

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

Petition No: 37 of 2024
Instituted on: 28.02.2024
Heard on: 15.03.2024
Decided on: 21.03.2024

CORAM

DEVENDRA KUMAR SHARMA
CHAIRMAN

YASHWANT SINGH CHO GAL
MEMBER (Law)

SHASHI KANT JOSHI
MEMBER

In the matter of:-

The HP State Electricity Board Limited
through Chief Engineer (System Operation),
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, through
Sh. V.S.V.A Rao, Authorised Representative
.....Joint Petitioner No.2

**Joint Petition for approval of Short-term Power Purchase Agreement
in respect of Raura HEP (12.0 MW) under Section 86(1) (b) of the
Electricity Act, 2003.**

Present:-

Sh. Kamlesh Saklani, Authorised Representative for Joint
Petitioner No.1 alongwith Ms. Pooja Thakur, Sr. Xen (SO).

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 (Act for short) read with Regulations 50 and 50-A
of the Himachal Pradesh Electricity Regulatory Commission (Conduct

of Business) Regulations, 2005 (CBR, 2005 for short) by the Himachal Pradesh State Electricity Board Ltd. and M/s DLI Power (India) Private Limited for approval of Short-term/Supplementary Power Purchase Agreement (SPPA for short) under REC mechanism for the period w.e.f. 01.04.2024 to 31.03.2025 in respect of Raura Hydro Electric Project (12.0MW), situated on Raura Khad, a tributary of Satluj river in Distt. Kinnaur, Himachal Pradesh (Project for short).

2. As per the Joint Petitioners, the parties had signed a Power Purchase Agreement (PPA for short) for sale of Power on 25.07.2019, which was subsequently extended mutually with prior approval of the Commission upto 31.03.2024 vide Orders dated 18.03.2020, 09.10.2020, 28.03.2022 and 22.03.2023. Copy of the SPPA executed on 27.03.2023 pursuant to Order dated 22.03.2023 has been annexed along with the draft SPPA, with the Petition. It is averred that both the parties have now agreed to extend the terms of SPPA from 01.04.2024 to 31.03.2025 for the sale and purchase of Power at the rate/ tariff, as may be fixed by the Commission for FY 2024-25, 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 Act, read with Regulation 50 and 50-A of the CBR, 2005 is empowered to accord the 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 through various agreements and the terms of ongoing SPPA shall come to an end on 31.03.2024. 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 SPPA under REC Mechanism for a period w.e.f. 01.04.2024 to 31.03.2025 subject to the following conditions:-

- (i) Clause 6.2 of the PPA executed on 25.07.2019 pursuant to Order dated 24.06.2019 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 during the FY 2024-25 at the Average Power Purchase Cost (APPC) rate of Rs. 2.60/- per kWh, as determined by the Commission vide MYT Order dated 15.03.2024.”

- (ii) Clause 10.1 of the SPPA executed on 27.03.2023 pursuant to Order dated 22.03.2023 shall be substituted with the following, namely:-

“This Agreement shall become effective upon execution and delivery by the parties hereto and unless earlier

terminated pursuant to provisions of the Agreement, shall have a term from the date hereof until 31.03.2025.”

5. Other terms and conditions of the Power Purchase Agreement shall be subject to the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022, Procedure for registration of Renewable Energy Generation Project by the Central Agency, Procedure/Guidelines for Accreditation of Renewable Energy Generation Project for REC Mechanism by the State Agency, the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2023 and Commission’s Order dated 24.06.2019 in Petition No. 60 of 2019.

6. The Joint Petitioners are directed to execute SPPA as per the above order after carrying out the necessary additions and alteration within 30 days from the date of this order. Three copies of the executed SPPA be submitted to the Commission for record.

Let a copy of this order be supplied to the Joint Petitioners forthwith.

The file after needful be consigned to records.

Announced
21.03.2024

-Sd-
(Shashi Kant Joshi)
Member

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

-Sd-
(Devendra Kumar Sharma)
Chairman