

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

In the matter of.-

M/s Puri Oil Mills Limited,
having its Corporate Office at 302, Jyoti Shikhar Bldg., 8, District Centre,
Janak Puri, New Delhi-110058 (through Sh. Vivek Puri Son of Shri J.K.Puri,
Managing Director and its 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 Chief Executive Officer, Vidyut Bhawan,
Shimla-171 004.
3. The Himachal Pradesh Energy Development Agency (HIMURJA),
SDA Complex, Kasumpti, Shimla 171 009 (H.P).
(through its Director).

..... Respondents

Petition No. 22 of 2013
(Decided on 10.07.2014)

CORAM

**SUBHASH C NEGI,
CHAIRMAN**

Present for:-

The petitioner	Shri Ajay Vaidya, Advocate
The H.P.Govt., Respondent No.1.	Sh. Shanti Swaroop Bhatti Legal Consultant
The H.P.State Electricity Board Ltd. Respondent No.2.	Sh. Ramesh Chauhan Authorised representative.
The H.P.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 Puri Oil Mills Ltd., which is a company incorporated under the Companies Act, 1956, having its Corporate Office at 302, Jyoti Shikhar Bldg., 8, District Centre, Janak Puri, New Delhi-110058, (hereinafter referred as “the petitioner”) is operating and maintaining the Chakshi Hydro Electric Power Project with an installed capacity of

2.00 MW (hereinafter referred as “the project) on Chakshi Nala, a tributary to Parvati river at Village Pulga in District Kullu.

2. The petitioner by way of the present petition has prayed for determination of the project specific tariff, for the power generated from the project, taking into account the actual project cost and the technical parameters adopted by this Commission, according to the HPERC (Power Procurement from Renewal Sources and Co-generation by the Distribution Licensee) Regulations, 2007 and 2012, (in brevity the Power Procurement from Renewable Sources Regulations) and The HPERC(Terms and Conditions for Determination of Hydro Generation Tariff) Regulations,2011; and is also seeking directions to the H.P. State Electricity Board Ltd.(hereinafter referred as “the respondent Board”) to execute/amend the Power Purchase Agreement with the petitioner at the project specific cost.

3. There is no provision for determination of project specific tariff under the HPERC(Power Procurement from Renewable Sources)Regulations,2007, under which the PPA is governed, But the APTEL vide its Order dated 18.9.2009, passed in Appeal Nos.50 and 65 of 2008- **Techman Infra Ltd. Vs. HPERC and others**, reported as **2009 ELR (APTEL) 1025**, has held that the promoters of the Hydel Power Projects in the State of Himachal Pradesh as well as the Distribution Licensee i.e. HPSEBL, shall be entitled to apply to the Commission for determination of the project specific cost for any project in case the normative Capital Cost is not suitable to either of them. Similarly if CUF of 45% for a specific project is contested by either party, that party may approach the Commission with the site specific CUF.

4. The tariff determination of specific cost requires detailed filings with reference to the capital cost or CUF, as the case may be, on the same lines as is required in the case of specific tariff determination for SHEPs above 25 MW.

5. The Respondent Board has filed the short reply to the petition and has questioned the maintainability of the petition, in the present form, by stating that the PPA has been executed on 30.8.2007, on generic tariff under the Power Procurement Regulations, which were notified on 18.6.2007 and were operative till 18.12.2012. The petitioner is entitled to tariff @ Rs.2.95 per unit and the policy change impact is to be considered only in relation to the policy changes after the execution of the PPA i.e. the

changes made subsequent to 30.8.2007 and the Power Procurement from Renewable Sources Regulations, 2012 are not attracted at all. Further the petitioner adds that for the tariff re-determination the petitioner has not followed the proper procedure and has not furnished the necessary details/data on specified formats and has not affixed the proper prescribed fee.

6. Keeping in view the response of the respondent No.2, Shri Ajay Vaidya, learned Advocate representing the petitioner, undertook to recast this petition and to make up the deficiencies in the filings. 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. On 30.6.2014, when the matter was taken up for final hearing, Shri Ajay Vaidya, the learned Advocate representing the petitioner, expressed his intention to move revised separate petition for the project site specific tariff determination, on proper formats in accordance with the provisions of law.

7. This Commission is convinced that the objection raised by the respondent Board has the substance and the petition in the present form cannot be maintained for the reasons that without proper data, the tariff determination is not possible.

In view of the above discussion, this petition is dismissed with the observation that if the petitioner moves any petition, that will be examined and dealt with on its own merits, in accordance with the Law.

It is so ordered.

(Subhash C. Negi),
Chairman