BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/ P. No. 97 of 2025

Date of Hearing	**:**	**25/08/2026**
Date of Order	**:**	**03/11/2026**

IN THE MATTER OF:

Petition 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 Haryana Electricity Regulatory Commission (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 and 2nd Amendment dated 27th September 2023 to the extent that 11 / 0.4 kV distribution system already laid out by petitioner is accepted by the respondents instead of insisting upon replacing it with 33 / 0.4 kV system and to direct the respondents to release all the pending connections of consumers of the area which have been put on hold by them on the pretext of non-conversion of distribution system from 11/0.4 kV to 33/0.4 kV distribution system.

Petitioner

M/S B P T P limited, OT-14, 3RD Floor, Next Door, Parklands, Sector 76, Faridabad through its authorised representative Vice-President Mr. Shashi Prakash Saxena

Versus

Respondents

Dakshin Haryana Bijli Vitran Nigam Limited Vidyut Sadan, Vidyut Nagar Hisar Through its Managing Director

Present

On behalf of the Petitioner

1. Sh. Akshay Gupta, Advocate
2. Sh. Sanjeev Chopra, Representative

On behalf of the Respondents

1. Sh. Raheel Kohli, Advocate
2. Sh. Pankaj Panwar, XEN, DHBVN

QUORUM

Shri Mukesh Garg, Chairman
Shri Shiv Kumar, Member

ORDER

1. **Petition:**

1.1 INTRODUCTION AND BACKGROUND OF PETITIONER:

i. That the present petition is being preferred by M/S BPTP Limited having its registered office at OT-14, 3RD Floor, Next Door, Parklands, Sector 76, Faridabad (Haryana) herein referred to as "Petitioner", filing this petition before this Hon'ble Commission and praying to exercise its powers under Section 181(1) of the Electricity Act 2003 read with regulations 65, 66, 67 (Saving of inherent powers of the Commission), 68 (General power to Amend) and 69 & 70 (Removal of Difficulties) of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking this Hon'ble Commission to exercise its powers 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 HERC "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 and 2ND amendment dated 27TH September 2023 and to direct the Respondents to remove difficulties / relax / amend the Regulations 4.16.1 and 4.16.2 of 2nd Amendment to the extent that 11 / 0.4 kV distribution system already laid down by the Petitioner long back is accepted by the Respondents instead of insisting upon dismantling the already laid 11/0.4 kV system and to replace it with 33 / 0.4 kV system and also to direct the respondents to release all the pending connections of consumers of the area who have since applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioner

ii. That "BPTP Limited" was previously "Countrywide Promoters Pvt. Ltd.". The change in name of the company has been effected legally by following the rules and regulations in this regard and a copy of the same has also been submitted to the Respondents for effecting this change in their office records. Copy of the document effecting change in name is annexed.

iii. That "BPTP Limited" is a reputed and prominent name in the Indian Real Estate sector, widely recognized for its innovation, quality and commitment to customer satisfaction. Founded in 2003, BPTP Limited has evolved into one of the most trusted and admired real estate development companies in India. Over the years, the company has established a strong presence across the National Capital Region (NCR), including key areas such as Gurugram, Faridabad, Noida and Greater Noida. BPTP Limited has an extensive track record of delivering high quality residential and commercial projects across Haryana and the National Capital Region. The company has successfully developed and delivered several

landmark projects, ranging from integrated townships and luxury condominiums to plotted developments and commercial complexes. These projects have not only added value to the lives of thousands of families but also have contributed significantly to the infrastructural and economic development of the regions they serve.

iv. That the present petition is being filed by petitioner for its plotted colony project in the name of PARK 81, situated in Sector 81 of Faridabad district in the state of Haryana to apprise the Hon'ble Commission of the technical and practical difficulties which the petitioner is facing in commissioning and handing over of 33/11 kV substation, already constructed, and also handing over of the complete external as well as internal 11/0.4 kV electrical infrastructure to Respondents / RWA for further operation and maintenance.

v. That necessity to file this petition has arisen because the petitioner has not been able to do so because after promulgation of 2nd Amendment of HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" notified on dated 27TH September 2023, the Respondents have refused to permit commissioning and handing / taking over of 33/11 kV substation and the already commissioned 11/0.4 kV distribution network in the plotted colony project Park 81 on the grounds that the amended regulation mandates erection of 33 kV line and installation of 33/0.4 kV distribution transformers instead of the already laid out 11 kV lines and 11/0.4 kV transformers.

vi. That due to indifferent attitude of the Respondents and their refusal to take over the already laid out 11/0.4 kV network, the petitioner has not been able to obtain NOC from the Town and Country Planning department of the state and to take a respectful exit

vii. That each of the projects executed by the petitioner so far, as mentioned above in para (ii) above", has been executed strictly in accordance with the licenses issued by the Directorate of Town and Country Planning (DTCP) Haryana and in compliances of Tariff and Regulatory framework prescribed by this hon'ble Commission. The petitioner has consistently maintained impeccable compliances of all the directions of the hon'ble Commission and the distribution licensee, including adherence to tariff orders, billing procedures and consumer grievance redressal norms. The longstanding record of timely completion, transparent governance and regulatory conformity underscores the professional integrity, which it continues to uphold in the development of the projects including the plotted colony project PARK 81 in Faridabad

viii. The petitioner through authority letter hereby authorised vice-president Mr. Shashi Prakash Saxena to file the present petition on their behalf. Copy of the authorisation is annexed.

1.2 Description of Parties

i. M/S BPTP Limited having its registered office at OT-14, 3RD Floor, Next Door, Parklands, Sector 76, Faridabad (Haryana) is involved in

the business of construction and development of residential / commercial projects mainly in the NCR region and especially in districts of Gurugram and Faridabad of the state of Haryana

ii. Respondent Dakshin Haryana Bijli Vitran Nigam (hereinafter referred to as "DHBVN") is a company incorporated under the Companies Act, 1956 and has its registered office at Vidyut Sadan, Vidyut Nagar, Hisar (Haryana). The company is engaged in the business of electricity distribution in Southern part of Haryana and is governed by the provisions of the Electricity Act, 2003. The Respondent, DHBVN, issues various Sales Circulars and Instructions for conduct of the business drawing its authority from the Regulations made by the hon'ble Haryana Electricity Regulatory Commission

1.3 JURISDICTION

That the Hon'ble Commission has the jurisdiction to entertain the present petition as the present petition falls under the following provisions of the Electricity Act, 2003 (hereinafter referred to as 'the Act')

That this Hon'ble Commission has the power to make and amend regulations under Section 181 of the Electricity Act 2003

Section 181 (1) of the Act provides for this Hon'ble Commission to notify, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act. It reads as follows:

i. *Section 181 (Powers of State Commissions to make regulations)*

A. The State Commissions may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

ii. *Regulation 9, 10 and 11 of the HERC Duty to Supply Regulations (Regulation 34 read with its 1st, 2nd and 3rd Amendments) also provides for the power of this Hon'ble Commission to remove difficulties, to relax and to amend / alter the provision of the Supply Regulations.*

That powers enumerated above are sufficient for this Hon'ble Commission to afford complete relief to the Petitioner herein.

iii. *Conduct of Business Regulations 2019*

A. 65- Saving of inherent power of the Commission- 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.

B. 68- General power to amend - 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

C. 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.

D. 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.

E. Power to dispense with the requirement of the Regulations 71 The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, to dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be specified.

1.4 CONCEPTUS OF CASE:

i. That the present petition is being filed by petitioner for its plotted colony project in the name of PARK 81, situated in Sector 81 of Faridabad district in the state of Haryana, to apprise the Hon'ble Commission of the technical and practical difficulties which the petitioner is facing in commissioning and handing over of 33/11 kV substation, already constructed, and handing over of the complete external as well as internal 11/0.4 kV electrical infrastructure to Respondents / RWA for further operation and maintenance.

ii. That the petitioner has not been able to do so because after promulgation of 2nd Amendment of HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" notified on dated 27TH September 2023, the Respondents have not only refused to permit commissioning and handing / taking over of 33/11 kV substation which has been lying erected for more than a year now but also have refused to accept and take over the 11/0.4 kV distribution network which already stands commissioned long back in "PARK 81" on the grounds that the amended regulation of 2023 now mandates erection of 33 kV line and 33/0.4 kV distribution transformers instead of the already erected 11 kV lines and 11/0.4 kV transformers.

iii. That due to indifferent attitude of the Respondents and their refusal to take over the already laid out 11/0.4 kV network, the petitioner has not been able to obtain NOC from the Town and Country Planning department of the state and to take a respectful exit

iv. That in 2011, as per the policy in force at that time, the Respondents DHBVN had approved a comprehensive scheme for Sectors 80 – 89, Faridabad including PARK-81 vide office memo no. CH-9 / SE / Comml / Loose / 25 / 2007 / SOL / E64 dated 10.10.2011 (copy of the letter annexed). This approved scheme provided a single point supply connection with a total load of 176.18 MVA whereby the

petitioner was required to establish a substation of the necessary voltage rating and the capacity.

v. That initially, a 5 MVA load was released by the respondents through an 11 kV independent feeder erected from 66/11 kV substation Ford, Sector 12, Faridabad to feed the load of the petitioner's area falling under Sectors 80, 81, 82, 83, 84, 85, 86, 87, 88 & 89 of trans-canal (nahar paar) of Faridabad and accordingly, 11/0.4 kV transformers were installed and commissioned to give supply to the residents

vi. That as already explained in para (iv) above, in 2011 when the loads originally sanctioned were as per the old scheme and conditions, the project PARK-81 was part of the larger project area as a whole and which was given power at 11 kV through an independent feeder from 66 kV substation Ford, as explained in para (v) above.

vii. That in the above referred electrification scheme sanctioned on 10.10.2011, there were clear separate instructions w.r.t. the plotted colony and the group housing GH-1 to GH-9. Conditions at Sr. nos. 3 & 4 of the sanction letter are reproduced hereunder for ready reference:

Condition at Sr. No. 3

"The colonizer shall have to construct 10 nos. 10 MVA 33/11 kV GIS S/Stn. with the provision of one spare bay for additional 10 MVA 33/11 kV transformer at every S/Stn. and each S/Stn. to comprise of one no. 10 MVA 33/11 kV transformer for the builder & 10 MVA 33/11 kV T/F for DHBVN area"

Condition at Sr. No. 4

"The colonizer has to install 227 nos. 500 kVA, 1 no. 250 kVA and 1 no. 100 kVA 11/0.4 kV distribution transformers for plotted, common services and street lighting as per P&D Instruction no. 9/2011 & CEA guideline regarding safety precaution should be adhered to for connecting the same.

He will construct S/Stn. 33/0.4 kV S/Stn. for every Group Housing GH-1, GH-2, GH-3, GH-4, GH-5, GH-7, GH-8 & GH-9 having load 6278, 9718, 7169, 6514, 9048, 6808, 8764 & 8573 kVA respectively except GH-6 which shall have load 3166 kVA to be fed through 11 kV feeder emanating from proposed P-1/33 kV S/Stn".

viii. That accordingly, in compliance to the sanctioning of scheme, 11 kV lines were erected in the area and 11/0.4 kV transformers were installed and commissioned as per requirement from time to time

ix. That as per 1st Amendment to Regulation 3.2 (Classification of Supply) of the Electricity Supply Code in November 2014, the existing regulation 3.2.1 was substituted with the following Regulation

"3.2.1 Supply shall generally be given at the following voltages on the basis of contracted load:

Contracted load exceeding 2000 kVA and up to 25000 kVA
(3 Phase at 33 kV)"

x. That subsequently in 2015, the respondents revised their load norms and also the conditions for sanctioning of load to "project

wise" instead of taking sum of all the projects of a builder together in a district. Sales Circular D-1/2015 was issued by the respondents in this regard. (Copy of this circular is hereby annexed)

xi. That in compliance of the changed rules and conditions, the petitioner applied for re-sanctioning of electrification plan of PARK-81 project based upon project wise individual loads

xii. That a new electrification plan for PARK-81 plotted colony was sanctioned by the respondents on 24.11.2020 with an ultimate load of 13.81 MVA at 33 kV, featuring a multi-point metering system for individual electricity consumers directly by the respondents (copy of sanction letter annexed)

xiii. That after this sanctioning of revised Electrification Plan, the respondents started insisting that a 33/0.4 kV network should be erected in place of 11/0.4 kV network

xiv. That the petitioner time and again reminded the respondents that theirs was not a new case but that the electrification of the area at 11/0.4 kV level had started way back in 2011 and that there was no justification on the part of the respondents to now ask for replacing the existing network with 33/0.4 kV network and 33/0.4 kV transformers

xv. That in reference to the queries raised by petitioner and field offices of the respondents from time to time, the office of Chief Engineer / Commercial vide his office memo no. Ch-141/SE / C-317 / Gen dated 30.05.2022 (copy annexed) conveyed as under:
"Please refer to Sales Circular NO. D-14/2018 wherein it has been mentioned that for multipoint connection, builder/developer shall lay 33/0.4 kV electrical infrastructure in the area falling under 33 kV belt. Now, the matter has been reviewed and it has been decided that for old cases where electrification already stand approved and the builder/developer has already created infrastructure on 11 kV network, then 33/11/0.4 kV system shall be allowed subject to condition that metering/billing & other related provisions will be as per HERC Single Point Regulation, 2020 notified vide Sales circular no. D-17/2020."

xvi. That despite the above clarification, the local offices of the respondents did not budge from their earlier stand and kept on insisting erection of 33/0.4 kV network. The petitioner time and again informed the respondents that the case of petitioner was peculiar in the sense that 11/0.4 kV system had been laid way back in 2011 and DHBVN had already released around 750 nos. connections to the residents there and therefore any amendments made thereafter in the Regulation should not be made applicable where the 11/0.4 kV network had already been laid and had been running since 2011. One of such communication vide letter dated 16.09.2023 is annexed)

xvii. That keeping in view the facts explained in above referred letter from the petitioner, the office of SE Operation vide his office letter memo no. CH-223/GCFC-4 dated 20.09.2023 (copy annexed) conveyed

approval for installation of 11/0.4 kV transformer instead of 33/0.4 kV transformer as under:

"However it may be ensured that the applicant fulfils all the conditions as per Nigam Sales Circular / Instruction & letter of SE/Commercial DHBVN Hisar vide memo no. CH-141/SE/C-317/Gen dated 30.05.2022"

xviii. That again after revision of load norms, the office of Chief Engineer / Commercial, DHBVN Hisar vide his office memo no. Ch-20/OLNC-HT/FBD/EP-398 dated 23.02.2024 "*reapproved the electrification plan comprising an ultimate load of 10878.06 kW or 12086.7 kVA applied by M/S Countrywide Promoters Pvt. Ltd. For Residential Plotted Colony over an area measuring 109.703 acres for the premises at sector 81, Faridabad – Re-sanction of the Ultimate load thereof".* Copy of this re-sanction letter is annexed)

xix. That the condition of above sanction at Sr. no. 2(I) is reproduced as under:

Description of Area / Building	Area (in acres)	Ultimate Load (in kW)	Ultimate Load (in kVA)	Connection Detail
Residential Plotted Colony/scheme (RPS) of M/S Countrywide Promoters Pvt. Ltd.)	97.812	7431.65	8257.40	Individual electricity connections to the residents / members and for common services & NDS load as per single point regulation 2020 circulated vide sales circular D-17/2020 and appropriate capacity of DTs should be installed commensurate to the load of 8257.4 kVA in view of the Instruction No. 02/2019/PD&C of CE/PD&C, DHBVN, Hisar
Group Housing Colony / Scheme (GHS) of M/S Countrywide Promoters Pvt. Ltd. Along with M/S Puri	11.909	3446.41	3829.35	

Constructions Pvt. Ltd.				
Total	109.721	10878.06	12088.74	One no. Single Point Connection to GHS as per single point regulations 2020 circulated vide sales circular no. D-17/2020

xx. That Instruction No. 02/2019/PD&C of CE/PD&C, DHBVN, Hisar (copy of instructions is annexed) says as under:

"Guidelines for laying of 33 kV and 11 kV underground electrical distribution system in builders'/developers' areas:

The guidelines for laying of 33 kV and 11 kV underground electrical distribution system in builders' / developers' areas have been evolved as under:

General Points:

i) It has already been decided by DHBVN that the Sectors from 58 to 115 in Gurugram and Sector from 75 to 89 in Faridabad are to be electrified on 33 kV primary voltage level and the secondary distribution network to be laid by the HUDA / HSIIDC / Colonizers / Licensee /SEZ shall be 33/0.433 kV or 33/11/0.433 kV

Technical Points:

v) 33/0.433 kV Distribution Transformer with ratings of 400 kVA, 630 kVA and 1000 kVA with adequate redundancy shall be considered for electrification of distribution system in a plotted area. In addition to the above capacity, DTs of ratings 1250 kVA, 1650 kVA, 2000 kVA, 2500 kVA and 3150 kVA with adequate redundancy shall be considered for electrification of distribution system in group housing societies as per the sanctioned load. The ceiling on maximum loading of the distribution transformer(s) shall be 80%

Another option is to install and commission a 33/11 kV substation (rating in multiples of 8, 10, 12.5 MVA power transformers) and further installation of 11/0.433 kV underground distribution network may also be explored. However, 33 kV substation can be of GIS or AIS as opted by the HUDA/HSIIDC/Private Colonizers/Developers/SEZs etc. In case of 33/11/0.433 kV system, the capacity of DTs shall be the same as defined above"

xxi. That it being a matter of design and being purely a matter handled by Planning & Design wing of the respondents, the above referred instructions of PD&C wing made it clear that so far as option of the secondary voltage of the 33 kV network was concerned, it could either be 33/0.433 kV or 33/11/0.433 kV. Only the primary side voltage level of 33 kV was made mandatory. But the Commercial

wing while issuing Sales Circulars in this regard ignored the design instructions issued by the Planning & Design wing and did not mention the option of 33/11/0.433 kV network

xxii. That in compliance of the prevailing instructions and the sanction letters, the office of Chief Engineer / Operation Delhi Zone, DHBVN vide his office memo no. ch-02/WO/E-7/2024-25/FBD dated 02.06.2024 sanctioned the Deposit Estimate No. D-82/2024-25 (copy of the estimate annexed) wherein the Name of Work has been defined as under:
"Deposit estimate for providing 33/11 kV Substation and erection of underground new LT Lines with XLPE cables I/C supplying and fixing of the 33/11 kV 10 MVA Power Transformer and Distribution Transformers from 400 kVA to 1600 kVA as approved with multi metering by SE/R-PDRP DHBVN Hisar vide memo no. Ch-5/SE/R-APDRP/ONNC-HT/FBD/EP-59 dated 24.11.2020 to M/S Countrywide Promoters Pvt. Ltd. Sector 81, Faridabad under "Op" S/Divn. DHBVN, Kheri kalan during the year 2024-25 for Rs. 12,31,48,964/-

xxiii. That in compliance to above provisions of sanctioning and the approved estimate, the petitioner has erected a 33/11 kV substation with 12.5 MVA transformer and the substation has been duly inspected and cleared for commission by the office of Chief Electrical Inspector vide his office memo no. 1065 dated 10.10.2024.

xxiv. That supervision charges @ 1.5% of the estimated cost were duly deposited with the respondents before starting erection of the substation

xxv. That this 33/11 kV substation has not been allowed to be commissioned as yet by the respondents even after one year of its erection and clearance by the Chief Electrical Inspectorate

xxvi. That the petitioner vide letter dated 17.10.2024 (copy of letter annexed) conveyed the complete situation on ground i.e. energisation of 33 kV switching station and installation of distribution transformers commensurate with the approved scheme and the load of plotted colony in Sector 81 Faridabad and requested them not to hold the release of connections of new applicants. Also, that 11/0.433 kV Distribution transformers of a total capacity of 8530 kVA have been installed to cater to the load of plotted colony, which are in line with the approved scheme and sanctioning of load by the respondents. Copy of letter of petitioner dated 09.01.2025 is annexed) for ready reference wherein the capacities of distribution transformers have been brought on record

xxvii. That the petitioner again apprised the respondents about the factual position at ground vide letter dated 12.11.2024

xxviii. That when the petitioner did not get any response from the local offices of the respondents in Faridabad, the petitioner represented the complete case to the Managing Director DHBVN vide letter dated 12.03.2025 for ready reference

xxix. That in compliance to the above representation, the authorities in DHBVN constituted a committee of two officers vide office order no. 90 dated 25.03.2025

xxx. That further representations were also made to the Managing Director DHBVN vide letters dated 25.04.2025, 26.05.2025 and 14.08.2025 respectively for ready reference

xxxi. That the petitioner submitted a detailed representation to the office of SE Commercial DHBVN vide letter dated 22.08.2025 (copy of letter annexed) explaining therein the facts and figures. Also, that 33/11 kV substation has been lying erected for almost a year now and because of non-commissioning of which the whole set of investments have been lying waste. Even more serious is the issue that DHBVN has not been releasing electricity connections to new applicants who have since constructed their houses but have been forced to run generators despite having complied with all the rules and regulations of the respondents

xxxii. That it is learnt that the respondents have been taking shield of *HERC "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 and 2ND amendment dated 27TH September 2023* for not allowing the commissioning of 33/11 kV substation and release of connections to the new applicants on the grounds that Regulations 4.16.1 and 4.16.2 of 2nd Amendment mandated erection of 33/0.4 kV network with 33 kV line running around the area and installation of 33/0.4 kV distribution transformers instead of 11 kV line and 11/0.4 kV transformers.

xxxiii. That Regulations 4.16.1 and 4.16.2 are reproduced hereunder for ready reference:

4.16.1 System Voltage:

"Notwithstanding anything else contained in these regulations, the licensee shall release all electricity connections in configuration of 220/33/0.4 kV in new Sectors 58 – 115 and Sector 37C & 37D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi – Jaipur highway in Dharuhera ("33 kV Pilot Project Belt/33 kV PPB").

4.16.2 Internal Electrical Infrastructure.

i) The Builder/Developer(s), at its own cost and expense, shall be responsible to erect and install adequate internal electrical infrastructure for drawing electricity at 33 kV level from the switching station. Such internal electrical infrastructure shall include installation of the required Electric Line and Electrical Plant within its premises for e.g. 33 kV lines and 33/0.4 kV distribution transformers, LT lines etc.

ii) The phase wise development of the internal electrical infrastructure of such area/complex/colony as per requirement may be permitted by the licensee as per the extant regulations. However, in case of Govt Deptt. / agencies of HSVP/HSIDC etc.

the undertaking of the Secretary of the Deptt. concerned may be accepted in lieu of Bank Guarantee.

xxxiv. That whereas the respondents have taken shield of Regulations 4.16.1 and 4.16.2 as the basis for not allowing commissioning of 33/11 kV substation and for not accepting the already laid 11/0.4 kV distribution network in the areas, they have not taken cognizance of the Regulation 4.16.9 which is reproduced as under:

4.16.9 Upgradation of the existing Infrastructure from 11 kV to 33 kV

i) Where electrification plan has already been approved on 11 kV and adequate infrastructure for the ultimate load at 11 kV has been created, the cost for switching over from 11 kV to 33 kV shall be borne by the Licensee and such cost shall form part of the ARR.

ii) In cases where estimates for installation of internal infrastructure by the Builder/Developer(s) at 11 kV has been approved, supervision charges have been collected by the licensee and the work of installation of internal infrastructure has been started (after placing work orders/ purchase orders) by the Builder/Developer(s) before the date of notification of this amendment, the licensee shall not enforce revision of estimates. Shifting from 11 kV to 33 kV system will be done by the licensee at its own cost and such cost shall form part of the ARR.

xxxv. That it is absolutely wrong on the part of the respondents to insist at this stage that the petitioner dismantles its 33/11 kV substation, installs 33/0.4 kV transformers, dismantles the already running 11 kV lines and replaces them with 33 kV lines, dismantles all the installed 11/0.4 kV transformers and replace them with 33/0.4 kV transformers in order to comply with the provisions of Regulation 4.16.1 and 4.16.2 of the 2nd Amendment, as explained in above paras

xxxvi. APPEAL

That 11 / 0.4 kV distribution system already laid out by Petitioner long back is accepted by the Respondents instead of insisting upon dismantling the already laid 11/0.4 kV system and to replace it with 33/0.4 kV system and also to direct the respondents to release all the pending connections of consumers of the area who applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system the 2nd amendment

xxxvii. GROUNDS OF APPEAL

1. The area in question i.e. PARK-81 was originally a part of the comprehensive scheme area, wherein 11/0.4 kV network had been sanctioned way back in 2011 and it had to be laid to provide electricity to the residents / consumers
2. More than 750 connections have already been released by the respondents in the plotted colony of the scheme PARK-81

3. It was in January 2015 when the system of 33 kV distribution network was introduced in the new upcoming sectors of Gurugram and Faridabad
4. At that time, when it was made mandatory for the colonizers to develop 33 kV network in their areas, 33 kV level was not available in Faridabad and there was no option available except to erect 11/0.4 kV network
5. As per PD&C Instructions 2/2019, it was mandatory to lay 33 kV voltage level on the primary side only i.e. from the respondent's substations to the colonizer's premises but so far as secondary side of the internal infrastructure was concerned, there was an option to erect either 33/0.4 kV network or to erect a 33/11/0.4 kV network
6. Estimate for 33/11 kV substation was duly sanctioned by the office of Chief Engineer Operation Delhi Zone after which the petitioner has constructed the substation
7. Regulation 4.16.9 clearly stipulates that:
   i) Where electrification plan has already been approved on 11kV and adequate infrastructure for the ultimate load at 11 kV has been created, the cost for switching over from 11 kV to 33 kV shall be borne by the Licensee and such cost shall form part of the ARR.
   ii)In cases where estimates for installation of internal infrastructure by the Builder/Developer(s) at 11 kV has been approved, supervision charges have been collected by the licensee and the work of installation of internal infrastructure has been started (after placing work orders/ purchase orders) by the Builder/Developer(s) before the date of notification of this amendment, the licensee shall not enforce revision of estimates. Shifting from 11kV to 33 kV system will be done by the licensee at its own cost and such cost shall form part of the ARR
8. The petitioner has never violated any of the instructions of the respondents so far erection of 11/0.4 network is concerned

PRAYER

In view of the submissions made herein above and those made at the time of the oral hearing, it is humbly prayed that this Hon'ble Commission may be pleased to:

i) Admit the present petition; and
ii) Exercise its powers under Regulations 65, 66, 67, 68, 69 & 70 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 to amend and / or Relax the Regulations 4.16.1 and 4.16.2 of the Regulation 34 of 2016 promulgated through its 2nd amendment to the extent that 33/11/0.4 kV distribution system already laid down by the Petitioner long back since 2011 becomes valid and accepted by the Respondents instead of insisting upon dismantling the already laid 33/11/0.4 kV system and to replace it with 33/0.4 kV system; to direct the respondents to allow commissioning of 33/11 kV substation which has been lying erected for the last one year; and also to direct the respondents to release all the pending connections of new applicants of the area who have

since applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioner

iii) Exercise its powers under Regulations 9, 10 & 11 of the HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" to amend and / or Relax the Regulations 4.16.1 and 4.16.2 of the Regulation 34 of 2016 promulgated through its 2nd amendment to the extent that 33/11/0.4 kV distribution system already laid down by the Petitioner long back since 2011 also valid and accepted by the Respondents instead of insisting upon dismantling the already laid 33/11/0.4 kV system and to replace it with 33/0.4 kV system; to direct the respondents to allow commissioning of 33/11 kV substation which has been lying erected for the last one year; and also to direct the respondents to release all the pending connections of new applicants of the area who have since applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioner

iv) To allow any other relief as deemed fit by the Hon'ble Commission

2. **IA-40 of 2025:**

2.1 That this IA is being filed in addition to the main petition filed by M/s BPTP Limited having its registered office at OT-14, 3RD Floor, Next Door, Parklands, Sector 76, Faridabad (Haryana) herein referred to as "Petitioner"

2.2 That the main petition has been separately filed before the hon'ble Commission

2.3 That "BPTP Limited" was previously "Countrywide Promoters Pvt. Ltd.". The change in name of the company has been effected legally by following the rules and regulations in this regard and a copy of the same has also been submitted to the Respondents for effecting this change in their office records.

2.4 That "BPTP Limited" is a reputed and prominent name in the Indian Real Estate sector, widely recognized for its innovation, quality and commitment to customer satisfaction. Founded in 2003, BPTP Limited has evolved into one of the most trusted and admired real estate development companies in India. Over the years, the company has established a strong presence across the National Capital Region (NCR), including key areas such as Gurugram, Faridabad, Noida and Greater Noida. BPTP Limited has an extensive track record of delivering high quality residential and commercial projects across Haryana and the National Capital Region. The company has successfully developed and delivered several landmark projects, ranging from integrated townships and luxury condominiums to plotted developments and commercial complexes. These projects have not only added value to the lives of thousands of families but

also have contributed significantly to the infrastructural and economic development of the regions they serve.

2.5 That the present interim application is being filed for an early and urgent hearing of the main petition filed by the petitioner for its plotted colony project in the name of PARK 81, situated in Sector 81 of Faridabad district in the state of Haryana and to apprise the Hon'ble Commission of the technical and practical difficulties which the petitioner is facing in commissioning and handing over of 33/11 kV substation, already constructed, and also handing over of the complete external as well as internal 11/0.4 kV electrical infrastructure to Respondents / RWA for further operation and maintenance and to direct the respondents to release all the new connections, which have been put on hold by them

2.6 The petitioner through authority letter hereby authorised vice-president Mr. Shashi Prakash Saxena to file the present petition on their behalf.

2.7 That necessity to file this interim application petition has arisen because the petitioner has not been able to commission and handover 11 kV system to the Respondents / RWA because after promulgation of 2nd Amendment of HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" notified on dated 27TH September 2023, the Respondents have refused to permit commissioning and handing / taking over of 33/11 kV substation and the already commissioned 11/0.4 kV distribution network in the plotted colony project Park 81 on the grounds that the amended regulation mandates erection of 33 kV line and installation of 33/0.4 kV distribution transformers instead of the already laid out 11 kV lines and 11/0.4 kV transformers.

2.8 That due to indifferent attitude of the Respondents and their refusal to take over the already laid out 11/0.4 kV network, the petitioner has not been able to obtain NOC from the Town and Country Planning department of the state and to take a respectful exit

2.9 That in 2011, as per the policy in force at that time, the Respondents DHBVN had approved a comprehensive scheme for Sectors 80 – 89, Faridabad including PARK-81 vide office memo no. CH-9 / SE / Comml / Loose / 25 / 2007 / SOL / E64 dated 10.10.2011. This approved scheme provided a single point supply connection with a total load of 176.18 MVA whereby the petitioner was required to establish a substation of the necessary voltage rating and the capacity.

2.10 That initially, a 5 MVA load was released by the respondents through an 11 kV independent feeder erected from 66/11 kV substation Ford, Sector 12, Faridabad to feed the load of the petitioner's area falling under Sectors 80, 81, 82, 83, 84, 85, 86, 87, 88 & 89 of trans-canal (nahar paar) of Faridabad and accordingly, 11/0.4 kV transformers were installed and commissioned to give supply to the residents

2.11 That despite all the facts in the knowledge of respondents, the local offices of the respondents have not budged from their stand and are

insisting erection of 33/0.4 kV network. The petitioner informed the respondents time and again that the case of petitioner was peculiar in the sense that 11/0.4 kV system had been laid way back in 2011 and DHBVN had already released around 750 nos. connections to the residents there and therefore any amendments made thereafter in the Regulation should not be made applicable where the 11/0.4 kV network had already been laid and had been running since 2011. One of such communication vide letter dated 16.09.2023 is annexed.

2.12 That that 33/11 kV substation has been lying erected for almost a year now and because of non-commissioning of which the whole set of investments have been lying waste. Even more serious is the issue that DHBVN has not been releasing electricity connections to new applicants who have since constructed their houses but have been forced to run generators despite having complied with all the rules and regulations of the respondents. These connections have been put on hold because the respondents are insisting on replacement of existing 11 kV network with 33 kV network

2.13 Hence, this instant Interim Application for early and urgent hearing.

Prayer:

1. To admit this Interim Application; and
2. To hear this Interim Application on urgent basis in the interest of justice; and
3. To direct the respondents to release the electricity connection which have been put on hold by the respondents on the grounds that petitioner replaces all the 11 kV network with 33 kV network including the distribution transformers

3. The case was heard on 05/03/2026, Ms. Aerika Singh submitted that although no instructions have been received from DHBVN pertaining to this case but she assured to take up the matter with DHBVN and submit the reply. Sh. Akshay Gupta insisted to hear the matter with respect to IA and decide the same. The Commission observes that the matter cannot be decided without any reply from the respondent, so adjourns the matter and directs the respondent to submit its reply to the IA and main petition with in two (2) weeks and directs petitioner to submit its rejoinder with in two (2) weeks thereafter with advance copies to either parties.
4. The case was heard on 07/04/2026, Ms. Aerika Singh submitted that no advocate has been engaged in this matter till date, the matter is being pursued with authorities and requested for time to file the reply. Sh. Akshay Gupta insisted to hear the matter with respect to IA and decide the same. He further submitted that the consumers are facing difficulty and the problem will worsen in ensuing summer season. The MDI of the existing connections has touched a peak of 2.4 MW only as such the respondents may be directed to release the connections subject to final

outcome of the main petition. The Commission called the concerned SDO present in the court and enquired about the present status, SDO apprised that 750 connections have already been released against partial sanctioned load of 5 MVA. Till date, 215 connections have been denied due to pending sanction of the remaining load. The Commission considered the arguments advanced by both the parties and observes that the respondents have not filed any reply to the petition till date and the consumers are bearing the brunt of casual approach of the respondent, thus to provide immediate relief to consumers, directs the respondent to release the connections of the applicants ensuring completion of the due formalities subject to final outcome of the main petition. The IA-40 of 2025 is disposed of in above terms. Further the respondent is directed to submit its reply to main petition with in two (2) weeks and petitioner to submit its rejoinder with in two (2) weeks thereafter with advance copies to either parties.

5. The case was heard on 19/05/2026, Sh. Raheel Kohli submitted a list of the applications received and connections released in compliance to the order dated 07/04/2026. He added that this list will be the part of their reply and the same will be submitted within one week. Sh.Sanjeev Chopra submitted that no connections have been released since the last order dated 07/04/2026. He further submitted that connections are still pending. The concerned XEN submitted that the connections are pending for want of meters. Further the applicants are applying for load far above the approved electrification plan. Sh. Sanjeev Chopra requested for time to file the rejoinder.

   Acceding to requests of the parties, the Commission adjourns the matter and directs respondent to submit its reply with in two (2) weeks and petitioner to submit its rejoinder with in two (2) weeks thereafter with advance copies to either parties.

6. **Reply of respondent DHBVN received on 08/07/2026:**

   MOST RESPECTFULLY SHOWETH:

   6.1 The present reply is being filed on behalf of Dakshin Haryana Bijli Vitran Nigam Limited ("Respondent"), to the captioned petition ("Petition") filed by M/s BPTP Limited ("Petitioner"). The Petition has been filed primarily seeking amendment of the Duty to Supply Electricity on Request, Power to recover expenditure incurred in providing supply and power to require security, Regulations, 2016 ("Duty to Supply Regulation").

   6.2 At the outset, the Respondent denies and refutes the contents of the Petition, save and except to the extent herein expressly admitted and

no part thereof should be presumed to have been admitted on account of express or implied non-denial or non-traversal thereof. Averments made in the Petition are evidently baseless and unwarranted and hence deserve no consideration by this Hon'ble Commission.

CONSPECTUS OF THE MATTER

6.3 The present matter fundamentally concerns the Petitioner's incorrect and attempt to portray the requirement of establishing a 33/0.433 kV distribution system ("33 kV System") as a consequence of the amendment dated 27.09.2023 to Duty to Supply Regulation ("2nd Amendment"). The said contention is wholly misconceived. The requirement of a 33 kV System flows directly from the approved electrification plan and existed much prior to the said amendment. The approved electrification plan inherently contemplated development through a 33 kV System infrastructure considering the nature and load requirements of the project. Accordingly, the Respondent is not imposing any new or additional obligation under the guise of the amendment dated 27.09.2023, but are merely insisting upon compliance with the existing technical and infrastructural framework already forming part of the approved electrification plan. The amendment merely reinforces the prevailing regulatory position and cannot, by any stretch, be construed as introducing a fresh obligation upon the Petitioner.

6.4 The Petitioner has further alleged that the Respondent, while insisting upon establishment of a 33 kV System, has failed to take cognizance of Regulation 4.16.9 of the applicable Regulations, under which Regulation 4.16.2 allegedly stands excluded in the Petitioner's case. The said contention is equally misconceived and proceeds on a complete misreading of the regulatory framework. Regulation 4.16.9 inter-aliaapplies only in cases where electrification plans had already been approved on 11 kV basis The Petitioner's case does not satisfy the conditions precedent contemplated under Regulation 4.16.9. Consequently, the Petitioner cannot seek exemption from compliance with the requirement of establishing a 33 kV System.

PRELIMINARY SUBMISSIONS/OBJECTIONS:

6.5 It is respectfully submitted that the present Petition is wholly misconceived, devoid of merit, and liable to be dismissed at the threshold. The entire Petition proceeds on an erroneous premise that the requirement of establishing a 33/0.433 kV distribution system has arisen only pursuant to the 2nd Amendment The said contention is wholly incorrect and misleading. The requirement of establishing 33 kV System flows directly from the approved electrification plan governing the project and existed much prior to the said amendment. The amendment merely reiterates and reinforces the existing regulatory framework and does not introduce any fresh obligation upon the Petitioner.

6.6 It is respectfully submitted that the Petitioner is, in effect, seeking to convert a temporary and conditional 11 kV arrangement into a permanent vested right, despite having consciously accepted the

obligation to establish the requisite 33 kV System for the ultimate sanctioned load. The present proceedings are therefore nothing but an attempt to bypass the binding conditions of the approved electrification plan and to compel the Respondent to accept and regularize a deficient and non-compliant infrastructure.

6.7 It is utmost relevant to mention that the ultimate financial burden arising from such non- compliance and deficient infrastructure would inevitably fall upon the consumers of the State of Haryana. The Petitioner, under the guise of alleging purported technical and commercial difficulties, is in effect attempting to transfer and pass on its own statutory and commercial obligations to the public utility and, consequently, to the consumers at large. Such an attempt is contrary to the very scheme and object of the applicable regulatory framework and deserves outright rejection by this Hon'ble Commission.

SUBMISSIONS ON MERIT

6.8 It is that, in terms of Sales Circular No. D-1/2015 dated 02.01.2015, the Petitioner vide application dated 16.07.2020 sought approval of the Electrification Plan/Electrification Scheme for the area in question from the Respondent. Copy of Sales Circular No. D- 1/2015 dated 02.01.2015 and Petitioner application dated 16.07.2020, along with the layout shared by the Petitioner vide its email dated 19.11.2020 are annexed herewith and marked as "Annexure R-1" and "Annexure R-2 (Colly)", respectively.

6.9 Pursuant to the aforesaid application, the Electrification Plan was approved vide approval dated 24.11.2020, wherein it was categorically stipulated that the ultimate load of the project shall be fed through a 33 kV System and corresponding 33 kV switching station to be developed by the Petitioner at its own cost. The said approval further expressly provided that supply at the 11 kV level was only a temporary arrangement for a maximum period of three years, within which the Petitioner was required to establish the requisite 33 kV System and shift the feeding arrangement accordingly.

6.10 Thereafter, vide re-approval dated 23.02.2024, the sanctioned load was recalculated in terms of revised norms; however, all terms and conditions of the approval dated 24.11.2020 were specifically continued without any modification whatsoever. Consequently, the obligation to establish the 33 kV System and shift from the interim 11 kV arrangement remained binding and operative upon the Petitioner.

6.11 Despite availing the benefit of the interim arrangement, the Petitioner has failed to develop the mandated 33 kV System within the stipulated period and continues to rely upon the temporary 11 kV arrangement in complete deviation of the approved Electrification Plan. The Petitioner cannot now seek to compel the Respondent to regularize or permanently accept a system which is admittedly contrary to the approved scheme governing the project.

6.12 It is further respectfully submitted that the Petitioner's reliance upon Regulation 4.16.9 is wholly misplaced and misconceived. The said provision applies only in cases where the approved Electrification Plan itself contemplated electrification at 11 kV level for the ultimate sanctioned load. In the present case, the Revised Electrification Plan dated 24.11.2020 itself mandates feeding through a 33 kV System for the ultimate sanctioned load, while the 11 kV arrangement was permitted only as an interim and temporary arrangement. Consequently, the Petitioner cannot invoke Regulation 4.16.9 to seek regularization of a non-compliant infrastructure developed contrary to the approved Electrification Plan.

6.13 The Petitioner's reliance upon and interpretation of Instruction No. 02/2019/PD&C is equally misconceived and misplaced. It is respectfully submitted that the approved Electrification Plan specifically mandates feeding at the 33/0.433 kV level for the ultimate sanctioned load. The said instruction neither overrides the approved Electrification Plan nor supports the case sought to be set up by the Petitioner in the present proceedings.

6.14 It is further submitted that vide Memo dated 25.04.2023, extension of interim/partial load from 2 MVA to 5 MVA was sanctioned in favour of the Petitioner; however, the said extension was expressly made subject to strict compliance with the approved Electrification Plan, applicable Sales Circulars, and the requirement of shifting the feeding arrangement from 11 kV to 33 kV upon establishment of the requisite infrastructure.

6.15 Thereafter, vide letter dated 12.11.2024, the Petitioner was specifically informed that the approved Electrification Plan contemplated supply at 33/0.433 kV level and that inspection conducted by DHBVN had revealed that the internal infrastructure developed by the Petitioner continued to exist at 11/0.433 kV level, which was contrary to the approved Electrification Plan. The Petitioner was accordingly directed to develop the infrastructure strictly in conformity with the approved scheme.

6.16 The correspondence exchanged between the parties further establishes that the Petitioner was fully aware that the 11 kV arrangement was only temporary in nature. In fact, vide letter dated 16.09.2023, the Petitioner itself admitted that while the internal electrification had been carried out at 11 kV level pursuant to the earlier arrangement, the Revised Electrification Plan approved on 24.11.2020 mandated supply at 33/0.433 kV level. The Petitioner merely sought relaxation on the ground that conversion of the existing system was allegedly inconvenient and commercially difficult. Such inconvenience cannot override the binding Electrification Plan and applicable regulatory framework.

6.17 A combined Electrification Scheme considering 'District as one' was earlier approved for the Ultimate Load of 176.18 MVA for the residential colony falling in Sector-80 to 89, Faridabad, vide Memo No. Ch-9/SE/Comml/Loose/25/2007/SOL/F-64 dated 10.10.2011 with the following feeding arrangement: -

1. The colonizer shall have to construct one No. 220/33 KV GIS S/Stn. at his own cost in the premises of the colony as per the design approved by HVPN, comprising 2Nos. power transformer of 100 MVA each capacity and to have a spare bay for 3rd 100 MVA power transformer for HVPN as per PD&C Instruction No 9/2011.

2. Regarding the share cost of the main sub-station, colonizer shall comply with the formalities as per the instructions of the Nigam issued by GM/Commercial DHBVN, Hisar memo No. Ch 51/SE/Comml-4558 dated 11/1/2004 and HVPN Instructions.

3. The colonizer shall have to construct 10 Nos 10 MVA 33/11 KV GIS S/Stn. with the provision of one spare bay for an additional 10 MVA 33/11 KV transformer at every S/Stn. and each S/Stn. to comprise of one Nos. 10 MVA 33/11 KV Transformer for the builder & 10 MVA 33/11 KV T/F for the DHBVN area.

4. The colonizer has to install 227 No. X 500 KVA, 1 No. X 250 KVA and 1 No. X 100 KVA, 11/0.433 KV Distributed Transformer for plotted, common services & street lighting as per P&D Instruction No. 9/2011 & CEA guidelines regarding safety precautions should be adhered to for connecting the same.

He will construct S/Stn. 33/0.4 KV S/Stn. for every Group Housing GH-1, GH- 2, GH-3. GH-4, GH-5, GH-7, GH-8 & GH-9 having load 6278, 9718, 7169, 6514, 9048, 6808, 8764 & 8573 KVA respectively, except GH-6 which shall have load 3166 KVA to be fed through 11KV feeder emanating from proposed P1/33 KV S/Stn.

For Commercial areas

(a) 1.28 acres fall under sector-80, with a load of 1.393 MVA shall be fed on an 11 KV feeder emanating from the proposed 33 KV S/Stn.

(b) 4.45 Acre falling in Sector-81 with a load of 4846 KVA shall be fed on 33 KV level. 33 KV S/Stn. No. C-1/33 shall be constructed by the colonizer in the premises of the Commercial Area.

(c) (i) Commercial complex of 11.94 acres falling in Sector having a load of 13002 KVA shall be fed on 33 KV level. 33 KV C-2/33 shall be constructed by the colonizer in the premises of the Commercial Complex.

(ii) 6.958 MVA Load of SCOs shall be fed from the respective Transformer of the plotted area."

6.18 Subsequently, M/s Countrywide Promoters Pvt. Ltd. applied for revision of the above Electrification Plan (EP) for their Residential Plotted & Group Housing Colony in view of Sales Circulars No. D-01/2015 and D-24/2019, and as per the individual scheme approved by DTCP. While clarifying the eligibility of the builder for reapproval of EP, SE/Operations, Circle Faridabad, vide Memo No. Ch-147/SI-1671 dated 08.09.2020, intimated that M/s Countrywide Promoters Pvt. Ltd. had not created any infrastructure corresponding to the earlier approved EP dated 10.10.2011. Only a partial load of 5 MVA has been allowed to the builder, and the same is being used by the builder to provide connections in all the project areas.

6.19 For the reapproval of EP as per the instructions/regulations, M/s Countrywide Prmoters Pvt. Ltd. also provided land for the creation of

a 33 kV Switching Station and earmarked the Distribution Transformers (DTs) on the DTCP approved layout plan with configuration at 33/0.433 kV level, as the premises fall under 33 kV PPB.

6.20 Accordingly, a revised Electrification Plan for an Ultimate Load of 12475KW or 13861.10KVA (assessed as per Sales Circular no. D-16/2017, D-24/2019) along with the partial load of 2MVA for the plotted colony, as applied by M/s Countrywide Promoters Pvt. Ltd. for their Residential Plotted and Group Housing Scheme over an area of 109.721 acres at Sector-81, Faridabad under Operation Sub-Division Kheri Kalan, was approved on 33/0.433 kV configuration vide this office Memo No. Ch-54/SE/R- APDRP/OLNC-HT/FBD/EP-59 dated 24.11.2020 with the following connection details:-

II. Connection(s) was to be released as per the following: -

Description of Area/Building	Area (in acres)	Ultimate Load (in KW)	Ultimate Load (in KVA)	Connection Detail
Residential Plotted Colony/scheme (RPS) of M/s Countrywide	97.812	8444.45	9382.73	Individual electricity connections to the residents/members and for common services & NDS
Group Housing Colony (GHS) of M/s Countrywide Promoters Pvt Ltd along with M/s Puri Constructions Pvt Ltd	11.909	4030.53	4478.37	Load as per single point regulations 2020 circulated vide sales circular no. D-17/2020. One no. single Point Connection to GHS as per single point regulations 2020 circulated vide sales circular no. D-17/2020.
Total	**109.721**	**12475**	**13861.10**	

IX. As per Sales Circular No D-21/2020 Dt: 07.09.2020, the above Interim/Partial load for RPS and GHS will be allowed for 3 years only. The builder/developer shall create 33KV infrastructure within the above specified time and switchover the feeding arrangement of RPS & GHS to 33KV level from 11KV at his own cost.

6.21 Subsequently, CE/Operations, Delhi vide Memo no. Ch-102/CE/DELHI/OLNC- HT/FBD/EP-59 dated 25.04.2023 had approved the Extension of Interim/Partial Load from 2MVA to 5MVA with the following insertion:

As per the provisions contained in Sales Circular No D-21/2020 Dt: 07.09.2020, time for creation of 33KV infrastructure & Interim/Partial load thereof is an essence and shall be contingent upon the release of load under the instant application. Accordingly, it shall be ensured by SE (OP), Circle, DHBVN Faridabad that the 33KV infrastructure is created by the builder/developer within the specified time and the feeding arrangement is switched over to 33KV level from 11KV at his own cost.

6.22 Thereafter, M/s Countrywide Promoters Pvt. Ltd., on 30.10.2023, had applied for re- sanction of its Ultimate Load in view of the revised load norms as per Nigam's Sales Circular No. D-26/2023.Accordingly, Eligibility for re-approval of the Electrification Plan applied by M/s Countrywide Promoters Pvt. Ltd. for setting up of Residential Plotted Colony over an area measuring 109.721 acres for the premises at Sector-81, Faridabad was sought from SE/Op, Circle, Faridabad vide this office Memo no. Ch- 01/OLNC-HT/FBD/EP-398 dated 06.11.2023. Moreover, the Ultimate load of the total scheme area measuring 109.703 acres at Sector-81, Faridabad, was recalculated as per Sales Circular No. D-26/2023 and comes out as 10878.06kW or 12086.74kVA.

6.23 SE/Operations, Circle Faridabad, vide Memo Nos. Ch-310/SI-1671 dated 14.12.2023 and Ch-325/SI-1671 dated 13.02.2024, intimated that the partial load allowed to the builder, the builder had installed DTs of 11/0.433 kV configuration, and the 33 kV internal infrastructure was yet to be laid. The builder was, therefore, declared eligible for re- approval of the EP under Sales Circulars No. D-24/2019 and D-21/2020.

6.24 Consequently, CE Commercial office vide Memo No. Ch-20/OLNC-HT/FBD/EP-398 dated 23.02.2024 had re-sanctioned the Ultimate Load of 10878.06 kW or 12086.74 kVA (assessed as per Sales Circular no. D-26/2023) on 33/0.433KV configuration with all other terms and conditions mentioned in the letter memo no Ch-54/SE/R-APDRP/OLNC- HT/FBD/EP-59 dated 24.11.2020 shall remain unchanged.

6.25 Further M/s Countrywide Promoters Pvt. Ltd. gives the representation for conversion of 11 kV Existing System into 33 kV and energization of 33/11 kV Sub-Station created for Plotted Colony, Park 81, Faridabad. Then, CE/Operations, Delhi, vide Office Order No. 90 dated 25.03.2025, constituted a committee comprising XEN/Operations, Ballabgarh and XEN/Operations, Greater Faridabad in view of the representation submitted by M/s Countrywide Promoters Pvt. Ltd. After that committee, after recording the brief history of the case, submitted the following additional observations:

i. The EP was sanctioned at 33/0.433 kV level, and an estimate for internal infrastructure has been prepared by the operation wing, Faridabad, and sanctioned by the office of CE (OP) Delhi vide Estimate No. D-82/2024-25 Dt: 21.06.2024, in which a 33/11 kV Power Transformer has been included.

ii. XEN/Operations, Greater Faridabad has also demanded a Bank Guarantee (BG) of ₹48,391,295/- for the infrastructure required at 33/0.433 kV in view of the approved EP.
iii. The builder/developer has installed DTs with a total capacity of 8530 kVA (11/0.433 kV configuration).
iv. A partial load of 5 MVA has already been released in the plotted colony on 11/0.433 kV system.
v. No inspection of material such as Power Transformers, DTs, cables, etc. was carried out by the builder/developer. However, as per the instruction, applicant has to carried out the inspection of every material when multipoint connections shall to be released.
vi. Builder/Developer undertakes full responsibility for any repair or manufacturing defects that may arise within 1 period till the maximum warranty period given by the concerned firm or as per the maximum warranty given by the DHBVN empanelled firm.

6.26 A representation dated 22.08.2025 has also been received in office of CE Commercial Hisar from M/s Countrywide Promoters Pvt. Ltd. regarding the same matter i.e. conversion of 11 kV Existing System into 33 kV and energization of the 33/11 kV Substation created for Plotted Colony, Park 81, Faridabad. They have submitted that the colony has been operating on 11/0.433 kV system for a considerable period. Since the internal infrastructure development commenced in 2014, it is now technically and economically impractical to revise the entire setup to 33/0.433 kV system at this advanced stage of completion.

6.27 In compliance with the directions of Director/Operations to examine the matter in light of the prevailing instructions of HERC, the following was submitted to management:

a. As per regulatory provision the decision dt: 15.12.2014 of the BODs of Nigam, Sales Circulars D-01/2015, D-14/2018 issued by Nigam, and as per HERC Duty to Supply Regulations (2nd Amendment, 2023), read with Nigam's Sales Circular No. D-32/2023, only the 33/0.433 kV system is permissible in areas falling under the 33 kV PPB. Clause 4.16.9 of the Regulations provides limited relaxation only in cases where the Electrification Plan (EP) had earlier been approved at 11 kV and adequate infrastructure w.r.t the Ultimate Load had already been created before the notification of the amendment. In such cases, the cost of upgradation from 11 kV to 33 kV is to be borne by the licensee/Nigam and booked under ARR. In the instant case, however, the revised EP of M/s Countrywide Promoters Pvt. Ltd. (falling in PPB) was approved on 33/0.433 kV (vide Memo dated 24.11.2020), based on the DTCP-approved layout wherein DTs were earmarked by the builder itself at 33/0.433 kV. Further it is submitted that the builder/developer has created infrastructure on 11/0.433 kV and obtained release of 5 MVA as interim load. Such infrastructure corresponds only to the partial load permissible under Sales Circular No. D-21/2020.Development of ultimate load infrastructure on

11/0.433 kV is inconsistent with the approved EP and contrary to both HERC Regulations and Nigam's instructions.

b. Further it is submitted that in Gurugram, certain builders had created infra at 11/0.433 kV under earlier approvals at 11 kV. Those cases qualify for treatment under Clause 4.16.9.By contrast, the subject case is distinct because the EP was sanctioned post-2019 at 33/0.433 kV, and therefore, the benefit of Clause 4.16.9 cannot be extended.

Hence, the infra developed at 11/0.433 kV by the developer does not meet the requirements of the sanctioned EP and is not covered by the relaxation provided under the HERC Regulations. Accordingly, the developer is obligated to create the infrastructure at 33/0.433 kV level for the ultimate load, in line with the approved EP and regulatory framework. The representation dated 22.08.2025 seeking energization of the 33/11 kV system created by the builder is, therefore, not admissible under prevailing HERC instructions.

6.28 It is a settled principle of law that no vested or enforceable right accrues from a temporary, conditional, or interim arrangement. The interim 11 kV arrangement granted to the Petitioner was expressly time-bound and contingent upon establishment of the requisite 33 kV System for the ultimate sanctioned load.

6.29 Having failed to comply with the binding conditions of the approved Electrification Plan, the Petitioner cannot seek continuation or regularization of a non-compliant system through the present proceedings. Grant of the relief sought would amount to rewriting the approved Electrification Plan, defeating the applicable regulatory framework, and compelling the Respondent statutory utility to accept deficient infrastructure contrary to law.

6.30 The Respondent, being a statutory utility discharging public functions, is duty-bound to ensure strict compliance with approved Electrification Plans, technical standards, and applicable regulatory provisions. Permitting continuation or expansion of the existing 11 KV system in the absence of the mandated 33 kV System would not only legitimize non-compliance but would also create an adverse regulatory precedent undermining the discipline and framework governing development of electrical infrastructure.

6.31 It is respectfully submitted that, without prejudice to the submissions made hereinabove and in due compliance with the interim order dated 07.04.2026 passed by this Hon'ble Commission, the Respondent has commenced release of connections to the consumers. The requisite details in this regard are annexed herewith for the kind perusal of this Hon'ble Commission and marked as "Annexure R-3".

PRAYER

In view of the facts and circumstances stated hereinabove, the present petition is liable to be dismissed being non-maintainable and also bereft of merits, in the interest of justice.

7. The case was heard on 09/07/2026, Shri Sanjeev Chopra, representative of the petitioner, submitted that the reply has only just been received and requested two weeks' time to file a rejoinder. The Commission, having considered the request, accedes thereto and adjourns the matter. The petitioner is directed to file its rejoinder by 23/07/2026, providing an advance copy to the respondent.

8. **Rejoinder received on 19/08/2026:**

MOST RESPECTFULLY SHOWETH:

8.1 That at the outset all the contentions, adverts and statements made by the Respondents in the replies are denied and nothing therein shall be deemed as admitted by the Petitioners, by reason of non-traverse or otherwise, unless specifically admitted hereinafter. It is submitted that the reply filed by Respondents is nothing but a misuse of the process of law and is devoid of any merits and is therefore liable to be dismissed.

8.2 That the Petitioner reserves the right to file additional evidence, including, but not limited to, additional documents and witnesses as well as the expert opinion, should the same become inevitable at any stage of the proceedings and / or arising out of the further submissions made by the respondents.

INTRODUCTORY SUBMISSION

8.1 The Petitioners most respectfully wish to submit this rejoinder in response to the reply filed by the Respondents. The present petition was filed by the Petitioners for their plotted colony project in the name of PARK 81, situated in Sector 81 of Faridabad district. By way of the Petition, Hon'ble Commission was apprised of the technical and practical difficulties which the petitioner has been facing in commissioning and handing over of the already constructed 33/11 kV substation and of the complete external as well as internal 11/0.4 kV electrical infrastructure to Respondents / RWA for further operation and maintenance.

8.2 The necessity to file this petition arose after promulgation of 2nd Amendment of HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" notified on dated 27TH September 2023, the Respondents refused to permit commissioning and handing / taking over of 33/11 kV substation and the already commissioned 11/0.4 kV distribution network in the plotted colony project Park 81 on the grounds that the amended regulation mandates erection of 33 kV distribution line and installation of 33/0.4 kV distribution transformers instead of the already laid out 11 kV lines and 11/0.4 kV transformers.

8.3 Due to indifferent attitude of the Respondents and their refusal to take over the already completed 33/11 kV substation and the 11/0.4 kV network, the petitioner has not been able to obtain NOC from the Town and Country Planning department of the state and to take a respectful exit.

8.4 To overcome the difficulty, the Petitioners in their submissions prayed before the hon'ble Commission to exercise its powers under Regulations 65, 66, 67, 68, 69 & 70 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 to amend and / or Relax the Regulations 4.16.1 and 4.16.2 of the Regulation 34 of 2016 promulgated through its 2nd amendment to the extent that 33/11/0.4 kV distribution system already laid down by the Petitioner long back since 2011 is accepted and taken over by the Respondents instead of insisting upon dismantling the already erected 33/11/0.4 kV system and to replace it with 33/0.4 kV system; to direct the respondents to allow commissioning of 33/11 kV substation which has been lying erected for the last 1 ½ years; and also to direct the respondents to release all the pending connections of new applicants of the area who have since applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioners

8.5 The Respondents are well in the knowledge that the project area of Petitioners in the present petition is an old one, as old as 2011, and that the 11/0.4 kV network had been erected and commissioned way back in 2011 itself, which was much before the concept of 33 kV primary supply came in around 2014. It is the Respondents themselves who started releasing connections to the residents directly though the 11/0.4 kV network developed by the Petitioners. The same arrangement has been continuing since 2011. It is only after the promulgation of 2nd and 3rd Amendments to the Regulation 34 of 2016 in 2023 that the Respondents started denying connections to the residents on the grounds that 33/0.4 kV system had not been developed by the Petitioners.

8.6 It is also pertinent to mention here that the policies of Respondents kept on changing from time to time. Initially, in 2011, every project / scheme of developers was considered as a separate and different identity. Then in 2013, there came a policy whereby all the projects of a developer were clubbed together for the purpose of assessing the ultimate load and the liability to develop minimum level of electrical infrastructure by the developer. This arrangement could not sustain legally and therefore had to be withdrawn. Therefore, again the same old policy had to be put in practice, wherein every project was dealt as an independent separate entity.

8.7 In 2014, the policy of supplying power at 33 kV as a primary voltage was adopted by the Respondents. But before that, 11/0.4 kV distribution systems had already been laid be the Petitioner and the residents had been given connections directly by the respective subdivisions of the Respondents. So, to say that this project is a new one and didn't have any 11/0.4 kV system before, is absolutely wrong and misleading on the part of Respondents.

8.8 The Respondents in their reply have tried to put up a wrong and distorted picture before the hon'ble Commission. They have tried to put it up in a manner that the Petitioner has been trying to avoid 33

kV level and instead has been asking them to allow 11 kV level. But it is made absolutely clear here that the Petitioner has neither denied nor intended to avoid the prescribed primary voltage level of 33 kV for Sectors 75 to 89 in Faridabad. On the contrary, the Petitioner has already constructed one no. 33 kV Switching Station and one no. 33/11 kV Substation in their own land, have erected 33 kV underground line from the feeding 220 kV substation and are ready to energize and commission the system at 33 kV voltage level as mandated by the Regulation. The Petitioners have not violated any Regulation. In fact, it is the Respondents who have been trying to create a hurdle by pressurizing the Petitioner to dismantle and uproot 11/0.4 kV internal system already laid way back in 2011 and instead re-erect 33/0.4 kV distribution network. This is despite the fact that the Respondents themselves have approved 33/11 kV substation in 2024 and once it got ready for commissioning, the Respondents now want the whole set of substation to be dismantled and to replace it with 33/0.4 transformer and the related switchgear.

8.9 The Respondents themselves have failed to understand the Regulation in this regard. As also explained at length in the Petition, the Regulation clearly stipulates that wherever the internal system of 11 kV has already been laid, it need not be dismantled. Even the Commercial wing of Respondents have advised them to let the internal system continue at 11 kV level but they are not ready to follow the advice imparted by their own department.

8.10 The Respondents, despite having everything available on record and despite having approved the 33/11 kV substation, have now adopted a vindictive attitude towards the Petitioners. The Respondents are least concerned about the hardships being faced by the residents of the area

8.11 The Respondents in their reply have very cleverly skipped replying to main issues raised in the petition and have deliberately not touched upon the fact that they themselves had approved the 33/11 kV substation in 2024. They have also very cleverly skipped to answer and accept on record that 11/0.4 kV internal distribution system had been laid way back in 2011.

PRELIMINARY SUBMISSIONS AND MAINTAINABILITY OF THE PETITION

8.12 The present Petition is squarely maintainable under Section 181(1) of the Electricity Act 2003 read with regulations 65, 66, 67 (Saving of inherent powers of the Commission), 68 (General power to Amend) and 69 & 70 (Removal of Difficulties) of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking this Hon'ble Commission to exercise its powers 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 HERC "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 which confer

exclusive jurisdiction upon this Hon'ble Commission to adjudicate the matter herein the petition and hence lie entirely within the regulatory competence of this Hon'ble Commission.

EFFECT OF 2ND & 3RD AMENDMENTS

COMMISSION'S INHERENT POWERS TO DO JUSTICE AND REMOVE DIFFICULTY

8.13 This Hon'ble Commission is vested with wide powers under Section 181(1) of the Electricity Act 2003 read with regulations 65, 66, 67 (Saving of inherent powers of the Commission), 68 (General power to Amend) and 69 & 70 (Removal of Difficulties) of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking this Hon'ble Commission to exercise its powers 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 HERC "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 which confer exclusive jurisdiction upon this Hon'ble Commission to adjudicate the matter herein the petition

8.14 The Hon'ble Supreme Court in PTC India Ltd. v. CERC (2010) 4 SCC 603 observed: "Regulatory Commissions have inherent powers to relax or modify regulations to meet the ends of justice and ensure smooth operation of statutory frameworks."

8.15 The APTEL in *Tata Power Co. Ltd. v. MERC* (Appeal No. 132 of 2010) further emphasized that procedural rigidity must give way to substantive justice, especially where renewable energy and public welfare schemes are concerned.

PARAWISE REPLY TO SUBMISSIONS AND / OBJECTIONS FILED BY RESPONDENTS DHBVN ON DATED 06.07.2025:

8.1 Contents of para no. 1 are a matter of record only. No comments

8.2 Contents of para no. 2 are wrong, misconceived and hence denied. It is wrong on the part of Respondents to say that the averments made in the Petition are baseless and unwarranted. The averments made in the petition are bonafide and have express mandate of the prevalent Regulations.

8.3 Contents of the Para 3 are wrong, absolutely misleading, misconceived and hence denied. It seems that the Respondents have not understood the contents and essence of averments made in the Petition. It is wrong on the part of the Respondents to interpret that the Petitioners in any manner are denying or avoiding taking the supply at 33 kV. The Petitioners very well know that the primary supply voltage in the area has to be 33 kV only. The Petitioners after taking due approval in this regard and after approval of the estimate, constructed a 33/11 kV substation in its own land and at own cost and laid a 33 kV underground feeding line from the designated 33 KV Switching Station & 220 kV substation of the Respondents. The Petitioners have totally complied with the Regulation, ready to take supply at 33 kV, except that the internal system is at 11/0.4 kV level,

which in fact had been erected way back in 2011. The Respondents have failed to understand that 33 kV voltage was mandated only for the primary side but so far as secondary side voltage level was concerned, it could either be 33/11/0.4 kV or 33/0.4 kV, left to the choice of the developer. Choosing 33/11/0.4 kV system, and that too with the approval of the Respondents, does not mean that supply has not been taken at 33 kV level. The supply from Respondents indeed has been taken at 33 kV voltage. Internal system could also have been 33/0.4 kV had it been a new system yet to be laid. But the issue here is that 11/0.4 kV distribution system had been erected way back in 2011 and that too with the approval of Respondents. It is unfortunate that the Respondents' complete reply is based on the premise that the Difficulties raised are "Purported". This attitude of the Respondents further prove that they have decided to oppose whatever the contents of Petition may be, without even going through their own approvals and the technical difficulties explained therein. The Respondents have also referred to the approval of electrification plan in support of their reply. But they have probably not gone through their own sanction letter, wherein 33/0.4 kV has been stipulated for group housing high rise societies and 33/0.4 kV or 33/11/0.4 kV for the plotted colonies. Instruction No. 02/2019/PD&C of CE/PD&C, DHBVN, Hisar, which is a part of the sanction letter, says as under:

"Guidelines for laying of 33 kV and 11 kV underground electrical distribution system in builders'/developers' areas:

The guidelines for laying of 33 kV and 11 kV underground electrical distribution system in builders' / developers' areas have been evolved as under:

General Points:

ii) It has already been decided by DHBVN that the Sectors from 58 to 115 in Gurugram and Sector from 75 to 89 in Faridabad are to be electrified on 33 kV primary voltage level and the secondary distribution network to be laid by the HUDA / HSIIDC / Colonizers / Licensee /SEZ shall be 33/0.433 kV or 33/11/0.433 kV

Technical Points:

vi) 33/0.433 kV Distribution Transformer with ratings of 400 kVA, 630 kVA and 1000 kVA with adequate redundancy shall be considered for electrification of distribution system in a plotted area. In addition to the above capacity, DTs of ratings 1250 kVA, 1650 kVA, 2000 kVA, 2500 kVA and 3150 kVA with adequate redundancy shall be considered for electrification of distribution system in group housing societies as per the sanctioned load. The ceiling on maximum loading of the distribution transformer(s) shall be 80%

Another option is to install and commission a 33/11 kV substation (rating in multiples of 8, 10, 12.5 MVA power transformers) and further installation of 11/0.433 kV underground distribution network may also be explored. However, 33 kV substation can be of GIS or AIS as opted by the

HUDA/HSIIDC/Private Colonizers/Developers/SEZs etc. In case of 33/11/0.433 kV system, the capacity of DTs shall be the same as defined above"

8.4 Contents of the Para 4 are wrong, totally misleading, misconceived and hence denied. Here in the para again, the Respondents seem to have got confused as to what the actual contention of Petitioner is. From the reply of Respondents, it seems that the Respondents have grossly misunderstood that the Petitioner wants to avoid taking supply at 33 kV level. The Petitioner has nowhere in the Petition ever said that they don't want to take supply at 33 kV level or that they want an amendment of the Regulation in that regard. There is no dispute so far as primary voltage is concerned. It is indeed 33 kV to which the Petitioners have no reservation. In fact, a 33/11 kV substation has been erected by the Petitioners long back but it is the Respondents themselves who have not allowed its commissioning for the last more than 1 ½ years. It is wrong on the part of Respondents to say that the Regulation 4.16.9 of the 2nd amendment is not relevant or is not applicable. Regulation *4.16.9 - Upgradation of the existing Infrastructure from 11 kV to 33 kV* is reproduced as under:

i) Where electrification plan has already been approved on 11 kV and adequate infrastructure for the ultimate load at 11 kV has been created, the cost for switching over from 11 kV to 33 kV shall be borne by the Licensee and such cost shall form part of the ARR.

ii) In cases where estimates for installation of internal infrastructure by the Builder/Developer(s) at 11 kV has been approved, supervision charges have been collected by the licensee and the work of installation of internal infrastructure has been started (after placing work orders/ purchase orders) by the Builder/Developer(s) before the date of notification of this amendment, the licensee shall not enforce revision of estimates. Shifting from 11 kV to 33 kV system will be done by the licensee at its own cost and such cost shall form part of the ARR.

Therefore, in context of the essence of the above Regulation 4.16.9, it is absolutely wrong on the part of the respondents to insist at this stage that the petitioner dismantles its 33/11 kV substation, installs 33/0.4 kV transformers, dismantles the already running 11 kV lines and replaces them with 33 kV lines, dismantles all the installed 11/0.4 kV transformers and replace them with 33/0.4 kV transformers in order to comply with the provisions of Regulation 4.16.1 and 4.16.2 of the 2nd Amendment.

8.5 Contents of para no. 5 are absolutely wrong, misleading, misconceived and hence denied. Yet again, the Respondents have not understood the issue. The Petitioners have nowhere said that they don't want to take the supply at 33 kV level. It is only about allowing the internal infrastructure at 11/0.4 kV, which had been laid way back in 2011. The Respondents had referred the Petitioner's matter to their own Commercial wing. In reference to the queries raised by

field offices of the respondents, the office of Chief Engineer / Commercial vide his office memo no. Ch-141/SE / C-317 / Gen dated 30.05.2022 advised as under:

"Please refer to Sales Circular No. D-14/2018 wherein it has been mentioned that for multipoint connection, builder/developer shall lay 33/0.4 kV electrical infrastructure in the area falling under 33 kV belt.

Now, the matter has been reviewed vide DHBVN Memo No. Ch-141/SE/C-317/Gen. dated 30.05.2022 and it has been decided that for old cases where electrification already stand approved and the builder/developer has already created infrastructure on 11 kV network, then 33/11/0.4 kV system shall be allowed subject to condition that metering/billing & other related provisions will be as per HERC Single Point Regulation, 2020 notified vide Sales circular no. D-17/2020."

The Respondents are not ready to accept advice of their own department. This clearly shows that either the Respondents have not understood the matter properly or have decided to harass the Petitioners for no fault.

8.6 Contents of para are absolutely wrong, misleading, misinterpreted and hence denied. It is wrong on the part of Respondents to say that the 11/0.4 kV internal system laid was temporary or conditional. It is more than 15 years since the system was laid in accordance with the approved EP by the office of CE Commercial DHBVN Hisar vide Memo No. Ch-9/SE/Comml./Loose/25/2007/SOL/E64 dated 10.10.2011. And the Respondents have failed to understand that it was with their approval and as per their original sanction at that time in 2011. This aspect has been detailed out in the Petition to which the Respondents have not even replied to in their reply. This is exactly the advice which their own Commercial wing gave to them, as explained in para "5" above. But despite having received the advice, the Respondents have been withholding commissioning of 33/11 kV substation for the last more than 1 ½ years.

8.7 Contents of para no. 7 are wrong, misleading, misinterpreted and hence denied. There is no question of any financial burden on the Respondents in the present matter. The internal system already stands erected long back in 2011 and the 33 kV Switching Station and substation also stands erected, both at the Petitioner's cost. So, where is the question of incurring any expenditure by the Respondents which they contemplate to spread on to other consumers of the state. There is no need to replace already erected 11/0.4 kV internal system, neither by the Petitioner nor by the Respondents. No Regulation has been violated anywhere and there is nothing illegal, which has been done. There are no purported technical or commercial difficulties, which the Respondents want to allege. Just because the Respondents don't want to understand the Regulations and their own departmental advice, they have been coming up with excuses to harass the Petitioners. It is so worrying to

note that the Respondents re not accepting the reality on ground and the relevant provisions of law in this regard.

8.8 Contents of para no. 8 are a matter of record. No comments need to be offered

8.9 Contents of para no. 9 are correct to the extent that the scheme was approved at 33 kV level in 2020 and that the 33 kV substation had to be developed by the Petitioner. The Respondents have said in the reply that the 11 kV system was temporary arrangement for only 3 years within which the 33 kV system was to be established by the Petitioner. But the Respondents have failed to submit in their reply that within 3 years of sanctioning, the Petitioners have constructed their own 33 kV substation and have been requesting the Respondents to let them take supply at 33 kV but it is the Respondents themselves who have not allowed till date the shifting from 11 kV to 33 kV. The 33 kV substation is standing idle for last around 2 years but despite the installation having been cleared by the Chief Electrical Inspectorate long back, the Respondents have not been allowing its commissioning and take over. It is therefore wrong on the part of Respondents to say that Petitioners have not complied with any condition of the sanction letter.

8.10 Contents of para no. 10 are correct to the extent that ultimate load was revised as per latest load norms prevalent at that time. But rest of the contents are just a repetition of para "9" above, which have been adequately replied to in the above para. Not being repeated for the sake of brevity.

8.11 Contents of para no. 11 are absolutely wrong, misleading, misinterpreted and hence denied. It is wrong and mischievous to allege that the Petitioners have not developed a 33 kV system. The facts are that the Petitioners got the permission from the SE Operation Faridabad vide Memo No. Ch-223 GCFC-4 dated 20.09.2023 and the estimate sanctioned by the Chief Engineer/Operation, Delhi Zone vide Memo No. Ch-02/WO/E-47/2024-25 dated 20.06.2024, have erected the 33 kV substation, have laid the 33 kV line from 33 KV Switching Station and 220 kV substation, have got it inspected from CEI and have been waiting for Respondent's clearance to commission the 33 kV infrastructure. It is the Respondents only who have been holding up the commissioning and its takeover by them. The Respondents had got confused within with the internal 11/0.4 kV network laid in 2011, but they got an advice from their Commercial wing in this regard and to accept it as such. The Petitioners have not done anything wrong in the whole process, have done everything with prior approvals from the Respondents and therefore there is nothing on which the Petitioner could compel them to regularize.

8.12 Contents of para no. 12 are totally wrong, baseless, misinterpreted and hence denied. The Respondents again seem to be totally confused and misplaced. In their reply, the Respondents have been saying that the Petitioner wants supply at 11 kV instead of 33 kV, despite the area being covered under 33 kV belt. The Respondents

have not realized that the Petitioner has already constructed 33 kV switching station and substation and the lines and have been requesting them to allow the commissioning. But is the Respondents themselves who have been holding up. The reference to Regulation 4.16.9 is only w.r.t. the internal 11/0.4 kV system, which already stood approved and erected in 2011 itself. So, to say that the Regulation 4.16.9 is not relevant in the present matter is totally misunderstood and baseless. The ultimate load, being more than 5 MVA is mandated to get the supply from Respondents at 33 kV which the Petitioners have already created. The Respondents must understand that it is not a case of getting supply at 11 kV instead of 33 kV. The supply will indeed be at 33 kV level, as mandated by the Regulation. It is only the internal infrastructure of 11/0.4 kV, which has to remain as such because the same had been erected in 2011 as per approval by the Respondents only

8.13 Contents of para no. 13 are totally wrong, baseless and hence denied. It is the Respondents only who mentioned PD&C Instruction no. 02/201/PD&C in their sanction letter. The instruction clearly states that so far as secondary voltage in a plotted colony is concerned, it can either be 33/0.4 kV or 33/11/0.4 kV. The instruction has been reproduced as such in reply to para no. 3 above and need not be repeated here. The instructions are very clear and unambiguous but the Respondents have not understood it clearly.

8.14 Contents of para no. 14 are a matter of record. The reply says that it was mandatory upon the Petitioners to shift the feeding arrangement from 11 kV to 33 kV. But they have failed to realize that Petitioners have already complied with the condition. It is needless to repeat here that 33 kV switching station and the substation and the 33 kV lines already stand completed and are awaiting commissioning for which the Respondents are holding up the permission.

8.15 Contents of para no. 15 are totally wrong, baseless, misleading, mischievous and hence denied. The Respondents have not come before the hon'ble Commission with clean hands and have deliberately hidden the facts that they themselves sanctioned the estimate for 33/11 kV substation in June 2024. In para no. 14 of their reply, they have mentioned a letter dated 25.04.2023 and then in para no. 15, they have mentioned about a letter dated 12.11.2024. But they have deliberately chosen not to mention as to what happened in between these two dates. They have hidden the fact that office of Chief Engineer / Operation Delhi Zone, DHBVN vide his office memo no. ch-02/WO/E-7/2024-25/FBD dated 20.06.2024 sanctioned the Deposit Estimate No. D-82/2024-25 wherein the Name of Work has been defined as under:

"Deposit estimate for providing 33/11 kV Substation and erection of underground new LT Lines with XLPE cables I/C supplying and fixing of the 33/11 kV 10 MVA Power Transformer and Distribution Transformers from 400 kVA to 1600 kVA as approved with multi metering by SE/R-PDRP DHBVN Hisar vide memo no. Ch-5/SE/R-APDRP/ONNC-HT/FBD/EP-59 dated 24.11.2020 to M/S

Countrywide Promoters Pvt. Ltd. Sector 81, Faridabad under "Op" S/Divn. DHBVN, Kheri kalan during the year 2024-25 for Rs. 12,31,48,964/-

What else has been left to defend themselves by the Respondents. The sanctioned estimate, as above, clearly states construction of 33/11 kV transformer at 33 kV substation and distribution transformers of 11/0.4 kV (400 kVA to 1600 kVA) down the line from internal distribution system. It is so worrying to note that the Respondents have not at all mentioned anywhere the sanctioning of the above estimate. It is needless to mention that the estimate before its sanctioning passes through a series of officers starting from subdivision up to the office of Chief Engineer. And now to oppose their own sanctioning proves the vindictive attitude of the Respondents. Following this very estimate, the Petitioners constructed 33 kV substation with a 33/11 kV transformer and strengthened the down the line infrastructure by adding more 11/0.4 kV transformers to make up the remaining inadequacy. Therefore, what else the Respondents have to say in this regard is not understood.

8.16 Contents of para no. 16 are totally wrong, baseless, misleading and hence denied. The Petitioners have never denied that they won't take the supply at 33 kV. On the contrary, the 33 kV substation and 33 kV line are lying idle for the last around 2 years just because the Respondents have not allowed their commissioning. Therefore, that 11 kV supply was only temporary needs to be better understood by the Respondents themselves and not the Petitioners. As far as Petitioners are concerned, the 33 kV system has already been completed, as also explained in many of the above paras.

8.17 Contents of para no. 17 are a matter of record only. In fact, the sanctioned letter of 2011 itself is a reply of the queries raised by Respondents. Nothing else needs to be said because this sanctioned letter of 2011 clearly says that 33 kV substation was to be constructed, which has been constructed by the Petitioners.

8.18 Contents of para no. 18 are a matter of record only. The Respondents in their reply have themselves admitted that 11/0.4 kV infrastructure had been erected in 2011 itself, which the Petitioners have been mentioning in most of the paras above. The sanctioned estimate, as explained above, mentions the sanction letter of Chief Engineer Commercial also. Therefore, it seems that the Respondents themselves have not gone through their own record before submitting the reply before the hon'ble Commission.

8.19 Contents of para no. 19 are absolutely wrong, misleading, contrary to the facts and hence denied. It is available on record of the Respondents that the 11/0.4 kV system had been laid way back in 2011 and therefore to say that it has now to be dismantled and re-erected with 33/0.4 kV system is totally uncalled for and unjustified and also against the Regulation. Regulation 4.16.9 clearly stipulates that wherever the 11 kV system has been laid with the approval of Respondents, it need not be replaced.

8.20 Contents of para no. 20 are just a matter of record. No comments except that the Petitioners have already erected 33 kV substation and the line for switching over from 11 kV to 33 kV. But it has not been possible to commission the same because the Respondents have not permitted the commissioning.

8.21 Contents of para no. 21 are just a matter of record. No comments except that the Petitioners have already erected 33 kV substation and the line for switching over from 11 kV to 33 kV. But it has not been possible to commission the same because the Respondents have not permitted the commissioning.

8.22 Contents of para no. 22 are just a matter of record. No comments except that the Petitioners have already erected 33 kV substation and the line for switching over from 11 kV to 33 kV. But it has not been possible to commission the same because the Respondents have not permitted the commissioning

8.23 Contents of para no. 23 are just a matter of record. No comments except that the 11/0.4 kV internal infrastructure had been laid in 2011 itself with the approval of Respondents.

8.24 Contents of para no. 24 are just a matter of record. No comments except that the Petitioners have already erected 33 kV substation and the line for switching over from 11 kV to 33 kV. Also that the 11/0.4 kV internal infrastructure had been laid in 2011 itself with the approval of Respondents

8.25 Contents of the para no. 25 are a matter of record wherein the Respondents themselves have admitted that 33/11 kV transformer at the substation and 11/0.4 kV transformers down the line had been approved in the estimate sanctioned by the office of Chief Engineer in June 2024. In light of the reply given in the para, the Respondents have no reason, whatsoever, to withhold the commissioning of 33 kV substation and its feeding line. It is almost 2 years now since the 33 kV substation and its feeding line had been erected. Most of the equipment have only 12 months' warranty which has expired in most of the equipment by now. Not realizing the repercussions in this regard, the Respondents are bent upon causing financial and technical hardships to the Petitioners.

8.26 Contents of para no. 26 do not require any comments, being a matter of record only

8.27 Contents of para no. 27 seem to be only a matter of their internal correspondences among different offices of Respondent DHBVN. One can see here also that while putting up the detailed case to the Director Operations of Respondent company, the fact that an estimate in this regard has been sanctioned by the Chief Engineer Operations Delhi Zone in June 2026 has been hidden. This is indeed a serious matter of which the hon'ble Commission should take cognizance. The Respondents have not only hidden this fact from hon'ble Commission but also from their own Director. The Respondents have mentioned a decision of their Board of Directors in the meeting held on 15.12.2014, but a copy of the same has not been annexed. This can well be another case of hiding the true facts

from the hon'ble Commission. Before alleging that the Petitioners have not created 33/0.4 kV internal infrastructure, they should look into their own record and approvals, including the last approval of estimate sanctioned by the Chief Engineer Operation, Delhi Zone.

8.28 Contents of para no. 28 are wrong, misleading and just a repetition of the several above paras of their reply. The Respondents seem to be grossly confused between the 11 kV supply for main feeding and the 11/0.4 kV network laid internally. They must admit that the Petitioners have already laid a 33 kV feeding line to replace the existing 11 kV feeding line.

8.29 Contents of the para no. 29 are wrong, misleading, misinterpreted and hence denied. The Respondents, before arguing in the matter, must go through the Regulations, their own approvals in 2011 onwards and the subsequent Regulations

8.30 Contents of para no. 30 are grossly mistaken wrong, misconceived and hence denied. It seems that the Respondents have not understood the contents and essence of averments made in the Petition. It is wrong on the part of the Respondents to interpret that the Petitioners in any manner are denying or avoiding taking supply at 33 kV. The Petitioners very well knew that the primary supply voltage in the area had to be 33 kV only. The Petitioners after taking due approval in this regard and after approval of the estimate, constructed a 33/11 kV substation and 33 kV switching station in its own land and at own cost and laid 33 kV underground feeding line from the designated 33 kV switching station and 220 kV substation of the Respondents. The Petitioners have totally complied with the Regulation, are ready to take supply at 33 kV, except that the internal system is at 11/0.4 kV level, which in fact had been erected way back in 2011. The Respondents have failed to understand that 33 kV voltage was mandated only for the primary side but so far as secondary side voltage level was concerned, it could either be 33/11/0.4 kV or 33/0.4 kV, left to the choice of the developer, as also mentioned in the PD&C instructions, above referred to. Choosing 33/11/0.4 kV system, and that too with the approval of the Respondents, does not mean that supply has not been taken at 33 kV level. The supply from Respondents indeed has been taken at 33 kV voltage.

8.31 Contents of para no. 31 are regarding partial compliance of the hon'ble Commission's order in the Interlocutory Application and therefore, nothing needs to be commented upon.

PRAYER

In view of the submissions made herein above and those made at the time of the oral hearing, it is humbly prayed that this Hon'ble Commission may be pleased to:

i. Exercise its powers under Regulations 65, 66, 67, 68, 69 & 70 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 to amend and / or Relax the Regulations 4.16.1 and 4.16.2 of the Regulation 34 of 2016 promulgated through its 2nd amendment to the extent that 33/11/0.4 kV distribution system

already laid down by the Petitioner long back since 2011 becomes valid, accepted and taken over by the Respondents instead of insisting upon dismantling the already laid 33/11/0.4 kV system and to replace it with 33/0.4 kV system; to direct the respondents to allow commissioning of 33/11 kV substation and its takeover, which has been lying erected for the last more than one year; and also to direct the respondents to release all the pending connections of new applicants of the area (interim order already passed) who have since applied with the respondents but which have been put on hold by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioner

ii. Exercise its powers under Regulations 9, 10 & 11 of the HERC "Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security Regulations, 2016" to amend and / or Relax the Regulations 4.16.1 and 4.16.2 of the Regulation 34 of 2016 promulgated through its 2nd amendment to the extent that 33/11/0.4 kV distribution system already laid down by the Petitioner long back since 2011 also valid, accepted and taken over by the Respondents instead of insisting upon dismantling the already laid 33/11/0.4 kV system and to replace it with 33/0.4 kV system; to direct the respondents to allow commissioning of 33/11 kV substation and its takeover which has been lying erected for the last one year; and also to direct the respondents to release all the pending connections of new applicants of the area who have since applied with the respondents but which have been put on hold (interim order issued by hon'ble HERC for release) by the respondents on the pretext that the existing 11/0.4 kV has not been replaced with 33/0.4 kV distribution system by the Petitioner

iii. To allow any other relief as deemed fit by the Hon'ble Commission

9. The case was heard on 25/08/2026, Sh Sanjeev Chopra representative submitted that the rejoinder has already been filed. The Commission heard the arguments advanced by the parties and directs to submit the written submissions by 11/09/2026 and reserves the order.

10. **Written submissions of Petitioner dated 09/09/2026:**

10.1 INTRODUCTION:

i. That the present Written Submissions are being filed in compliance with the Interim Order dated 02.09.2026 passed by this Hon'ble Commission after hearing the parties on 25.08.2026, whereby the parties were directed to submit their written submissions and the matter was reserved for orders.

ii. That the present submissions are in continuation of and in addition to the Petition, Rejoinder and oral submissions advanced on behalf of the Petitioner. The Petitioner confines the present submissions principally to the issues which arose from the stand taken by the Respondent in its Reply and during the course of oral arguments.

iii. That the controversy in the present matter, when reduced to its essence, is narrow. The Petitioner has never disputed the requirement of receiving supply at 33 kV primary voltage. The Petitioner has already created the necessary 33 kV infrastructure for the same. The dispute is only regarding the downstream internal distribution system, namely, whether the already approved and existing 11/0.4 kV network downstream of the 33/11 kV substation can continue to operate, or whether the Petitioner must dismantle the same and replace it with a 33/0.4 kV system.

10.2 THE PETITIONER HAS ACCEPTED AND COMPLIED WITH THE REQUIREMENT OF 33 KV PRIMARY SUPPLY

i. At the outset, it is respectfully submitted that the stand of the Respondent proceeds on a fundamental misconception by conflating primary supply voltage with the secondary/internal distribution voltage.

ii. The Petitioner has never sought supply from the Respondent at 11 kV in substitution of the prescribed 33 kV primary voltage. On the contrary, the Petitioner has already constructed:
   a. The 33 kV Switching Station;
   b. The 33/11 kV Substation;
   c. The requisite 33 kV underground feeding line from the Respondent's 220/33 kV Substation at Sector 78, Faridabad.

iii. The 33 kV Switching Station is already commissioned and the 33/11 kV Substation has been standing ready for commissioning for a considerable period. The Petitioner has repeatedly sought permission from the Respondent to energise and commission the same.

iv. Thus, the electrical arrangement is fundamentally:
DHBVN 220/33 kV Substation → 33 kV Supply → Petitioner's 33/11 kV Substation → 11 kV Internal Distribution Network → 11/0.4 kV Distribution Transformers → Consumers

v. Therefore, the Petitioner is fully willing and ready to receive supply at 33 kV. The Petitioner's request is only that the already existing downstream 11/0.4 kV distribution infrastructure should not be required to be dismantled and reconstructed as a 33/0.4 kV system.

vi. The distinction is also expressly reflected in the PD&C Instruction No. 02/2019 relied upon by the Petitioner, which refers to electrification at 33 kV primary voltage and recognises both 33/0.433 kV and 33/11/0.433 kV secondary distribution arrangements. The same instruction also contemplates installation of a 33/11 kV substation followed by an 11/0.433 kV underground distribution network.

10.3 PARK-81 IS NOT A NEW CASE; THE 33/11/0.4 KV CONFIGURATION WAS APPROVED IN 2011 ITSELF

i. The Respondent's attempt to treat the present matter as a fresh development arising after the subsequent regulatory changes is factually incorrect.

ii. Park-81 formed part of the larger BPTP project area for which the Electrification Plan had already been approved in 2011 by the

competent authority of the Respondent, namely, the Chief Engineer (Commercial), DHBVN, Hisar, vide Memo No. Ch-9/SE/Comml./Loose/25/2007/SOL/E64 dated 10.10.2011.

iii. Significantly, the said approval itself contemplated a 33/11 kV configuration. It required the colonizer to construct 33/11 kV GIS substations and, downstream thereof, to install 11/0.4 kV distribution transformers for the plotted area, common services and street lighting.

iv. Accordingly, the Petitioner proceeded to lay the 11 kV system and install 11/0.4 kV distribution transformers in the area. The network was not created clandestinely or without approval. It was created pursuant to the Respondent's own approved electrification arrangement.

v. The network was thereafter actually utilised for supply to residents. Initially, approximately 160 connections were released through the Petitioner under the single-point supply arrangement, and subsequently the Respondent itself started releasing connections directly to consumers over the same 11/0.4 kV network and transformers.

vi. This conduct of the Respondent is significant because the very network which is now being questioned was not merely approved but was actually used for supply to consumers.

10.4 THE RESPONDENT'S OWN 2022 MEMO DIRECTLY SUPPORTS THE PETITIONER'S CASE

i. The aforesaid position is further reinforced by the Respondent's own departmental decision dated 30.05.2022.

ii. In response to the issue raised by its field offices, the office of Chief Engineer/Commercial, DHBVN, vide Memo No. Ch-141/SE/C-317/Gen. dated 30.05.2022, reviewed the position regarding old cases where the builder/developer had already created infrastructure on the 11 kV network.

iii. The Respondent's own decision records that, in such old cases where electrification had already been approved and infrastructure had already been created on the 11 kV network, the 33/11/0.4 kV system shall be allowed, subject to the applicable metering, billing and related provisions.

iv. The aforesaid decision is directly relevant to the present case. The Petitioner's case is precisely that the electrification plan and internal infrastructure pre-date the subsequent requirement and that the Petitioner has already constructed the 33 kV primary-side infrastructure.

v. Importantly, the said departmental decision does not amount to permitting supply at 11 kV in derogation of the 33 kV primary voltage requirement. Rather, it recognizes that an existing 11/0.4 kV downstream system may continue in appropriate old cases where the primary supply is being brought at 33 kV through a 33/11 kV substation.

vi. The Respondent has not demonstrated before this Hon'ble Commission that the aforesaid Memo dated 30.05.2022 has been withdrawn, superseded or rendered inapplicable to the present case.

vii. Consequently, the Respondent's present insistence upon complete replacement of the existing 11/0.4 kV network is inconsistent with the position recorded by its own competent departmental authority.

10.5 THE RESPONDENT'S OWN PD&C INSTRUCTION ALSO RECOGNISES THE 33/11/0.4 KV CONFIGURATION

i. The Respondent's own PD&C Instruction No. 02/2019 further demonstrates that a 33/11/0.4 kV configuration is not inherently contrary to the 33 kV primary voltage requirement.

ii. The said instruction records that the concerned sectors in Faridabad are to be electrified at 33 kV primary voltage, while the secondary distribution network may be either 33/0.433 kV or 33/11/0.433 kV.

iii. More importantly, the same instruction specifically contemplates another option of installing and commissioning a 33/11 kV substation followed by an 11/0.433 kV underground distribution network.

iv. Therefore, the very regulatory material relied upon by the Respondent cannot be interpreted to mean that a 33/11/0.4 kV configuration is, by its very nature, impermissible.

v. The Petitioner's case is therefore not that 11 kV should substitute 33 kV as the primary supply voltage. The Petitioner's case is that 33 kV primary supply can and will be received through the 33/11 kV substation, while the existing 11/0.4 kV secondary network is retained.

10.6 THE 20.06.2024 SANCTIONED ESTIMATE IS THE MOST DIRECT

i. estimate dated 20.06.2024.

ii. The office of Chief Engineer/Operation, Delhi Zone, DHBVN sanctioned Deposit Estimate No. D-82/2024-25 vide Memo No. Ch-02/WO/E-7/2024-25/FBD dated 20.06.2024.

iii. The very description of the sanctioned work provides for: "33/11 kV Substation", including a 33/11 kV 10 MVA Power Transformer, together with downstream distribution transformers of capacities ranging from 400 kVA to 1600 kVA. The estimate was sanctioned for the concerned project at a cost of approximately Rs. 12.31 crore.

iv. Thus, the Respondent's competent authority itself sanctioned the very configuration which the Respondent is now seeking to question.

v. The significance of this document cannot be overstated. The Petitioner's present request is not for approval of an entirely new or unauthorised configuration. The Respondent itself sanctioned an estimate for a 33/11 kV substation with downstream 11/0.4 kV distribution transformers.

vi. Acting upon the sanctioned estimate, the Petitioner constructed the 33 kV substation with a 33/11 kV transformer, deposited supervision charges with the Respondent and strengthened the downstream 11/0.4 kV infrastructure.

vii. The Respondent has not explained how its present demand for dismantling the 33/11 kV arrangement can be reconciled with its own sanctioned estimate dated 20.06.2024.

10.7 THE PETITIONER HAS THEREFORE COMPLIED WITH THE REQUIREMENT OF SHIFTING TO 33 KV.

i. It is submitted that the Petitioner's conduct demonstrates complete compliance rather than avoidance.

ii. As soon as the 220/33 kV infrastructure became available in Sector 78, Faridabad, the Petitioner laid the requisite 33 kV underground lines and constructed the 33 kV Switching Station and 33/11 kV Substation.

iii. The Petitioner is therefore ready to energise the 33/11 kV Substation and receive supply at 33 kV.

iv. The Respondent cannot equate the continued existence of the downstream 11/0.4 kV system with failure to shift the primary supply to 33 kV. These are two technically distinct aspects of the electrical system.

v. The Petitioner has accordingly not sought any exemption from the 33 kV primary supply requirement. The Petitioner has already created the infrastructure necessary to comply with it.

10.8 THE RESPONDENT CANNOT NOW REQUIRE DEMOLITION OF THE EXISTING INFRASTRUCTURE WITHOUT IDENTIFYING A SPECIFIC LEGAL BASIS

i. The Respondent's present stand effectively requires the Petitioner to dismantle:
   a) The existing 11 kV lines;
   b) The 11/0.4 kV distribution transformers;
   c) the existing downstream infrastructure;

   and replace the same with a 33/0.4 kV system.

ii. Such a requirement would result in substantial duplication and reconstruction of infrastructure which has already been approved, created and utilised.

iii. More importantly, the Respondent has not demonstrated why the existing 33/11/0.4 kV arrangement, which is recognised in its own documents, is incapable of serving the consumers after the primary supply is received at 33 kV.

iv. The Respondent's own documents therefore create a clear and material inconsistency in its present stand:

On the one hand, DHBVN has recognised the 33/11/0.4 kV configuration in its departmental instructions and Memo dated 30.05.2022 and sanctioned a 33/11 kV substation with downstream distribution transformers in June 2024; on the other hand, it now seeks to compel the Petitioner to dismantle the same configuration.

v. The Respondent ought to identify the precise regulatory provision, subsequent order or technical determination which has rendered its own earlier approvals and sanctioned configuration inapplicable.

10.9 REGULATION 4.16.9 FURTHER SUPPORTS PROTECTION OF EXISTING INFRASTRUCTURE

i. Without prejudice to the aforesaid submissions, Regulation 4.16.9 relating to upgradation of existing infrastructure from 11 kV to 33 kV also reflects the regulatory principle that an existing infrastructure, once approved and substantially created, cannot casually be subjected to retrospective reconstruction.
ii. Regulation 4.16.9 provides, inter alia, that where an electrification plan has already been approved and adequate infrastructure has been created, the cost of switching over is to be borne by the licensee; and in specified cases where estimates have been approved, supervision charges collected and work commenced, revision of the estimates is not to be enforced upon the developer.
iii. The Petitioner relies upon this provision as an additional indication of the regulatory approach towards protecting already approved and substantially created infrastructure, particularly where the subsequent change is attributable to an alteration in the applicable system requirements.
iv. The Respondent cannot, therefore, seek to impose upon the Petitioner the economic and practical consequences of dismantling infrastructure which was created pursuant to approvals of the Respondent itself, without first establishing a clear statutory/regulatory basis for doing so.

10.10 NO ADDITIONAL FINANCIAL BURDEN OR TECHNICAL PREJUDICE IS CAUSED TO DHBVN

i. The Respondent's apprehension regarding financial burden on the distribution system is misplaced.
ii. The internal 11/0.4 kV infrastructure has already been created by the Petitioner. The 33 kV Switching Station and 33/11 kV Substation have also been constructed at the Petitioner's cost.
iii. The Petitioner's request does not require DHBVN to incur expenditure for constructing the Petitioner's internal distribution network.
iv. On the contrary, insisting upon complete replacement would result in unnecessary dismantling and duplication of already existing infrastructure.
v. The Petitioner is also willing to comply with all applicable safety, metering, billing, inspection and takeover requirements prescribed by the Respondent and this Hon'ble Commission.

10.11 THE RESPONDENT HAS NOT IDENTIFIED ANY DEFAULT ON THE PART OF THE PETITIONER JUSTIFYING NON-COMMISSIONING

i. The Respondent has sought to suggest that the Petitioner has failed to comply with the conditions applicable to the project.
ii. However, the record demonstrates that the Petitioner obtained permission from the then SE (Operation), Faridabad, vide Memo No. Ch-223 GCFC-4 dated 20.09.2023 for construction of the 33/11 kV substation and downstream 11/0.4 kV transformers.
iii. The Petitioner thereafter constructed the 33 kV Switching Station, 33/11 kV Substation and associated 33 kV feeding infrastructure.
iv. The Petitioner's grievance is therefore not that it is unwilling to comply with the 33 kV requirement; rather, it is that despite having

complied with the requirement and having created the requisite infrastructure, the Respondent has not permitted commissioning and takeover.

v. The 33/11 kV Substation has also been cleared by the Chief Electrical Inspectorate, as stated in the Petitioner's submissions.

10.12 PENDING CONSUMER CONNECTIONS SHOULD NOT BE WITHHELD

i. There is a separate and immediate issue concerning the pending connections of consumers in the area.

ii. The Petitioner respectfully submits that consumer connections ought not to remain withheld merely on account of the Respondent's insistence upon replacement of the existing 11/0.4 kV network with a 33/0.4 kV system.

iii. The Commission has already passed an interim order concerning release of pending connections. The Petitioner's prayer is that eligible pending connections be released in accordance with the said interim order and applicable regulations.

iv. The interests of consumers ought not to be made contingent upon the resolution of a dispute concerning the configuration of infrastructure which, as demonstrated above, was itself approved and recognised by the Respondent.

10.13 CONCLUSION

i. The entire matter can therefore be summarised in the following manner:

First, the Petitioner accepts the requirement of 33 kV primary supply and has already constructed the 33 kV Switching Station, 33/11 kV Substation and 33 kV feeding lines.

Second, the internal 11/0.4 kV infrastructure was not created recently or without approval. It was part of the electrification arrangement approved in 2011.

Third, the Respondent itself subsequently released consumer connections over the same network.

Fourth, the Respondent's own Memo dated 30.05.2022 expressly recognised that in old cases where infrastructure had already been created on the 11 kV network, the 33/11/0.4 kV system could be allowed.

Fifth, the Respondent's own PD&C Instruction No. 02/2019 recognises the 33/11/0.4 kV configuration as an available arrangement.

Sixth, most significantly, the Respondent's competent authority sanctioned the 20.06.2024 estimate for a 33/11 kV substation with downstream distribution transformers.

Seventh, the Petitioner acted upon the approvals and constructed the infrastructure, deposited supervision charges and completed the 33 kV arrangement.

ii. In these circumstances, the Petitioner's case is not one of seeking an exemption from the 33 kV requirement. It is a case of seeking recognition and commissioning of an already approved and constructed 33/11/0.4 kV arrangement while receiving supply at the prescribed 33 kV primary voltage.

iii. The Petitioner therefore respectfully submits that insisting upon dismantling the existing 11/0.4 kV infrastructure and replacing it with a 33/0.4 kV system, without identifying a specific legal or technical necessity and in the face of the Respondent's own approvals and sanctioned estimate, would cause unnecessary duplication, delay and hardship without advancing the underlying objective of the 33 kV requirement.

11. **Written submissions of Respondent dated 11/09/2026:**

11.1 The present Petition raises a short and specific question concerning the applicability of Regulation 4.16.9 of the Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure and Power to Require Security) Regulations, 2016, as amended vide notification dated 27.09.2023 ("2023 Amendment"), to the Petitioner's project, namely "Park-81", situated in Sector 81, Faridabad.

11.2 The relevant regulatory framework may first be noticed. Regulation 4.16.1 prescribes the system voltage applicable to the areas falling within the 33 kV Pilot Project Belt and reads as under:

"4.16.1 System Voltage

Notwithstanding anything else contained in these regulations, the licensee shall release all electricity connections in configuration of 220/33/0.4kV in new Sectors 58–115 and Sector 37C & 37D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi–Jaipur highway in Dharuhera ('33 kV Pilot Project Belt/33 kV PPB')."

11.3 Regulation 4.16.2 places the obligation to create the requisite internal electrical infrastructure upon the Builder/Developer and provides as under:

"4.16.2 Internal Electrical Infrastructure

i) The Builder/Developer(s), at its own cost and expense, shall be responsible to erect and install adequate internal electrical infrastructure for drawing electricity at 33 kV level from the switching station. Such internal electrical infrastructure shall include installation of the required Electric Line and Electrical Plant within its premises for e.g. 33 kV lines and 33/0.4 kV distribution transformers, LT lines etc." Emphasis Supplied

11.4 Regulation 4.16.9, upon which the Petitioner has founded its claim, provides a limited exception in respect of existing infrastructure and reads as under:

"4.16.9 Upgradation of the existing Infrastructure from 11 kV to 33 kV

i) Where electrification plan has already been approved on 11kV and adequate infrastructure for the ultimate load at 11 kV has been created, the cost for switching over from 11 kV to 33 kV shall be borne by the Licensee and such cost shall form part of the ARR." Emphasis Supplied

11.5 The case advanced by the Petitioner is that the Electrification Plan for the subject project namely "Park-81" had been approved at the 11 kV level and that the requisite infrastructure at such voltage level

had already been developed in the year 2011. On that premise, the Petitioner is placing reliance on Regulation 4.16.9 and contends that its existing 11/0.433 kV infrastructure ought to be accepted and that the cost of switching over from 11 kV to 33 kV must be borne by the Respondent-Licensee.

11.6 In view of the case so pleaded and argued, the principal issue that falls for consideration before this Hon'ble Commission is:
Whether the Electrification Plan for the subject project, namely Park-81, had been approved at the 11 kV level prior to the notification of the 2023 Amendment, so as to attract Regulation 4.16.9?

11.7 The language of Regulation 4.16.9 admits of a sequential enquiry. The first and indispensable requirement is the existence of an Electrification Plan for the subject project approved at the 11 kV level. Only upon the satisfaction of this threshold requirement would the further question arise as to whether adequate infrastructure for the ultimate load had been created at the said voltage level.

11.8 Thus, unless the Petitioner first establishes that the Electrification Plan governing Park-81 had been approved at the 11 kV level, the enquiry under Regulation 4.16.9 can proceed no further. The mere existence of certain infrastructure at 11 kV, divorced from an Electrification Plan approving the subject project at that voltage level, cannot by itself attract the benefit of Regulation 4.16.9.

PROJECT-SPECIFIC ELECTRIFICATION PLAN WAS APPROVED AT 33 KV

11.9 DHBVN issued a sale circular No. D-1/2015 dated 02.01.2015 which required every project of a Builder/Developer to be treated as an individual identity for determining its ultimate load. The relevant provision reads as under:
"Every site developed by the builders/developers be treated as an individual identity w.r.t. the ultimate load and the loads of all such sites within a district need not be clubbed together to arrive at the total amount of inadequacy for that builder/developer i.e. license wise or scheme wise be taken as a unit."
Point No. 5 of the said Sales Circular further prescribed the voltage configuration applicable to Sector 81, Faridabad, in the following terms:
"In sectors 58 to 115 of Gurgaon and Sector-75 to 89 Faridabad (Naharpar), DHBVN has already adopted 220/33/0.4 KV system instead of laying of conventional 220/66/11 KV system. For other areas the builder shall have the option to lay distribution network by installing 11KV/0.4 KV T/F or 33/0.4 KV T/F."
Thus, Sales Circular No. D-1/2015 required every project to be treated as a separate entity for determining its ultimate load and specifically prescribed a 220/33/0.4 kV system for Sectors 75 to 89, Faridabad, including Sector 81.

11.10 In terms of the aforesaid Sales Circular, the Petitioner submitted an application dated 16.07.2020 seeking approval of a project-specific Electrification Plan for Park-81, situated in Sector 81, Faridabad. Along with the said application, the Petitioner submitted a layout plan (*please refer to Annexure – R2 at page 17 to 17 of DHBVN's reply*)

duly approved by all the concerned authorities, including the Department of Town and Country Planning ("DTCP"), which had granted the licence to the Petitioner for developing the subject project. The approved layout plan clearly recorded that the Petitioner would develop the electrical infrastructure at the 33 kV level through a switching station and a 33/0.433 kV distribution network. The plan further clearly depicted that the Petitioner would lay internal underground cables at the 33 kV level.

11.11 The application dated 16.07.2020 was considered by DHBVN, and the project-specific Electrification Plan for Park-81 was approved on 24.11.2020. The subject of the approval specifically records:

"Approval of revised electrification scheme comprising of Ultimate Load of 12475KW or 13861.10KVA applied by M/s Countrywide Promoters Pvt. Ltd. for Residential Plotted and Group Housing Scheme over an area measuring 109.721 acres at Sector 81, Faridabad…"

The approval dated 24.11.2020 expressly provided that the ultimate load of Park-81 would be fed at the 33 kV level:

"The Ultimate Load of 12475KW or 13861.10KVA (9382.73 KVA load relates to M/s Countrywide Promoters Pvt. Ltd. on multipoint basis and 4478 KVA relates to M/s Puri Construction on single point basis) of the complete scheme shall be fed from 33KV Switching Station (to be developed by the builder/developer in its offered land of approx. 500 sq. yard)…"

The approval further required the installation of 33/0.433 kV Distribution Transformers for the Residential Plotted Colony:

"Distribution T/Fs (33/0.433KV) for multi point connection(s) with total installed capacity as 11890KVA (1x400KVA + 13x630KVA + 2x1650KVA) against 9382.73KVA Load of residential plotted colony/scheme under the complete scheme are installed by the developer in the developer area…"Emphasis Supplied

The same approval permitted supply at 11 kV only as an interim measure and for a limited load:

"As an interim measure, Residential Plotted colony/area/scheme under the complete scheme shall be fed at 11KV level up to Max load of 2MVA, for releasing individual electricity connections to the residents/members and for common services & NDS Load…"

The temporary nature of the 11 kV arrangement, as well as the Petitioner's obligation to switch over to 33 kV at its own cost, was expressly recorded in Clause IX:

"The above Interim/Partial load for residential plotted colony and GHS will be allowed for 3 years only. The builder/developer shall create 33KV infrastructure within the above specified time and switchover the feeding arrangement of RESIDENTIAL PLOTTED COLONY & GHS to 33KV level from 11KV at his own cost."

11.12 The documents, therefore, leave no room for doubt. The Petitioner applied for a project-specific Electrification Plan for Park-81, and the Electrification Plan approved pursuant to that application sanctioned the ultimate load at the 33 kV level. The 11 kV supply was permitted only as a temporary arrangement for a limited load.

11.13 The Petitioner has consequently failed to establish the first requirement of Regulation 4.16.9, namely, that the Electrification Plan for Park-81 had been approved at the 11 kV level. On the contrary, DHBVN has demonstrated beyond any doubt that the project-specific Electrification Plan was approved at 33 kV.

SUBSEQUENT RECORD REAFFIRMED THE APPROVED 33 KV CONFIGURATION

11.14 This position remained unchanged even when the interim/partial load was subsequently enhanced from 2 MVA to 5 MVA vide Memo dated 25.04.2023. While granting the said enhancement, DHBVN expressly reiterated that the Petitioner was required to create the 33 kV infrastructure and switch over from 11 kV to 33 kV at its own cost. The relevant portion reads as under:

"As per the provisions contained in Sales Circular No. D-21/2020 Dt: 07.09.2020, time for creation of 33KV infrastructure & Interim/Partial load thereof is an essence and shall be contingent upon the release of load under the instant application. Accordingly, it shall be ensured by SE (OP), Circle, DHBVN Faridabad that the 33KV infrastructure is created by the builder/developer within the specified time and the feeding arrangement is switched over to 33KV level from 11KV at his own cost."

Thus, the enhancement of the interim load from 2 MVA to 5 MVA did not alter the approved voltage configuration of Park-81. The enhanced load continued to be an interim arrangement, subject to the Petitioner creating the 33 kV infrastructure and switching over at its own cost.

11.15 Pertinently, Petitioner's own letter dated 16.09.2023, written immediately before the notification of the 2023 Amendment, also admits that the project-specific Electrification Plan had been approved at the 33 kV level. The Petitioner stated:

"DHBVN has revised the scheme in 2020 vide Ch-54/SE/R-APDRP/OLNC-HT/FBD/EP-59 with ultimate load 13.861 MVA (9.382 MVA load relates to M/s Countrywide Promoters Pvt. Ltd. on multipoint basis and 4.478 MVA relates to M/s Puri Construction on single point basis) with Distribution Transformers of 33/0.433 KV."

The Petitioner further stated in the same letter:

"We have already installed the infrastructure for 8 MVA with 11 KV Cable and DT of 11/0.433 KV which are operational."

The aforesaid communication makes two facts clear. First, the Petitioner itself understood and acknowledged that the Electrification Plan approved in the year 2020 required 33/0.433 kV Distribution Transformers. Secondly, the infrastructure created by the Petitioner at the 11 kV level was only for 8 MVA, whereas the approved ultimate load was 9.382 MVA for their project out of 13.861 MVA. Significantly, the letter dated 16.09.2023 does not state that the project-specific Electrification Plan for Park-81 had been approved at 11 kV. On the contrary, it acknowledges that the approved Electrification Plan contemplated a 33/0.433 kV

distribution system and seeks permission to retain the 11/0.433 kV infrastructure already installed by the Petitioner.

11.16 After the notification of the 2023 Amendment, the Petitioner once again applied for re-sanction of the ultimate load. The ultimate load was recalculated and re-sanctioned vide approval dated 23.02.2024. However, the said approval expressly preserved all the terms and conditions of the project-specific Electrification Plan dated 24.11.2020:

"All other terms & conditions mentioned in this office Memo no. Ch-54/SE/R-APDRP/OLNC-HT/FBD/EP-59 dated 24.11.2020 shall remain unchanged."

The re-sanction dated 23.02.2024, therefore, did not alter the approved voltage configuration. The requirement that the ultimate load be fed at the 33 kV level and that the requisite infrastructure be created by the Petitioner at its own cost continued to remain binding.

11.17 The entire documentary record is, therefore, consistent. The project-specific Electrification Plan dated 24.11.2020 approved Park-81 at the 33 kV level. The supply made available at 11 kV was only an interim arrangement. This position was reiterated while enhancing the interim load on 25.04.2023, admitted by the Petitioner on 16.09.2023, and preserved in the re-sanction dated 23.02.2024.

11.18 Further builder / developer gives the representation for the conversion of 11 KV system to 33 KV system for plotted colony park 81 Faridabad for which committee of two XEN's submitted the report but the same was rejected/denied by the management as it is not admissible (Copy enclosed as Enclosure A). The Petitioner's assertion, as noticed in paragraph 5 above, that the requisite electrical infrastructure had already been developed in the year 2011 is contradicted by the XENs' Report. The Report records that, out of the twelve Distribution Transformers having capacities 8530 KVA relied upon by the Petitioner, six having capacities 3780 KVA were manufactured only in the years 2023 and 2024. These Distribution Transformers could plainly not have formed part of the infrastructure allegedly created in 2011. The Petitioner's own material, therefore, belies its assertion that the entire infrastructure had been in existence since 2011.

11.19 Without prejudice to the above, the Petitioner has also failed to create the complete infrastructure required for catering to the ultimate load of the Residential Plotted Colony. Against the ultimate load of M/s Countrywide Promoters Pvt. Ltd. 9.382 MVA out of 13.861 MVA, the Petitioner was required, after accounting for the prescribed maximum transformer loading of 80%, to install Distribution Transformers having an aggregate capacity of at least 11,729 kVA. The aggregate capacity of the Distribution Transformers actually installed is only 8,530 kVA for 5 MVA partial load in which 3780 KVA capacities distribution transformer installed in the year 2023, 2024 and later on before the sanctioned estimate leaving a shortfall of approximately 3,199 kVA. The infrastructure presently in place is, therefore, insufficient to cater to the ultimate sanctioned load. Thus,

even independently of the Petitioner's failure to establish that the Electrification Plan was approved at 11 kV, the second requirement of Regulation 4.16.9 is also not satisfied.

REGULATION 4.16.9 IS NOT APPLICABLE TO PARK-81

11.20 The Petitioner has, therefore, failed to establish the first and essential requirement of Regulation 4.16.9, namely, that the Electrification Plan for Park-81 had been approved at the 11 kV level. On the contrary, the documents placed on record conclusively establish that the project-specific Electrification Plan was approved at the 33 kV level.

11.21 The failure to satisfy the first requirement is, by itself, sufficient to exclude the applicability of Regulation 4.16.9. Without prejudice thereto, the Petitioner has also failed to satisfy the second requirement of the said Regulation, namely, creation of adequate infrastructure at the 11 kV level for the ultimate load. The Petitioner is, therefore, not entitled to the benefit of Regulation 4.16.9 on either count.

11.22 The mere fact that the Petitioner installed certain infrastructure at the 11 kV level for their 5 MVA partial load, or that electricity connections were released through the interim arrangement, cannot alter the voltage level at which the Electrification Plan was approved. An interim arrangement for supply at 11 kV cannot be treated as an Electrification Plan approved at 11 kV.

11.23 The Petitioner cannot convert a temporary arrangement at the 11 kV level into a permanent entitlement and thereby transfer to DHBVN the cost of switching over to the approved 33 kV system. This would be directly contrary to the approval dated 24.11.2020, under which the Petitioner was expressly required to create the 33kV infrastructure and switch over from 11 kV to 33 kV at its own cost.

PETITIONER IS ALSO NOT ENTITLED TO AMENDMENT OR RELAXATION OF REGULATIONS 4.16.1 AND 4.16.2 OR REMOVAL OF DIFFICULTY

11.24 The Petitioner has, in the alternative, sought relaxation of Regulations 4.16.1 and 4.16.2 and removal of difficulty. The said relief is also wholly misconceived in the facts of the present case. The Petitioner was throughout aware that the project-specific Electrification Plan dated 24.11.2020 stood approved at the 33 kV level. The very same approval permitted supply at 11 kV only as an interim arrangement and expressly obligated the Petitioner to create the 33 kV infrastructure and switch over from 11 kV to 33 kV at its own cost.

11.25 Thus, this is not a case where the Petitioner acted under any ambiguity as to the applicable voltage configuration or subsequently encountered any difficulty in implementing the approved Electrification Plan. Despite being fully aware that the ultimate arrangement approved for Park-81 was at 33 kV and that the 11 kV arrangement was only temporary, the Petitioner chose to proceed with and continue creating infrastructure at the 11 kV level. Indeed, in its own letter dated 16.09.2023, the Petitioner expressly acknowledged that the scheme approved in 2020 contemplated

Distribution Transformers of 33/0.433 kV, while at the same time stating that it had installed infrastructure comprising 11 kV cables and 11/0.433 kV Distribution Transformers.

11.26 The Petitioner cannot now rely upon its own departure from the approved Electrification Plan as a ground for seeking relaxation of Regulations 4.16.1 and 4.16.2 or removal of difficulty. The relief sought would, in effect, amount to regularising the 11kV infrastructure consciously created and retained by the Petitioner despite the express approval of the project at 33 kV, and would further shift upon DHBVN the financial consequence of the Petitioner's own failure to create the infrastructure which it was specifically required to establish at its own cost.

11.27 The power of relaxation or removal of difficulty cannot be invoked to rewrite the project-specific Electrification Plan or to convert an expressly interim arrangement into the permanent voltage configuration for the project. More importantly, a party which was aware of the applicable requirement and nevertheless proceeded contrary thereto cannot subsequently rely upon the consequence of its own conduct as constituting a "difficulty" warranting relaxation by this Hon'ble Commission.

11.28 The position is further reinforced by the fact that the obligation to create the 33kV infrastructure was not merely contained in the approval dated 24.11.2020. It was expressly reiterated while enhancing the interim load vide Memo dated 25.04.2023 and was thereafter preserved in the re-sanction dated 23.02.2024. At every stage, therefore, the Petitioner was aware that the 11kV arrangement was interim and that the ultimate infrastructure was required to be created at 33 kV at its own cost.

11.29 It is submitted that the project in question, namely Park-81, Plotted Colony, Sector-81, Faridabad, is a multipoint connection project. Accordingly, the provisions of Sale Circular No. D-14/20 governing multipoint electricity connections are applicable to the Petitioner. Under the said instructions, in the case of a multipoint connection, the Builder/Developer is mandatorily required to establish the 33/0.433 kV network and erect the requisite 33 kV line for extending electricity supply to the development. Thus, in the present case, the obligation to create and establish the requisite electrical infrastructure for the multipoint connection rests upon the Petitioner, and the same is required to be undertaken in accordance with the applicable Nigam instructions and prescribed technical standards.

11.30 Further, the Petitioner has contended that its request for permission to install a 33/11 kV power transformer at Park-81, Plotted Colony, Sector-81, Faridabad, was allowed by the SE (OP) Circle, Faridabad, vide letter dated 20.09.2023 (P-8). This contention is factually incorrect and is not borne out from the contents of the said letter. It is respectfully submitted that the said letter nowhere records, states, or conveys that the Petitioner's request for installation of a 33/11 kV power transformer was approved or permitted by the competent

authority. The Petitioner has, therefore, sought to attribute a meaning to the said letter which is neither supported by its express terms nor can reasonably be inferred therefrom.

11.31 Without prejudice to the foregoing, it is submitted that, even under the 2011 Electrification Scheme, reliance upon which has been placed by the Petitioner itself, the builders/developers were required to construct the 220 kV GIS Sub-Station and 33 Kv Sub-Stations at their own cost. Admittedly, the said 2011 Electrification Scheme is not applicable to the project in question, namely "Park-81". Nevertheless, even if the Petitioner's reliance on the 2011 Electrification Scheme were to be accepted for the sake of argument, the Petitioner has failed to comply with the very requirements of the Scheme upon which it seeks to rely, having not constructed/installed even the 220 KV Sub-Station contemplated thereunder. This itself demonstrates the selective manner in which the Petitioner seeks to rely upon the 2011 Electrification Scheme, seeking to invoke only those provisions which are favourable to its case, while conveniently disregarding the corresponding obligations imposed upon it under the same Scheme.

CONCLUSION

11.32 In view of the foregoing, the Petitioner has failed to establish its entitlement to the benefit of Regulation 4.16.9. The project-specific Electrification Plan dated 24.11.2020 approved the ultimate load of Park-81 at the 33 kV level, while permitting supply at 11 kV only as an interim arrangement, subject to the express obligation of the Petitioner to create the requisite 33 kV infrastructure and switch over at its own cost.

11.33 The alternative prayers seeking amendment and/or relaxation of Regulations 4.16.1 and 4.16.2, whether under the Conduct of Business Regulations, 2019 or the Duty to Supply Regulations, 2016, are equally untenable. The Petitioner was aware of the approved 33 kV configuration and the limited nature of the interim 11 kV arrangement. The subsequent communications and estimates relied upon by the Petitioner cannot be construed as having superseded or modified the express conditions of the project-specific Electrification Plan dated 24.11.2020, particularly when the re-sanction dated 23.02.2024 expressly preserved the said conditions.

11.34 The consequential prayers seeking acceptance of the existing 33/11/0.4 kV distribution system, commissioning of the 33/11 kV substation and release of pending consumer connections are founded upon the same erroneous premise that the Petitioner is entitled to retain the existing configuration notwithstanding the approved Electrification Plan. No direction can be issued which would have the effect of dispensing with the Petitioner's obligation to create the requisite infrastructure in accordance with the approved Electrification Plan and the applicable regulatory framework.

11.35 Accordingly, the Petitioner has failed to make out any case either under Regulation 4.16.9 or for amendment, relaxation or removal of

difficulty in respect of Regulations 4.16.1 and 4.16.2. The present Petition is, therefore, devoid of merit and deserves to be dismissed.

Commission's Order:

1. The Commission has examined the petition, replies, rejoinders, written submissions, documents placed on record, and has heard learned counsel for the parties. The principal issue is whether the existing 33/11/0.4 kV distribution system in Park-81, Sector-81, Faridabad may be retained and commissioned, or the Petitioner is required to develop a 33/0.4 kV system as insisted upon by respondent DHBVN.
2. The Commission finds that Park-81, Sector-81, Faridabad initially formed part of the Comprehensive Electrification Scheme approved by DHBVN on 10/10/2011, which envisaged the development of a 33/11/0.4 kV distribution infrastructure. DHBVN thereafter also accorded certain approvals for the said 33/11/0.4 kV distribution system, pursuant to which the system was developed. However, the revised Sectoral Electrical Plan dated 24/11/2020 subsequently approved, required the project to be served through multipoint connections under a 33/0.4 kV distribution system.
3. As the 33/11/0.4 kV distribution system developed by the Petitioner was not created unilaterally; the requisite approvals were accorded by DHBVN's field officers, and Deposit Estimate No. D-82/2024-25 for ₹12,31,48,964 was duly sanctioned. Further, vide office memo No. Ch-141/SE/C-317/Gen dated 30.05.2022, the Chief Engineer/ Commercial clarified that, in cases where electrification had already been approved and the developer had already created 11 kV infrastructure, the 33/11/0.4 kV system shall be allowed, subject to the metering, billing, and related provisions of the HERC Single Point Regulation, 2020.
4. The conduct of the concerned officers of DHBVN in approving estimates and drawings for a 33/11/0.4 kV system contrary to the approved Electrical Plan requires examination. Accordingly, an appropriate action against the delinquent officers is required to fix accountability and prevent recurrence of similar deviations and litigations in future.
5. At the same time, dismantling the existing 33/11/0.4 kV system and requiring fresh development of a 33/0.4 kV system at this stage would cause avoidable hardship to a large number of consumers awaiting connections, result in financial waste, and delay the supply of

electricity. The existing infrastructure has already been created, inspected, and substantially paid for; its preservation, subject to safety and technical requirements, would serve both consumer interest and prudent utilisation of national assets.

6. Accordingly, in the peculiar facts and circumstances of the case, subsequent clarifications on record and in the interest of consumers awaiting electricity connections, the Commission allows retention and commissioning of the already installed 33/11 kV substation and the existing 11/0.4 kV downstream distribution system. This exception is project-specific and shall not be construed as a relaxation of the approved Electrical Plan, applicable Regulations, Sales Circulars, or the requirements of the 33 kV Pilot Project Belt.
7. Accordingly, the Commission directs as follows:

7.1 The existing 33/11/0.4 kV distribution system of Park-81, Sector-81, Faridabad, comprising the 33 kV primary intake, 33/11 kV substation, and 11/0.4 kV internal distribution network and transformers, is allowed to be retained and commissioned on a project-specific basis, subject to applicable safety requirements, testing protocols, and prescribed formalities.

7.2 DHBVN is directed to energise and commission the constructed 33/11 kV substation and associated 33 kV feeding lines within 30 days of receipt of this Order, in line with the safety clearance dated 10/10/2024 issued by the Chief Electrical Inspector, testing, inspection, and other applicable departmental procedures.

7.3 The Petitioner is liable to complete, augment, or upgrade the electrical infrastructure, including transformer capacity and associated network, to meet the approved ultimate load and applicable technical requirements within two months from the date of this Order.

7.4 In continuation of the interim order dated 07/04/2026 in IA No. 40 of 2025, DHBVN is directed to release all pending and new individual electricity connections in Park-81 subject to applicable technical, safety, and administrative formalities.

7.5 Since the 33/11/0.4 kV infrastructure was not developed unilaterally by the Petitioner, and the setup is permissible for a single-point connection as clarified by CE/Commercial. Vide letter dated 30/05/2022, besides other approvals accorded by DHBVNL, the Commission, directs the Petitioner to apply for Electrification

plan on single-point supply regime for Park-81, Sector-81, Faridabad within one month of this Order. Respondent DHBVN is directed to consider and convey its approval thereon, including release of individual electricity connections by DHBVNL to residents/members and for common services/NDS loads in accordance with Regulation 4.1(b) of the Single Point Supply Regulations, 2020, within one month of receipt of such application. In the event the approval of the Electrification Plan is not communicated to the Petitioner within the prescribed period of 30 days, the Electrification Plan submitted by the Petitioner shall be deemed to have been approved.

8 DHBVN shall initiate appropriate departmental action against officers responsible for approving estimates, drawings, or works contrary to the approved Electrical Plan, so as to prevent recurrence of similar deviations and litigation.

9 This Order is confined to the peculiar facts of Park-81, Sector-81, Faridabad, and shall not be construed as a general relaxation of the applicable Regulations, Sales Circulars, Electrical Plan, load norms, or requirements of the 33 kV Pilot Project Belt. It shall not be cited as a precedent in any other project or future case.

10 The petition stands disposed of in the above terms.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 03/11/2026.

	Sd/-	**Sd/-**
Date: 03/11/2026	**(Shiv Kumar)**	**(Mukesh Garg)**
Place: Panchkula	**Member**	**Chairman**