

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA**

In the matter of:-

M/s Puri Oil Mills Ltd.
302, Jyoti Sikhar Building, 8, Distt. Centre,
Janakpuri, New Delhi-110058 **Petitioner**

Versus

1. The HP State Electricity Board Ltd. thro' its
Chief Engineer (SO),
Kumar House, Shimla-171004
2. The HP State Electricity Board Ltd. thro' its
Superintending Engineer (Op.)
Operation Circle, Kullu-**Respondents**

Petition No. 11 of 2018
(Decided on **28th May, 2018**)

CORAM:
S.K.B.S NEGI
CHAIRMAN

BHANU PRATAP SINGH
MEMBER

Counsel:-

for petitioner:	Sh. Arvind Kaul, G.M.
for respondent No.1:	Sh. Kamlesh Saklani (Authorized Representative) a/w Er. Suneel Grover, CE (SO)
for respondent No.2:	Sh. Kahan Singh, Representative of SE (Operation) Circle, Kullu

ORDER

(Last heard on 28.04.2018 and Orders reserved)

M/s Puri Oil Mills Ltd., 302, Jyoti Sikhar Building, 8, Distt. Centre, Janakpuri New Delhi-110058 has moved this petition for non-compliance of Commission's Order dated 13.11.2014 passed in Petition No. 177/2014, for the releasing of the balance payment amounting to Rs. 5,18,242/- out of Rs. 17.07 lakhs alongwith interest on entire amount, against shifting of the interconnection point by the petitioner.

2. Petitioner submitted as:-

- (a) that a joint petition bearing No 177/2014 was filed by the petitioner and respondent for the shifting of the interconnection point of the project from Barchaini Sub-station to Switch Yard of Chakshi SHEP, which was approved by the Commission vide Order dated 13.11.2014. In compliance

to said order, Supplementary Power Purchase Agreement (SPPA) was signed on 05.02.2015.

- (b) that in pursuant to Commission's order dated 13.11.2014, the petitioner requested the respondent to reimburse Rs. 17.07 lakhs to the petitioner, but despite repeated reminders the amount was not paid;
- (c) that after a gap of 33 months of the passing of the order by the Commission, respondent No. 2 made a payment of Rs. 11,88,758/- only, which was accepted by the petitioner on 30.08.2017 under protest. The petitioner again requested the respondent No. 2 to make full payment but when they failed to make the full payment after repeated requests, than petitioner filed this petition with the prayer to direct the respondent No. 2 to reimburse the balance amount of Rs. 5,18,242/- alongwith interest.

3. In response to this the respondents submits:-

- (i) that as per the joint petition bearing No. 177/2014 the amount to be reimbursed for line length of 2.60 km @ Rs. 6.56803 lakhs per Km. had been workout as 17.07 lakhs:
- (ii) that before acquiring the line a joint survey was conducted by the Senior Executive Engineer, Electrical Division, HPSEBL, Kullu alongwith the representative of the petitioner's Company. The committee measured the line length and it was found that the actual length of the said line was 1.60 km, which was reduce from 2.60 km to 1.60 km. The report of this joint survey was signed by both the parties. Copy of which is annexed - at Annexure R/-1 of the reply. On the basis of this report the depreciated cost of the line for the financial year 2011-12 worked out @ Rs. 8.25 lakhs per km. and accordingly the bill was prepared and the petitioner was entitled for the reimbursement of Rs. 11,88,758/-;
- (iii) the change in the interconnection point shall have no impact on the tariff of the Company.

4. After going through the written and oral submissions made by parties, we find that the respondent withheld amount of Rs. 5,18,242/- with the plea that :-

- (i) The depreciated cost of Rs. 17.07 lakhs had been workout for 2.60 km line length whereas the actual line length is 1.60 km only .
- (ii) For the line length of 1.60 km the amount payable had been workout as Rs. 11,88,758/- by taking into account the rate of Rs. 8.25 lakhs per km which is stated to be based on the cost data of FY 2011-12.

(iii) We find that the respondent has not placed any evidence on record in support of their plea under point No. 1 and also for the rate of Rs. 8.25 lakhs per Km adopted by them as per point No. 2. On the other hand the petitioner in his rejoinder has stated that as per para 9 of the joint petition bearing No. 177/2014 filed by the parties in 2014, itself indicated the line length as 1.60 Kms. Even otherwise we find that the cost of 2.60 km line length rate of the cost data for FY 2011-12 in respect of 33 kV single circuit line on steel poles with ACSR 6/1/4.72 mm conductor would have been higher than Rs. 18 lakhs which was depreciated to Rs.17.07 lakhs. Moreover, as per the data given by the petitioner in the rejoinder, the aforesaid line length 1.60 km does not include the cable length of 100 mtrs used in the stretch of road crossing. The petitioner further stated that the amount of Rs. 17.07 lakhs was mutually agreed by the parties in the joint petition bearing No. 177/2014 submitted in year 2014, which was subject to any review/ adjustment on any account.

5. In view of the above we find that the respondents have no locus standi to withhold the amount of Rs. 5,18,242/- out of the mutually agreed amount of Rs.17.07 lakhs, particularly, when no review petition was filed before the Commission for revision of said amount after considering the matter with adequate detail and also taking into account the line was taken over by the respondent in mutual interest.

6. We direct the respondents to release the balance amount of Rs. 5,18,242/-, alongwith interest @ 8 % per annum for the actual number of days falling between 30.08.2017 and the date of release of said amount. The amount so worked out shall be released within 30 days of issuance of this order failing which interest rate of 1.5 % per month shall be applicable w.e.f. date on which the aforesaid period of 30 days expires and such interest shall continue to accrue till the date of actual payment.

The petition is disposed of accordingly.

(Bhanu Pratap Singh)
Member

(S.K.B.S. Negi)
Chairman