

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA

In the matter of-

M/s Gowthami Hydro Electric Com.(P) Ltd.
Ground Floor, A- 496, Sector-4,
New Shimla-171009
.....Petitioner

Versus

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

Petition No. 223/2014
(Decided on 03.03.2015)

CORAM

Subhash C. Negi
CHAIRMAN

Present:-

for the petitioner

Sh. Nimish Gupta, Advocate

for the Respondent

Sh. Ramesh Chauhan
(its authoised Representative) and
Sh. Mahesh Sirkek, CE(Comm.)

ORDER

M/s Gowthami Hydro Electric Company (P) Ltd., Ground Floor A-496, Sector-4, New Shimla-171009 has moved this petition under Section 86(1)(f), of the Electricity Act, 2003, for adjudication of its claim for payment of surcharge on account of the late payment of energy bills, in accordance with the provisions of PPA executed by it with the Himachal Pradesh State Electricity Board Ltd. (HPSEBL) in relation to Andhra Stage-II, Hydro Electric Project(5MW), on Andhra Khad, a tributary of Pabbar river in District Shimla of Himachal Pradesh.

2. The HPSEBL has objected the admission of this petition stating that the remedy for Good Faith Negotiation, as provided the clause 13.1 of the PPA, has not been

exhausted. Moreover, the respondent Board has made the part payment on account of late payment surcharge, and for the balance payment the petitioner has been asked for reconciliation and so far as the opening of letter of Credit (LOC) is concerned the HPSEBL submits that in view of the financial crunch, it could not open the LOC and it will be opening the same as and when its financial position improves.

3. In view of the above submissions of the respondent Board, the petition, being premature, is not admitted. However, the respondent Board is directed to open the LOC in terms of the PPA, within a week from to-day. The Commission also expects that parties will try to conclude dispute resolution within the time frame as laid down by HPSEBL in its notification dated 13.2.2015.

Sd/-
(Subhash C. Negi)
Chairman