

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

**Petition No:** 13 of 2022  
**Instituted on:** 09.02.2023  
**Heard on:** 22.02.2023  
**Decided on:** 07.03.2023

**CORAM**

DEVENDRA KUMAR SHARMA  
**CHAIRMAN**

YASHWANT SINGH CHOGAL  
**MEMBER (Law)**

SHASHI KANT JOSHI  
**MEMBER**

**In the matter of:-**

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

**.....Joint Petitioner No.1**

**AND**

**M/s DLI Power (India) Pvt. Ltd.,  
6, Shiv-Wastu, Tejpal Scheme, Road No.5,  
Vile Parle (East), Mumbai-400057**

**....Joint Petitioner No.2**

**Joint Petition for approval of Supplementary Power Purchase Agreement (Short-Term) in respect of Raura HEP (12.00MW) under Section 86(1)(b) of the Electricity Act, 2003.**

**Present:-**

**Sh. Kamlesh Saklani, Authorised Representative for Joint Petitioner No.1.**

**Sh. V.S.V.A Rao, Authorised Representative for Joint Petitioner No.2.**

## ORDER

This Joint Petition has been filed under Section 86 (1)(b) of the Electricity Act, 2003 read with Regulations 50 and 50-A of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 by the Himachal Pradesh State Electricity Board Ltd. and M/s DLI Power (India) Private Limited for approval of Short-term Power Purchase Agreement under REC mechanism (SPPA for short) for the period w.e.f. 01.04.2023 to 31.03.2024 in respect of Raura Hydro Electric Project (12.00MW) situated in Distt. Kinnaur, Himachal Pradesh (Project for short).

2. As per the Joint Petitioners, the parties had signed a Power Purchase Agreement for sale of Power on 25.07.2019 till 31.03.2020 which has been subsequently extended mutually with prior approval of the Commission upto 31.03.2023 vide orders dated 18.03.2020, 09.10.2020 and 28.03.2022 (Annexure P-2 Colly). It is averred that both parties have agreed to extend the terms of PPA ending on 31.03.2023 till 31.03.2024 for sale and purchase of Power at the rate/ tariff as may be fixed by the Commission for FY 2023-24 in respect of Hydro Electric Projects under REC Mechanism.

3. Heard. The Petition is duly supported by affidavits of Joint Petitioners No. 1 and 2.

4. The Commission under Sub-section (1)(b) of Section 86 of the Electricity Act, 2003 read with Regulation 50 and 50-A of the Himachal

Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 is empowered to accord its approval of sale and purchase of Power. Both the parties have sold and purchased the Power from the Project w.e.f. 25.07.2019 under REC Mechanism and the terms of ongoing Power Purchase Agreement shall come to an end on 31.03.2023. The Joint Petitioners have agreed to sale and purchase of Power on similar terms and conditions. Therefore, keeping in view averments made in the Petition and the fact that the parties are seeking extension on the lines of previous PPA/ SPPAs under REC Mechanism, the Commission accords its approval for the approval of the PPA under REC mechanism for a period w.e.f. 01.04.2023 to 31.03.2024 subject to the following conditions:-

- (i) Clause 6.2 of the PPA shall be substituted with the following, namely.-  
“The HPSEBL shall pay for the Net saleable Energy delivered and sold to it at the Interconnection Point by the Joint Petitioner No. 2 under REC Mechanism at APPC rate determined by the Commission for FY 2021-22 as an interim rate.”
- (ii) This interim rate shall be subject to further adjustment with the rate as may be specified/ fixed by the Commission for FY 2023-24 for sale/purchase of power under REC mechanism for Small Hydro Power Projects.
- (iii) The Petitioners shall approach the Commission within 15 days of Order of the Commission referred as item (ii) of this para for applicability of tariff to the project for FY 2023-24 under REC mechanism.

(iv) The water cess, as made applicable by the Govt. of H.P. for the Hydro Electric Projects, shall be dealt accordingly as per the notification of the Government.

4. The other terms and conditions of the Power Purchase Agreement (SPPA) to be executed by the Joint Petitioners shall be subject to provisions of the applicable Central Electricity Regulatory Commission Regulations, procedure for registration of Renewable Energy Generation Project by Central Agency, Procedure/Guidelines for accreditation of Renewable Energy Generation Project for REC Mechanism by State Agency, Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 and Commission's order dated 24<sup>th</sup> June, 2019 in Petition No. 60 of 2019.

5. Necessary additions and alterations in the draft PPA, if required, as per the above, be carried out before the draft PPA is sent after approval to the parties. The Petitioners are directed to execute the Power Purchase Agreement under REC mechanism accordingly within a period of 30 days from the date of this order. Three copies of the executed Power Purchase Agreement be submitted to the Commission for record.

Announced

**07.03.2023**

**-Sd-**  
**(Shashi Kant Joshi)**  
**Member**

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

**-Sd-**  
**(Devendra Kumar Sharma)**  
**Chairman**