

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

Petition No: 26 of 2022
Date of Filing: 25.04.2022
Arguments Heard on: 30.04.2022
Decided on: 17 .05.2022

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

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

AND

M/s SS Energy Ltd. (1.676 MW) through,
Smt. Sukriti (Authorized Signatory)
VPO Kudail, Tehsil Baijnath,
Distt. Kangra, HP-176128.

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

Joint Petition under the provisions of Section 86 (1) (b) of The Electricity Act, 2003, read with Regulations 50 and 50A of conduct of Business Regulations and in accordance with the Model PPA approved by HPERC for the approval of Power Purchase Agreement (Solar) to be executed by the HPSEBL with M/s SS Energy in respect of SS Energy Solar PV Project (1.676 MW).

CORAM

**DEVENDRA KUMAR SHARMA
CHAIRMAN**

**BHANU PRATAP SINGH
MEMBER**

**YASHWANT SINGH CHOGAL
MEMBER (Law)**

Present:-

Sh. Kamlesh Saklani, Authorised Representative for Joint Petitioner No. 1
Sh. Inderdeep Singh, Authorised Representative for Joint Petitioner No. 2

ORDER

The present Joint Petition has been filed by the Himachal Pradesh State Electricity Board Ltd. (Joint Petitioner No. 1 or HPSEBL for short) and M/s SS Energy (hereinafter to be referred as Joint Petitioner No. 2) for approval of the Power Purchase Agreement, Solar (PPA in short) under Section 86 (1) (b) of the Electricity Act 2003 (Act for short) read with Regulations 50 & 50A of the

HPERC (Conduct of Business) Regulations, 2005 in respect of SS Energy Ltd. Solar Power Project (1.676 MW) situated at VPO Kudail, Tehsil Baijnath, Distt. Kangra, HP (Project for short).

2. It is apparent from the letter dated 09.08.2021 of HIMURJA, HP Govt. Energy Development Agency that the Project was allotted to the Joint Petitioner No. 2 to be located at VPO Kudail, Tehsil Baijnath, Distt. Kangra, HP. with prior concurrence of the Government of HP vide letter No. NES-F(2)-/2021, dated 05.08.2021. As per Joint Petitioner, the Scheduled date of commercial operation of the project is 28.12.2022.

3. The record shows that Scheduled date of commercial operation of the Project is 28.12.2022. As per the Joint Petitioner, the Commission vide order dated 29.02.2016 passed in Suo Moto Petition No. 104/2015 has finalized the Model Power Purchase Agreement for Solar PV Projects and the draft PPA has been prepared on the lines of the aforesaid model PPA. According to them, as per Swarn Jayanti Energy Policy 2021 the payment/Billing to the Solar Power Project developers will be after date of operation of Project COD declared by the Directorate of Energy, Government of Himachal Pradesh (GoHP) and said provision has been incorporated in the draft PPA at Clause 8.1.

4. The Petition is supported by affidavit of the respective parties, draft PPA and an undertaking to the effect that the project is situated in rural area and falls at VPO Kudail, Tehsil Baijnath, Distt. Kangra, HP within the limit of Gram Panchayat as per detailed Project report.

5. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No. 1 and Sh. Inderdeep Singh, Authorised Representative for Joint Petitioner No. 2 and have perused the entire record carefully.

6. In view of the powers vested in the Commission under Section 86 (1) (b) of the Act, read with Regulations 50 and 50A of the HPERC (Conduct of Business) Regulations, 2005, the Joint Petitioners have made out a case for approval of Power Purchase Agreement. Hence, the Petition succeeds and allowed. The draft PPA is ordered to be approved subject to the following conditions:-

- (i) The Connection Agreement shall be executed by the parties and will form part of PPA.
- (ii) 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 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 affidavit to this effect shall be furnished by the Joint Petitioner No. 2 which shall form part of the PPA.
- (iii) Based on the financial assistance/subsidy, if any, released to the Project, the Joint Petitioner No. 1 shall carry out adjustment of such benefit as per the provisions of the Order of Commission dated 28.03.2022 in Suo-Moto Petition No. 7 of 2022 for determination of Generic Levellised Tariff for Solar PV Projects for FY 2022-23.

7. It is ordered that the Joint Petitioner No. 2 shall make an endeavor to avail the admissible subsidy/financial assistance as mentioned in sub-paras (ii) and (iii) of Para 6 above. In case the subsidy/financial assistance is not availed the same shall be deemed to have been availed by Joint Petitioner No.2.

8. Other terms and conditions of the PPA shall be subject to the provisions of the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources Terms & Conditions for the Tariff Determination) Regulations, 2017 and Order of the Commission dated 28.03.2022, in Suo-Moto Petition No.7 of 2022 issued under the said RE Tariff Regulations, 2017.

9. The Petitioners are directed to execute the Power Purchase Agreement 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
17.05.2022

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

-Sd-
(Bhanu Pratap Singh)
Member

-Sd-
(Devendra Kumar Sharma)
Chairman