

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

In the matter of :-

M/S IQU Hydro Power Company Pvt Ltd
having its head office at 4, Ward No.2, Tea Estate
Bundla, Bundla Palampur, Distt Kangra (H.P.)
(through Sh. Madan Singh Kanwar
S/O Late Sh. J.S. Kanwar its authorized signatory)

...Petitioner

V/S

Himachal Pradesh State Electricity Board Ltd
through its CEO, Kumar House, Shimla.

...Respondent

Petition No. 155 of 2012

(Decided on 18.12.2012)

CORAM
SUBHASH C. NEGI
CHAIRMAN

Counsels:-

for the petitioner

Sh. Ajay Vaidya
Advocate

for the respondent

Sh. Romesh Chauhan
Authorised Representative

Consumer Representative
(u/s 94(3) of the Electricity
Act, 2003)

Er. P.N. Bhardwaj

ORDER

(Last heard on 1.12.2012 and Orders reserved)

M/S IQU Hydro Power Company Pvt. Ltd., which is a Company
incorporated under the Companies Act, 1956, having its head office at 4,
Ward No.2, Tea Estate Bundla, Bundla Palampur, Distt. Kangra, through its

authorized signatory Sh. Madan Singh Kanwar (hereinafter referred as “the petitioner”), is operating and maintaining IQU Hydro Electric Project in Kangra Distt with installed capacity of 4.50 MW, which has commissioned on 18.2.2011.

2. According to the petitioner the transmission network of the area, where the project is constructed, the power generated is to be evacuated through their 33 kV transmission lines upto 33 kV/132 pooling station in village Neogal and thereafter the power is to be transmitted to the sub-station of the respondent Board at Dehan through 132 kV, S/C transmission lines. The petitioner is facing difficulty to lay the aforesaid transmission lines.

3. Earlier the petitioner moved petition No. 91/2010 before this Commission for grant of permission to evacuate the power from the Banner 33 kV sub-station of the Himachal Pradesh State Electricity Board Ltd (hereinafter referred as “the respondent Board”).

4. In such matters the role of the Commission is restricted to be that of a facilitator to promote generation from renewable sources. While deciding petition No. 91/2010 the petitioner was therefore, advised to interact with the power developer of IQU-II for working out the modalities for joint evacuation arrangements. The respondent Board volunteered itself to facilitate the processing of the joint evacuation arrangement proposal, in case the petitioner enters into such agreement with the developer of the already commissioned project upstream of the petitioner’s project.

5. The respondent Board convened a meeting of developers of both the projects, wherein both the parties agreed for evacuation of power in joint mode, from IQU-I and IQU-II projects to Banner Switchyard of the Board till

31st March, 2011, unless extended by both the parties on mutually agreed terms and conditions and as approved by the Commission. Both these project developers executed a Transmission Service Agreements on 10th Sept., 2010 and 11.11.2011. The mutually agreed temporary arrangements were approved by this Commission vide its Order dated 15.10.2010 passed in petition No. 91 of 2010 and the said arrangements presently stand extended from time to time upto 31.3.2012.

6. The forest clearance has not yet been granted by the Government as such the construction of transmission lines is still incomplete. The petitioner has, therefore, again approached this Commission to extend the period of temporary transmission arrangements from 31.3.2012 till that date the petitioner Company is likely to complete the work of this line, alongwith benefits of deemed generation.

7. The developer of IQU-II who is party to the Transmission Service Agreement dated 11.11.2011 has not been impleaded as a party to this petition.

8. The respondent Board submits that in terms of order passed by this Commission in petition No. 91/2010, the transmission service agreement dated 10.9.2010 has been extended by the respondent Board on four occasions, which has now been extended upto 31.3.2013, during the lean season only. Thereafter this evacuation arrangement shall not be possible due to capacity constraints of 33 kV D/C Banner-Dehan line and transformation capacity of 33 kV/132 kV Dehan sub-station of the respondent Board, being full upon the commissioning of Neogal HEP (15 MW) of M/S Om Hydro Power shortly, as that project is already in PPA with the respondent Board and where under the

respondent Board is under obligation to provide interfacing on 33 KV level at Dehan sub-station. The said temporary arrangement had to be withdrawn during the peak generation period of the year 2012 and also due to constraints of 33 kV D/C line between Baner and Dehan.

9. In relation to the benefit of deemed generation, the respondent Board asserts that the benefits of deemed generation shall not be applicable in this case being an interim arrangement, which has now continued for almost 3 years (without such benefit). Moreover in view of system constraints, on the basis of which their power evacuation could be accommodated during the lean season upto 31.3.2013, the petitioner has already agreed to back down the generation as per instructions of the respondent Board.

Keeping in view the circumstances in this case, submissions made by the respective parties, the Commission accords its approval for the extension of the evacuation of power, in joint mode, for IQU-I and IQU-II projects to Baner-I Switchyard of the respondent Board till 31st March, 2013, subject to the conditions that –

- (a) the petitioner shall procure the written consent for continuation of these temporary arrangements from the developer of IQU-II.
- (b) the petitioner shall not be entitled to any benefit of deemed generation.

The petition is disposed of accordingly.

(Subhash C Negi)
Chairman