

**BEFORE THE HIMACHAL PRADESH ELECTRICITY  
REGULATORY COMMISSION, SHIMLA-02**

M/s Hul Hydro Powers (P) Limited,  
having its Corporate Office at 103, 8-2-293/82/w/103  
Road No. 7D, Jubilee Hills, Hyderabad-500033.  
through Sh. Sanjay Sharma, S/o Sh. J.D. Sharma, President  
(Operation) and Authorised Signatory.

**..... Petitioner**

Versus

1. The State of Himachal Pradesh through its  
Principal Secretary (MPP & Power),  
to the Govt. of Himachal Pradesh, Shimla-2.
2. The Himachal Pradesh State Electricity Board Ltd;  
through its Executive Director (Personnel),  
Kumar House, Shimla-171 004.
3. The Himachal Pradesh Energy Development Agency (HIMURJA),  
SDA Complex, Kasumpti, Shimla HP- 171009.  
(through its Director).

**..... Respondents**

Petition No. 115 of 2013

(Decided on 08.07.2014)

**COARM**

**Subhash C. Negi,  
Chairman**

Present for:-

the petitioner	Shri Ajay Vaidya, Advocate
the HP Govt., Respondent No.1.	Sh. Shanti Swaroop Bhatti Legal Consultant
the HP State Electricity Board Ltd. ..... Respondent No.2	Sh. Ramesh Chauhan Authorised representative
the HP Energy Development Agency / (HIMURJA) .....Respondent No.3	Sh. Pardeep Bhanot, Sr. Project Officer.

**ORDER**

(Last heard on 30.06.2014 and orders reserved)

M/s Hul Hydro Powers (P) Limited, having its Corporate Office at 103,8-2-293/82/w/103 Road No.7D, Jubilee Hills, Hyderabad-500033. (hereinafter referred as “the petitioner”) is operating and maintaining the Hul Hydro Electric Power Project with an installed capacity of 2.50 MW on Hul Khad, a tributary of Soho Khad which in turn is a tributary of Ravi river in Chamba District.

2. The petitioner has moved the petition No. 115 of 2013, seeking redetermination of the tariff due to various factors such as escalation of prices; tariff prevalent in the adjoining States; increase in the PLR rates; provisions for charging of royalty; 15% mandatory water release; levy of additional charges towards LADA; compensatory fisheries and forest charges, MAT and change in law and policy etc.

3. The Himachal State Electricity Board Ltd. (hereinafter referred as “ the respondent Board”) objected this petition by way of short reply to the petition, stating that this petition in the present form is not maintainable as clause 6.2 of the PPA dated 1.5.2004 provides for the firm rate of Rs. 2.50 p.u., which too has been accepted by the petitioner without any protest and demur; the HPERC (Power Procurement from Renewal Sources and Co-generation by the Distribution Licensee) Regulations, 2007, cannot be invoked as in the present case the PPA was executed on 1.5.2004, prior to 9.9.2005 i.e. the date of commencement of the said Regulations, and further in relation to 15% mandatory water discharge the State Govt. clarification dated 21.4.2012, is clear. It is also urged that for tariff redetermination the petitioner has not followed the proper procedure and has not furnished details/data on specified formats and has not affixed the proper prescribed fee.

4. Keeping in view the response of the respondent No.2, Shri Ajay Vaidya, Advocate, Learned Counsel representing the petitioner, undertook to recast this petition and to meet with deficiencies in the filing. Thereafter, he has been repeatedly seeking adjournments, for more time to recast the petition, which opportunity has been granted to him on 16.1.2014, 4.3.2014, 3.4.2014 and 6.6.2014, Ultimately the Commission vide its interim order dated 6.6.2014 deprecated the tendency to prolong the proceedings and gave the petitioner final opportunity to recast/amend his petition. Even then no steps either to recast petition or to make up the deficiency in the petition has been taken by the petitioner.

5. The petition is the composite petition i.e. multipurpose application for review of the PPA partly, due to change of law and Policy and partly seeking the redetermination of tariff and resolution of dispute, the disposal of which involves distinct and different procedures and provisions of law. Without proper data needed for tariff determination, it is not possible to address these issues in one go. This Commission is convinced that the objections raised by the respondent Board have the substance and this petition in the present form cannot be maintained.

In the result, this Commission, taking note of the submissions made by the respondent No.2, declines to admit the petition No.115 of 2013, with the liberty to claim the reliefs by filing the proper petitions with supporting adequate data on the prescribed formats and following the procedures and provisions of law.

**(Subhash C. Negi),  
Chairman.**