

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-20269-2021 (O&M)
Date of decision:- 05.10.2021

M/s KRBL Limited and another

...Petitioner (s)

Versus

Haryana Electricity Regulatory Commission, Panchkula and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Shikha Ohri, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioners by way of present writ petition seek to challenge the legality and validity of Regulations 66 and 66(1) and 72(c) of the Haryana Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2021 dated 30.04.2021 (Annexure P-1) promulgated by the Haryana Electricity Regulatory Commission in exercise of powers conferred under Section 181 of the Electricity Act, 2003.

However, at the out-set, Mr. Deepak Balyan, learned Additional Advocate General, Haryana, submits that though the petitioners have questioned the validity of certain regulations (ibid), but a banking agreement dated 15.02.2021 (Annexure P-7), which is the subject matter of dispute is operative between the parties. In reference to the letter dated 30.07.2021 (at page 929 of the paper book), he submits that infact the authorities had required the petitioners to provide the ownership documents for the FY 2021-22 (for ensuring 100% equity holding in the CPP) to ascertain the eligibility of the ongoing banking agreement, failing which it shall not be extended. And as vide communication dated 03.09.2021 (Annexure P-27), the petitioners have responded to the said letter alongwith the requisite affidavit, the matter is accordingly pending before the

Superintending Engineer (System Operation), who would consider and take a decision thereon at the earliest.

The above position is not disputed by learned counsel for the petitioners, who submits that the petitioners would pursue the matter with the respondent-authorities in the first instance, and if need be would re-approach this Court for redressal of their grievances.

In the wake of the above and without examining the matter on-merits, we consider it expedient to dispose of the petition in terms of the statement made by the learned State counsel with liberty to the petitioners to pursue their grievances/concerns before the concerned authority, who is in seisin of the dispute. Ordered accordingly.

However, in case, any cause of action survives or the petitioners still have any grievance, they shall be at liberty to re-approach this Court by filing a petition afresh.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.10.2021
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No