

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

**Petition No:** 77 of 2023  
**Date of Institution:** 28.09.2023  
**Arguments Heard on:** 28.09.2023  
**Decided on:** 17.10.2023

The HP State Electricity Board Ltd. through,  
Chief Engineer (System Operation)  
Vidyut Bhawan, Shimla, HP-171004. ....**Joint Petitioner No. 1**

AND

M/s Nav Bharat Construction Company's Solar Power Project,  
Village Meholiya Khataula, Post Office Sainwala  
Tehsil Nahan and Distt. Sirmour H.P. through its,  
Authorised Signatory, Sh. Sanjay Singhal,  
.....**Joint Petitioner No. 2**

**Joint Petition under the provisions of Section 86 (1) (b) of the  
Electricity Act 2003 read with Regulations 50 and 50-A of the HPERC  
(Conduct of Business) Regulations, 2005, as amended from time to  
time, for the approval of Power Purchase Agreement (Solar) in  
respect of the Nav Bharat Construction Company (NBCC) Solar  
Power Project (5.0 MW).**

**CORAM**

DEVENDRA KUMAR SHARMA  
**CHAIRMAN**

YASHWANT SINGH CHOGAL  
**MEMBER (Law)**

SHASHI KANT JOSHI  
**MEMBER**

Present:-

Sh. Kamlesh Saklani, Authorised Representative for the Joint  
Petitioner No. 1.

Sh. Ashok Kumar Verma Ld. Counsel for the Joint Petitioner  
No. 2.

**ORDER**

The present Joint Petition has been filed by the Himachal  
Pradesh State Electricity Board Ltd. (the Joint Petitioner No.1 or

the HPSEBL for the short) and M/s Nav Bharat Construction Company Solar Power Project (NBCC or the Joint Petitioner No. 2 for the short) for the 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, as amended from time to time, (CBR, 2005 for short) in respect of M/s NBCC Solar Power Project (5.00 MW).

2. The case of the Petitioners is that a Solar PV Project (5.00 MW) known as M/s NBCC, situated at Village Meholiya Khataula, Post Office Sainwala, Tehsil Nahan and Distt. Sirmour H.P, (Project for short) is being setup pursuant to the approval accorded by the HIMURJA (HP Govt. Energy Development Agency) vide letter No. HIMURJA (F-7)/SPV Projects/2023- 502 dated 27.04.2023. As per the Joint Petition, the date of Completion/ Commissioning Schedule of the Project is 26.04.2024 as evident from Schedule-I, annexed to the Draft PPA.

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.

4. It is averred that parties have signed a connection agreement providing that the interconnection point shall be at 33/11 kV Sub-Station, Do-Sarka Nahan, by constructing 33 kV Single Circuit dedicated line from the Project to Sub-station Do-Sarka Nahan through solid tap with appropriate Protection arrangement. (Annexure-III).

5. As per the Petition, the HIMURJA has notified a Scheme for harnessing of Solar Power through Projects ranging from 250kW to 5MW in the State (Scheme for short). As per the Swaran Jayanti Energy Policy-2021, the HPSEBL is mandated to purchase all the power from the Solar Projects upto 5 MW. It is averred that the HIMURJA vide letter dated 27.04.2023, has provisionally registered the Project of the Joint Petitioner No. 2 under said Scheme. A copy of the provisional registration letter is attached as Annexure-IV to the draft PPA.

6. It is also averred that the Commission vide Order dated 31.03.2023 (Suo-Moto Petition No. 11/2023) has determined the generic levelled tariff in respect of Solar PV Projects for FY 2023-24 under the HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions for

Tariff Determination) Regulations, 2017 (RE Regulations, 2017 for short). The Joint Petitioner No. 2 has submitted an undertaking (Annexure-VI to the draft PPA) wherein it has been declared that the said project is situated in a rural area. It is also averred that the tariff for the Projects to be set up in areas other than Industrial and Urban areas upto 5 MW is Rs. 3.72 per kWh as determined by the Commission vide Order dated 31.03.2023 (Suo-Moto Petition No. 11/2023) which shall be applicable to the Project which has been incorporated in Clause 6.2 of the draft PPA.

7. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No. 1 and Sh. Ashok Kumar Verma Ld. Counsel for the Joint Petitioner No. 2 and have perused the entire record carefully.

8. It is evident from the record that the connection agreement in respect of the Project has been signed by the Joint Petitioners on 27.09.2023, a copy whereof is annexed to the Petition as Annexure-III. As per the connection agreement, the Joint Petitioner No. 1 has agreed to the connection of Nav Bharat Construction Company's Solar Power Project (5 MW) facility to the Joint Petitioner No. 1 Wheeling and Communication System (via the applicant's Site-related

Connection Equipment) at the interconnection point i.e. proposed 33 kV bay at 2x10 MVA, 33/11 kV Dosarka Nahan Sub-station using the Distribution and Communication System of the Distribution Licensee/ SLDC, to transmit electricity as well as real time data to and/ or from the Facility through the electrical system of Distribution Licensee (Annexure-III). It is mentioned that the cost of 33kV bay and O&M Charges (if any) mentioned in the sub-clause 2.4 & 2.5 of clause 2 of the connection agreement dated 27.09.2023 shall be borne by the Joint Petitioner No. 2.

9. As per clause (ii) of sub-clause (b) of Para 4.3.5 of the Swaran Jayanti Energy Policy-2021, notified on 20.01.2022, energy generated from Solar Power Projects of capacity greater than 1 MW upto 5MW, if commissioned on or before 31.03.2030, shall be purchased by the HPSEBL on the tariff fixed by HPERC.

10. It is also evident from the letter of the HIMURJA dated 27.04.2023 that the tariff in respect of the Project shall be as per the rates determined by the HPERC and that the Project has been provisionally registered. As per Schedule-I attached to the draft PPA, the SCOD of the project is 26.04.2024. Thus, the SCOD is being taken as 26.04.2024. It has been submitted that

a significant time was taken on obtaining connection agreement and preparation of Joint Petition for approval of PPA.

11. The Commission vide Order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023 has determined the generic levelised tariff for Solar PV Power Projects for FY 2023-24 (for a period w.e.f. 01.04.2023 to 30.09.2023) as under :-

Sr. No.	Capacity	Generic levelised tariff (Rs. Per kWh)
<b>1.</b>	<b>Projects to be set up in other than industrial areas and urban areas.</b>	
(a)	Upto 1.00 MW	3.75
(b)	Above 1.00 MW & upto 5.00 MW	3.72
<b>2.</b>	<b>Projects to be set up in industrial areas and urban areas</b>	
(a)	Upto 1.00 MW	3.81
(b)	Above 1.00 MW & upto 5.00 MW	3.78

12. This Project is situated in the rural area as per affidavit (Annexure-VI) and the capacity of the Project is 5.0 MW. Thus, the Project is entitled to the tariff of Rs. 3.72 per kWh, which is subject to adjustment of capital subsidy, if any. However, in case commissioning of the Project is delayed beyond SCOD i.e. 26.04.2024, and the tariff in the said control period is less, the Joint Petitioner No. 2 shall have to provide power to the Joint Petitioner No. 1 on said tariff only.

13. The Petition is supported by the affidavits of the respective parties.

14. 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 CBR, 2005, as amended from time to time, the Joint Petitioners have made out a case for approval of the Power Purchase Agreement (Solar) in respect of the Project. Hence, the Petition succeeds and allowed. The draft PPA is ordered to be approved subject to the following conditions:-

- (i) The tariff of Rs. 3.72 per kWh will be applicable to the Project of the Joint Petition No. 2 which will be subject to further adjustment of subsidy, if any and this provisional tariff shall be valid for a period of two years.
- (ii) The Joint Petitioner No. 2 shall bear the cost of 33kV bays and O & M Charges (if any) of the proposed 33kV bay as mentioned in Para 8 above. The 33 kV Single Circuit dedicated line from the project to Sub-station Do-Sarka Nahan shall be constructed by the Joint Petitioner No. 2.
- (iii) The undertaking of the Joint Petitioner No. 2 that the Project is at rural area shall form a part of the PPA.
- (iv) 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 immediately on receipt of this Order, if not already applied, 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.

(v) The Joint Petitioner No. 2 shall make an endeavour to avail the admissible subsidy/financial assistance (if any). In case the subsidy/financial assistance is not availed or the Joint Petitioner No. 2 fails to approach the State/Central Government or its designated Department(s)/agency(ies), the same shall be deemed to have been availed by the Joint Petitioner No. 2 and the Joint Petitioner No. 1 shall carry out the adjustment of such benefit, if any, admissible to the project after a period of 2 years from the date of the Order, as per Order dated 31.03.2023 passed by the Commission in Suo Moto Petition No. 11/2023. The Joint Petitioner No. 1 shall also intimate the Commission in this regard on making adjustment.

(vi) In case the meter is installed in the premises of the Joint Petitioner No. 2, the notional line losses upto the injection point shall be borne by the Joint Petitioner No. 2/ M/s NBCC Solar Power Project.

In case the metering point is in the facilities of the HPSEBL, the notional line losses from injection point to the metering location have to be borne by the HPSEBL and credit for the losses from the injection point to the metering location shall be given to the Joint Petitioner No. 2/ M/s NBCC Solar Power Project by the HPSEBL.

(vii) The Scheduled Date of Synchronisation of the Project is 11.04.2024 and Scheduled Commercial Operation Date (SCOD) of the project is 26.04.2024 which has been



specified in Schedule-I which shall form a part of the PPA. In case commissioning of the Project is delayed beyond SCOD i.e. 26.04.2024, and the tariff in the said control period is less, the Joint Petitioner No. 2 shall have to provide power to the Joint Petitioner No. 1 on said tariff only.

(viii) The additions and alterations qua 'Base Rate of Late Payment Surcharge', 'Default Trigger Date', 'Due Date', 'Outstanding Dues', 'Payment Security Mechanism' and Regulations 31-B, and Regulation 31-BB, as per Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) (Sixth Amendment) Regulations, 2023 shall be carried out at appropriate places in the draft PPA before approved draft PPA is sent to the parties. Similarly, any other necessary addition and alteration, if any, required to be carried out as per Connection Agreement dated 27.09.2023 or the prevailing Regulations, etc. be also carried out before approved draft PPA is sent to the parties.

15. Other terms and conditions of the PPA shall be subject to 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 dated 29.02.2016 in Suo-Moto Petition No. 104/2015 whereby Model PPA for Solar PV Projects has been finalized and the Order of the

Commission dated 31.03.2023 in Suo-Motu Petition No. 11 of 2023 issued under the aforesaid Regulations.

16. Necessary additions and alterations as per the above and the prevailing Regulations be carried out in the draft PPA. The Petitioners are directed to execute the Power Purchase Agreement (Solar) 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.

The file after needful be consigned to records.

Announced  
**17.10.2023**

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