

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 7 OF 2026 & IA No. 1299 OF 2025

Dated: 27th January, 2026

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Ansal Buildwell Limited

.... Appellant(s)

Versus

Dakshin Haryana Bijli Vitran Nigam Limited & Anr.

.... Respondent(s)

Counsel on record for the Appellant(s) : Bhagwat Prasad Agarwal
for App. 1

Counsel on record for the Respondent(s) : Raheel Kohli
Himangini Mehta
for Res. 1

ORDER

IA No. 1299 of 2025
(for interim relief)

The interim relief sought by way of this application, is to stay operation of the judgment and order passed by the HERC in Petition No. 49 of 2022 dated 07.08.2024.

Petition No. 49 of 2022 was filed by Dakshin Haryana Bijli Vitran Nigam Ltd., under Section 43, 46 and 50 of the Electricity Act 2003 read with Regulation 8 & 9 of the HERC (Duty to Supply Electricity on request, power

to recover expenditure incurred in providing supply and power to require security) Regulations, 2016; and Regulations 16 of the HERC (Electricity Supply Code) Regulations 2014 read with Sections 142 &146 of the Electricity Act 2003.

In the order, impugned in this Appeal, the HERC held the Appellant-developer liable for not curing the stated deficiencies, and directed the Appellant-developer to compensate the Respondent-Petitioner with Rs. 50,000/- incurred towards court fee, along with Rs. 50,000/- as litigation expenses, within thirty days of the order. The Commission imposed a penalty of Rs. 1,00,000/- under Section 142 read with Section 146 of the Electricity Act 2003, to be deposited by the Appellant with the HERC within one month from the date of the order. The HERC further observed that, in case the Appellant-developer failed to comply with the directions and timelines, an additional penalty of Rs. 6,000/- every day, during which the failure continued after expiry of the above timelines, shall be payable by the Appellant for such wilful and repetitive non-compliance.

Mr. Raheel Kohli, Learned Counsel for the 1st Respondent-Petitioner, drew our attention to the analysis portion of the impugned order more particularly to para 4 thereunder wherein the HERC has recorded its finding that, having perused the details of the inadequacies as furnished by the Respondent-Petitioner in its pleadings, it was clear that inadequacy of Rs. 32.98 crores remained in the projects developed by the Appellant ; the Appellant was liable to cure the same in a time bound manner; merely because the inadequacies had been partially cured by DHBVNL (from the development charges collected from the consumer), the same did not

absolve the Appellant-developer to create adequate electrical infrastructure in the concerned area; this was fortified by the order passed in PRO 55 of 2021 dated 02.02.2022 whereby the Commission had directed the 1st Respondent-Petitioner that, in case they recover costs claimed for inadequacies, the aforesaid charges voluntarily paid by the Appellant should be adjusted/set off in the future energy bills; the Appellant-developer had failed to cure the inadequacy of electrical infrastructure as pointed out by the 1st Respondent -Petitioner which was required to be cured by the Appellant-developer as per the provisions stipulated in the Regulations, due to which the residents of these projects were suffering.

The HERC further observed that, since the Appellant-developer had failed to cure the inadequacies, the petition was allowed with the following directions to the Appellant : (a) the inadequacy (as established by the 1st Respondent in its pleadings) shall be cured by the Appellant within six months; (b) monthly progress report of work, in curing the inadequacy, shall be submitted by the Appellant to the 1st Respondent; and (c) the Appellant-developer should deposit the cost of curing the inadequacies as pointed out by the 1st Respondent or submit the requisite bank guarantee as per Regulations to the 1st Respondent within 30 days. By way of the findings recorded by the Commission in the impugned order, all that the Appellant has been directed to deposit is a sum of Rs. 2,00,000/- with the Commission, and for a sum of Rs. 6,000/- per day during which the failure continue.

While Mr. B.P. Agarwal, Learned Counsel for the Appellant, would submit that the Appellant has already deposited Rs. 1,00,000/-, and that the deficiencies have been cured in part, we see no reason to interdict deposit

of the balance amount required to be deposited by the Appellant in terms of the impugned order, as it has not been disputed, even on behalf of the Appellant, that the inadequacies have not been cured in its entirety. Suffice it, to protect the interest of the Appellant, to make it clear that any amount paid by them, in terms of the impugned order, shall be subject to the result of the main appeal. The IA is disposed of accordingly.

APL No. 7 OF 2026

It is represented that pleadings are complete. Registry to verify whether pleadings are complete. If the pleadings are complete, let the appeal be included in the '**List of Finals**' to be taken up from there in its turn.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

sk/kns