

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

CASE NO: HERC / PRO- 37 of 2020

CASE NO: HERC / PRO- 38 of 2020

**DATE OF HEARING : 02.06.2021
DATE OF ORDER : 02.06.2021**

IN THE MATTER OF:

Petition under Sections 61(h), 86(1)(c) and 86(1)(e) and other applicable provisions of the Electricity Act, 2003 read with relevant provisions of the Haryana Electricity Regulatory Commission (Terms and Conditions for grant of Connectivity and Open Access for Intra-State transmission and distribution system) Regulations, 2012; Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2017 and the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking appropriate directions and orders. (HERC/PRO-37 of 2020).

AND

Petition under Sections 61(h), 86(1)(c) and 86(1)(e) and other applicable provisions of the Electricity Act, 2003 read with relevant provisions of the Haryana Electricity Regulatory Commission (Terms and Conditions for grant of Connectivity and Open Access for Intra-State transmission and distribution system) Regulations, 2012; Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2017 and the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking appropriate directions and orders. (HERC/PRO-38 of 2020).

Petitioners

1. M/s. AMPSolar Surya Private Limited (HERC/PRO-37 of 2020)
2. M/s. AMPSolar Park Private Limited. (HERC/PRO-38 of 2020)

Respondents

1. Haryana Vidyut Prasaran Nigam Ltd (HVPNL), Panchkula
2. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL), Hisar
3. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), Panchkula
4. Haryana Power Purchase Centre (HPPC), Panchkula

5. Haryana Renewable Energy Development Agency (HAREDA)

Present

On behalf of the Petitioners through Video Conferencing

1. Shri Aniket Prasoon, Advocate for Petitioners

On behalf of the Respondents through Video Conferencing

1. Shri Samir Malik, Advocate for Respondent Nos. 1 to 4

Quorum

Shri R.K. Pachnanda
Shri Naresh Sardana

Chairman
Member

ORDER

1. By way of the present petition, the petitioners have invoked the jurisdiction of this Commission under Sections 61 (h), 86(1) (c), 86 (1) (e) including other applicable provisions of the Electricity Act, 2003 and the relevant provisions of the HERC (Terms and Conditions for grant of connectivity and open access for intra-state transmission and distribution system) Regulations, 2012 ("HERC OA Regulations, 2012") and the HERC (Terms and Conditions for determination of tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2017 ("HERC RE Regulations, 2017").
2. So invoking the jurisdiction, the petitioner in case no. HERC/PRO-37 of 2020, has prayed for the following reliefs:-
 - a) Direct the Respondent No. 1 to forthwith grant the Final Connectivity to the Petitioner for its 2x25 MW Solar Project;
 - b) Direct the Respondents, subject to fulfilment of the required conditions by the Petitioner, to timely and without any delay execute the Connection Agreement, grant the Long Term Open Access and complete all other associated activities including execution of relevant agreements, necessary for implementing the supply of power under the captive route from the Petitioner's Solar Project;
 - c) Direct the Respondent, to refrain from taking any coercive action against the Petitioner till the pendency of the instant Petition;
 - d) Award the costs of the present Petition to the Petitioner; and
 - e) Issue of any other appropriate order or directions which this Hon'ble Commission may deem fit in the facts and circumstances of the present case.

3. Further, the petitioner in case no. HERC/PRO-38 of 2020, has prayed for the following reliefs:-
 - f) Direct the Respondent No. 1 to forthwith grant the Final Connectivity to the Petitioner for its 30 MW Solar Project;
 - g) Direct the Respondents, subject to fulfilment of the required conditions by the Petitioner, to timely and without any delay execute the Connection Agreement, grant the Long Term Open Access and complete all other associated activities including execution of relevant agreements, necessary for implementing the supply of power under the captive route from the Petitioner's Solar Project;
 - h) Direct the Respondent, to refrain from taking any coercive action against the Petitioner till the pendency of the instant Petition;
 - i) Award the costs of the present Petition to the Petitioner; and
 - j) Issue of any other appropriate order or directions which this Hon'ble Commission may deem fit in the facts and circumstances of the present case.

4. Since, both the cases are similar, the Commission decided to hold a joint hearing and pass a combined Order, to be placed on the file of both the cases. The cases were heard by the Commission on 02.06.2021, through Video Conferencing, as scheduled, in view of COVID-19 pandemic. The Commission heard the arguments of the parties at length as well as perused the submissions placed on record by the parties.

5. The Commission has taken note of letter no. Ch-173/ISB-521/Vol-III dated 02.04.2021, filed by HVPNL intimating the circulation of "Procedure for dealing pending solar applications seeking grid connectivity of Solar Power Plants/Parks from HVPNL/DISCOMs Substations", vide memo no. Ch-201/ISB-535/Vol-III (Progress) dated 01.04.2021. The said procedure has been circulated by HVPNL, in compliance of the directions of the Commission issued in the Interim Order dated 16.03.2021. Further, HVPNL, vide memo no. Ch-154/ISB-521/Vol-III dated 22.03.2021, has submitted "Detailed procedure for grant of connectivity & intra-State Open Access", for approval of the Commission, in accordance with Regulation no. 6 of the HERC OA Regulations, 2012. The Commission has approved the said procedure, vide Memo no. 162-166 /

HERC / Tariff, dated 15.04.2021. The contents of the said letter are reproduced as under:-

“Please refer to your memo no. Ch-154/ISB-521/Vol-III dated 22.03.2021, vide which the following draft procedures were submitted, for approval of the Commission:-

- 1. Procedure for grant of intra-state Short Term Open Access.*
- 2. Procedure for grant of connectivity.*
- 3. Procedure for grant of intra-state Medium/Long Term Open Access.*

The Commission has discussed the draft procedures with the MDs of HVPNL and DISCOMs, in the meeting held on 15.04.2021 and after detailed deliberation approves the same. The pending applications shall be decided as per following order, as proposed vide memo no. Ch-201/ISB-535/Vol-III (Progress) dated 01.04.2021:-

- i) 24 applications where in-principle feasibility has been issued.*
- ii) 26 applications where in-principle feasibility is yet to be processed.*
- iii) Applications of Solar Parks after deciding i) & ii) above and making fresh assessment of technical feasibility considering quantum of solar power available from various plants where PPAs have been signed.*

The copy of the approved procedure is enclosed.”

6. Shri Aniket Prasoon, Ld. Advocate for the Petitioners pleaded that the procedure dated 01.04.2021 circulated by HVPNL, for dealing with the pending applications for grant of final connectivity, should not be made applicable to them at this stage, since their application is pending w.e.f 21.08.2018 and in-principle connectivity was granted on 03.09.2019. He pressed for only one relief i.e. grant of final connectivity and further submitted that the documents/additional information sought in pursuant to the procedure dated 01.04.2021, can be provided after the grant of final connectivity but before the signing of connectivity agreement.
7. Per-contra, Shri Samir Malik, Ld. Advocate for the Respondent Nos. 1 to 4 submitted that Standard Operating Procedures dated 01.04.2021 were circulated in compliance of the directions of the Commission’s Order dated 16.03.2021, in order to clarify various issues being faced and overcome the obstacle being faced by the applicants as well as the Nigam. Committees to scrutinize and verify the documents, submitted by the

applicants, have been constituted separately for “Technical Feasibility” and for “Final Connectivity”. Further, roles of HVPNL and DISCOMs along with the procedure to deal with the pending applications have been clearly defined. The Commission in its Order no. 162-166 / HERC / Tariff, dated 15.04.2021, has even decided the order in which the pending application shall be disposed of, as reproduced hereunder:-

“The pending applications shall be decided as per following order, as proposed vide memo no. Ch-201/ISB-535/Vol-III (Progress) dated 01.04.2021:-

- i) 24 applications where in-principle feasibility has been issued.*
- ii) 26 applications where in-principle feasibility is yet to be processed.*
- iii) Applications of Solar Parks after deciding i) & ii) above and making fresh assessment of technical feasibility considering quantum of solar power available from various plants where PPAs have been signed.”*

Now that the standard operating procedure is in place, the Petitioner is not coming forward to submit the requisite documents/information to enable the Committees concerned to process the case.

8. After taking into consideration all the facts and circumstances of the case, the Commission observes that the Petitioner has pressed for only one relief i.e. grant of final connectivity, which can be logically and timely decided in accordance with the Standard Operation Procedure. Accordingly, the Commission directs the Petitioners to furnish the information desired by the Respondents. Further, HVPNL/DISCOMs are directed to take further necessary action in the matter, within the timeframe and manner specified in the said procedure approved by the Commission.
9. In terms of the above Order, the present petitions are disposed of.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 02.06.2021.

Date: 02.06.2021
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman