

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

Petition No.	123 of 2025
Date of Institution:	01.04.2025
Arguments Heard on:	10.04.2025
Decided on:	19.04.2025

CORAM

DEVENDRA KUMAR SHARMA
CHAIRMAN

YASHWANT SINGH CHOGAL
MEMBER (Law)

SHASHI KANT JOSHI
MEMBER

The HP State Electricity Board Ltd. through
Chief Engineer (System Operation),
Vidyut Bhawan, Shimla, HP-171004.

....Joint Petitioner No. 1.

AND

M/s Prikshit Solar Power Project,
Registered Office at Village and Post Office Dhangota,
Tehsil Badsar, Distt. Hamirpur,
through Authorised Representative, Sh. Chetan Rana.

....Joint Petitioner No. 2.

Joint Petition under the provisions of Section 86(1)(b) of the Electricity Act 2003 read with Regulations 56 and 57 of the HPERC (Conduct of Business) Regulations, 2024, for approval of the Power Purchase Agreement (Solar) in respect of M/s Prikshit Solar Power Project (500 kW).

Present:-

Smt. Pooja Thakur, Sr. Executive Engineer alongwith
Sh. Sanjeev Kumar, Sr. Executive Engineer for the
Joint Petitioner No. 1.
Sh. Chetan Rana, Authorised Representative for the
Joint Petitioner No. 2.

ORDER

This Joint Petition has been filed by the Himachal Pradesh State Electricity Board Ltd. (the Joint Petitioner No.1 or the HPSEBL for short) and M/s Prikshit Solar Power Project (the Joint Petitioner No. 2 for short) for the approval of the Power Purchase Agreement (PPA for short) under Section 86 (1) (b) of the Electricity Act, 2003 (Act for short) read with Regulations 56 and 57 of the HPERC (Conduct of Business) Regulations, 2024, (CBR, 2024 for short) in respect of M/s Prikshit Solar Power Project (500 kW).

2. The case of the Petitioners is that a Solar PV Project (500 kW) known as M/s Prikshit Solar Power Project, situated at Village Batlahu Tappa, Post Office and Tehsil Dhatwal, Distt. Hamirpur, H.P (Project for short) is being setup pursuant to the approval accorded by the HIMURJA (HP Govt. Energy Development Agency) vide letter No. HIMURJA (F-7)/SPV Projects/2023-11191 dated 12.10.2023 and the provisional registration has been extended by the HIMURJA vide letter No. HIMURJA (F-7)/SPV Projects/2023-10022 dated 20.02.2025. As per the Joint Petition, the date of scheduled commercial operation of the Project is 11.10.2024.

3. As per the Joint Petition, the Commission vide Order dated 29.02.2016 passed in Suo Moto Petition No. 104 of 2015 amended vide Order dated 28.10.2024 in Suo Moto Petition No. 02 of 2024 has approved the Model Power Purchase Agreement for Solar PV Projects. The HIMURJA has also approved the Project inventory vide letter No. HIMURJA (F-7)/SPV Projects/ 2023-16764 dated 18.12.2023 (Annexure-VIII).

4. It is averred that parties have signed the connection agreement on 22.12.2023 providing that the interconnection point has been proposed at existing 11 kV Bijhar-Dhangota feeder emanating from 2x3.15 MVA, 33/11 kV Bijhar (Kotla) Sub-station through solid tap with appropriate Protection arrangement.

5. It is also averred that the Joint Petitioner No. 2 shall apply for the admissible subsidy and shall intimate the Joint Petitioner No. 1 to that effect.

6. It is also averred that the Commission vide Order dated 14.03.2024 has determined the generic levellised tariff in respect of Solar PV Projects for FY 2024-25 (01.04.2024-31.03.2025) under the HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017, as amended, (RE Regulations, 2017 for short). The Joint Petitioner No. 2 has also submitted an

affidavit that the project is situated in a rural area and that the tariff for the Projects to be set up in areas other than Industrial and Urban areas upto 1 MW is Rs. 3.50 per kWh as determined by the Commission vide Order dated 14.03.2024, which shall be applicable to the Project which has been incorporated in Clause 6.2 of the draft PPA.

7. We have heard Smt. Pooja Thakur, Sr. Executive Engineer alongwith Sh. Sanjeev Kumar, Sr. Executive Engineer for the Joint Petitioner No. 1 and Sh. Chetan Rana, Authorised Representative for the Joint Petitioner No. 2 and have perused the entire record carefully.

8. It is evident from the record that the connection agreement in respect of the Project has been signed by the Joint Petitioners on 22.12.2023, a copy whereof has been placed on record. As per the connection agreement, the interconnection point has been proposed at existing 11 kV Bijhar-Dhangota feeder emanating from 2x3.15 MVA, 33/11 kV Bijhar (Kotla) Sub-station through solid tap with appropriate Protection arrangement.

9. As per the Swaran Jayanti Energy Policy, 2021, notified on 20.01.2022, Solar Power from the Solar PV Projects upto 5 MW shall mandatorily be purchased by the HPSEBL, if commissioned

on or before 31.03.2030 at HPERC approved tariff applicable on the date of allotment of the Project.

10. It is also evident from the letter of the HIMURJA dated 12.10.2023 and 20.02.2025 that the tariff in respect of the Project shall be as per the rates determined by the HPERC and that the Project has been provisionally registered. Further vide letter No. HIMURJA(F-7)/ SPV Projects/ 2023-10022 dated 20.02.2025, the provisional registration has been extended by six months upto 11.04.2025 and that the tariff will be as per the rates applicable during the time of commissioning of the Project prescribed by the HPSEBL.

11. Though, the Commission vide Order dated 14.03.2024 in Suo Moto Petition No. 01 of 2024 has determined the generic levelised tariff for Solar PV Power Projects for FY 2024-25 (for a period w.e.f. 01.04.2024 to 31.03.2025) vide which the tariff for the Projects situated in a rural area upto the capacity of 1 MW was Rs. 3.50 per kWh but said tariff is not applicable to the Project, as the Petitioner failed to synchronize/ commission the Project by the scheduled date of 11.10.2024. So much so, even no steps were taken to file the Petition for approval of PPA, after provisional registration letter dated 12.10.2023 or till 31.03.2025. Now, the Commission has determined the tariff for the Solar PV Projects for

the period w.e.f. 01.04.2025 to 31.03.2026 in Suo Moto Petition No. 01 of 2025 vide order dated 27.03.2025 as under:-

Sr. No.	Capacity	Generic levelled tariff (Rs. Per kWh)
1	Projects to be set up in other than industrial areas and urban areas	
(a)	Upto 1.00 MW	3.45
(b)	Above 1.00 MW & upto 3.00 MW	3.38
(c)	Above 3.00 MW & upto 5.00 MW	3.32
2	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 3.00 MW	3.44
(c)	Above 3.00 MW & upto 5.00 MW	3.38

12. It is evident from HIMURJA letter dated 22.02.2025 that the tariff as applicable during the commissioning of the Project shall be available. Since, the Project registration has been extended upto 11.04.2025 and Project is not yet commissioned, the Project shall be entitled to the tariff of Rs. 3.45 per kWh, being applicable for the Projects upto 1 MW capacity as determined vide order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025, which is subject to adjustment of capital subsidy, if any. However, in case the commissioning is further delayed beyond 31.03.2026, the tariff as applicable for FY 2026-27 shall be available but in case said tariff is higher, the tariff as applicable for FY 2025-26 shall be applicable.

13. The Petition is supported by the affidavits of the respective parties.

14. Therefore, in view of the powers vested in the Commission under Section 86 (1) (b) of the Act, read with Regulations 56 and 57 of the CBR, 2024, the Joint Petitioners have made out a case for the approval of the Power Purchase Agreement (Solar) in respect of the Project. Hence, the Petition succeeds and allowed. The PPA is Ordered to be approved subject to the following conditions:-

- (i) The Project registration has been extended upto 11.04.2025 and Project is not yet commissioned. Therefore, the Project shall be entitled to the tariff of Rs. 3.45 per kWh which shall be subject to further adjustment of subsidy, if any, and is provisional.
- (ii) The affidavit of the Joint Petitioner No. 2 that the Project is at rural area shall form the part of the PPA. Similarly, the Connection Agreement dated 22.12.2023 shall also form part of the PPA.
- (iii) The Joint Petitioner No.2 shall apply to the State/Central Government or its designated department(s)/agency(ies), for grant of applicable subsidy/financial assistance to the Solar Power Project immediately on receipt of this Order, if not already applied, and shall intimate the Joint Petitioner No.1 i.e. HPSEBL of the receipt of financial assistance/subsidy released to the Project by the State/ Central Government or its designated Department(s)/ agency(ies), within 15 days of

receipt of the same and an undertaking to this effect shall be furnished by the Joint Petitioner No. 2 which shall form part of the PPA.

(iv) The Joint Petitioner No. 2 shall make an endeavour to avail the admissible subsidy/financial assistance (if any). In case the subsidy/financial assistance is not availed or the Joint Petitioner No. 2 fails to approach the State/Central Government or its designated Department(s)/agency(ies), the same shall be deemed to have been availed by the Joint Petitioner No. 2 and the Joint Petitioner No. 1 shall carry out the adjustment of such benefit, if any, admissible to the project after a period of 2 years from the date of the Order. The Joint Petitioner No. 1 shall also intimate the Commission in this regard on making adjustment.

(v) In case the commissioning is further delayed beyond 31.03.2026, the tariff as applicable for FY 2026-27 shall be available but in case said tariff is higher, the tariff as applicable for FY 2025-26 shall be applicable.

16. Other terms and conditions of the PPA shall be subject to provisions of the RE Regulations, 2017, as amended from time to time and the Order of Commission dated 27.03.2025 in Suo-Motu Petition No. 01 of 2025 issued under the aforesaid Regulations.

17. The Joint Petitioners are directed to execute PPA as per the above Order after carrying out the necessary additions and alterations within 30 days from the date of this Order. Three copies of the executed Power Purchase Agreement be submitted to the Commission for record.

Let a copy of this Order be supplied to the Joint Petitioners forthwith.

The file after needful be consigned to records.

Announced
19.04.2025

-sd-
(Shashi Kant Joshi)
Member

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

-sd-
(Devendra Kumar Sharma)
Chairman