

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

**Petition No: 49 of 2024**  
Instituted on: 30.03.2024  
Heard on: 30.03.2024  
**Decided on: 09.04.2024**

**CORAM:**

**DEVENDRA KUMAR SHARMA  
CHAIRMAN.**

**YASHWANT SINGH CHO GAL  
MEMBER (Law).**

**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 Padhas Hydel Projects Pvt. Ltd.,  
Village, Post Office and Tehsil Shahpur,  
District Kangra, H.P.-176206. ....Joint Petitioner No.2.

**Joint Petition for approval of Short Term/Supplementary Power  
Purchase Agreement (under REC Mechanism) in respect of Brahl Top  
HEP (5.0 MW) under Section 86(1)(b) of the Electricity Act 2003.**

Present:-

Sh. Kamlesh Saklani Authorised Representative for Joint  
Petitioner No. 1  
Sh. Chirag Kaundal , 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) by the Himachal Pradesh State  
Electricity Board Limited (the HPSEBL/ Joint Petitioner No. 1 for short)  
and M/s Padhas Hydel Projects 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 Brahl Top Hydro Electric Project (5.0 MW) situated on Brahl khad , a tributary of Beas river, 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 15.05.2017 which was subsequently extended mutually with prior approval of the Commission, time to time, by signing SPPA's vide Orders dated 18.05.2018, 29.08.2019, 24.06.2020, 09.04.2021, 22.03.2022 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, as 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 Section 86 of the Act, 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. 15.05.2017 under REC Mechanism and the term of ongoing SPPA has come to an end on 31.03.2024. The Joint

Petitioners have agreed for the sale and purchase of Power for the year 2024-25 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, 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 SPPA executed on 31.03.2023 pursuant to Order dated 28.03.2023 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. 01.04.2024 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 05.05.2017 in Petition No. 27 of 2017.

6. The Joint Petitioners are directed to execute SPPA as per the above order after carrying out the necessary additions and alterations 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**

**09.04.2024**

**-Sd-**

**(Yashwant Singh Chogal)  
Member (Law)**

**-Sd-**

**(Devendra Kumar Sharma)  
Chairman**