

**M/s Kangra Hydro Power Ventures Pvt. Ltd. & Another
Versus the HPPTCL & Others.**

Petition No. 115 of 2024

09.09.2024

Present: Sh. L.S. Mehta, Ld. Counsel for the Petitioners.
Sh. Vikas Chauhan, Ld. Counsel for the Respondent
No. 1 alongwith Sh. Manoj Chaudhary, G.M.
Sh. Kamlesh Saklani, Authorised Representative for
the Respondent No. 2 alongwith Sh. Rakesh Kapoor,
SE.
None for the Respondent No. 3.

ORDER

Though the Commission had reserved the Order on 24.08.2024 but the parties had not placed on record notes of discussion of 51st Meeting of the STU Coordination Committee held on 16.08.2024 under the chairmanship of the Chief Secretary to the Government of Himachal Pradesh. In fact, the power evacuation of Projects of the Petitioners i.e. Gaj-III (5.0 MW) and Gaj Top (3.80 MW) SHPs was placed for consideration before the STU Coordination Committee as per agenda item No. 7 and it was agreed that the HPSEBL and M/s Kangra Hydro (Petitioner No. 1) shall mutually settle the issue in consultation with the HPPTCL subject to the condition that M/s Kangra Hydro shall withdraw their Petition before the Commission regarding the matter. The minutes of agenda Item No. 7 are reproduced as under:-

“The agenda was appraised to the Chair and it was agreed that HPSEBL and M/s Kangra Hydro shall mutually settle the issue in consultation with HPPTCL subject to the condition that M/s Kangra Hydro shall withdraw their Petition filed before the Hon’ble HPERC regarding the matter.”

2. Accordingly, the matter was taken up again today seeking clarification from the parties.

3. Sh. Kamlesh Saklani, Authorised Representative for the Respondent No. 2 submits that the HPSEBL has already mentioned in the reply dated 20.08.2024 that evacuation of power of the Petitioners and other IPPs may be allowed on the existing HPPTCL Chambi Sub-station till the additional bay is constructed or the exigency of the HPSEBL’s requirement or any subsequent decision and has specifically mentioned the same in their reply at Para 4. Para 4 of the reply is reproduced as under:-

“4.It is pertinent to submit here that the replying respondent vide letter dated 25.04.2024 (Annexure P-27) has categorically mentioned that evacuation of power of the Petitioner and another IPPs may be allowed on the existing HPPTCL Chambi Sub-station till the additional bay for the Petitioner is constructed by the Respondent No. 1/ HPPTCL or the exigency of Board’s requirement subject to the following conditions:

“1.the interim evacuation of Gaj-II and Gaj Top Power Houses generation in joint mode be allowed at 33/132 kV Chambi Sub-station upto the additional bay commissioning or the exigency of board’s requirement.

2.the interim connectivity arrangement shall be disconnected after the Commissioning of additionally 33 kV bay at 33/132 kV HPPTCL Chambi substation or the exigency of Board’s requirement or any subsequent decision.

3. no deemed generation shall be allowed to the IPP.

4.IPPs shall deposit the O&M charges of the bay from the date of interconnections date of disconnection, which shall be raised by HPPTCL to the HPSEBL.

5.The Undertaking in this regard shall be submitted by IPPs before the interconnection of bay.”

It is submitted that Petitioner despite getting specific instruction for the granting bay of the Replying Respondent for the purpose of evacuation of power, has filed the present petition, rather as per the letter dated 25.04.2024, request of the Petitioner was allowed subject to certain terms and conditions. It is case of the Petitioner that Respondent No. 1 has not till date constructed their bay at the 33/132 kV Sub-station, thus the Petitioner has already been allowed to evacuate its power to the Chambi, Sub-station subject to conditions mentioned in the letter *ibid*. The Petitioner has not till date shown its readiness and to submit the undertaking to the replying respondent. It is submitted that the inaction is on the part of the petitioner as such the petition is liable to be dismissed.”

4. Sh. Vikas Chauhan, Ld. Counsel for the Respondent No. 1 submits that the HPPTCL is ready to connect the Petitioners to the idle bay of HPSEBL at 33/132 kV Chambi Sub-station in view of the no objection of the Respondent No. 2 as mentioned in Para 4 of the reply which was also agreed before the STU Coordination Committee.

5. Sh. L.S. Mehta, Ld. Counsel for the Petitioners submits that the Petitioners have no objection for depositing the O&M Charges of the Bay from the date of interconnection, as raised by the HPPTCL to the HPSBEL and as mentioned in Para 4 of the reply by the HPSEBL but till the Petitioners are connected to 33/132 kV Chambi Sub-station, the Respondent No. 2 be directed not to disconnect the Projects of the Petitioners from Bithloo Sub-station as mentioned in the notice dated 25.05.2024.

6. We have carefully gone through the submissions of the parties, and have gone through the entire record carefully.

7. Apparently, the Respondent No. 2/ HPSEBL vide letter dated 25.04.2024 had agreed for the connectivity of Gaj-III (5.0 MW) and Gaj Top (3.8 MW) to 33/132 kV Chambi Sub-station of the HPPTCL for evacuation of power. The HPSEBL has also reiterated the same stand in Para of their reply subject to fulfilling the terms and conditions mentioned in letter dated 25.04.2024.

8. The HPPTCL in their short reply have stated that they are not opposed to the prayer of the Petitioners. Sh. Vikas Chauhan, Ld. Counsel for the Respondent No. 1 states that the HPPTCL has initiated the process of constructing the new bay for the Petitioners and the work is likely to be completed in six months. Sh. Chauhan submits that it would be difficult for sending the individual bills of the above Bay to the Respondent No. 1.

9. Sh. Mehta, Ld. Counsel for the Petitioners states that the Petitioners are ready to abide by all the terms and conditions as mentioned in letter dated 25.04.2024 as also Para 4 of the reply of the Respondent No. 2 and shall deposit the O&M charges of the Bay from the date of interconnection till the date of disconnection but till the Petitioner are connected to the idle bay(s) of the

HPSEBL at 33/132 kV Chambi Sub-station the Project of the Petitioners be not disconnected at 33/11 kV Bithloo Sub-station.

10. Since the Respondent No. 2/ HPSEBL has agreed for connecting the Projects of the Petitioners to 33/132 kV Chambi Sub-station of the HPPTCL/ Respondent No. 1, on fulfilling the conditions mentioned in letter dated 25.04.2024 and the Petitioners have agreed to abide by all the terms and conditions and to pay the requisite charges as mentioned in the letter dated 25.04.2024 and the parties also agreed to settle the dispute mutually before the STU Coordination committee on 16.08.2024, the Petition is ordered to be disposed off subject to the following conditions:-

- a) The interim evacuation of Gaj-III (5.0 MW) and Gaj Top (3.8 MW) Power Houses generation in joint mode be allowed at 33/132 kV Chambi Sub-station till the time of commissioning of the additional bay or the exigency of HPSEBL's requirement.
- b) The interim connectivity arrangement shall be disconnected after the Commissioning of additionally 33 kV bay at 33/132 kV HPPTCL Chambi substation or the exigency of Board's requirement or any subsequent decision.
- c) No deemed generation shall be allowed to the Petitioners for this interim arrangement.

- d) IPPs shall deposit the O&M charges of the bay from the date of interconnections to the date of disconnection, which shall be raised by the HPPTCL to the HPSEBL.
- e) The Undertaking in this regard shall be submitted by IPPs before the interconnection of bay.
- f) The HPPTCL/ Respondent No. 1 shall raise a separate bill of the aforesaid bay to the HPSEBL/ Respondent No. 2 and the Petitioners shall pay such charges as raised in the bill within 15 days of the receipt of bill.
- g) The Respondent No. 2/ HPSEBL shall not disconnect the Petitioners from 33/11 kV Bithloo Sub-station till the Projects of the Petitioners are connected to the 33/132 kV Chambli Sub-station as mentioned above.
- h) The Respondent No. 1/ HPPTCL shall expedite the construction of the new bay at 33/132 kV Chambli Sub-station so that the Projects of the Petitioners are connected to the same and disconnected from spare/ idle bay(s) of HPSEBL at Chambli Sub-station.

11. The Petition is accordingly disposed off. The file after doing the needful be consigned to the records.

-Sd-

(Shashi Kant Joshi)
Member

Dated:09.09.2024

-Sd-

(Yashwant Singh Chogal)
Member (Law)

-Sd-

(Devendra Kumar Sharma)
Chairman