

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

Petition No: 40 of 2024
Instituted on: 21.03.2024
Heard on: 22.03.2024
Decided on: 02.04.2024

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 Prodigy Hydro Power Pvt. Ltd.,
Chaitra No. 490/1, 39th Cross, 8th Block,
Jaynagar, Banglore,-560082,
through Sh. Anish Sharma.Joint Petitioner No.2.

**Joint Petition for approval of Short Term/Supplementary Power
Purchase Agreement (under REC Mechanism) in respect of Baner-II
HEP (6.0 MW) under Section 86(1)(b) of the Electricity Act 2003.**

Present:-

Sh. Mandeep Singh, Chief Engineer (System Operation) for
Joint Petitioner No. 1

Sh. Anish Sharma, Authorised Representative for the 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 (the CBR, 2005 for short) by the Himachal

Pradesh State Electricity Board Limited (the HPSEBL/ Joint Petitioner No. 1 for short) and M/s Prodigy Hydro Power Pvt. Ltd (the Joint Petitioner No. 2 for short) 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 Baner-II Hydro Electric Project (6.0 MW) situated on Baner khad , a tributary of river Beas, in Distt. Kangra, Himachal Pradesh (Project for short).

2. As per the Joint Petitioners, the parties had signed a Power Purchase Agreement (PPA for short) for the sale and purchase of Power on 09.08.2012 which was subsequently extended mutually with prior approval of the Commission, time to time, by signing SPPA's vide Orders dated 21.05.2020, 03.07.2021, 23.03.2022 and 28.03.2023. Copy of the SPPA executed on 31.03.2023 pursuant to Order dated 28.03.2023 has been annexed alongwith 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, has been 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 the affidavits of Joint Petitioners No. 1 and 2.

4. The Commission under Sub-section (1)(b) of the Act, read with Regulation 50 and 50-A of the CBR, 2005 is empowered to accord the

approval of the sale and purchase of Power. Both parties have sold and purchased the Power from the Project w.e.f. 09.08.2012 under REC Mechanism and the term of ongoing SPPA shall come to an end on 31.03.2024. The Joint Petitioners have agreed for the sale and purchase of Power on similar terms and conditions. Therefore, keeping in view the averments made in the Petition and the fact that the parties are seeking an extension on the lines of the previous PPA/SPPAs under REC Mechanism w.e.f. 01.04.2024 to 31.03.2025, the Commission accords its approval for the SPPA under REC Mechanism for a period one year w.e.f. 01.04.2024 to 31.03.2025 subject to the following conditions:-

- (i) Clause 6.2 of the PPA executed on 09.08.2012 pursuant to Order dated 11.06.2012 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 Tariff Order dated 15.03.2024.”

- (ii) Clause 10.1 of the SPPA executed on 31.03.2023 pursuant to Order dated 28.03.2023 shall be substituted with the following, namely:-

“This Agreement shall become effective w.e.f. 0.04.2024 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 11.06.2012 in Petition No. 103 of 2011.

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

02.04.2024

-Sd- (Shashi Kant Joshi) Member	-Sd- (Yashwant Singh Chogal) Member (Law)	-Sd- (Devendra Kumar Sharma) Chairman
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