

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

In the matter of –

Application u/s 14 and 15 of the Electricity Act, 2003 for grant of Transmission Licence in the State of Himachal Pradesh.

M/s H.P. Power Transmission Corporation Limited,
Barowalia House, Khalini, Shimla-171002.

...Applicant

Petition No. 32 of 2010

(Decided on 31.7.2010)

CORAM
YOGESH KHANNA,
CHAIRMAN

Order

M/s H.P. Power Transmission Corporation Limited, incorporated under the Companies Act, 1956 (Act No. 1 of 1956), applied under sections 14 and 15 of the Electricity Act, 2003, (hereinafter referred as “the Act”) for the grant of transmission licence. After admission of the application on 9.4.2010, the said applicant Corporation were directed to publish the notices, as required under regulation 34 of the HPERC (Conduct of Business) Regulations, 2005 (hereinafter referred as “Conduct of Business Regulations”), inviting public objections to be addressed to the Commission’s office and also to serve the notices to the Central Government, the State Government and the local authorities, under regulation 35 of the said Conduct of Business Regulations, to obtain no objection certificate required from the Central Government in terms of clause (ii) of sub-section (2) of section 15 of the Act .

2. The said notices were published in three daily Newspapers i.e. the Times of India, the Tribune and the Amar Ujala, having circulation in the State. Further in pursuant to the provisions of sub-section (4) of section 15 of the Act the Himachal Pradesh State Electricity Board, in its capacity as a State Transmission Utility, states that it has no objection if the transmission licence is granted to the applicant Corporation. The application has reached at the final stage of disposal.

3. On 31.7.2010, when this application came up for hearing, Sh. Ashok Sharma, D.G.M., HPPTCL, Shimla states that vide State Government notification dated 10.6.2010 issued under section 131(2) of the Act, the statutory functions of the State Transmission Utility (STU) are now to be performed by the applicant Corporation i.e. the Himachal Pradesh Power Transmission Corporation Ltd. By virtue of the provisions of second proviso to sub-section (1) of section 39 and second and fifth provisos to section 14 of the Act, the applicant Corporation, being the State Transmission Utility (STU), is to be deemed transmission licensee. Sh. Ashok Sharma, has, therefore, prayed for the permission of this Commission to withdraw the application moved on behalf of HPPTCL for grant of transmission licence under section 15 of the Act and also requested for the refund of fee of Rs. 1 lakh, deposited by the applicant under proviso of sub-regulation (1) of regulation 27 of the Conduct of Business Regulations, for processing their application for grant of the transmission licence.

4. The entity which is a deemed licensee under the first, second, third or fifth provisos of section 14 of the Act falls within the expression “transmission licensee” as defined under clause (29) of regulation 2 of the HPERC (General Conditions of Transmission Licensee) Regulations, 2004 and regulation 10 thereof, read with sub-regulation (2) of regulation 58 of the Conduct of Business Regulations, the transmission licensee is to pay the licence fee as specified in the Schedule annexed to the Conduct of Business Regulations.

5. Keeping in view the circumstances involved in this case and the submissions made on behalf of the applicant, this Commission permits the applicant to withdraw the application for grant of the transmission licence and allows the refund of the fee to the extent of two-thirds of Rs. 1 Lakh i.e. the fee deposited by the applicant with the Commission, subject to the condition that the amount so refundable shall be adjusted by the Commission against the licence fee to be paid by the applicant being the deemed licensee.

It is so ordered.

(Yogesh Khanna)
Chairman

