

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

In the matter of :-

M/S Mangalam Energy Development Company Pvt. Ltd.,  
605 Ansal Bhawan, 16 Kasturba Gandhi Marg,  
New Delhi-110 001.

...Petitioner

Versus

- (1) The Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Shimla-171004
- (2) The Government of Himachal Pradesh  
through Principal Secretary (MPP &Power) H.P.  
Shimla-171002.
- (3) The Himachal Pradesh Energy Development Agency,  
(HIMURJA), SDA Complex, Kasumpti,  
Shimla (H.P.) 171009(through its Director)
- ... Respondents

Review Petition No. 137 of 2010

(Decided on **17<sup>th</sup> January, 2015**)

**CORAM**  
**SUBHASH C NEGI**  
**CHAIRMAN**

Counsels: -

for petitioners:	Sh.Ajay Vaidya, Advocate,
for respondents:	Sh.Ramesh Chauhan, Authorized Representative of HPSEBL Respondent No. 1.
	Sh.Shanti Sawarup, (Legal Consultant) for Respondent. No.2
	Sh.Pardeep Bhonat Sr. Project Officer for Respondent No. 3.

**ORDER**

(Last heard on 7<sup>th</sup> January, 2015 and orders reserved)

M/S Mangalam Energy Development Company Pvt. Ltd., 605 Ansal Bhawan, 16 Kasturba Gandhi Marg, New Delhi - 110001 through Sh. M.G. Panicker its Deputy General Manager (hereinafter referred as “the petitioner”), has moved the Petition No. 137 of 2010 under clause (f) of sub-section (1) of section 94 of the Electricity Act,

2003, read with Order 47 Rules 1 and 3 of the Code of Civil Procedure, 1908 and regulation 63 of the HPERC (Conduct of Business) Regulations, 2005, seeking review of the Order dated 08.06.2010, passed in Petition Nos. 5 of 2009 and 212 of 2009, whereby the tariff of `2.50 p.kwh, was fixed in relation to the Palor Hydro Electric Project of 3 MW capacity, located on Palor Khad a tributary of Giri river in Distt. Sirmour (H.P), was increased by 5 paise per unit, (2 paise on account of impact of 15 % mandatory water release down the stream of diversion structure and 3 paise due to impact of additional 1% royalty payable to the State Govt.) i.e. to say fixing the tariff at Rs. 2.55 p.kwh and other claims for forest and fisheries charges, service tax and interest cost on over runs were not acceded to.

2. The petitioner asserts that there are certain legal and factual inaccuracies in the impugned order, which require Commission's consideration. According to the petitioner, the observation of the Commission on the loss of energy generation based on mandatory 15% water discharge amounting to Rs. 1.64 Crores or 2 paise per kwh is factually not in consonance with the DPR as approved by the Himachal Pradesh State Electricity Board Ltd. (hereinafter referred as "the Board" or "the Respondent No.1") and the calculations as prescribed by the Commission vide its various orders. The impact of 15% mandatory release of water of 0.51 cumecs in accordance with the formula mandated by the Commission results in loss of energy generation of 2.038 million units amounting to Rs. 50.95 lakhs annually and Rs. 20.38 Crores for 40 years, which amount needs to be considered by the Commission for compensating the petitioner.

3. During the pendency of this review petition, the Board moved, before the Hon'ble H.P. High Court, 8 writ petitions registered as petition Nos. 7649 of 2010; 8285 of 2010; 8426 of 2010; 8427 of 2010; 8472 of 2010; 8492 of 2010; 8531 of 2010 and 8532 of 2010; assailing the Himachal Pradesh Electricity Regulatory Commission (Power Procurement from Renewal Sources and Co-Generation by Distribution Licensee) (First Amendment) Regulations, 2007 and order dated 18.12.2007 made thereunder and also other orders reviewing the orders passed, by this Commission, on different dates in favour of certain Independent Power Producers in each petition fixing enhanced tariff for the tariff already mutually agreed in the respective PPAs. The Hon'ble High Court stayed the operation of the aforesaid Regulations and orders and further stayed the proceedings in relation to the aforesaid petitions specifically and also in general proceedings in relation to similar cases pending before this Commission.

Ultimately the said writ petitions were disposed of by a common judgement dated 6<sup>th</sup> August 2013 delivered by the Hon'ble Division Bench of the H.P.High Court in **CWP No. 8426 of 2010 i.e. the Himachal Pradesh State Electricity Board Ltd. Vrs. the Himachal Pradesh Electricity Regulatory Commission and another**, upholding the validity of the Himachal Pradesh Electricity Regulatory Commission (Power Procurement from Renewal Sources and Co-Generation by Distribution Licensee) (First Amendment) Regulations, 2007 and also of the reviewing orders passed, on different dates, by this Commission enhancing tariff in favour of the petitioners. The proceedings on this review petition, therefore, remained stayed during the period in which related issues were under adjudication before the Hon'ble High Court.

4. In the meanwhile, the GoHP, issued clarification in relation to the State Policy regarding the 15% minimum water discharge vide its decision dated 21.4.2012. This Commission, after taking note of the fact that the GoHP issued revised policy decision dated 21.4.2012, stating that policy of minimum 15% water release will not apply retrospectively on projects which are commissioned prior to 9.9.2005 and also on those which are not commissioned, but Implementation Agreement (IA)/Power Purchase Agreement (PPA), are signed prior to 9.9.2005, clubbed the petitions, including the present petition, due to common issue of release of water, and decided on 10<sup>th</sup> September, 2014, holding that:-

*“46 Therefore, PPAs already concluded can be reopened under regulation 6(1) of the Regulations 2007 prospectively i.e. tariff will be applied prospectively. Prudent cost allowed under forest and fisheries and LADA expenses will be recovered in tariff prospectively. Whatever tariff required to be enhanced to give effect to minimum 15% release is to be determined by the Commission and hence will be applied prospectively, after so determined and from actual implementation of directions thereafter, whichever is later. Obligation to release water as per directions of the State Govt./State Pollution Control Board is already cast upon the developer as per IA, even at the fixed tariff of Rs. 2.50 per unit applicable on projects where IA/PPA are signed till June 2006.*

*47 Therefore, revised enhanced tariff will be applicable w.e.f. the date of determination of such revised tariff by the Commission and actual implementation of 15% release directions thereafter. On the same lines,*

*revised tariff based on the decision in relation to the policy change, with respect to PPAs/projects from where power is purchased by the HPSEBL, taken by the State Govt. dated 18.4.2012 and conveyed to the CMD, HPSEBL by letter dated 21.4.2012 will also apply prospectively from the date of passing the order by the Commission, including interim Order, if any, unless the parties have implemented the decision dated 18.4.2012/21.4.2012 before such Order of the Commission, in which event revised tariff will apply from such date of actual implementation of the revised policy reflected in the GoHP letter dated 21.4.2012 on IA/PPAs signed before 9.9.2005.*

48. *Both the policy decisions i.e. dated 9.9.2005 and 18/21.4.2012 are in public interest, the earlier one on environmental considerations and the later one (limited to projects having PPAs with HPSEBL) on the tariff consideration. Therefore, tariff allowed pursuant to 9.9.2005 policy on projects which are commissioned after 9.9.2005 but IA/PPA signed before 9.9.2005, are withdrawn in view of decision dated 18.4.2012/21.4.2012 so that benefit of reduction in tariff, due to reduction in water release, wherever provision as per TEC/MoU/IA/PPA is less than 15%, is passed on to the consumers. Higher tariff was allowed to projects to compensate the reduction in generation due to release of additional water to comply the 15% minimum release of water down stream and since now release will continue to be as per TEC/MoU/IA/PPA as per revised policy, additional tariff shall be withdrawn. For the generator, the policy is revenue neutral and hence there is no loss or gain due to any change in condition of water release.”*

5. The Hon’ble Appellate Tribunal in its two judgments delivered in **Appeal Nos. 18 and 30 of 2009 – Ispat .Industries Ltd; Mumbai V/s Maharashtra Electricity Regulatory Commission Mumbai (2009 ELR (APTEL) 0618)** and review petition **No, 5 of 2008-Maharashtra State Electricity Distribution Co. Ltd; Mumbai V/s Erotex Industries and Exports (Ltd) and one another (2009 ELR (APTEL) 0700)**, has concluded that section 94(1)(f) of the Electricity Act, 2003 empowers the Commission to review its decisions, directions and orders and provides that they are vested with the same power which is given to a Civil Court under Order 47 rule 1 of the Code of Civil Procedure, 1908. Thus the power of the Commission to review its own

orders flows from Section 94(1)(f) of the Electricity Act, 2003, read with regulation 63 of the HPERC (Conduct of Business) Regulations, 2005 as the same is conferred on a Civil Court by the Code of Civil Procedure (CPC). These powers have been spelt out in Section 114, read with Order 47, of the CPC. The review application has, therefore, to necessarily meet the requirements of Section 114 and Order 47 of the CPC.

6. As per the said provisions, the specific grounds on which an order already passed can be reviewed are-

- (a) if there are mistakes or errors apparent on the face of the record, or
- (b) on discovery of new and important matter or evidence which, after due diligence, was not within the knowledge or could not be produced at the time of making the order, or
- (c) if there exist other sufficient reasons.

7. The power of review, legally speaking, is permissible where some mistake or error apparent on the face of record is found and the error apparent on record must be such an error which may strike one on a mere looking at the record and would not require any long drawn process of reasoning. A review cannot be equated with the original hearing of a case. A review petition has a limited purpose and cannot be allowed to be an appeal in disguise and it cannot be exercised on the ground that decision was erroneous on merits. But simultaneously the materials on record, which on proper consideration may justify the claim, cannot be ignored.

8. Clerical or arithmetical mistakes in judgments or orders or errors arising therein from any accidental slip or omission may at any stage also be corrected by the Commission under Section 152 of the CPC, either of its own motion or on the application of any of the parties. The use of word “may” shows that no party has a right to have a clerical or arithmetical mistake corrected. The matter is left to the discretion of the Court. Such discretion is required to be exercised judiciously to make corrections necessary to meet the ends of justice. The word “accidental” qualifies the slip/ omission. Therefore, this provision cannot be invoked to correct an omission which is intentional, however erroneous. Because Section 152 does not countenance a re-argument on merits of facts or law, the Commission has the limited powers to correct any clerical or arithmetical mistakes in judgments or orders, or errors arising therein

from any accidental slip or omission.

9. In response to this review petition, the respondent Board submits that the review petition is not maintainable and deserves to be dismissed for the reasons that:-

- (a) the petitioner is praying for a substitution of the order sought to be reviewed by a fresh order;
- (b) no new facts warranting interference by the Commission, in exercise of its powers under review, have been disclosed. The grounds for the review are the same which had already been considered while making the original order, now sought to be reviewed;
- (c) the petitioner cannot expect the Commission to sit in appeal over its own judgment while exercising the power under review;
- (d) as in review proceedings the scope of interference is very limited, the review can be granted only in case of glaring omission, patent mistake or the like grave error and not for rehearing the case;
- (e) no such relief can be granted on the grounds of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be addressed by him when the order was passed or made, without strict proof of such allegation.

10. The petitioner has filed the rejoinder to the response of the Board, as stated in para 9, asserting that-

- (a) the calculations of the respondent Board, on the maintainability of the review petition are contrary to the regulation i.e. regulation 63 of the HPERC (Conduct of Business) Regulations, 2005, governing the admission of review petitions and the powers of the Commission on the same. The said regulation provides remedy to the petitioner, if an order is passed by the Commission inter alia on account of some mistake or error apparent on the face of record, or for any other sufficient reasons. The Commission has the discretion either to reject or allow the review petition;
- (b) the petitioner is not challenging the impugned order and is praying for a correction/rectification of said order in relation to the calculation of compensation payable to it for loss of generation on account of mandatory 15% water discharge in accordance with the formula prescribed by the Commission in its Order;

- (c) the petitioner in its Review Petition has demonstrated the calculation of compensation payable to it on account of loss of generation, for mandatory 15% water discharge in accordance with the Orders of the Commission dated 29.10.2009 and 08.06.2010, which amounts to Rs. 50.95 lakhs annually and Rs. 20.38 crores for 40 years. It is apparent from the face of the record that the amount of compensation payable to the petitioner has been erroneously calculated by the Commission, based on Respondent Board's submissions, to be Rs. 1.64 crores or 2 paise per unit and which is reflected in the impugned order against which this review petition is being preferred for correcting the aforesaid calculation on compensation payable to the petitioner;
  - (d) the respondent Board in its reply has neither (a) provided any fact or calculation that the submissions of the petitioner in the Review Petition rectifying/correcting the amount of compensation payable to the petitioner on account of 15% water discharge as Rs. 50.95 lakhs annually and Rs. 20.38 crores is correct, nor (b) has supported its calculation of determining such compensation to be Rs. 1.64 crores or 2 paise per unit, which is reflected in the impugned order. The respondent Board has in its reply only re-iterated and re-affirmed its earlier submissions, which as pointed out and demonstrated by the petitioner are based on erroneous calculation;
  - (e) there are mistakes/errors apparent on the face of the record in para 13 of the impugned Order.
11. The respondent Board has made the additional submissions to the extent that-
- (a) The DPR of Palor (2x1500 KW) was submitted to HIMURJA in August 2001 and in this DPR under section 3.5 (Firming up of design discharge) it is mentioned that-  
“As per the requirement of irrigation and drinking water indicated by Irrigation and Public Health Department of H.P. a provision of 0.4 cumecs is proposed to be released downstream of the weir continuously. The generation of electrical energy has been worked out for lean period with water available after release of 0.4 cumecs of water from the weir”.
  - (b) the provision of 0.4 cumecs of water was further enhanced to 0.56 cumecs on the observation raised by HPSEB on the DPR submitted by the petitioner. The statement showing discharge for the year 2000 available for generation, after accounting for water requirement for irrigation, water mills and drinking

purpose of local peoples, stands annexed as addendum to Detailed Project Report of Palor Hydro Project and in the said statement annexed in the revised DPR, the discharge available had been shown for generation, after accounting for the provision of drinking water and irrigation water mills etc; as such there will no loss of energy after the commissioning of the project. The developer, while analyzing the financial package of the project, might have considered this aspect.

- (c) the petitioner is now demanding 15% mandatory water release as per Govt. of HP Hydro Project Policy 2006 as 0.51 cumecs after the deduction of sacrificial discharge of 0.56 on account of water requirement for irrigation, water mills and drinking purpose of local people and which is factually wrong. The Govt. of HP has specified 15% mandatory water release of water, in order to quantify the % of the mandatory water release since the petitioner is already effecting the mandatory discharge as specified in the DPR and as such, he should not be liable for any further mandatory release. As such the review on the above ground is not valid;
- (d) the objective required to be met with by the notification of Govt. of H.P. dated 16.07.2005 reads as follow:-

“Whereas the diversion of huge quantities/volumes of water from the rivers by the Hydel Projects has minimized water flow or even dried up the main river beds or water courses/channels which consequently is not only damaging the water courses but also causing irrigation problems and health hazards water borne diseases due to decreased volume of water and is cause of pollution of water stream rivers sources”.

To meet this requirement, the Govt. of H.P. mandated minimum 10% of flow of water in lean season into the main body which was subsequently raised to 15% vide notification dated 9.9.2005. As 0.56 cumecs of discharge has already been provided in the DPR to meet with the said requirement mandated by the Govt. of H.P. vide notifications dated 16.07.2005 and 9.9.2005, the 15% water discharge, which comes out to 0.59 as per calculation worked out by the Director of Energy, has the negligible impact of 0.03 cumecs only which stands

already considered by the Commission and the petitioner has been adequately compensated for the same;

- (e) the petitioner has signed the PPA on 20.07.2004 and project was to be commissioned by 20.07.2007 but this project has not been commissioned up till now. The detailed report of this project has been prepared on the basis of 2002 price level and as such the loss whatever shall be suffered by the petitioner is on account of non setting up of the Hydro Project in time and the petitioner cannot attribute the same for 15% mandatory release of water as envisaged in the HP Govt. Policy.

12. The respondent Board has also made the additional submissions opposing the review petition stating that:-

- (a) the Board filed the reply based on the available information in respect of the 15% water discharge mandated in the Hydro Policy, 2006. The State Govt. Vide its notification dated 21.04.2012 has clarified that the notification dated 9.9.2005 of the Deptt. of Pollution Control regarding mandatory release of water down the stream of power projects has been made prospective for projects commissioned after 9.9.2005. It has further been clarified that in the case of the projects, which have entered into PPA/IA before issuance of notification dated 9.9.2005 but are not commissioned, the minimum water discharge, as agreed or accounted for as per TEC/MOU/IA/PPA (where no specific condition quantifying water discharge has been imposed) or as per any specific condition in MOU/IA/PPA, shall be applicable till based on a long term study the minimum water discharge in their cases will be determined meaning thereby that Hydro Policy of Himachal Pradesh, 2006 providing for 15% mandatory release of water will not be applicable in the case of the petitioner, as the petitioner has entered into an IA on 18.09.2002, with the Govt. of H.P., and as such the petitioner is not entitled to any increase in tariff under the garb of change in policy as envisaged in para 14 of the impugned order i.e. 2 paise per unit by taking shelter of the Hydro Policy of H.P. 2006. Therefore, the respondent Board has also been asked by the Govt. of H.P. to approach this Commission for review of orders passed in the tariff petitions with respect to various PPAs where enhancement has been made due to retrospective imposition of the lean period discharge.

(b) at the time of filing original petition for allowing redetermination of the tariff, the petitioner had sought invocation of the provisions of the HPERC (Power Procurement from Renewable Sources and Co-generation of Distribution Licensee)(First Amendment) Regulations, 2007 which empowers the Commission to review or modify the Power Purchase Agreement entered between the parties in order to promote co-generation. The said provisions are synonymous to the provisions of sections 61(h) and 86(1) (e) which confirms the promotion of co-generation and generation of electricity from renewable sources of energy to the following parameters:-

- (1) by providing suitable measures for connectivity with the grid;
- (2) by sale of electricity to any person and to specify purchase of electricity from such sources; and
- (3) by prescribing being percentage of the total consumption of electricity in the area of the distribution licensee.

All these aspects had duly been considered while fixing the tariff at the time of the execution of the PPA, therefore, no further indulgence of the Commission was required and the enhancement ordered by the Commission is beyond the scope of the provisions aforesaid, hence the same deserves to be reviewed and parties be directed to relegate back to the position which they occupied prior to the passing of the order dated 13.05.2010 in petition Nos.11 of 2008 and 2005 of 2009.

13. The petitioner has also filed the rejoinder to the aforesaid additional submissions made by the respondent Board stating that the issues sought to be raised by the respondent Board cannot be raised in the present proceedings for dismissing the original petition; for the reasons that-

- (a) there is no notification dated 9.9.2005 issued by the Deptt. of Pollution Control Board, but it is an intra department communication and has no legal binding on the parties;
- (b) the stand of replying respondent to dismiss the original petition and review petition is abuse of process of law and is not sustainable under the law;
- (c) the respondent Board, which is the Govt. Company is expected to act bonafide

and with responsibility and it cannot be permitted to wriggle out of the binding earlier original orders of the Commission, which have not been challenged and have become final;

- (d) the powers to review of the Commission are pari-materia with the powers of the civil Court Section 114 read with Order 47 rule of the CPC which provides for review and also regulation 63 of the HPERC (Conduct of Business) Regulations, 2005 postulates a review only on the application of the person aggrieved the Commission does not have any power to suo-moto recall the order dated 8.6.2010, passed in the original petition, as the power to review is not an inherent power;
- (e) a quasi-judicial order, once passed and having become final cannot be reviewed by the Authority passing that order, unless power to review has been specifically conferred. Thus the Commission can only exercise such powers which are conferred upon it by the Electricity Act, 2003.

14. To examine the averments made by the respective parties the Commission directed the parties to submit:-

- (a) soft copies of calculations pertaining to impact on generation of 15% mandatory water discharge;
- (b) copy of 75% dependable water discharge as per approved DPR.

Both the parties have furnished the energy calculations of 15% mandatory water discharge and energy calculations in 75% dependable year in relation to Palor (3MW) HEP. The petitioner submits petition he should not be made to suffer only on account of the fact that 0.56 cumecs of water discharge to cater to the requirements of irrigation and drinking water stands made in the DPR. In response to the statement showing discharge during lean season, the respondent Board submits that on the basis of net discharge available, after mandatory released calculation for total annual restricted energy as available has also been worked out in the office of Director (Energy). The comparison of energy generation with considering 15% sacrificial discharge as per DPR and the total annual restricted energy as likely to be generated has been calculated as 19.869 MU & 19.705 MU respectively there by making the loss of generation to 0.164 MU annually.

The 15% sacrificial discharge amounting to 0.59 cumecs already takes care of the 0.56 cumecs discharge as provided in the DPR of the petitioner. Thus the respondent Board is of the considered opinion that 0.59 cumecs of mandatory discharge is inclusive of the 0.59 cumecs as mentioned in the DPR and the petitioner may not be required to make additional discharge of 0.59 cumecs water in terms of the mandatory release of 15% discharge as provided in the Govt. Notification:-

The Directorate of Energy (HP) representing the respondent No. 2, i.e. the State Govt. adopts the submissions made by the respondent Board and also furnish the hydrological data and calculations pertaining to the impact of 15% mandatory water discharge on generation of power from the project of the petitioner. It further submits that as per approved DPR the gross annual generation was 19.869 MU with 75.60% PLF. After considering 15% release of water down stream of diversion structure, the gross annual generation works out as 18.15 MU with 69.05% PLF. The perusal of Annexure-R-2/A containing the hydrological data and calculations pertaining to the project of the petitioner shows that the impact of 15% mandatory release of water down stream of diversion structure generation loss works out to 1.719 MU, which is not causing any impact. As the PLF after considering the 15% sacrificial discharge is still 69.06%, there is no loss to be occurred to the petitioner as alleged in the petition. Hence, averments made by the petitioner is not tenable and is liable to be rejected being devoid of merits.

15. In this case, M/s Mangalam Energy Developer Company (P) Ltd. entered into an Implementation Agreement (IA) with GoHP on 18.09.2002 to establish, operate and maintain at their cost, Palor Hydro Electric Project, with installed capacity of 3 MW located on Palor Khad a tributary of the Giri river in Distt Sirmour (HP). The Power Procurement Agreement (PPA) was executed with the HPSEB, on 20<sup>th</sup> July, 2004, stipulating that the Board shall pay for the Net Saleable energy delivered to the Board at the interconnection Point at a fixed rate of Rs. 2.50, per Kwh. The Project was commissioned on 10.11.2010. This Commission vide its order dated 08.06.2010, passed in Petition Nos. 5 of 2009 and 212 of 2009, increased the tariff of Rs. 2.50 per Kwh, in relation to the said project by 5 paise per unit, out of which 3 paise per Kwh increase was due to the impact of the additional 1% of the royalty payable for the Local Area Development Fund and 2 paise per kwh increase was on account of the impact of the 15% mandatory release of water down the stream of diversion structure, subject to the

condition that either party on the actual data available for the period of 10 years may approach the Commission to review the said increase. The said increase was effective w.e.f. 10.11.2010, on which the project was commissioned.

From the above, it is clear that in relation to the Palor Hydro Electric Project, the IA was signed on 18.09.2002 and the PPA was signed on 20<sup>th</sup> July, 2004, before the 9.9.2005 and the project was commissioned on 10.11.2010, after the 9.9.2005. Per the Cabinet decision dated 18.4.2012, conveyed to the CMD, HPSEB Ltd. on 21.4.2012 the projects where IAs/PPAs are signed before 9.9.2005, but are commissioned after 9.9.2005, minimum discharge is required to be determined in these cases based on long term study and till such time minimum discharge, as provided in the TEC/MOU/PPA, in each case, is to apply and not 15%. Further as stated in para 47 of the Order dated 10.09.2014(Supra), the revised enhanced tariff is to be applicable prospectively w.e.f. the date of determination of such revised tariff by the Commission, unless the parties have implemented the decision dated 18.4.2012/21.4.2012, before such order of the Commission, in which event revised tariff will apply from the date of the actual implementation of 15% release directions thereafter. In view of decision dated 18.4.2012/21.4.2012, enhancement in tariff allowed pursuant to 9.9.2005 policy on projects, which are commissioned after 9.9.2005, but IAs/PPAs are signed before 9.9.2005, is withdrawn., w.e.f. the 25<sup>th</sup> April, 2014, i.e. the date on which the Commission took cognizance of the State Govt. clarification contained in the letter dated 21.4.2012 and stayed the operation of the orders passed in the tariff petitions with respect to the PPAs, where enhancement has been granted on account of 15% mandatory water release, unless the parties have implemented the revised Policy, reflected in the GoHP letter dated 21.4.2012, on the IAs/PPAs signed before 9.9.2005.

As an off shoot of this Order, the enhancement in tariff in relation to the Palor HEP, allowed on account of impact of 15% mandatory water release stands withdrawn w.e.f.25.4.2014 and the Commission's Order dated 08.06.2010 is modified to that extent. Consequently the tariff in relation to Palor HEP shall be Rs. 2.53 per kWh with effect from 25.4.2014.

The review petition is disposed of accordingly.

-Sd-  
**(Subhash C. Negi)**  
**Chairman**