BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/ RA-05 of 2026
In P.No. 99 of 2025

Date of Hearing	**:**	**22/10/2026**
Date of Order	**:**	**02/11/2026**

IN THE MATTER OF:

Application under Section 94(1)(f) of the Electricity Act, 2003 read with Regulations 57, 65 to 70 of the HERC (Conduct of Business) Regulations, 2019 seeking review/ clarification/ modification of the interim order dated 05.02.2026 passed by the Hon'ble Commission in an interim application no. 01 of 2026 filed alongwith HERC Petition No. 99 of 2025.

Petitioner
Dakshin Haryana Bijli Vitran Nigam Limited, Through XEN.

VERSUS

Respondent:
M/s SV Infra Management Solutions Private Limited, 34, Babar Lane, Bengali Market, Central Delhi, New Delhi.
through its authorised rep Mr. Manoj Kumar.

Present
On behalf of the Petitioner

1. Sh. Raghujeet Singh Madan, Advocate
2. Ms Aerika Singh, Advocate
3. Sh. Lovepreet Singh, Advocate

On behalf of the Respondent.

Sh. Akshay Gupta, Advocate

QUORUM

Shri Mukesh Garg, Chairman

Shri Shiv Kumar, Member

ORDER

1. **Petition:**

1.1 That the Applicant, Dakshin Haryana Bijli Vitran Nigam Limited ("DHBVNL"), is filing the present application being aggrieved by certain directions contained in the interim order dated 05.02.2026 ("Impugned Order") passed by this Hon'ble Commission in Interim Application No. 01 of 2026 filed in HERC Petition No. 99 of 2025. A copy of the impugned order dated 05.02.2026 for the hearing dated 03.02.2026 is annexed.

1.2 That by way of the present Application, the Applicant respectfully seeks review/clarification and/or appropriate modification of the Impugned Order, to the limited extent that it directs DHBVN to release a temporary electricity connection to the Respondent/Petitioner under LT Category for 6 months or till the adjudication of the main petition, whereas, prior to the issuance of the said directions by this Hon'ble Commission, the Review Applicant was unable to release the said connection owing to the mandatory provisions contained in the applicable Sales Circulars. It is submitted that the release of a temporary electricity connection is impermissible unless and until all prescribed formalities are duly complied with and the requisite documents are submitted by the Respondent/Petitioner in accordance with the governing regulations and instructions.

1.3 That by way of the present application, the Applicant is invoking the review jurisdiction of this Hon'ble Commission under Section 94(1)(f) of the Electricity Act, 2003 read with Regulations 57, 65 to 70 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019, seeking review/reconsideration/clarification and/or appropriate modification of the interim directions contained in the Impugned Order. The Applicant is aggrieved by the direction issued by this Hon'ble Commission in the Interim Order dated 05.02.2026, whereby the Applicant has been directed to release a temporary electricity connection to the Respondent/Petitioner despite the admitted position that the Respondent/Petitioner has not complied with the mandatory statutory requirements and has failed to submit the requisite documents as prescribed under the applicable regulations and binding Sales Circulars. The said direction compels the Applicant to act in contravention to the extant legal and regulatory framework and has resulted in regulatory inconsistency, thereby warranting review and reconsideration by this Hon'ble Commission. While passing the aforesaid Order, this Hon'ble Commission, without considering the admitted position that the Respondent/Petitioner's application for release of temporary electricity connection was incomplete and that several mandatory documents, including the electrification plan and allied technical approvals, had not been submitted, has nevertheless directed the Applicant to release the temporary electricity connection, thereby

compelling the Applicant to act in violation of the applicable statutory provisions and binding Sales Circulars.

1.4 The aforesaid interim relief granted vide the Order dated 05.02.2026, if viewed on *prima facie* facts, ought not to have been granted, as the Respondent/Petitioner had admittedly failed to fulfil the mandatory statutory prerequisites for release of a temporary electricity connection, and the Respondent-Applicant was legally constrained from processing the incomplete application in the absence of the requisite documents and compliances prescribed under the applicable regulations and binding Sales Circulars. The Respondent/Petitioner has failed to demonstrate any exceptional urgency, and even otherwise, the Respondent/Petitioner ought to first comply with the mandatory formalities required for release of the connection. Grant of the impugned relief in the present case is likely to open floodgates of similar litigation, as there exist no special or distinguishing circumstances warranting relaxation of the regulatory framework, and no party can be permitted to bypass the statutory requirements mandated by this Hon'ble Commission. The foregoing necessitates filing of instant application, the grounds of which are elucidated in detail hereunder.

BACKGROUND OF THE CASE

1.5 That the brief facts leading upto the filing of the review petition are as under:

a. The Respondent/Petitioner i.e. M/s SV Infra Management Solutions Private Limited, filed HERC Petition No. 99 of 2025 before this Hon'ble Commission under Section under section 181 (1) of the Electricity Act, 2003 read with Regulation 65, 66, 67 (Saving Of Inherent Powers of the Commission), 68 (General Power to Amend) and 69 & 70 (Removal of Difficulties) of the HERC (Conduct of Business) Regulations, 2019 seeking this Commission to exercise its power to relax / power to remove difficulty or in the alternative power to amend the provisions under Regulation 9 (Removal of Difficulties), Regulation 10 (Power to Relax) and Regulation 11 (Power to Amend) of the Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016 notified on 11th July 2016 read with its subsequent amendments (1st amendment dated 19th march 2020, 2nd amendment dated 27th September 2023 and the 3rd amendment dated 27th September 2023) to the extent that the option of self-execution of external electrical infrastructure and to obtain single point connection by the developers is restored to the same status as it existed before coming into force of the 2nd and 3rd amendments to the regulation 34 of 2016. Along with the main petition, the Respondent/Petitioner also filed Interim Application (IA) No. 01 of 2026 seeking urgent listing of the main petition and grant of interim relief in the nature of a direction to the Respondent to release a temporary electricity connection,

despite non-compliance with the mandatory regulatory requirements.

b. That the main Petition was filed by the Respondent/Petitioner on 26.11.2025 and the same was admitted by this Hon'ble Commission on 16.12.2025. Thereafter, Notice of Motion was issued on 07.01.2026, fixing the next date of hearing as 08.01.2026. On the said date, the officials of the Review Applicant appeared along with counsel and submitted before this Hon'ble Commission that there is no urgency in the matter, particularly in view of the fact that the Respondent/Petitioner had approached this Hon'ble Commission nearly after one year. This Hon'ble Commission thereafter adjourned the matter and directed the Review Applicant to file its reply to the Interim Application as well as to the main Petition within two weeks, and the matter was accordingly fixed for hearing on 03.02.2026.

c. That on the date fixed for hearing, i.e., 03.02.2026, the Applicant filed a detailed and comprehensive reply to the said Interim Application. It was submitted by the Applicant that the online application filed by the Respondent/Petitioner was not pending with the Applicant and had already been rejected on 02.02.2025. The Applicant respectfully submitted that upon perusal of the Nigam's records, it was found that an application bearing Application No. G12-125-243 was submitted by the Petitioner on 20.01.2025. The said application was rejected by the Nigam on the ground that the case pertained to a builder connection and the electrification plan of the Applicant/Petitioner had not been sanctioned. The same is clearly evident from the portal screenshot, which is annexed herewith and marked as b for the kind perusal of this Hon'ble Commission. It was further submitted that a refund of Rs. 42,050/- was duly issued to the Petitioner on 02.02.2025, which is an admitted fact and was also expressly acknowledged by the learned counsel for the Petitioner during the previous hearing before this Hon'ble Commission.

d. That it was further submitted that the Petitioner had allegedly made a fresh application bearing Application No. G12-126-97 dated 07.01.2026 for release of a temporary electricity connection; however, the said application was neither placed on record nor disclosed in the Interim Application or in the main Petition filed before this Hon'ble Commission. In effect, the Petitioner sought interim relief in respect of a remedy which was admittedly invoked only after the filing of the Interim Application, a material fact which remained undisclosed in the pleadings. The existence of the said application came to the notice of this Hon'ble Commission only during the course of submissions made by the learned counsel for the Respondent on the previous date of hearing.

e. That the Applicant acting bona fide and in strict compliance with the applicable statutory and regulatory framework, upon receipt of the fresh Application promptly initiated the requisite process

for release of the electricity connection. The necessary technical feasibility and allied requirements were duly examined. Thereafter, vide letter dated 13.01.2026, the Petitioner was called upon to comply with the mandatory requirements prescribed under Sales Circular Nos. D-21/2020, D-32/2023, D-25/2024 and D-37/2024, inter alia, to submit the requisite documents before the competent load sanctioning authority for approval of the electrification plan and to furnish the requisite Bank Guarantee for release of a temporary electricity connection. The relevant portion of the letter dated 13.01.2026 is reproduced herewith for the kind reference of the Hon'ble Commission:

"In this connection it is stated that you have applied subject cite NDS Temp. connection vide application no. G12-126-97 dated 07.01.2026. As per Nigam sales circular no. D-21/2020 clause no. 1 b "Application for temp. connection at the project site of the colonizer/ developer shall only be allowed if it submitted along with the approved Electrification Plan".

As per DHBVN Sales Circular No. D-21/2020, D-32/2023, D-25/2024 & D-37/2024, you have to submitted the requisite documents to the load sanctioning authority for approval of Electrification Plan and also have to submit the requisite Bank Guarantee with the DHBVN for releasing the Temp. Connection.

Therefore, you are once again requested to get sanction the Electrification Plan from competent authority within 15 days and submit the Bank Guarantee otherwise application will be cancelled without any further notice."

A copy of the letter dated 13.01.2026 is annexed.

f. Standing Instruction No. D-21/2020 was specifically issued to prevent situations such as that of M/s Raheja Developers, where occupancy was granted in premises supplied through a temporary connection, resulting in outstanding financial liabilities running into several crores, including electricity dues billed at double tariff and liabilities towards creation of 33 kV infrastructure. Similar cases continue to subsist where builders remain in default due to release of temporary connections without sanction of the Electrification Plan or submission of the requisite Bank Guarantee, which is mandatorily required to be furnished within 30 days of approval of the Electrification Plan.

g. It is pertinent to mention herein that the grant of temporary as well as permanent electricity connections in areas developed by colonizers/builders/developers is expressly governed by Sales Circular No. D-21/2020 dated 07.09.2020, titled *"Guidelines for Release of Temporary & Permanent Connections in Colonizer/ Builder/ Developer Areas."* The said Sales Circular has been issued by the Respondent-Nigam in consonance with Regulation 4.5 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014, which lays down the *"Procedure for Providing Temporary Supply."* The said Regulations/ Sales Circular have binding force and have been

notified by the Hon'ble Commission to ensure safe, planned and technically feasible development of the distribution network. A copy of the Sales Circular No. D-21/2020 dated 07.09.2020 is annexed herewith and marked as Annexure RA-3 and A copy of the Haryana Regulatory Commission (Electricity Supply Code) Regulations, 2014 along with its amendments is annexed herewith and marked as Annexure RA-4. The relevant clause of the said circular is reproduced herewith for the kind reference of the Hon'ble Commission:

"(I) Temporary Connection:

….

(b) Application for temporary connection at the project site of the colonizer/ developer shall only be allowed, if it is submitted along with the approved electrification plan. Where the electrification plan has been submitted for approval, the application for temporary connection shall only be considered when all the valid documents i.e. license, layout plan, undertakings have been submitted and there is no deficiency on the part of the applicant and the approval is pending on part of the Nigam for finalization of electrification plan and technical feasibility. Concerned SE (OP) shall ensure that the pending electrification plan is approved within one month by following up with various offices.

……"

h. That without prejudice to the foregoing submissions, it is respectfully submitted that the Respondent–Nigam has issued various Sales Circulars from time to time in furtherance of and in consonance with the provisions of the Electricity Act, 2003 and the Regulations framed by the Hon'ble Haryana Electricity Regulatory Commission, particularly the HERC (Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Recover Security) Regulations, 2016, as amended from time to time. The said Sales Circulars prescribe the detailed procedural framework, eligibility conditions and compliance requirements governing the release of temporary and permanent electricity connections, approval of electrification plans, load norms and distribution of electricity in developed as well as newly developed areas. For the sake of clarity, the relevant Sales Circulars and their respective scope are summarized below:

Sales Circular No. & Date	Subject / Scope
D-21/2020 dated 07.09.2020	Guidelines governing the release of Temporary and Permanent electricity connections, including procedural requirements, eligibility conditions and compliance obligations in developed areas.
D-32/2023 dated 26.10.2023	Implementation of the HERC (Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Recover Security) Regulations, 2016, including the 2nd and 3rd

	Amendments, 2023, prescribing conditions for supply, recovery of expenditure and furnishing of security.
D-25/2024 dated 09.08.2024	Revision of Load Norms and consolidated instructions for Residential Plotted Colonies, Group Housing Colonies and other licensed colonies, including those developed by HSVP/HSIIDC/Housing Board/Private Colonizers, applicable across residential, industrial and mixed-use developments.
D-37/2024 dated 24.12.2024	Guidelines for distribution of electricity in newly developed urban areas, including specified sectors of Gurugram, Faridabad, and areas developed by builders/developers in Dharuhera falling along the Delhi–Jaipur Highway corridor.

i. That the approval of the Electrification Plan (EP) is a sine qua non even for the grant of a temporary electricity connection, particularly in cases involving builders, developers and colonizers. The EP forms the foundational technical document on the basis of which the distribution licensee assesses load requirements, feeder capacity, transformer sizing and overall system planning. Commencement of construction activity without an approved EP leads to unplanned and technically unsafe development of the distribution network, resulting in risks such as feeder overloading, voltage fluctuations and safety hazards. The requirement of EP approval is therefore not a mere procedural formality but a critical safeguard to ensure orderly, safe and technically sound development of the electricity distribution system, even at the temporary construction stage.

j. That it is further submitted that the Petitioner had approached the Department of Town & Country Planning (DTCP), Haryana, vide applications dated 28.05.2024 and 08.07.2024 seeking grant of licence. In response, the DTCP, Haryana, vide letter dated 29.07.2024, directed the Petitioner to comply with the mandatory pre-requisites for grant of licence under the applicable planning laws. Thereafter, the office of the Director, Town & Country Planning, Haryana, again issued Office Memorandum No. Misc-138-B/2025/13376-77 dated 16.04.2025 (Annexure P-3 in the main petition) reiterating the requirement of compliance with the statutory conditions. However, the Petitioner has deliberately failed to annex the said Office Memorandum dated 16.04.2025 along with the Original Petition and has only placed on record the earlier letter dated 29.07.2024 (Annexure P-1), thereby suppressing material documents from the knowledge of this Hon'ble Commission. The relevant portion of the Office Memorandum dated 16.04.2025 is reproduced hereinbelow for the kind perusal of this Hon'ble Commission:

"Sr. No. 2 (i), which says: "A condition shall be imposed in the LOI that the applicant will get the electrification plan approved from the competent authority of DISCOM and will submit the same before the grant of license."

k. That the aforesaid licence has not been granted till date, and the Petitioner's application for grant of licence continues to remain pending due to non-fulfilment of the stipulated statutory conditions. The Petitioner has also failed to place on record any document indicating the current status of the said licence. It is a well-settled position that obtaining such licence is a mandatory statutory requirement and a condition precedent for undertaking any development activity and for seeking allied statutory benefits, including the release of electricity supply. In the absence of an approved licence, the Petitioner cannot, as a matter of right or equity, seek release of a temporary electricity connection.

l. That the Petitioner's contention in para 6 of the Interim Application, seeking to characterize the documents demanded by the Respondent as *"post-licence activities"*, is wholly misconceived and contrary to the governing regulatory framework. The requirement of submitting an approved layout plan, electrification plan, building approvals and other technical particulars is not a subsequent formality but a foundational requirement for assessing the feasibility, safety and legality of any electricity connection, including a temporary connection. In the absence of these approvals, the Respondent cannot assess load requirements, network planning or compliance with safety standards. The Petitioner cannot, under the guise of practical difficulty, compel the Respondent to act in derogation of the applicable Regulations and Sales Circulars. The said contention is therefore untenable in law.

m. That the Applicant respectfully submit that the Second and Third Amendments to Regulation, 2016 were not arbitrary or ad hoc in nature, but were introduced as a deliberate regulatory measure in furtherance of the objects of the Act, 2003, particularly to ensure consumer protection, grid discipline, operational safety, and systemic accountability. It is humbly submitted that the amendments were therefore introduced to ensure that such infrastructure is developed under the supervision and control of the distribution licensee, which bears statutory responsibility for the operation, maintenance, and safety of the distribution system and the grid connected thereto.

n. That pursuant to the hearing dated 03.02.2026, the Impugned Order dated 05.02.2026 came to be passed without fully considering the applicable statutory framework, binding regulations and Sales Circulars governing the release of temporary electricity connections, as well as the factual deficiencies in the Petitioner's application. In particular, the admitted position that the Petitioner had not submitted several

mandatory documents, including the approved Electrification Plan and allied technical approvals, which are essential for processing a temporary electricity connection, was not adequately appreciated. As a consequence, directions came to be issued which effectively require the Applicant to act contrary to the prevailing regulatory framework and its statutory obligations as a distribution licensee, thereby necessitating review and reconsideration of the Impugned Order. The relevant directions regarding release of the temporary electricity connection are reproduced hereunder for the kind reference of this Hon'ble Commission:

"…The Commission directs the respondent to release a temporary electricity connection under LT category for 6 months or till adjudication of main petition whichever is earlier, subject to the following conditions:

i. *The said electricity connection shall be utilized solely for construction purposes and for no other activity whatsoever. The petitioner shall also submit a written undertaking to this aspect to the respondent and violation of this condition shall entail disconnection and other consequences as per law.*
ii. *The release of such temporary connection shall remain subject to the final adjudication of the main petition, and the connection shall be liable to disconnection in the event the main petition is not decided in favour of the petitioner.*

6. The petitioner, in the meantime, is directed to get the electrification plan approved as per regulations/ sales circulars in vogue…."

o. That the Respondent/Petitioner's own pleadings in the main petition are premised on the assertion that, prior to the coming into force of the subsequent amendments to the Duty to Supply Regulations, developers enjoyed certain options which are no longer available under the prevailing regulatory framework. The relief sought by the Respondent/Petitioner is explicitly framed to direct that such options be "restored to the same status and position as existed prior to the amendments." This formulation makes it abundantly clear that the Respondent/Petitioner is not seeking a limited or case-specific relaxation within the framework of the amended regulations, but is in effect seeking revival of rights and privileges which have been consciously withdrawn as a matter of regulatory policy.

p. Be that as it may, any amendment to the Regulations, if at all considered necessary by this Hon'ble Commission, can only be undertaken through the prescribed statutory process, including issuance of public notice, stakeholder consultation and conduct of public hearings, keeping in view the larger public interest. Any interim or ad hoc direction having the effect of restoring repealed or amended regulatory provisions would be contrary to the settled principles governing exercise of regulatory powers.

GROUNDS NECESSITATING THE REVIEW/ CLARIFICATION/ MODIFICIATION/ REMOVAL OF DIFFICULTY IN THE IMPLEMENTATION OF THE IMPUGNED ORDER

GROUND I: IMPUGNED INTERIM RELIEF IS OUTSIDE THE SCOPE OF A PETITION FILED UNDER SECTION 181 OF THE ELECTRICITY ACT, 2003 AND CONTRARY TO BINDING REGULATIONS AND SALES CIRCULARS

1.6 That the main Petition, in which the Impugned Order has been passed on the Interim Application, was instituted by the Respondent/Petitioner purportedly under Sections 181 of the Electricity Act, 2003, read with Regulation 65,66,67,68 and 69 & 70 of the HERC (Conduct of Business) Regulations, 2019 and Regulation 9, 10, and 11 of the Duty to Supply Electricity on Request, Power to recover expenditure incurred in providing supply and power to require security regulations, 2016.the Applicant most respectfully submits that the reliance placed by the Respondent/Petitioner on various provisions of law and regulations in support of the main petition is misplaced and untenable.

1.7 That it is submitted that the Respondent/Petitioner has failed to demonstrate the applicability of Section 181 of the Electricity Act, 2003, to the present matter. No explanation or justification has been provided in the main Petition for invoking the said provision, nor has the Respondent/Petitioner set out any legal basis for the same. It is submitted that Section 181 of the Electricity Act confers powers upon the State Commission to frame regulations, consistent with the Act and the rules made thereunder, to carry out the provisions of the Act. The said section is reproduced herein for ready reference:

"Section 181. (Powers of State Commissions to make regulations): --- (1) The State Commissions may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act....."

xxx xxx xxx

1.8 That the Petitioner's reliance on Section 181 of the Electricity Act, 2003 is misconceived**.** It is pertinent to mention here that Section 181 confers subordinate legislative power upon the Commission to make regulations consistent with the Act to carry out its provisions. It does not vest any power of review, revival, or restoration of a repealed regulatory regime, nor does it permit a regulated entity to seek exemption from, or reversal of duly notified amendments that have come into force after due consideration. Once amendments are notified, they operate prospectively as binding law; their reversal can only be undertaken through a fresh, independent exercise of delegated legislation based on regulatory policy considerations and not merely at the instance of an individual petitioner seeking a return to a superseded regime.

1.9 That the petitioner's attempt to invoke provisions relating to removal of difficulties, relaxation or amendment under the Supply Regulations and the Conduct of Business Regulations is equally

untenable. These enabling provisions are ancillary and facilitative in nature and are intended to address procedural or implementation related difficulties in giving effect to the existing regulations. They cannot be employed to undo, dilute, or neutralize the substantive effect of amendments, nor can they be used as a device to reintroduce a regulatory mechanism that stands repealed by conscious legislative choice. Any interpretation to the contrary would render the amendment process otiose and defeat the certainty and finality that regulatory amendments are intended to achieve.

1.10 That the Respondent/Petitioner, under the guise of invoking the jurisdiction of this Hon'ble Commission, in substance seeks restoration of a consciously repealed regulatory regime, namely the option of self-execution of external electrification works and grant of single-point connection as it allegedly existed prior to the Second and Third Amendments to Regulation 34 of the 2016 Regulations, which is ex facie impermissible. The said Amendments were framed after due deliberation, stakeholder consultation and in furtherance of policy objectives such as uniform technical standards, effective regulatory oversight and protection of consumer interest, and upon coming into force, carry the force of law. The inherent and enabling provisions under the Conduct of Business Regulations cannot be invoked to nullify or override such statutory amendments, nor can they be utilised as a tool for regulatory rollback.

1.11 Without prejudice to the foregoing submissions, it is submitted that the Petitioner's heavy reliance on Regulations 65 to 70 of the HERC Conduct of Business Regulations, 2019, is fundamentally misconceived and proceeds on an erroneous understanding of the scope and limits of the Commission's inherent powers. The said provisions are procedural, residuary, and facilitative in nature, intended to enable the Hon'ble Commission to regulate its own proceedings and to remove minor procedural impediments in the application of the existing regulations. They do not, and cannot, confer any authority to defeat, override, or render nugatory substantive regulations framed and amended in exercise of delegated legislative power under Section 181 of the Act of 2003. The said regulations is reproduced herein for ready reference:

"Saving of inherent power of the Commission

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

66. Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure at variance with any of the provisions of these Regulations if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

67. Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the applicable legal framework for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

General power to amend

68. The Commission may, at any time and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any Proceedings before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

Power to remove difficulties

69. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

70. In case of any difficulty in interpretation of these Regulations the same shall be done by the Commission in accordance with the provisions of the Electricity Act, 2003. In case of any conflict between the provisions of these regulations and the provisions of the Electricity Act, 2003, the provisions of the Act shall prevail in all case."

1.12 That it is a settled principle of regulatory and administrative law that inherent powers cannot be exercised in derogation of express statutory provisions or binding subordinate legislation. Regulations 65-70 operate expressly subject to the Act and the regulations framed thereunder. Consequently, these provisions cannot be utilised as a surrogate power of review or repeal to restore a regulatory regime that has been consciously altered by the Second and Third Amendments to Regulation 34. It is pertinent to mention here that permitting such an exercise would amount to allowing procedural regulations to supersede substantive delegated legislation, which is impermissible in law and contrary to the settled hierarchy of norms.

1.13 That the present Petition is, therefore, fundamentally flawed inasmuch as it seeks an individualized carve-out from a uniform regulatory framework and asks this Hon'ble Commission to exercise powers that it does not possess under the Act. The regulatory amendments in question apply uniformly to all similarly placed entities, and no vested right subsists in favour of the Respondent/Petitioner to insist upon continuation of a superseded regime merely on grounds of convenience or alleged hardship.

1.14 In light of the foregoing submissions, it is respectfully submitted that the fundamental issue relating to the very tenability and maintainability of the Interim Application has remained unaddressed and unconsidered, resulting in the grant of interim relief without examining the jurisdictional and statutory limitations governing such relief. This omission goes to the root of the matter and vitiates the Impugned Order, thereby constituting sufficient

and compelling grounds for review, reconsideration and/or appropriate modification of the order dated 05.02.2026 in the interest of justice and to uphold the sanctity of the regulatory framework.

GROUND II: ADVERSE PRECEDENT AND SERIOUS ADMINISTRATIVE CONSEQUENCES ARISING FROM THE IMPUGNED INTERIM DIRECTIONS, LEADING TO FLOODGATES OF SIMILAR LITIGATION

1.15 As elucidated in the factual background above, the Interim Application cannot be regarded as a bona fide request for relief within the four corners of the amended regulatory framework; rather, it is an attempt to circumvent and reopen a settled regulatory regime which was introduced by this Hon'ble Commission following the due statutory process, including stakeholder consultation and consideration of public interest. The relief sought effectively seeks to confer upon the Respondent/Petitioner benefits and options deliberately withdrawn under the 2nd and 3rd amendments to the Duty to Supply Regulations, thereby undermining the uniform application of the law, creating regulatory uncertainty, and setting a precedent that allows individual parties to bypass binding statutory requirements through interim judicial directions, which is impermissible and warrants review and reconsideration of the Impugned Order.

1.16 However, the Applicant was surprised to note, upon uploading of the Impugned Order, that the Interim Application had been finally disposed of. The Hon'ble Commission has directed the Applicant to release a temporary electricity connection despite the existence of serious disputed questions of fact and law, and despite the fact that the alleged application for such connection was not even placed on record. It was specifically pointed out by the Applicant during the course of hearing that the Interim Application had been filed even prior to the alleged fresh application for connection, rendering the relief sought by the Petitioner legally untenable. In view of the aforesaid circumstances, the Impugned Order warrants reconsideration, as sufficient and compelling grounds exist for review and recall of the said directions.

1.17 It is further submitted that the Respondent-Nigam is a statutory distribution licensee bound to act strictly in accordance with the regulations and instructions issued by the Hon'ble Commission. Grant of a temporary electricity connection in deviation of Sales Circular No. D-21/2020 would not only be contrary to law but would also undermine the regulatory safeguards intended to protect the electricity distribution system and the interests of end consumers. The Respondent reiterates that it is fully willing and ready to process and release the temporary electricity connection strictly in accordance with the applicable regulations immediately upon the Respondent/Petitioner submitting the approved electrification plan and completing all the prescribed formalities. Until such compliance is ensured, the Respondent/Petitioner cannot claim any vested or equitable right to seek relaxation,

exemption or interim directions contrary to the statutory framework.

1.18 Further, the Applicant wishes to draw attention to the serious administrative and regulatory consequences that are likely to arise if such interim relief is allowed to subsist. Granting directions to release temporary electricity connections in disregard of the mandatory regulatory framework will have the following adverse implications:

i. It will create a precedent for other builders, colonizers, and developers to seek similar ad hoc interim reliefs, thereby opening floodgates of litigation and increasing the burden on the Commission and the Applicant-Nigam.

ii. It will undermine the effectiveness and authority of the 2nd and 3rd Amendments to the Duty to Supply Regulations, which were consciously introduced to regulate the procedure for release of temporary and permanent electricity connections and to ensure safe, planned, and technically feasible development of the distribution network. Under the earlier regime, instances were frequently encountered where builders, after obtaining temporary electricity connections, abandoned the project or exited the site, leaving societies and residents to continue on temporary supply. Further, under the previous regulatory framework, there was no requirement for the builder to furnish a Bank Guarantee securing the lump-sum amount towards the internal load. The amended regulations now mandatorily require submission of such Bank Guarantee, and any dilution thereof would defeat the very object and purpose of the amendments.

iii. It will compel the Applicant to act in contravention of binding Sales Circulars and statutory regulations, exposing the distribution licensee to potential audit objections, legal challenges, and operational risks.

iv. It will disrupt the orderly development and management of the electricity distribution network, as allowing connections without mandatory documentation and approvals may result in technical, safety, and planning issues at project sites.

v. It will create confusion among field officials and undermine uniform regulatory compliance, as employees will be forced to grant relief contrary to the established procedures, eroding the consistency and credibility of the regulatory framework.

1.19 In view of the foregoing, it is submitted that the Impugned Order, by directing release of a temporary electricity connection without compliance with mandatory regulations and Sales Circulars, sets an adverse precedent, undermines the 2nd and 3rd amendments to the Duty to Supply Regulations, and creates significant administrative and operational difficulties for the Applicant-Nigam. The Applicant, therefore, respectfully submits that the Impugned Order warrants review, modification, and reconsideration.

GROUND III: ORDER CONTRARY TO THE PREVIOUS ORDER PASSED BY THIS HON'BLE COMMISSION IN HERC/PRO-68 OF 2020:

1.20 That, attention of the Hon'ble Commission is brought towards the final order dated 01.04.2021 passed by the Hon'ble Commission in HERC/PRO-68 of 2020 titled - *Confederation of Real Estate Developers Association of India- Haryana (CREDAI-HR) Vs. Dakshin Haryana Bijili Vitran Nigam Ltd. & Ors.* wherein the Hon'ble Commission held as under:

"8. ... ... A list of 36 developers of only one circle i.e. OP Circle Sonepat submitted by the Respondents, reflecting continuous defaults made by the Developers/ Builders/ Colonizers for the creation of the requisite infrastructure, reveals that the electrical infrastructure had not been created even after the lapse of several years; even the temporary connection which is essentially meant for the limited purpose of undertaking the construction activities has also been used to provide the supply of electricity to regular connections on inhabitants. If the temporary connection is allowed without processing/approved electrification plan, the developer may not be obligated to lay down any electrification infrastructure as seen in the past since the Developers are not coming to create infrastructure even the lapse of 10 to 14 years. Keeping in view of the judgment of Hon'ble Bombay High Court mentioned in para No. 3 above, the electricity connection should not be released to any developer/colonizer or subsidiary or sister concern/partnership firm thereof against whom there are outstanding dues to discourage dodgy practices by allowing developer to form a different corporate entity with similar shareholding/ management and get away with the legitimate payment of dues, despite the fact that the usual person behind both the legal entities would be the same. Therefore, the Commission is of considered opinion that the ibid five challenged clauses of the above said Circulars have been added by the Respondents as deterrent with the intent to curtail the defaults by the Developers in the interest of consumers, and to ensure that adequate electrical infrastructure is laid down and time limit so fixed is essential to be implemented to have quality of supply to the residents of the township developed by the Developer. As such Commission finds no merit in the petition"

As such, the grant of temporary connection without approval of the electrification plan is contrary to the previous orders passed by this Hon'ble Commission. A copy of order dated 01.04.2021 is annexed.

GROUND IV: INTERIM DIRECTIONS PERMIT BYPASSING OF THE 2ND AND 3RD AMENDMENTS TO THE DUTY TO SUPPLY CODE

1.21 The interim relief, in the context of legal proceedings, refers to a temporary order issued by a Court or Tribunal to preserve the rights of parties or protect the subject matter of a dispute while the main proceedings are pending. Such relief is intended to prevent actions that could render the final judgment ineffective or unenforceable. Undoubtedly, this Hon'ble Commission has discretion in granting interim relief, taking into account factors such as a prima facie case, balance of convenience, and irreparable injury. However, interim relief is not intended to grant final relief, and its effect must remain temporary, with the ultimate determination to be made in

the main petition. Without prejudice to the Applicant's contentions regarding the Impugned Order being passed without due consideration of essential factors such as prima facie case, balance of convenience, and irreparable injury, the order dated 05.02.2026 suffers from a fundamental error in directing relief that is effectively final in nature. In view of the foregoing, there exist sufficient grounds for review, clarification, and modification of the Impugned Order dated 05.02.2026.

1.22 Further it is pertinent to mention here that in paragraph XXIII, of the main petition has sought to project three alleged "difficulties" purportedly arising from the Second and Third Amendments to Regulation 34. The said difficulties are neither genuine nor attributable to the Respondent but are a direct consequence of the binding regulatory framework presently in force. The Respondent/Petitioner has attempted to portray regulatory compliance as hardship, which is legally impermissible. The Respondent is strictly bound by the Regulations framed by this Hon'ble Commission and the Sales Circulars issued in compliance thereof. The so-called difficulties are therefore replied to hereinafter seriatim.

i. Alleged Loss of Right to Self-Execution of External Electrification Works: That the Respondent/Petitioner has contended that the withdrawal of the option of self-execution of external electrical infrastructure has rendered the project unworkable. The said contention is wholly misconceived. The option of self-execution was never a vested or indefeasible right but only a regulatory facilitation, which stood consciously withdrawn by the Second and Third Amendments to Regulation 34 in larger consumer and grid interest. The amended framework mandates that external electrification works are to be executed under the supervision and control of the Distribution Licensee so as to ensure uniform technical standards, grid discipline, safety norms, metering integrity and proper energy accounting.

ii. Alleged Impossibility of Obtaining Temporary / Single-Point Connection: That the Respondent/Petitioner has further pleaded that the amended framework has made it impossible to obtain a temporary or single-point connection. The said plea is factually incorrect. The prevailing Regulations do not recognise any inherent or statutory right to demand a temporary or single-point supply. Even the interim relief granted by this Hon'ble Commission is expressly conditional, ad hoc and subject to strict compliance of the directions contained in the interim order. The Nigam is bound by the regulatory framework and Sales Circulars which permit grant of supply only in the manner prescribed therein. The temporary connection, if any, has been allowed only in the peculiar facts of the case and cannot be claimed as a matter of right or as a precedent. The alleged difficulty is therefore self-created and flows from the Petitioner's attempt to bypass the binding regulatory procedure.

iii. Alleged Procedural Hurdles in Finalisation of Electrification Plan (EP): That the third difficulty projected by the Respondent/Petitioner relates to the alleged hardship in finalising and obtaining approval of the Electrification Plan. The Respondent submits that approval of the EP is a mandatory foundational requirement under the regulatory framework, forming the technical basis for assessment of system feasibility, safety, load requirement, network augmentation and grid compatibility. The Respondent/Petitioner has admittedly failed to finalise and submit the Electrification Plan along with requisite drawings, and has instead approached this Hon'ble Commission seeking exceptional reliefs. The regulatory process cannot be inverted by first seeking relaxation of the amended regime and thereafter attempting to comply with essential technical prerequisites. The inability to submit the EP is entirely a self-created impediment, for which neither the amendments nor the Respondent can be faulted.

1.23 That it is further submitted that the amendments to Regulation 34 were notified after due regulatory process, including stakeholder consultation and consideration of systemic and consumer interest concerns. Once such amendments have come into force, they attain the force of law and are binding uniformly upon all similarly situated entities. No vested or accrued right survives in favour of the Respondent/Petitioner to insist upon continuation of a superseded regulatory dispensation merely on grounds of convenience or alleged hardship. Any direction restoring the pre-amendment position in an individual case would amount to creating a parallel and inconsistent regulatory framework, which the Commission is neither empowered nor expected to do. The table with regard to the position with Pre and Post amendment

Issue	Pre-Amendment Position	Post-Amendment Position
Mode of Supply	Discretionary Single Point Supply	Mandatory Multi-Point Supply in 33 kV PPB (Reg. 4.16.6)
Execution of External Works	Self-Execution by Developers	Execution by DISCOM against EESDC (Reg. 4.16.3 & 4.16.4)
Financial Mechanism	Ad-hoc cost recovery	Uniform EESDC per MVA fixed by Commission
Electrification Plan	Submitted after licence	Mandatory approval prior to licence (Reg. 4.16.5)
Temporary Connection	Frequently misused for permanent load	Permitted only for construction with strict safeguards (Sales Circular D-21/2020)

Consumer Protection	Weak monitoring and bulk billing	Individual metering, theft control, energy accounting
Accountability	Diffused between Developer & DISCOM	Clear statutory responsibility of DISCOM under Commission oversight

1.24 That it is pertinent to mention here the benefits achieved after notification of the Amendments by the Hon'ble Commission

i. Regulatory Certainty and Uniform Procedure: The 2nd and 3rd Amendments to the Duty to Supply Regulations have brought clarity and uniformity in the procedure for release of temporary and permanent electricity connections. Builders are now required to comply with clearly defined prerequisites such as approval of the Electrification Plan, submission of complete documentation, and fulfillment of technical feasibility requirements, thereby eliminating ambiguity and discretionary practices.

ii. Prevention of Misuse of Temporary Connections: Under the earlier regime, builders frequently misused temporary construction connections by extending electricity supply to residents and granting occupancy without obtaining permanent connections. The amendments have effectively curbed this practice by strictly linking the grant of temporary connections to approved Electrification Plans and compliance milestones.

iii. Financial Safeguards for the Distribution Licensee: A major benefit of the amendments is the introduction of mandatory financial safeguards, including the requirement to furnish a Bank Guarantee towards the lump-sum amount for internal electrification load. This has significantly reduced the risk of revenue loss arising from builder default, abandonment of projects, or non-payment of dues.

iv. Protection of Residents and Societies: By ensuring that temporary connections are not indefinitely continued and by mandating technical and financial compliance at the builder stage itself, the amendments protect end-consumers from being forced to reside on unsafe and legally infirm temporary electricity supply.

v. Planned and Technically Feasible Network Development: The amendments ensure that electrification is carried out strictly in accordance with approved plans, thereby enabling systematic augmentation of the distribution network and preventing ad hoc or unsafe connections that could compromise grid stability and public safety.

1.25 That significantly, the present Review Petition is being filed as the earlier main Petition filed by the Respondent, i.e., M/s SV Infra Solutions Pvt. Ltd., itself reflects a clear abuse of the regulatory process. It is a matter of record that similar directions have also been issued in another matter concerning M/s DVOK Buildcon Pvt. Ltd., wherein the Nigam has already filed a Review Petition against the interim order dated 30.12.2025. In the present case as well, the interim order dated 05.02.2026 directing release of a temporary

electricity connection is under challenge in the instant Review Petition. It is further submitted that pursuant to the grant of such interim relief in the Petitioner's case, two other similarly placed petitions have already been filed before this Hon'ble Commission seeking identical reliefs. This subsequent development demonstrates that the present matter is not an isolated grievance but has the potential to open the floodgates for similar claims, each seeking relaxation from the applicable regulatory framework under the guise of interim relief, thereby undermining regulatory certainty and discipline.

1.26

1.27 It is respectfully submitted that even if, without admitting, this Hon'ble Commission were to contemplate any amendment to the Regulations at a future point of time, such amendment would necessarily operate prospectively and cannot be given retrospective effect so as to confer any benefit upon the Respondent/Petitioner. The Respondent/Petitioner cannot claim any vested or accrued right under a regulatory framework which is no longer in force. Granting relief on the basis of a pre-amendment regime would amount to impermissibly applying a regulatory change retrospectively, which is neither contemplated under law nor permissible in settled jurisprudence. Moreover, if such relief is granted to the Respondent/Petitioner, it would set an unhealthy precedent, open the floodgates for similar claims by others, and lead to avoidable and multiplicity of litigation.

GROUND V: THAT THE IMPUGNED ORDER ERRONEOUSLY PROCEEDS ON ALLEGED FINANCIAL HARDSHIP WITHOUT ANY SUPPORTING EVIDENCE ON RECORD.

1.28 That the Impugned Order proceeds on an assumption of alleged financial hardship purportedly faced by the Respondent/Petitioner, without there being any cogent pleadings, documentary material, or substantiated evidence placed on record to demonstrate such hardship. Mere bald assertions of financial loss or commercial inconvenience, contractual obligations, project timelines, or any material establishing imminent irreparable injury, cannot form the basis for grant of interim relief, particularly when such relief has the effect of diluting or bypassing binding statutory regulations. The Hon'ble Commission, while exercising its discretionary jurisdiction, is required to base its satisfaction on objective material, which is conspicuously absent in the present case.

1.29 That it is further submitted that alleged financial hardship, even if assumed arguendo, cannot override mandatory statutory requirements or justify relaxation of a duly notified regulatory framework. Financial inconvenience arising out of non-compliance with prescribed procedures or failure to submit mandatory documents cannot be elevated to a ground for equitable relief. Granting interim directions solely on the basis of unsubstantiated hardship not only amounts to conferring a premium on non-compliance but also sets an untenable precedent whereby regulated

entities may seek circumvention of law by merely asserting commercial difficulty, thereby rendering the regulatory regime otiose and unworkable.

1.30 In view of the submissions made above, the Applicant most humbly submits that there exists sufficient grounds for invocation of the inherent powers of this Hon'ble Commission and review/reconsideration/modification of the impugned order dated 05.02.2026.

1.31 That the present application has been filed *bonafide*. The Applicant undertakes that no appeal against the impugned order dated 05.02.2026 has been filed by the Applicant. It is further undertaken that in case the applicant files an appeal against the impugned order dated 05.02.2026, they shall immediately inform the Hon'ble Commission about the same.

1.32 That the main petition in the matter is listed for 24.04.2026 and the Interim Application No. 01 of 2026 was disposed off vide the Order dated 05.02.2026.

PRAYER

In light of the above made submissions and keeping in view the peculiar facts and circumstances of the present case, it is most respectfully prayed that the Hon'ble Commission may kindly be pleased to allow the present application and review/clarify/modify/remove the difficulty that as arisen in the implementation of the order dated 05.02.2026, in the interest of justice. It is further humbly prayed that till the adjudication of the instant application, the implementation of the order dated 05.02.2026 may kindly be stayed.

2. **IA-17 of 2026:**

2.1 The Applicant is filing the accompanying review petition before this Hon'ble Commission for modification/ review of the order dated 05.02.2026 passed in in Interim Application No. 01 of 2026 filed in HERC Petition No. 99 of 2025 filed under section 181 (1) of the Electricity Act, 2003 read with regulation 65,66,67, 68 and 69 & 70 of the HERC (Conduct of Business) Regulations, 2019 seeking this commission to exercise its power to relax, power to remove difficulty or in the alternative power to amend the provisions under regulation 9, regulation 10, and regulation 11 of the duty to supply electricity on request, power to recover expenditure incurred in providing supply and power to require security regulations, 2016 read with its subsequent amendments (1st amendment dated 19th march 2020, 2nd amendment dated 27th September 2023) to the extent that the option of self-execution of external electrical infrastructure and to obtain single point connection by the developers is restored to the same status as it existed before coming into force of the 2nd and 3rd amendments to the regulation 34 of 2016.

2.2 That the facts and averments contained in the accompanying review petition may kindly be read as part and parcel of the instant

application, which are not being repeated here for the sake of brevity.

2.3 That vide Order dated 05.02.2026, this Hon'ble Commission adjudicated upon the interim reliefs sought by Respondent No. 1 in the said proceedings, including the issue relating to release of a temporary electricity connection. It was alleged by Respondent No. 1 that the Applicant had failed to release the temporary connection despite submission of an application. However, the Applicant had categorically submitted before this Hon'ble Commission that the said application was incomplete and lacked mandatory documents, including the approved electrification plan and other technical compliances, and therefore could not be processed in accordance with the applicable regulatory framework.

2.4 That pursuant to the passing of the Order dated 05.02.2026 by this Hon'ble Commission, the Applicant was constrained to immediately examine the feasibility of implementation of the directions contained therein. Accordingly, the matter was taken up with the higher authorities of the Nigam for necessary administrative and technical evaluation in view of the fact that the release of a temporary electricity connection in the present case involved deviation from the extant regulatory framework and binding Sales Circulars. Upon such internal deliberations and scrutiny at the competent level, it was observed that compliance with the said directions, in the absence of submission of the approved Electrification Plan and other mandatory technical documents by the Respondent/Petitioner, would amount to acting in contravention of the applicable Supply Code, Sales Circular No. D-21/2020 and the amended Duty to Supply Regulations. It was further noted that implementation of the Impugned Order without ensuring prior compliance of statutory prerequisites could expose the Applicant to operational risks, audit objections and regulatory inconsistencies, apart from setting an undesirable precedent for similarly placed developers seeking relaxation of mandatory requirements through interim directions. In these circumstances, and after due consideration at the appropriate administrative level, the Applicant was advised to seek appropriate review / clarification of the Impugned Order to ensure that the directions issued therein are harmonized with the governing statutory and regulatory framework.

2.5 That some additional time was necessarily consumed in thoroughly examining the issues arising from the Impugned Order and in collating the relevant factual and regulatory material forming the basis of the present Review Application. The delay in filing the instant petition has occurred solely on account of the time taken in obtaining comments and inputs from the concerned departments, undertaking internal administrative consultations, completing the procedural formalities for approval to initiate review proceedings, and preparing the present petition in a comprehensive manner. The said delay was neither deliberate nor attributable to any negligence

or malafide intent on the part of the Applicant. In these circumstances, DHBVNL most respectfully prays that this Hon'ble Commission may be pleased to condone the delay of 9 days in filing the present Review Application in the interest of justice.

2.6 That the Applicant craves the indulgence of this Hon'ble Commission to condone a delay of 9 days in filing the accompanying review petition which has occurred due to inadvertent and bonafide reasons beyond the control of the Applicant.

2.7 That prima-facie, the facts and circumstances of the present case are in the favour of the Applicant and the balance of convenience is also in its favour.

2.8 That it has been consistently held by courts that the cause of substantial justice has to prevail upon the technicalities. The Hon'ble Apex Court in the case titled *Special Tehsildar, Land Acquisition, Kerala Vs. K.V. Ayisumma reported as 1996(10) SCC-634* has inter alia held that "*The Limitation Act made no distinction between the State and the Citizen. None the less, adoption of strict standard of proof leads to grave miscarriage of public justice. The approach of the Court should be pragmatic but not pedantic.*"

It is, therefore, respectfully prayed that the present application be allowed and the delay of ..... days in filing the review application may be condoned.

PRAYER:

It is, therefore, most respectfully prayed that the present application may kindly be allowed and the delay of 9 days in filing of the present review petition may kindly be condoned, in interest of justice.

3. The case was heard on 09/06/2026. Ms. Aerika Singh counsel for the petitioner, submitted that the review has been filed against order in P.No. 99 of 2025. A similar matter has been listed for public hearing on 08/07/2026 and requested to hear the matter on the same date. Acceding to request of the petitioner, the Commission adjourns the matter.
4. The case was heard on 08/07/2026. Ms. Aerika Singh, counsel for the respondent submitted that earlier the matter was fixed for hearing along main petition which is now scheduled on 19/08/2026 and the instant petition may also be heard on same date. Acceding to request, the Commission adjourns the matter and decides to hear the matter on 19/08/2026 with main petition i.e. P.No. 99 of 2025.
5. The case was heard on 19/08/2026. After hearing the contentions, the Commission directs the parties to submit their written submissions along with status of approval of Electrical Plan and to serve an advance copy on

the other side by 10/09/2026. The revised petition shall be listed for arguments.

6. The case was heard on 28/09/2026. Sh. Akshay Gupta counsel for the respondent submitted that the case may be heard with main petition i.e. P.No. 99 of 2025 and the same may be delinked from P. No. 96 of 2025 being a separate matter. Sh. Raghujeet Madan, counsel for the review petitioner, submitted that no application for delinking has been filed by the respondent till date. He submitted that the temporary LT connection was released pursuant to the interim order dated 05.02.2026, for a period of six months or till disposal of the main petition, whichever is earlier. He contended that the six-month period, reckoned from the date of the interim order, has expired, whereas the temporary connection continues. He further submitted that the Electrical Plan has been approved and the Demand Notice has been issued, but the respondent has not furnished the requisite Bank Guarantee. He also submitted that the respondent has neither filed its written submissions/reply nor complied with the Commission's direction to file the same by 10.09.2026. Upon enquiry by the Commission regarding the date of release of the temporary connection, it was apprised that the same had been released on 21.04.2026. The said fact was also confirmed by the respondents. The respondents, however, contended that the period of six months stipulated in the interim order ought to be reckoned from the date of release of the temporary connection, i.e., 21.04.2026, and not from the date of passing of the interim order. Accordingly, the Commission directs the respondent to file its reply before the next date of hearing, clearly indicating the status of compliance with respect to the approved Electrical Plan and submission of the requisite Bank Guarantee. An advance copy of the reply shall be provided to DHBVN. DHBVN may file a rejoinder thereto, if any, thereafter.

7. The case was heard on 06/10/2026. Ms Aerika Singh, Counsel for the petitioner submitted that the respondent has not furnished the BG as directed vide interim order dated 28/09/2026. Sh. Akshay Gupta counsel for the respondent submitted that the request for clubbing of petition No

96 & 99 of 2025 was not made by respondent. The petitioner requested for clubbing of petitions whereas the matters are different. Ms Aerika Singh, counsel for the review petitioner, submitted that no application for delinking has been filed by the respondent till date To the quarry of the Commission, the respondent submitted in case the bank guarantee is submitted the main petition becomes infructuous as the same has been filed for restoration of the single point supply regime. The Commission observes that the compliance of interim orders cannot be held in abeyance till the outcome of main petition and directs the respondent to file its reply before the next date of hearing, clearly indicating the status of compliance with respect to the approved Electrical Plan and submission of the requisite Bank Guarantee. An advance copy of the reply be provided to petitioner. DHBVN may file a rejoinder thereto, if any, thereafter.

Commission's Order:

1. The case was heard on 22/10/2026 as scheduled in the Court Room of the Commission.
2. Sh. Raghujeet Madan, counsel for the review petitioner, submitted that the temporary LT connection was released pursuant to the interim order dated 05/02/2026, for a period of six months or till disposal of the main petition, whichever is earlier and the six-month period, has expired. The respondent has not furnished the requisite Bank Guarantee against demand notice. The respondent has neither filed its written submissions/reply nor complied with the Commission's directions.
3. The Commission has examined the review petition, the primary issue concerns the regulatory mandate governing the grant of temporary electricity connections. Under Regulation 4.5 of the Supply Code 2014, an application for a temporary connection at a project site can only be allowed if submitted along with an approved Electrification Plan, or where valid license, layout, and technical documents are furnished without deficiency. This regulatory standard is reinforced by 2nd and 3rd Amendments to Regulation 34 of the Duty to Supply Regulations 2016, which replaced discretionary single-point supply and developer self-execution with mandatory multi-point supply, mandatory Electrification Plan approval prior to license and mandatory Bank Guarantees. The approval of the Electrification Plan and the submission of a Bank

Guarantee are technical and financial prerequisites to prevent unplanned development, feeder overloading, and financial defaults.

4. The Commission, in its order dated 01/04/2021 passed in HERC/PRO-68 of 2020 (CREDAI-HR v. DHBVNL), explicitly held that temporary connections released without approved Electrification Plans result in continuous infrastructure defaults where temporary supply is improperly extended to regular inhabitants. Claims of commercial difficulty or financial hardship cannot override mandatory statutory requirements, nor can powers to relax under Regulations 9 and 10 of the Duty to Supply Regulations 2016 be exercised to grant relief or exempt entities from submitting mandatory financial securities such as Bank Guarantees.
5. Pursuant to the interim directions, a temporary LT electricity connection was released on 21/04/2026 for a period of six months or until the disposal of the main petition, whichever is earlier. Computing the six-month period from the actual date of release i.e. 21/04/2026 the mandated six-month tenure expired on 20/10/2026. Despite the approval of the Electrification Plan and the subsequent issuance of a Demand Notice by the distribution licensee, the developer failed to furnish the mandatory Bank Guarantee and failed to submit written replies as directed in the interim orders dated 19/08/2026, 28/09/2026, and 06/10/2026. Because the six-month period reckoned from the date of release has fully elapsed, the interim supply granted under the order dated 05/02/2026 has naturally run its course and expired, rendering the temporary connection liable to be disconnected.
6. Taking into consideration the governing regulations and the fact that the six-month period from the release date of 21/04/2026 has expired, the review petition filed under Section 94(1)(f) of the Electricity Act, 2003 has become infructuous and nothing remains to adjudicated. With respect to the temporary connection released on 21/04/2026, the distribution licensee is directed to forthwith disconnect the temporary electricity supply.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 02/11/2026.

	Sd/-	Sd/-
Date: 02/11/2026	**(Shiv Kumar)**	**(Mukesh Garg)**
Place: Panchkula	**Member**	**Chairman**