

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

Petition No: 37 of 2022
Date of Institution: 25.06.2022
Arguments Heard on: 28.06.2022
Decided on: 05 .07.2022

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

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

AND

M/s Ikshvaku Solar PV Project,
VPO Samoh, Tehsil Jhandutta,
Distt. Bilaspur,HP-174021

....**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 the HPERC (Conduct of Business) Regulations, 2005 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 Ikshvaku Solar PV Project in respect of Ikshvaku Solar PV Project (1000kW).

CORAM

DEVENDRA KUMAR SHARMA
CHAIRMAN

BHANU PRATAP SINGH
MEMBER

YASHWANT SINGH CHOGAL
MEMBER (Law)

Present:-

Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No. 1
alongwith Sh. Anil Gautam, Chief Engineer (System Operation).

Sh. Arvind Guleria, Authorised Representative, for the 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 Ikshvaku Solar PV Project (Joint Petitioner No.2 for short) for 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 50 & 50-A of the HPERC (Conduct of Business) Regulations, 2005 in respect of M/s Ikshvaku Solar PV Project (1000 kW) (Project for short).

2. It is apparent from the record that vide letter dated 10.03.2022, the HP Govt. Energy Development Agency (HIMURJA for short) has accorded its approval for setting up the Project to the Joint Petitioner No.2 situated at VPO Samoh, Tehsil Jhandutta, Distt. Bilaspur, HP. As per Joint Petition, the Scheduled date of commercial operation of the Project is 31.03.2023 (Form A attached to Joint Petition).

3. As per the Joint Petition, 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 for short) declared by the Directorate of Energy, Government of Himachal Pradesh (GoHP for short) and said provision has been incorporated in the draft PPA at Clause 8.1.

4. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No.1 and Sh. Arvind Guleria, Authorised Representative, for Joint Petitioner No. 2 and have perused the entire record carefully.

5. It is apparent from the record that connectivity to the Project has been granted by the Joint Petitioner No.1 on 29.04.2022. The Petition is supported by

the affidavit of the respective parties, draft PPA and an undertaking to the effect that the project is situated in rural area at VPO Samoh, Tehsil Jhandutta, Distt. Bilaspur, HP. It is also apparent from the Petition that entire power to be generated from Solar Power Projects is to be purchased by the Joint Petitioner No.1, the HPSEBL.

6. Therefore, in view of the powers vested in the Commission under Section 86 (1) (b) of the Act, read with Regulations 50 and 50-A 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 tariff of Rs.3.75 per unit is determined for the Project being situated in the rural area as per the Commission's Order dated 28.03.2022. The Joint Petitioner No.2 shall not claim the higher tariff in future on account of the location of the said solar project. The undertaking to this effect from the solar developer i.e. Joint Petitioner No. 2 shall form a part of the 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 (RE Regulations 2017 for short) and Order of the Commission dated 28.03.2022, in Suo-Moto Petition No.7 of 2022 issued under the aforesaid RE 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
05.07.2022

-Sd- (Yashwant Singh Chogal) Member(Law) -Sd- (Bhanu Pratap Singh) Member -Sd- (Devendra Kumar Sharma) Chairman