

COURT-II

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**ORIGINAL PETITION NO. 3 OF 2020,
ORIGINAL PETITION NO. 4 OF 2020**

AND

APL NO. 112 OF 2020 and IA NO. 773 OF 2020

Dated: 17th July, 2020

**Present: Hon'ble Mr. Ravindra Kumar Verma, Technical Member
Hon'ble Mr. Justice R.K. Gauba, Judicial Member**

ORIGINAL PETITION NO. 3 OF 2020

In the matter of:

**Amplus Sun Solutions Private Limited. Petitioner (s)
Versus
Haryana Electricity Regulatory Commission & Respondent(s)
Ors.**

**Counsel for the Petitioner (s) : Mr. Amit Kapur
Mr. Vishrov Mukerjee
Mr. Rahul Kinra
Mr. Aditya Singh**

**Counsel for the Respondent (s) : Mr. Anil Grover, Sr. AAG Haryana
Mr. Mishal Vij for R-1**

ORIGINAL PETITION NO. 4 OF 2020

In the matter of:

**Ananth Solar Power Maharashtra Private Limited Petitioner(s)
Versus
Haryana Electricity Regulatory Commission Respondent(s)
&Ors.**

**Counsel for the Petitioner (s) : Mr. Amit Kapur
Mr. Vishrov Mukerjee
Mr. Rahul Kinra
Mr. Aditya Singh**

**Counsel for the Respondent (s) : Mr. Anil Grover, Sr. AAG Haryana
Mr. Mishal Vij for R-1**

APL NO. 112 OF 2020 and IA NO. 773 OF 2020

In the matter of:

**Greenyana Solar Private Limited Appellant (s)
Versus
Haryana Electricity Regulatory Commission Respondent(s)
&Ors.**

**Counsel for the Petitioner (s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Anand Ganesan
Mr. Damodar Solanki
Ms. Mandakini Ghosh**

**Counsel for the Respondent (s) : Mr. Anil Grover, Sr. AAG Haryana
Mr. Mishal Vij for R-1**

ORDER

This matter is taken up on urgent application for hearing by video conference, physical presence being not possible due to National Lockdown imposed for containing spread of coronavirus (Covid-19).

The first and second captioned Petitions were filed earlier on which by our previous order we had issued notices primarily calling upon the State Commission to respond. Mr. Anil Grover, Sr. Addl. Advocate General Haryana has entered appearance today on behalf of the State Commission. The third captioned matter was also filed in the meanwhile

and upon being mentioned was taken up with the other two cases. Given the similarity of the disputes and almost identical grievances primarily directed against the State Commission raised in these three matters, they are taken up together.

Issue notice in the three captioned matter as well to the State Commission. Mr. Anil Grover, Sr. Addl. Advocate General Haryana accepts notice on behalf of the State Commission. Copy of the appeal shall be made available to him immediately as has been requested.

The learned senior counsel for the Petitioners and the Appellant and the Respondent State Commission have been heard at length. It appears that the disputes essentially relate to inaction on the part the Respondent Distribution Licensee with which there had been some progress earlier made by each of these Petitioners and Appellant in the matter of connectivity for Intra-State transmission, wheeling of power and grant of open access. It appears that after submission of signed connection agreement, some dispute persisted which was taken up by the Petitioners/Appellant to the State Commission for adjudication by it within its jurisdiction under Section 86 of the Electricity Act, 2003. It is the grievance of the Petitioners/Appellant that the matter had also to be brought before the Coordination Committee, which is a body created and guided by the regulations on the subject framed by the State Commission.

During the hearing, it was fairly conceded that the Coordination Committee is a body conceived primarily as a facilitator though also entrusted with certain role in adjudication over the disputes. The Petitioners and Appellant contended that the delegation of powers to the

Coordination Committee to the extent it concerns the adjudicatory role of the Commission is illegal and impressible in view of the inhibition expressly set out in Section 97 of the Electricity Act, 2003. The prime grievance here, however, has been that in spite of being approached, the State Commission has not been responsive and the disputes remain unaddressed for prolonged period, the power plant of the Petitioners and the Appellant meanwhile lying idle and unused.

After some hearing, having taken instructions, Mr. Anil Gover, learned senior counsel for the State Commission assured that the petitions which are subject of these matters will be taken up by the State Commission on a date suitable to its calendar but definitely on or before 31.07.2020 and adjudicated upon in accordance with law within four weeks thereof by reasoned orders being passed. The appellant and the petitioners herein before us are satisfied with such assurance. They, however, also insisted that the State Commission should address their requests for interim connectivity expeditiously. We are confident that such prayer would be considered and appropriate orders passed thereupon by the State Commission keeping in view of the urgency involved.

While we find the above to be an appropriate resolution to the present controversy, we would add that the State Commission would proceed to decide the disputes which are subject of the petitions presented before it within the above time frame *dehors* the connected matters which may be pending before Coordination Committee.

We order accordingly. No further directions are required. The Petitions and the Appeal along with pending applications are disposed of.

(Justice R.K. Gauba)
Judicial Member
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(Ravindra Kumar Verma)
Technical Member