 limits the STU's role exclusively to certifying the adequacy of the intra-State transmission system

or identifying the need for augmentation, it does not contain any provision enabling or authorizing the STU to deny NOC on commercial considerations, DSM grounds, or capacity reservation for TGNA. The contents of Para 4-12 should be read as a part of reply to these paragraphs and the same are not reproduced for the sake of brevity. It is further submitted that the Petitioner has categorically undertaken to bear all augmentation and associated costs. Further, it is a well-established regulatory principle that long-term GNA has higher priority over Temporary GNA (TGNA), and there exists no provision in the Electricity Act, 2003 or the GNA Regulations permitting the STU to reserve the available margin of approximately 3,100 MW (out of an ATC of 10,000 MW against allocated GNA of 6,913 MW) for TGNA applications at the cost of denying long-term GNA to an eligible applicant. By inverting the regulatory priority mechanism, Respondent No. 4 has violated the Petitioner's superior right to long-term GNA access and acted in breach of the non-discriminatory access mandate under Sections 38(2)(d) and 40(1)(c) of the Electricity Act, 2003. The Petitioner, as an eligible entity under Regulation 17.1(iii) of the GNA Regulations, cannot be denied its statutory right on grounds that are extraneous to the regulatory framework.

- 4.25. That the Petitioner's application for GNA relates to 100 MW of Round-the-Clock renewable power from a captive Wind-Solar Hybrid Project, which directly advances India's commitment to achieve 500 GW of non-fossil fuel-based energy capacity by 2030. The National Electricity Policy and Tariff Policy mandate that transmission access be provided to renewable energy projects on a priority basis. Section 86(1)(e) of the Electricity Act, 2003 further mandates that the State Commission shall promote cogeneration and generation of electricity from renewable sources. The denial of NOC frustrates these statutory and policy objectives and acts as an unjustifiable barrier to renewable energy integration. Regulatory authorities are obligated to interpret and apply regulations in a manner that advances, rather than obstructs, national energy policy objectives. The submission of Respondent No. 4 that policy objectives cannot override technical limitations is a convenient diversion the Petitioner is not seeking to override any genuine constraint but is asserting its statutory right to prioritised renewable energy access, which cannot be negated by unjustified reliance on claimed peak-period constraints.
- 4.26. That the HERC (Green Energy Open Access) Regulations, 2023 expressly confer priority on green energy open access consumers, and among such consumers, long-term requests have priority over medium and short-term requests, subject to available system capacity. The Co-ordination Committee's decision to deny or partially allow GNA for 100 MW RTC renewable power while purportedly reserving capacity for non-

renewable TGNA is directly inconsistent with the regulatory priority under these Regulations and contrary to the Commission's mandate. The claim by Respondent No. 4 that the available capacity margin is a 'dynamic operational requirement' is a mischaracterization, it is being deployed as a pretext to deny the Petitioner its priority right under a specific regulatory framework framed by this Hon'ble Commission to facilitate green energy access. Such an approach frustrates the very object and purpose of the Green Energy Open Access Regulations and must be set aside.

5. The reply dated 22.05.2026, filed by Respondent No. 3 (UHBVN) & Respondent No. 5 (HPPC): -

- 5.1. That HPPC has already furnished its comments to Haryana Vidyut Prasaran Nigam Limited (HVPNL) in the present matter. HVPNL is the State Transmission Utility (STU) as well as the Nodal Agency for issuance of No Objection Certificate (NOC) in accordance with the provisions of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022.
- 5.2. That in view of the above, Respondent No. 3 (UHBVNL) and Respondent No. 5 (HPPC) adopt the reply submitted by Respondent 4 (HVPNL) vide affidavit 06.04.2026, being the competent authority in the matter, may kindly be accepted as also reflecting the position of HPPC & UHBVNL.

Proceedings in the Case

6. The case was heard on 05.03.2026, 09.04.2026 and finally on 26.05.2026, in the court room of the Commission, wherein the petitioner as well as the respondent mainly reiterated the contents of their petition/reply, which for the sake of brevity are not being reproduced here.

Commission's Analysis and Order

7. The Commission heard the arguments of the parties at length as well as perused the petition/reply filed by the parties. The Commission has carefully examined the pleadings filed by the parties, the documents placed on record, the submissions advanced during the course of hearing, the decision of the Co-ordination Committee dated 26.11.2025, and the provisions of the Electricity Act, 2003, the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (hereinafter referred to as the "GNA Regulations"), and the Haryana Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023. The principal issue arising for determination in the

present proceedings is whether the petitioner is entitled to the grant of No Objection Certificate / consent for drawl of 100 MW Round-the-Clock renewable power from its captive ISTS-connected Wind-Solar Hybrid Projects under long-term GNA and whether the respondents were justified in refusing such access during the peak summer months on the ground of transmission constraints and consumer interest.

8. The Commission observes that the Petitioner is an embedded consumer of DHBVNL with a contract demand of 130 MVA, and proposes to source approximately 100 MW of power from its captive renewable energy generating facilities situated outside the State through the Inter-State Transmission System. The petitioner has argued that such arrangement merely substitutes a part of its existing source of procurement and does not create any additional demand upon the State transmission system. The petitioner has further averred that by drawing its own captive power, it effectively reduces the procurement obligation of the DISCOMs by 100 MW, which is particularly beneficial during peak months when the Haryana Power Purchase Centre (HPPC) is forced to buy expensive short-term power from the Day Ahead Market (DAM) and Real Time Market (RTM) at rates ranging from Rs. 7.00/kWh to Rs. 8.50/kWh. This reduction in supply obligation translates to a significant commercial benefit for the DISCOMs, estimated between Rs.65-100 crores annually.
9. The respondents, on the other hand, have contended that irrespective of the source of procurement, the proposed drawl would require utilization of the available interstate transmission corridor and intra-state transmission infrastructure which would consequently impact the State's ability to procure power during periods of peak demand under T-GNA.
10. The Commission observes that the adequacy of transmission infrastructure is required to be assessed having regard to overall system security, network reliability, operational flexibility, contingency management and the collective requirements of all consumers connected to the grid. The figures placed on record indicate that Haryana's peak demand is continuously increasing and is projected to exceed 16,000 MW during the forthcoming years. It is also an admitted position that a substantial portion of Haryana's power requirement is met through sources located outside the State. Therefore, availability of interstate transmission margins assumes critical importance, particularly during the summer months when agricultural and cooling loads simultaneously reach their highest levels.
11. The Commission further notes that the Petitioner has placed considerable reliance on the difference between the Available Transfer Capability (ATC) and the presently allocated General Network Access (GNA) to contend that sufficient transmission

capacity is available on the network. The Petitioner has further argued that this position stands corroborated by the Respondent's own conduct in granting No Objection Certificate (NoC) for nine months of the year, while denying the same for the remaining three months solely on the ground that it procures Temporary General Network Access (T-GNA) during those months. According to the Petitioner, since T-GNA is inherently subject to curtailment and enjoys lower priority than long-term GNA, the denial of NoC on this basis indicates that the transmission system possesses adequate margin and that the perceived constraint arises only from the temporary nature and lower priority accorded to T-GNA transactions, rather than from any actual inadequacy of transmission capacity.

12. At the same time, the Commission is conscious of the fact that the Electricity Act, 2003 and the regulatory framework governing open access seek to progressively facilitate consumer choice, promote competition and encourage renewable energy procurement. The legislative intent underlying the GNA Regulations and the Green Energy Open Access Regulations is clearly directed towards enabling greater access to clean energy sources and facilitating long-term renewable energy procurement arrangements.

13. In this regard, the Commission has perused Section 9 of the Electricity Act, 2003, which provides as under:-

(1).....

(2) *Every person, who has constructed a **captive generating plant and maintains and operates such plant, shall have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use:***

*Provided that such open access shall be **subject to availability of adequate transmission facility** and such availability of transmission facility shall be determined by the Central Transmission Utility or the State Transmission Utility, as the case may be:*

Provided further that any dispute regarding the availability of transmission facility shall be adjudicated upon by the Appropriate Commission.”

(Emphasis supplied)

Further, Section 39 of the Electricity Act, 2003, provides as under:-

39. State Transmission Utility and functions

(1)

(2) *The functions of the State Transmission Utility shall be -*

- (a) to undertake transmission of electricity through intra-State transmission system;
- (b) to discharge all functions of planning and co-ordination relating to intra-state transmission system with -
 - (i) Central Transmission Utility;
 - (ii) State Governments;
 - (iii) generating companies;
 - (iv) Regional Power Committees;
 - (v) Authority;
 - (vi) licensees;
 - (vii) any other person notified by the State Government in this behalf;
- (c) to ensure development of an efficient, coordinated and economical system of intra-State transmission lines for smooth flow of electricity from a generating station to the load centers;
- (d) to provide non-discriminatory open access to its transmission system for use by-**
 - (i) any licensee or generating company on payment of the transmission charges ; or**
 - (ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:**
Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:
”

(Emphasis supplied)

A conjoint reading of Sections 9 and 39 of the Electricity Act, 2003 demonstrates that a captive generating plant possesses a statutory entitlement to open access, while the State Transmission Utility is under a corresponding obligation to provide such access on a non-discriminatory basis. Any denial of open access must therefore be founded upon objective considerations such as the non-availability of adequate transmission capacity and cannot be based on extraneous or arbitrary grounds.

The Regulation 7.2 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (GNA Regulations 2022), provides as under:-

"7. Role of State Transmission Utility

7.1. The State Transmission Utility (STU) shall, **within 15 days** of receipt of a copy of the application from NLDC, furnish a certificate to CTU and the Applicant that the **transmission system within the State is adequate** for the injection/drawl applied for by the Applicant and evacuation of power to the delivery point(s) as per the application, **or that augmentation of intra-State transmission system, as the case may be, is necessary.**

7.2. For the purpose of providing the certificate under Regulation 7.1, the **STU may conduct a study** and such study shall be carried out at the cost of the Applicant."

(Emphasis supplied)

The function of the STU is only to assess whether the existing intra-State transmission network has sufficient capacity to accommodate the applicant's requirement or whether augmentation of the transmission system is necessary. The applicable regulations do not prescribe the possibility of rejecting an application on the ground that the STU may be required to obtain T-GNA during certain months. However, in the present case, the STU has rejected the application solely on the basis that, during the months of June to August, it would be required to secure T-GNA, which itself is subject to curtailment. Such a consideration falls outside the grounds contemplated under the regulations and therefore cannot constitute a valid basis for rejection.

The Commission has further perused Regulation 22.2 of the GNA Regulations, 2022, reproduced hereunder:-

"22.2. Grant of GNA to entities other than STU

- (a) *Connectivity grantees covered under Regulation 4.1 of these regulations shall be deemed to have been granted GNA, equal to the quantum of Connectivity from the start date of Connectivity. In the event of split or transfer of Connectivity in terms of Regulation 15 of these regulations, the corresponding GNA shall be deemed to have been split or transferred, as the case may be.*
- (b) **The Nodal Agency shall grant GNA to entities covered under clauses (ii) to (v) of Regulation 17.1 specifying start date of GNA, as per the following timeline:**
 - (i) **where GNA is granted on the existing system: by the end of the month subsequent to the month in which application complete in all respects has been received;**
 - (ii) **where augmentation of transmission system is required: within 180 days from the end of the month in which application complete in all respects has been received:**

Provided that the Nodal Agency shall grant GNA with start date of GNA keeping in view the timeline of augmentation of the transmission system.

(Emphasis supplied)

From the above, it is apparent that Regulation 22.2(b) requires the Nodal Agency to grant GNA within a specified timeline to applicants falling under clauses (ii) to (v) of Regulation 17.1. The Nodal Agency does not have unfettered discretion to indefinitely delay or withhold the grant of GNA.

14. The Commission is therefore required to balance two competing but equally important objectives, namely, promotion of renewable energy and preservation of grid security. The Commission finds the STU's argument that transmission capacity must be reserved for Temporary GNA (TGNA) during summer peaks, legally untenable. Under the established regulatory framework, including the CERC GNA Regulations 2022, long-term GNA has a higher priority over TGNA. Reserving approximately 3,100 MW of transmission margin for TGNA while denying a long-term GNA application from an eligible entity violates the principle of non-discriminatory open access mandated by Sections 38 and 40 of the Electricity Act, 2003. The STU is obligated to provide access based on system adequacy, and where constraints exist, the remedy is augmentation of the system rather than arbitrary denial of access.
15. The Commission has also examined the petitioner's contention that long-term GNA enjoys priority over Temporary GNA and that transmission capacity cannot be indefinitely reserved for possible future short-term requirements. There can be no dispute regarding the regulatory hierarchy between long-term and temporary access. However, such priority operates only after availability of adequate transmission capacity has been established. The concept of priority cannot be interpreted to mean that transmission access must be granted irrespective of prevailing system limitations. Therefore, while the petitioner's legal proposition regarding priority of long-term access is broadly correct, its applicability remains dependent upon the availability of transmission capability and the operational requirements of the system.
16. The Commission also notes that the petitioner has demonstrated extra-ordinary good faith by accepting power curtailment to the extent of 100 MW during periods (June-August) of transmission constraints without seeking compensation from the State utilities. This undertaking effectively mitigates the Respondents' concerns regarding financial implications of curtailments and Deviation Settlement Mechanism (DSM) charges, as the Petitioner has assumed all transmission and scheduling risks. Such willingness reflects a pragmatic approach on the part of the petitioner and

demonstrates its intent to cooperate with system operators. Further, the proposed GNA arrangement represents a direct substitution of the Petitioner's existing contracted demand as an embedded consumer. The Commission is unable to appreciate the Respondents' contention regarding transmission constraints. By sourcing its electricity requirement through captive renewable energy projects, the Petitioner is not creating any additional demand on the State power system. On the contrary, the Petitioner is substituting power that would otherwise have been supplied by the DISCOMs and thereby relieving them of the obligation to procure and supply approximately 100 MW of power for the Petitioner's consumption. The grant of connectivity and transmission access for evacuation of captive renewable power merely facilitates the delivery of power that is intended to meet the Petitioner's existing consumption requirement. The Petitioner's demand on the grid remains substantially unchanged. Therefore, while the source of supply may shift from DISCOM-procured power to captive renewable generation, the net load to be served does not increase. In such circumstances, the Respondents' apprehension that the proposed arrangement would aggravate transmission constraints does not appear to be logically sustainable. Further, denial of transmission access on the ground of transmission constraints, despite the Petitioner replacing conventional grid-supplied power with captive renewable energy, would have the effect of preventing a consumer from meeting its own energy requirements through renewable sources without any corresponding reduction in the burden on the DISCOMs. Such an approach would be contrary to the broader objectives of promoting renewable energy, facilitating open access and enabling consumers to procure green power under the Electricity Act, 2003. From a system perspective, this provides significant tangible benefits that far exceed mere "semantics". During the "severe stress" of summer peak months, when the State is forced to purchase expensive short-term power from the Day Ahead Market (DAM) and Real Time Market (RTM) at rates as high as Rs. 10.00/kWh, the Petitioner's 100 MW drawl through GNA removes that exact quantum from the DISCOMs' procurement liability. This shift is estimated to provide the State utilities with some savings, as they would no longer need to scout for high-cost power to meet the Petitioner's load during peak demand periods. Therefore, the request is not only capacity-neutral in terms of total load but also commercially beneficial to the State, as it reduces the overall procurement burden and financial risk currently borne by the DISCOMs.

17. Another aspect which merits consideration is the impact of the blanket denial on renewable energy development. The petitioner seeks to procure power from captive Wind-Solar Hybrid Projects established through substantial investment. The

Commission is mindful that denial of access to such renewable energy projects may adversely affect the pace of renewable energy adoption and could discourage investments in clean energy infrastructure. The objectives of Section 86(1)(e) of the Electricity Act, 2003 and the broader national policy framework promoting renewable energy must therefore receive due consideration while adjudicating such matters.

18. Having weighed the rival submissions and considering the petitioner's accepting power curtailment to the extent of 100 MW during periods of transmission constraints, in these three months, without seeking compensation from the State utilities and Deviation Settlement Mechanism (DSM) charges, the Commission is of the view that an absolute denial of open access during the periods of transmission constraints, would not be appropriate. The decision of the Co-ordination Committee, though motivated by legitimate concerns regarding consumer interest and grid security, does not appear to have explored all possible alternatives for accommodating the petitioner's renewable energy requirement through appropriate financial safeguards.
19. The Commission therefore holds that the present matter requires a balanced solution which simultaneously protects grid security and facilitates renewable energy procurement. While the Respondents have raised valid concerns regarding the state's transmission constraints during peak summer months where demand is projected to reach approximately 16,500 MW against an ATC of 10,000 MW which must be weighed against the Petitioner's statutory right to seek long-term GNA for green energy. The Commission takes particular note of the Petitioner's voluntary and unconditional acceptance of transmission constraints, including their commitment to power curtailment up to 100 MW without compensation in the months of June to August and the assumption of all DSM charges and scheduling risks. Consequently, the Commission directs HVPNL to devise necessary operational protocols, formal undertakings, and a compensation mechanism to institutionalize these concessions offered by the petitioner, within two weeks from the date of issue of this order. These protocols must be finalized prior to the formal grant of the NOC to the Petitioner for drawing 100 MW RTC renewable power under long-term GNA.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 23.06.2026.

Date: 23.06.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member

Sd/-
(Nand Lal Sharma)
Chairman