

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA.

In the matter of-

- (1) M/s Satya Sai Hydrel Projects Pvt. Ltd.,
61-62, Billing Complex, Jogindernagar,
Distt. Mandi- 176120
- (2) M/s Kangra Hydro Power Venture (P) Ltd.,
Village and Post Office Ranital,
Tehsil & Distt. Kangra (HP)- 176029
- (3) M/s Ambey Hydro Projects
Village Jharot, P.O. Sera,
Tehsil Nadaun, Distt Hamirpur-177038
- (4) M/s Vishal Hydro Enterprises
Village Sanauran, PO Gaggal,
Tehsil & Distt. Kangra- 176209
..... Petitioners

Versus

HP State Electricity Board Ltd. thro' its
Executive Director (Pers.)
Vidyut Bhawan, Shimla-171004
.....Respondent

Petition No. 134 of 2014
(Decided on **20th July, 2015**)

CORAM

Subhash C. Negi
CHAIRMAN

Counsels:-

for the petitioner

Sh. Ajay Vaidya, Advocate

for the Respondent No.1

Sh. Ramesh Chauhan
(Authorised Representative)

ORDER

(Last heard on 10.07.2015 and Orders reserved)

A group of Independent Power Producers who are in the process of developing SHEPs in Kangra Distt., comprised of M/s Satya Sai Hydrel Projects (P) Ltd. developing (3.00 MW) SHP Gaj Top; M/s Kangra Hydro Power Venture (P) developing two SHPs i.e.(1.25 MW) SHP Garju and (3.60 MW) SHP Gaj-III; M/s Ambey Hydro Projects (2.00 MW) SHP Garju; and M/s Vishal Hydro Enterprises developing (2.00 MW) SHP Gaj Gehra, have moved this petition through Sh. Palwindher Singh the authorised signatory of

all the aforesaid companies (hereinafter jointly called ‘ the petitioner’). This petition has been filed under section 86 of the Electricity Act, 2003, read with the sub-regulation (3) of regulation 3 of the HPERC (Power Procurement from Renewable Sources and Co-generation by Distribution Licensee) Regulations, 2007 (in brevity referred to as ‘regulations’) praying for the Commission’s approval for use of common transmission line for evaluation of the power generated from these projects.

2. All the power projects named in the preceding para are cascading projects downstream and are situated in the same vicinity. The petitioners submit that the construction of the transmission line of 33 kV HT Double Circuit Line from common pooling station at Mohal Naura to Gaj Power House Sub-station of HPSEBL power House at Bithlu, Distt Kangra shall be undertaken by petitioner companies only for the evacuation of power from the afore mentioned SHPs. The common transmission line will be in the public interest as well as will be an environment friendly evacuation solution. As the evacuation point for all the parties is same, the petitioner companies submit that using the common same transmission line to evacuate power from all the SHPs, will improve corridor utilization and will result in less number of tree cutting thus will be economical as well as environmentally suitable in the hill terrain. It will also be in the interest of natural heritage and to conserve the natural resources.

3. Further the sub-regulation (3) of the regulation 3 of the Himachal Pradesh Electricity Regulatory Commission (Power Procurement from Renewable Sources and Co-generation by Distribution Licensee) Regulations, 2007 provides that the generator may with the approval of the Commission, enter into a suitable agreement for joint project lines for two or more projects and inject power into the grid through the joint evacuation system. For the laying of common transmission line all the aforesaid companies have entered into an agreement dated 15.06.2014, specifying the terms and conditions, to be adhered to by each company.

4. In response to the petition, the Himachal Pradesh State Electricity Board Ltd. (hereinafter referred as “the respondent Board”) submits that this petition has been filed under section 86 of the Electricity Act, 2003, read with the 2007 regulations. The Regulation of 2007 cease to occupy the field as the same have been amended and notified w.e.f. 17.12.2012 by 2012 regulations. The respondent Board has never opposed the joint evacuation of power per provisions of the regulations. The modalities of transmission system could only be finalized after the petitioners come forward for providing connectivity and the petitioners have not applied for grant of connectivity.

5. Er. Mahesh Sirkek, Chief Engineer (Comm.) of the respondent Board has, during the admission hearing of this petition held on 15.11.2014, pointed out that since the petitioners have not approached the Board, for working out the modalities for setting up the common transmission line, this petition being premature is not maintainable. However, the respondent Board is ever ready to settle such issues amicably out of the Court.

6. Keeping in view the above submissions of the respondent Board, the petitioners have been advised to take up this issue with the respondent Board and the parties may settle the matter within 2 months and in case any of them is not satisfied with the outcome of the regulations, it may approach the Commission for consideration of the petition on merits.

7. In compliance to the Commission's directions imparted the respondent Board submits that despite the final reminder sent out on 26.03.2015, none of the power producers have approached the respondent Board for grant of connectivity, as per the regulations. The time-lines of two months have already elapsed and from their inaction it is evident that the petitioners are not interested to pursue this matter.

8. Shri Ajay Vaidya, Advocate representing the petitioners, prayed for permission to file the rejoinder to the response of the Board and the prayer to file the rejoinder was granted on 04.04.2015. Further, on failure to file the rejoinder, the petitioners have been granted the final opportunity to make their submissions. Even on the last hearing held on 10.07.2015, nothing substantial has been brought on record and the counsel, representing the parties has also failed to furnish any explanation for in action/non-action on the part of the petitioners to pursue this petition.

The petition is dismissed accordingly.

Before parting with this order, the Commission would like to point out that time and resources of the Commission have been wasted in pursuing such petitions. This could perhaps have been avoided by diligence on the part of the petitioners.

-Sd/-
(Subhash C. Negi)
Chairman