

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

Petition No: 4 of 2022
Date of Filing: 23.12.2021
Arguments Heard on: 30.04.2022
Decided on: 21.05.2022

In the matter of:-

M/s Neri Hydro Projects Pvt. Ltd.
Sungal Tea Estate, Tehsil Palampur,
Distt. Kangra, HP.

.....**Petitioner**

Versus

1. The HP State Electricity Board Ltd., through its Chief Engineer (Commercial), Vidyut Bhawan, Shimla 171004.
2. Himachal Pradesh Energy Development Agency, through its Director, Urja Bhawan, SDA Complex, Kasumpti, Shimla 171009.
3. The Director, Directorate of Energy (DOE), Govt. of H.P., Shanti Bhawan, Phase-III New Shimla- 171009
4. The Govt. of Himachal Pradesh through its, Principal Secretary (MPP& Power), to the Govt. of HP, Shimla 171002

.....**Respondents**

Petition under section 86) (1) (b) (e) and (f) read with Section 62 of the Electricity Act, 2003 for determination of Tariff and approval of PPA for M/s Neri Hydro Projects Private Limited in Distt. Mandi, HP.

CORAM

**DEVENDRA KUMAR SHARMA
CHAIRMAN**

**BHANU PRATAP SINGH
MEMBER**

**YASHWANT SINGH CHOGAL
MEMBER (Law)**

Present:-

Sh. L.S. Mehta, Ld. Counsel for the Petitioner.
Sh. Kamlesh Saklani, Authorized Representative for Respondent No. 1
None for Respondent No. 2.
Sh. Shanti Swaroop Bhatti, Legal Consultant for Respondent Nos. 3 & 4.

ORDER

This Petition has been filed by the Petitioner M/s Neri Hydro Power Projects Pvt. Ltd. for determination of tariff and approval of the Power Purchase Agreement (PPA for short) in respect of Neri Hydro Project. As per Petitioner, the government of Himachal Pradesh (GoHP) has allotted 5.00 MW Hydro Electricity Project at Neri, Tehsil Joginder Nagar on Neri Khad, a Tributary of River Beas Distt. Mandi, HP (the Project for the short), to the Petitioner and an Implementation Agreement (IA for short) dated 17.10.2013 was signed by the Petitioner and the GoHP to this aspect.

2. It is averred that after the Implementation Agreement, the Petitioner started taking all reasonable steps for taking the approval from the concerned authorities for construction of the Project and vide letter dated on 23.03.2015 (Annexure P-4), Respondent No. 2 informed the Respondent No. 3 on visit to the office of Pradhan, Gram Panchayat Ner Gharvasra along with the project officials and apprised that rights of the villagers will not be affected during the construction of the Project. However, no decision was taken by the Gram Panchayat.

3. Meanwhile, Petitioner and Respondent No. 1 filled Joint Petition before the Commission alongwith draft Power Purchase Agreement (long term) which was registered as Petition No. 53 of 2015 (Annexure P-5). The Commission vide letters dated 10.04.2015, 21.09.2015 and 06.02.2016 (Annexure-6 Colly) raised objections on some clauses of the draft PPA and asked the parties to re-submit the PPA after removal of the deficiencies and vide letter dated 29.04.2015 the Respondent No.1 (HPSEBL) intimated the Petitioner that the observations made at serial No. 3 in the letter dated 10.04.2015 can be sorted out only after the issue is finally settled by the Commission. The Commission vide Order dated 31.03.2016 (Annexure P-7) disposed of the Petition No. 53/2015 with liberty to file the Joint Petition afresh.

4. The Petitioner vide letter dated 06.04.2016 prayed the Commission to review the Order dated 31.03.2016 but the Commission vide letter dated 28.04.2016 (Annexure P-8) advised the Petitioner to file the Joint Petition afresh.

5. Meanwhile, Respondent No. 3 vide corrigendum dated 22.07.2020 (Annexure P-9), permitted change of the name of the Project developer as M/s Neri Hydro Project Pvt. Ltd. in the place of M/s Archit Butail.

6. The Secretary Gram Panchayat, Ner Gharvasra vide letter dated 01.07.2016 (Annexure P-11) informed the Petitioner that the Gram Sabha do not agree for grant of no objection for forest clearance and has passed a resolution to this aspect. The Petitioner vide letter dated 30.01.2017 (Annexure P-12) informed the Deputy Commissioner, Mandi that the Petitioner has made regular efforts to get the NOC from the Forest Department and the case is held up for want of FRA and that the Petitioner has invested huge amount in pre-construction activities and sought intervention by the Deputy Commissioner for getting NOC/FRA (Forest Clearance/No objection) from the Gram Panchayat, Ner Gharvasra. The Secretary, Gram Panchayat, Ner Gharvasra vide letter dated 24.07.2017 (Annexure P-13) intimated the Petitioner that the Gram Panchayat has already rejected the request vide resolution No. 2 dated 26.06.2016 and the Secretary of the Gram Panchayat vide letter dated 22.11.2017 (Annexure P-14) also intimated the Sub Divisional Officer (Civil), Joginder Nagar of the resolution dated 26.06.2016 that they have disagreed to give the private and government land for the construction of the Project. Finally, vide letter dated 20.05.2018 (Annexure P-15) the Gram Panchayat, Ner Gharvasra conveyed the approval of the Gram Sabha Mohal Majharnu for transfer of 1.9728 hectares forest land under the FRA for the construction of Project. Further, the Gram Panchayat, Mohal Ner Gharvasra also accorded the approval for the transfer of private and government land under FRA vide letter dated 10.06.2018 (Annexure P-16) alongwith resolution dated 10.06.2018.

7. Also averred that the Government of India vide letter dated 10.12.2019 (Annexure P-17) addressed to the Additional Chief Secretary (Forests) conveyed that in-principle acceptance for diversion of 1.9728 hectares forest land has been approved for the Project. Pursuant thereto, the Additional Chief Secretary (Forest) vide letter dated 02.03.2021 has granted approval/sanction for use of 1.9728 hectares forest land in favour of the Petitioner's Project on certain conditions.

8. As per the Petitioner, the GoHP in the year 2018 amended the Hydro Power Policy of 2006 vide which it has been made mandatory for Himachal Pradesh State Electricity Board Ltd. (HPSEBL) (Respondent No. 1) to purchase entire power of the Projects upto 25 MW on Generic Levellised Tariff. Not only this, GoHP, vide notification dated 07.11.2020 (Annexure P-18) has also allowed one time amnesty scheme by re-defining the zero date for the Projects which are under investigation and clearance stage where Implementation Agreements have already been signed and by re-defining SCOD for the Projects under construction stage. Therefore, the Petitioner has signed the Supplementary Implementation Agreement (SIA) on 28.01.2021 (Annexure P-19) with the government.

9. The Petitioner made a request to the Respondent No. 1 vide letter dated 25.02.2021 (Annexure P-20) to issue draft of the Petition and Power Purchase Agreement alongwith procedure for making application for grant of connectivity. The Petitioner again requested the Respondent No. 1 vide letter dated 15.07.2021 (Annexure P-22) for the draft PPA.

10. On 17.07.2021 (Annexure P-23), the Respondent No. 2 informed the Petitioner that in term of SIA dated 28.01.2021, the zero date of the Project i.e. 27.01.2022 is required to be achieved within 12 months from the date of signing of SIA dated 28.01.2021 and the Schedule Commercial Operation Date (SCOD for short) is 22.07.2024. The Petitioner vide letter dated 31.08.2021 (Annexure P-24) has submitted revised construction schedule of the Project for the approval to Respondent No. 2 and the Respondent No. 2 vide letter dated 07.09.2021

(Annexure P-25) has conveyed the approval of revised construction schedule and that as per said scheme, the SCOD of the Project is 27.07.2024.

11. The Petitioner had also requested Respondent No. 2 vide letter dated 02.09.2021 (Annexure P-26) to take up the issue of signing of PPA with Respondent No. 1. Finally, vide letter dated 22.09.2021 (Annexure P-27) the Respondent No. 1 informed the Petitioner that the Project does not fall under HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulation, 2017 (RE Tariff Regulations 2017 for short) and asked the Petitioner to submit draft Joint Petition and draft PPA to the office of Respondent No. 1 for taking further necessary action and to approach Chief Engineer (System Planning) for connectivity to the Project. It is averred that the connection agreement has been signed on 04.10.2021 (Annexure P-28).

12. It is claimed that the Petitioner vide representation dated 22.10.2021 (Annexure P-29) requested the Respondent No. 1 that the Project of the Petitioner is not financially viable under Tariff Regulation of 2012 and that the Joint Petition has been disposed of without the approval of the Power Purchase Agreement and requested the Respondent No. 1 for signing PPA as per prevalent Tariff Regulation, 2017. Thus, the Petitioner has been compelled to file the present Petition as the Respondent No. 1 in abuse of its dominant position has refused to execute fresh long term PPA in accordance with the RE Tariff Regulations, 2017.

13. It is averred that the HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulation, 2012 (RE Tariff Regulations 2012 for short) have been repealed by RE Tariff Regulations, 2017 and now the PPA has to be executed only in terms of RE Tariff Regulations 2017 and since the Commission has disposed of the earlier Petition with liberty to the parties to approach the Commission again with fresh Joint Petition, the Respondent No. 1 cannot compel the Petitioner to file Joint Petition for approval of PPA on the basis of repealed Regulations. Further, a huge time has

been consumed on a obtaining the permissions and now the Project cost has increased tremendously and the Project is financially unviable at a tariff of Rs. 3.27 per unit and for this matter, the benefit of Amnesty Scheme would be of no use in case the tariff is not determined in terms of RE Tariff Regulations, 2017. Further the Petitioner requires funds and finance from the banks and financial institutions which have insisted for production of approved PPA.

14. The Petition has been resisted and contested by the Respondents by filing replies.

15. The Respondent No. 1 in its reply has averred that the Petition is not the maintainable as a Joint Petition had been filed by the parties earlier being Petition in 53 of 2015 under RE Tariff Regulations, 2012 and the Commission had directed the parties for removal of certain short comings and had directed the parties for re submission of the PPA for approval after removal of the short comings. Pursuant thereto, the replying respondent vide communications dated 29.04.2015 and 12.10.2015 had intimated the Petitioner that the tariff of the project has been calculated as Rs. 3.16 per kWh as per order of the Commission dated 30.06.2015 read with order dated 20.05.2013 and that the Petitioner failed to take the required action as suggested in letter No. 2057-58 of the Commission dated 21.09.2015 (Annexure R-I) which has led to the disposal of the earlier Petition and that the Petitioner has intentionally delayed the matter. Even the Petitioner has not taken any action as per letter 14.07.2016, 30.07.2016, 28.10.2016 and 29.11.2016.

16. It is averred that in response to letter dated 25.02.2021 of the Petitioner, the replying respondent vide letter dated 22.09.2021 had intimated the Petitioner that the Project does not fall under RE Tariff Regulations, 2017 because a Joint Petition had already been filed before the Commission under RE Tariff Regulations 2012 (Petition No. 53/2015) and the Petitioner is estopped from claiming the tariff under RE Tariff Regulation 2017.

17. It is averred that Regulation 3 of RE Tariff Regulations 2017 explicitly provide as under:-

“these regulations shall not apply where agreements for disposal/use of energy, whether on long term basis or under REC mechanism or otherwise have either already been signed by the renewable energy generators or have been approved by the Commission, or the joint petitions for the approval of the power purchase agreements have been filed before the Commission, prior to the date of commencement of these regulations.”

18. It is denied that the replying respondent has abused its position in any manner. Further averred that the claim of the Petitioner for approval of PPA under RE Tariff Regulations, 2017 is unfounded, misplaced and liable to be rejected. It is averred that the Petitioner has cleverly twisted the facts to come under the purview of RE Tariff Regulations 2017. Also averred that the Commission vide letter dated 10.04.2015 (Annexure P-6) has observed as under:-

“As per clause 6.2, the HPSEBL proposes to pay for net saleable energy delivered and sold to it by the Company at Rs. 3.27 kWh, after accounting for the capital subsidy of Rs. 500 Lac. However, this does not commensurate with the capital subsidy considered by the Commission in its order dated 20.05.2013, determining Generic Levellised Tariff for the SHPs under category-II (i.e. above 2 MW to 5 MW capacity). You are requested to resubmit the PPA after removing the aforementioned deficiencies.”

19. With regard to the No objection Certificate (NOC for short) and other clearances, it is averred that the same were not bottlenecks for the approval of PPA. In nutshell the contents of the Petitions have been denied.

20. Respondent No. 2 in its reply has averred that the Petition is not mentionable. Nothing significant has been averred and as per them, the matter in issue does not relate to Respondent No. 2.

21. No reply has been filed by the Respondents No. 3 and 4.

22. In rejoinder the contents of the reply of Respondent No. 1 and 2 have been denied and those of the Petition have been affirmed.

23. Sh. L.S. Mehta Ld. Counsel for the Petitioner has submitted that immediately after signing the Implementation Agreement on 17.10.2013, the Petitioner started taking the requisite steps for getting the approval from the concerned authorities but the requisite permissions were deferred by the authorities on one pretext or the other. He has further submitted that a Joint Petition had been filed being Petition No. 53/2015 but the Commission had raised certain objections and thus, the Commission vide order dated 31.03.2016 had disposed of said Petition with liberty to file Joint Petition afresh by the parties. According to him, neither the draft PPA was approved by the Commission vide Order dated 31.03.2016 nor the PPA has been signed by the parties and the earlier Petition having been disposed of simplicitor reserving right to file the afresh, the case of the Petitioner is governed by the RE Tariff Regulations, 2017 and not by the RE Tariff Regulations, 2012. He has also submitted that in principle approval of the Forest clearance was granted in respect of the Project by the Government of India vide letter dated 10.12.2019 for the diversion of 1.9728 hectares of Forest land and pursuant thereto, the Government of HP vide letter dated 02.03.2021 has granted approval/sanction for the use of said land in favour of the Project and thus, no MNRE subsidy was available to the Project. As per him, there is no delay on the part of the Petitioner. He has also submitted that Respondent No. 1 has refused to file Joint Petition which has compelled the Petitioner to invoke the jurisdiction of the Commission under Section 86 of the Act.

24. Sh. Kamlesh Saklani, Authorised Representative of Respondent No. 1 has submitted that the Petitioner has failed to comply with the objections raised by the Commission during pendency of Petition No. 53/2015 and thus, the Petition was rightly disposed of by the Commission vide Order dated 31.03.2016 and the RE Tariff Regulations, 2012 are applicable in the case of the Petitioner and the Petitioner cannot take the shelter behind the RE Tariff Regulations, 2017. Sh. Kamlesh Saklani, Authorised Representative has also submitted that as per the HPERC (Conduct of Business) Regulations, 2005, only a Joint Petition is entertainable for the approval of PPA and the present Petition is not maintainable.

25. We have gone through the submissions of Ld. Counsel and Authorised Representatives of the parties and have perused the entire record with minute care.

26. The Present Petition, has been filed on the premise that despite requests, the Respondent Board has not agreed for filling the Joint Petition, as such, the Petitioner had no option but to file the Petition impleading the Respondent Board as one of the Respondents.

27. Sh. Kamlesh Saklani, Authorised Representative of Respondent No. 1 has invited attention of the Commission to Regulations 50 & 50-A (1) of the HPERC (Conduct of Business) Regulations, 2005 (CBR 2005 for short) that the Petition for approval of the Power Procurement Purchase Agreement shall be submitted jointly. Regulation 50-A (1) is being reproduced as under:-

“50-A (1) The petitions for approval of the power procurement purchase agreements shall be submitted before the Commission jointly by the contracting parties i.e. the distribution licensee and the generating company with ten hard copies, alongwith a soft copy, and shall be supported by affidavits and accompanied by such fees (to be shared equally between the contracting parties) as specified in the Schedule to these regulations.”

28. Our attention has also been invited to Sub-clause (2) of the Regulation 8 of the HPERC (Promotion of generation from Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017 that the parties shall file a Joint Petition before the Commission for approval of the proposed Power

Purchase Agreement and shall execute the requisite PPA after approval of the Commission.

29. However, Sub-clause (2) of Regulation 50-A provides that provisions of Regulations 50-A (1) are in addition to and not in derogation of any other Provision of these Regulations. Sub-regulation (2) of Regulation 50-A is being reproduced as under:

“50-A (2) The provisions of this regulation are in addition to and not in derogation of any other provisions of these regulations”

30. Reference can also be made to Clause (1) of the Regulation 11 of the HPERC (Conduct of Business) Regulations, 2005 which provides that the Commission may initiate any proceedings Suo-Motu or on a Petition filed by any affected or interested person.

31. Thus, the HPERC (Conduct of Business) Regulations, 2005 specifically provide that the Commission may initiate proceedings Suo-Motu or on a Petition filed by any affected or interested person. The Petitioner had to approach the Commission due to the hardship faced by it after refusal to file Joint Petition by the Respondent No. 1. It is mentioned in the Petition that there is urgency for filing the Petition for obtaining loan from the bank and financial institutions. The Petitioner had been making efforts for obtaining clearances in the right earnest ever since the signing of IA. However, the permission for diversion of Forest land was granted to it only on 02.03.2021. Therefore, the earlier Petition was premature and was rightly disposed off. Since the Commission had reserved liberty to the parties to file the Petition afresh and Forest clearance was given only in the year 2021 on 02.03.2021, there was no occasion for the Respondent No. 1 to refuse to file Joint Petition. Merely because one of the party refuses to file Joint Petition, the other party can't be made to wait indefinitely. Therefore, this Commission is well within its competence and jurisdiction to entertain the present Petition and to make suitable directions in this regard. Thus, the stipulation under Clause (2) of the Regulation 8 of the HPERC (Promotion of generation from

Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017 and Regulation 50-A (1) of the CBR, 2005 cannot come in the way of the Commission to pass an effective order as the Petitioner in this matter had at first instance approached the HPSEBL and on refusal, had to knock at the door of this Commission. As observed above, the loan will be sanctioned only after signing of the PPA by the parties. Thus, in order to mitigate the hardship of the Petitioner, the Commission is well within its jurisdiction to entertain the Petition even if no Joint Petition has come on record.

32. The Next important question which arises for consideration is whether in view of order dated 31.03.2016 in Petition No. 53 of 2015, the tariff of the Project has to be governed/determined in terms of RE Tariff Regulations 2012 or RE Tariff Regulations, 2017. As per Respondent No.1, the tariff is required to be determined as per RE Tariff Regulations, 2017. In this connection, it is pertinent to refer to the reply of the Respondent No. 1 wherein it is averred in Para 8 as under:-

“these regulations shall not apply where agreements for disposal/use of energy, whether on long term basis or under REC mechanism or otherwise have either already been signed by the renewable energy generators or have been approved by the Commission, or the Joint Petitions for the approval of the power purchase agreements have been filed before the Commission, prior to the date of commencement of these regulations.”

33. On the strength of aforesaid, Sh. Kamlesh Saklani, Authorised Representative of Respondent No. 1 has submitted that the Joint Petition No. 53/2015 had been filed before the Commission for the approval of Power Purchase Agreement prior to the commencement of RE Tariff Regulations, 2017 and, as such, RE Tariff Regulations 2017 has no applicability in the present matter for determination of the Tariff in respect of the Project and the tariff is required to be settled in view of the RE Tariff Regulations 2012.

34. In this regard, it is relevant to reproduce the order dated 31.03.2016 in Petition No. 53/2015 as under:-

“the Commission, on the Joint Petition No. 53/2015, advised the Petitioners vide letter No. HPERC/Pet. No. 53/2015-157-159 dated 10.04.2015 and subsequently followed by reminders dated 21.09.2015 and 06.02.2016 to resubmit Power Purchase Agreement after removing the discrepancies as pointed out. The Petitioners have neither reconciled the discrepancies nor have approached the Commission jointly to settle the objections raised by the Commission. Therefore, the Petition No. 53/2015 is, disposed of with the liberty to file joint petition afresh accordingly.”

35. A bare perusal of the aforesaid order shows that not only the Petitioner (Joint Petitioner No. 2 in said Petition) was asked by the Commission to remove the discrepancies but the Respondent No. 1 (Joint Petitioner No. 1 in said Petition) was also asked to remove discrepancies and the Petition had been disposed off with liberty to the parties to file Joint Petition afresh. It is none of the case of the Respondent No. 1 that after the disposal of Petition No. 53/2015, any other Petition was jointly filed by the parties or the same was pending on the commencement of the RE Tariff Regulations 2017 and any effective order was passed in such Petition. Neither the PPA was approved by the Commission nor any PPA was signed by the parties. Therefore, aforesaid stipulation in the RE Tariff Regulations 2017, as pointed out by Sh. Kamlesh Saklani, Authorised Representative for Respondent No.1, have no application to the facts and circumstances of the present case. Since the present Petition has been filed only on 23.12.2021, the Tariff would certainly be governed by the RE Tariff Regulations, 2017.

36. The Implementation Agreement in respect of the Project was executed on 17.10.2013 and soon after execution of Implementation Agreement, the Petitioner

started taking reasonable and appropriate steps for taking approval from the concerned authorities as evident from the averments made in this regard in the Petition.

37. It is specifically mentioned in the Petition that the Gram Panchayat Ner Gharvasra vide letter dated 01.07.2016 (Annexure P-11) had expressed unwillingness for handing over the private or government land for setting up the Project which led to making a representation dated 30.01.2017 (Annexure P-12) by the Petitioner to the Deputy Commissioner, Distt. Mandi. The Gram Panchayat, Ner Gharvasra vide letter dated 27.07.2017 (Annexure P-13) again intimated the Petitioner regarding refusal of NOC for Forest Clearance referring to resolution No. 2 dated 26.06.2016 of the Panchayat. Further, the Gram Panchayat vide letter 22.11.2017 (Annexure P-14) also intimated SDO (Civil), Joginder Nagar in this regard. The record shows that the Gram Panchayat conveyed its approval vide letter dated 20.05.2018 (Annexure P-15) and also accorded the approval for transfer of private/government land vide letter dated 10.06.2018 (Annexure P-16). It is also evident from the record that vide letter dated 10.12.2019 (Annexure P-17), in Principle approval for diversion of 1.9728 hectares of the forest land in favour of the Project was considered by the Government of India and based on the same, the Additional Chief Secretary (Forest) vide letter dated 02.03.2021 (Annexure P-21) has conveyed the approval/sanction for the use of 1.9728 hectares forest land in the favour of the Project.

38. It is, thus, evident that till 02.03.2021, the land had not been sanctioned to the Petitioner for setting of the Project. Therefore, the Petitioner was not in a position to apply for MNRE subsidy.

39. In so far as the Industrial subsidy of the Ministry of Commerce and Industry, GoI is considered, the Petitioner is eligible for the same and will have to apply as per the procedure prescribed therein, therefore, while settling the tariff, eligible subsidy to the Project of the Petitioner is required to be adjusted.

40. Significantly the Government of HP in the year 2018, amending Himachal Pradesh Hydro Power Policy 2006, has made it mandatory for the HPSEBL to purchase entire power generated from the Hydro Power Projects having capacity up to 25 MW on Generic Levellised Tariff determined by the Commission. Not only this, the Government of Himachal Pradesh vide notification dated 15.05.2018 has also made a provision for deferring the free power share of the State for a critical period of initial 12 years from the date of achieving Scheduled Commercial Operation Date (SCOD) or Commercial Operation Date (COD), whichever is earlier, and such, deferred quantum shall be recovered during the balance agreement period in a uniform percentage rate.

41. Further the Government of Himachal Pradesh vide notification dated 07.11.2020 (Annexure P-18) has also allowed one time Amnesty Scheme. Since the Project of the Petitioner was under investigation and clearance stage, it is eligible for the Amnesty as per the Scheme dated 07.11.2020 and has signed Supplementary Implementation Agreement dated 28.01.2021 vide which the zero date of the Project has been re-defined.

42. The record also suggest that the (HIMURJA) vide letter dated 17.07.2021 has issued the certificate that the Zero Date of the Project will be 27.01.2022 and said Zero Date is required to be achieved within 12 months from the date of signing of SIA and that SCOD of the Project shall be 27.07.2024. Further on 31.08.2021, the Petitioner has submitted revised construction schedule (Annexure P-24). The record suggest that Petitioner has also made an application for grant of connectivity.

43. Therefore, in view of the powers vested in the Commission under Section 86 (1) (b) of the Act and Conduct of Business Regulations, 2005, the Petitioner has made out a case for the approval of PPA on the basis of the RE Tariff Regulations, 2017.

44. Hence, there are the merits in the Petition. The Petition is accordingly allowed. The draft PPA is ordered to be approved. The present tariff of the 3rd Control Period for Project of 5 MW and above is Rs.4.49 per unit and after adjusting the admissible Industrial Subsidy of Rs.4.43 Crore, the applicable tariff comes to Rs.4.22 pKWh. Any other adjustment in the tariff, if permissible, under the Regulations will also be made while finalizing the final tariff.

45. The Technical Division is directed to process the matter, make necessary additions and alternations in the draft PPA and thereafter the PPA after its approval be sent to the parties and parties are directed to sign the PPA jointly and send three signed copies of the executed PPA to the Commission for record within 30 days from the date of this order.

Announced

21.05.2022

-Sd-
(Yashwant Singh Chogal)
Member(Law)

-Sd-
(Bhanu Pratap Singh)
Member

-Sd-
(Devendra Kumar Sharma)
Chairman