

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA

In the matter of:-

1. M/S Batot Hydro Power Ltd.
26, Govind Mahal,86-B,NS Road,
Marine Drive,Mumbai-40002
2. M/S Jala Shakti Ltd,
House No.135Upper Julkari,
Chamba-176318,H.P.
3. M/s Belij Hydro Power Ltd,Door No.13-2-64,
Ist Lane,Gunturivari Thota,Guntur,
Andhra Pradesh-522001,
4. M/s Almi Hydro Electric Projects,Ltd.,
26, Govind Mahal,86-B,NS Road,
Marine Drive,Mumbai-40002
5. M/s Brahi Hydro Electric Power Projects ltd.,
26, Govind Mahal,86-B,NS Road,
Marine Drive,Mumbai-40002
6. M/s Gehra Hydro Electric Power Ltd.,
Door No.13-2-64,Ist Lane
,Gunturivari Thota,Guntur,
Andhra Pradesh-522001,

...Petitioners

V/s

1. The Himachal Pradesh State Electricity Board Ltd.,Co
through its Executive Director,(Personal),
Kumar House, Shimla-171004, (H.P.)
2. The HP Power Transmission Corporation Ltd.,
Barowalia House,Khalini,Shimla-171002,(H.P.)

...Respondents

Petition No. 16 of 2010
(Decided on 20.08.2010)

CORAM
YOGESH KHANNA,
CHAIRMAN

Counsels:-

for the petitioners

Sh.Ajay Vaidya,

Advocate.

for the respondents

Sh. Narinder Singh Thakur,

Advocate.

ORDER

(last heard on 31.07.2010 and order reserved)

The present petition seeks to review the Commission's Order dated 21.12.2009, passed in petition No. 92/2009, wherein this Commission accorded its approval to the proposal of six generating Companies, namely- M/s Batot Hydro Power Ltd., M/s Jala Shakti Ltd, M/s Belij Hydro Power Ltd;, M/s Almi Hydro Electric Projects Ltd; M/s Brahi Hydro Electric Power Projects Ltd; and M/s Gehra Hydro Electric Power Ltd. (hereinafter collectively referred as "the petitioners") for the joint dedicated system for evacuation of power, to be generated at their six projects, as per sketch enclosed in the said petition subject to some conditions, as incorporated in para 10 of the said order. The condition as given in sub para (a) the said para 10 reads as under:-

“(a) the 33 kv line from the proposed pooling sub-station at Dunali upto the sub-station at Jarangla (ultimately to be extended upto Karian) shall be designed by the petitioners , so as to carry three circuits (two circuits with “WOLF” conductor and one with AB cable of appropriate size or otherwise). At least two circuits with WOLF conductor shall be strung in the first Phase itself and the time frame for stringing of the third circuit shall be got approved by the petitioners from the HPPTCL and the Board after taking into account various related factors. The proposal regarding stringing of the third circuit shall be submitted by the petitioners to the Board and the HPPTCL, in due course of time, but in any case before the synchronization of the first Small Hydro Electric Project;”

2. By virtue of the stipulations made in sub-para (l) of para 10, the proposal for the approval of the proposed joint dedicated system for evacuation of power from these projects is to be moved by the petitioners in due course of time, but before the synchronization of their first Small Hydro Electric Project. The time frame for evacuation of power in such cases is to be sorted out separately by the petitioners with the Board under the power purchase agreement to be executed by them. For that purpose the joint petitions, along-with the Board, were to be filed with the Commission within a period of one month from 21.12.2009 i.e. the date of the impugned order.

3. The petitioners now seek review of sub-paras (a) and (l) of para 10 of the impugned order on the ground that these are not in consonance with the understanding as reached in the meeting held for the purpose of adopting the mechanism for establishing the joint dedicated system of evacuation of power and also allege discrepancies apparent on the face of record, in the said sub-paras (a) and (l). Simultaneously it is prayed that the restriction of one month for execution of PPAs, be done away with and provisions for no objection for third party sale be extended upto the commissioning of the respective projects.

4. The respondent Board refutes the averments made by the petitioners and asserts that the impugned order dated 21.12.2009, passed in case No. 92/2009, is very much in consonance with the understanding reached with the petitioner companies during the Empowered Committee's meeting held on 26th Nov., 2009 and there is no discrepancy in the impugned order. The respondent Board also urges that the petitioners be directed to sign the PPAs immediately.

5. Sh. Shashi Chanana, who headed the Empowered Committee, states that the issues concerning the time frame for stringing the third circuit in relation to 33 kV line from the proposed pooling sub-station at Dunali to the sub-station at Jarangla, were discussed at length in the Empowered Committee and the petitioners agreed to the recommendations made by the Committee. He draws the attention of this Commission to the deliberations of the said Committee, held on 26th November, 2009, whereby it is clear that Sh. Mohan Kumar, who represented all the 6 IPPs and Sh. A.V.S Radhakrishanan of Belij-I and Gehra SEP, subscribed to the consensus arrived at the said meeting of the Empowered Committee. Er. J.P. Kalta, C.E. (Comml.), representing the respondent Board, also confirms that this issue was debated upon in

the Empowered Committee and the petitioners undertook to submit proposal, for phasing of the third circuit, to the Board and the HPPTC in due course of time, but before the synchronisation of their first Small Hydro Electric Project .

6. To ascertain the factual position the Commission also requisitioned the record of the Empowered Committee and the bare perusal of the said record reveals that the representatives of the petitioners subscribed to the consensus arrived at the said meeting and the submissions made by the petitioners are not correct.

7. The petitioners have failed to prove that the conditions in paras (a) and (l) of para 10 of the impugned order were either not in consonance with the understanding as reached with them in the meetings of the Empowered Committee, which formed the basis for the issuance of the impugned order, or there was any discrepancy apparent on the face of the record to justify the review of the impugned order.

In the light of the above discussion, the Commission declines to interfere with the impugned order dated 21.12.2009, passed in petition No.92 of 2009. However, in order to ensure development of an efficient, coordinated and economical evacuation of power from the generating stations, the petitioners may approach the Empowered Committee and the said committee would render its assistance in working out appropriate feasible evacuation arrangements with the HPPTCL and the Board within the frame work of the provisions of the Act and the regulations framed thereunder.

It is so ordered.

(Yogesh Khanna)
Chairman