BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

HERC/Petition No. 30 of 2026

Date of Order : 28.10.2026

In the Matter of

Petition under Section 14 and Section 15 of the Electricity Act, 2003, read with the HERC (Transmission and Distribution Licensing) Regulation 2004, along with its subsequent amendments read with the Distribution of Electricity Licence (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005, as amended in November 2022, for grant of Distribution Licence for Nuh and Gurugram Revenue Districts in the State of Haryana.

AND

Acceptance of the distribution licence issued to Eleven Power Private Limited – Notice in Form-6 under Regulation 15 of the HERC (Transmission and Distribution Licensing) Regulations, 2004 – HERC/Petition No. 30 of 2026.

AND

Directions under sub section (1) of Section 108 of the Electricity Act, 2003.

Petitioner

Eleven Power Private Limited, 201, Empire Apartments, 1st floor, Sultanpur, M.G. Road, Gadaipur, Southwest Delhi-110030, Email:- Sikander.verma@elevengroup.in, through its Director (Authorized Representative)

Respondents

1. Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) through its Managing Director, email md@dhbvn.org.in, sera@dhbvn.org.in
2. Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) through its Managing Director, md@uhbvn.org.in, sera@uhbvn.org.in
3. Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) through its Managing Director, md@hvpn.org.in

Quorum

Shri Mukesh Garg — **Officiating Chairman**
Shri Shiv Kumar — **Member**

ORDER

1. The Commission, vide its Order dated 19.10.2026, allowed the grant of a parallel distribution licence to Eleven Power Private Limited (EPPL) for a period of 25 years in respect of the Gurugram and Nuh Revenue Districts. The applicant (petitioner herein) was directed to convey its willingness to accept the licence, including the terms and conditions stipulated therein, within one week from the date of issuance of the said Order. Upon receipt of such acceptance, the Commission was required to publish a public notice in the

prescribed Form No. 6 in one issue each of an English daily newspaper and a Hindi daily newspaper having wide circulation in the districts of Gurugram and Nuh.

2. The applicant, i.e., Eleven Power Private Limited (EPPL), vide its letter dated 21.10.2026, conveyed its acceptance of the distribution licence along with the terms and conditions stipulated therein.

3. Subsequently, vide its letter dated 23.10.2026, EPPL intimated that it was taking necessary steps towards implementation of the licence in accordance with the applicable statutory and regulatory framework. EPPL further requested that advance intimation be given to it and an opportunity of hearing be afforded to it in respect of any proceedings, applications, representations or other matters concerning the Order dated 19.10.2026 or the licence that may be placed before the Commission.

4. The Commission has also received a communication dated 26.10.2026 from the Commissioner and Secretary to the Government of Haryana, bearing Memo No. 2/21/2023-1E, conveying the directions issued by the Government of Haryana under Section 108(1) of the Electricity Act, 2003, directing that no parallel distribution licence be created, operationalised or effectuated anywhere in the State of Haryana. A copy of the aforesaid directions is annexed to this Order as Annexure 'A'. The relevant provision of Section 108 of the Electricity Act, 2003 is reproduced hereunder:-

"108. Directions by State Government. - (1) In the discharge of its functions, the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final."

5. The Commission has considered the request of EPPL, vide its letter dated 23.10.2026, for advance intimation and an opportunity of hearing in respect of any proceedings, applications, representations or other matters concerning the Order dated 19.10.2026 or the licence. Section 108(1) of the Electricity Act, 2003 provides that the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing. Under Section 108(2), the decision of the State Government on whether a question relates to a matter of policy involving public interest is final. The directions dated 26.10.2026 have been issued in writing under Section 108(1) and apply generally throughout the State of Haryana. No adjudicatory exercise is left for the Commission to undertake in giving effect to them, and no lis is pending before it in which EPPL's rights are to be determined afresh. In these circumstances, the Commission finds no occasion for a hearing and rejects the prayer of EPPL for advance intimation and an opportunity of hearing.

6. Accordingly, in view of the aforesaid directions issued by the Government of Haryana under Section 108 of the Electricity Act, 2003, the Commission has decided not to proceed further in the matter for so long as the said directions remain operative.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 28.10.2026.

	Sd/-	Sd/-
Date: 28.10.2026 **Place: Panchkula**	**(Shiv Kumar)** **Member**	**(Mukesh Garg)** **Officiating Chairman**

HERC

Annexure A

Government of Haryana

Energy Department

No. 2|21|2023-1E Dated: 26.10.2026

To,

The Secretary,
Haryana Electricity Regulatory Commission,
Panchkula.

Subject: Directions under sub-section (1) of Section 108 of the Electricity Act, 2003.

WHEREAS the Haryana Electricity Regulatory Commission (hereinafter "**the Commission**"), by its Order dated 19.10.2026 in HERC/Petition No. 30 of 2026, has granted to M/s Eleven Power Private Limited (hereinafter "**EPPL**") a parallel distribution licence under Section 14 of the Electricity Act, 2003 for the Gurugram and Nuh revenue districts, being an area of supply in which Dakshin Haryana Bijli Vitran Nigam Limited is the existing distribution licensee.

AND WHEREAS, the Commission has granted a distribution licence to EPPL, after inviting objections from stakeholders including - Dakshin Haryana Bijli Vitran Nigam Limited and Uttar Haryana Bijli Vitran Nigam Limited (collectively referred to as "**State DISCOMs**"), concerning EPPL's financial capability, technical preparedness and ability to discharge its Universal Service Obligation across the entire licensed area through the proposed phased development of the distribution network;

AND WHEREAS, such grant was opposed on the grounds of non-compliance with the statutory requirements including minimum area of supply, capital adequacy, creditworthiness, technical capability and universal service obligations etc. As also concerns regarding selective acquisition of high-revenue consumers, adverse impact on cross-subsidy, existing power purchase commitments, stranded costs, duplication of distribution infrastructure and the consequent financial burden on the incumbent distribution licensee and its consumers;

AND WHEREAS, the State Government is presently not going into the correctness of the findings passed in the Order dated 19.10.2026 by the Commission.

AND WHEREAS, the State Government is gravely concerned about the impact of the grant of a parallel license on the consumers of the State as well as its impact on the public interest and is in complete deviation of the present policy.

AND WHEREAS the State Government has received information regarding agitation and apprehension among general public, consumers, farmers and employees of the State utilities consequent upon the grant of the licence;

NOW, THEREFORE, considering the financial implications on the revenue of the State Government and the consumer interest as well as the public interest, the State Government, as a matter of policy and to protect the interest of the consumers generally in the State, in exercise of the powers conferred by sub-section (1) of Section 108 of the Electricity Act, 2003, hereby directs the Commission not to create, operationalise or effectuate a parallel distribution licence anywhere in the State of Haryana.

These directions have been issued with the approval of the Hon'ble Chief Minister, Haryana.

You are therefore requested to bring these directions of the State Government under Section 108 to the notice of the Commission.

Deputy secretary/Energy
For Commissioner & Secretary to Govt, Haryana
Energy Department