

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

Petition No:	8 of 2023
Date of Institution:	21.12.2022
Arguments Heard on:	16.01.2023
Decided on:	21.01.2023

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

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

AND

M/s Diyar Solar Power Project,
Village Diyar, Tehsil Bhuntar,
Distt. Kullu, H.P. through its,
Proprietor, Ms. Punam Sharma,

....**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 for the approval of Power
Purchase Agreement (Solar) in respect of Diyar Solar Power Project
(250kW).**

CORAM

**DEVENDRA KUMAR SHARMA
CHAIRMAN**

**YASHWANT SINGH CHOGAL
MEMBER (Law)**

Present:-

Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No. 1.
Sh. Dalip Kumar Sharma, SPA 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 short) and M/s Diyar Solar Power Project (the 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 (CBR 2005 for short) in respect of Diyar Solar Power Project (250 kW).

2. The case of the Petitioners is that a Solar PV Project (250 kW) known as Diyar Solar PV Project situated at Village Diyar, Tehsil Bhuntar, Distt. Kullu, H.P (Project for short) has been setup pursuant to the approval accorded by HIMURJA (HP Govt. Energy Development Agency) vide letter No. HIMURJA(F-7)2/SPV Projects/21-22-8526 dated 10th March, 2022. As per the Joint Petition, the date of Completion/Commissioning Schedule of the Project is 31st March, 2023 as evident from Form-A annexed to the 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. As per Swaran Jayanti Energy Policy 2021, the payment/billing to the Solar Power Project developers will be made after the date of operation of the Project declared by the Directorate of Energy, the Government of Himachal Pradesh (the GoHP for short) and the said provision has been incorporated in the draft PPA at Clause 8.1.

4. It is averred that HIMURJA has notified a Scheme for harnessing 20 MW of Solar Power through Projects ranging from 250 kW to 1000 kW during the month of January 2022. As per this Scheme, HPSEBL is mandated

to purchase all the power from the Solar Projects registered under the said Scheme and HIMURJA vide letter No. HIMURJA (F-7)2/SPV Projects /21-22-8526 dated 10th March, 2022 has provisionally registered the Project under this Scheme. Copy of the provisional registration letter is attached to the draft PPA.

5. It is also averred that the Commission vide Order dated 28.03.2022 (Suo Moto Petition No. 7/2022) has determined the generic levelled tariff in respect of Solar PV Projects for FY 2022-23 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 affidavit wherein it has been declared that the said project is situated in the rural area. Accordingly, the tariff for the Projects to be set up in areas other than Industrial and Urban areas upto 1 MW is Rs. 3.75 Per KWh as determined by the Commission vide Order dated 28.03.2022 (Suo-Moto Petition No. 7/2022) which shall be applicable to the Project which has been incorporated in clause 6.2 of the draft PPA.

6. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No.1 and Sh. Dalip Kumar Sharma, SPA of the Joint Petitioner No. 2 and have perused the entire record carefully.

7. It is evident from the record that the connection agreement in respect of the Project has been signed by the Joint Petitioners on 9th November, 2022, a copy of which is annexed to the Petition as Annexure-III. The Petition is supported by the affidavits of the respective parties to the effect that the Project is situated in rural area at Village Diyar, Tehsil Bhuntar, Distt. Kullu, H.P. 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.

8. 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, the Joint Petitioners have made out a case for approval of the Power Purchase Agreement (Solar). 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 order of the Commission 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 Project 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 immediately on receipt of this Order 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.
- (iv) 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 Diyar 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 Diyar Solar Power Project by the HPSEBL.

- (v) The Scheduled Date of Synchronisation and Scheduled Commercial Operation Date (SCOD) shall also be specified in Schedule-I to the PPA which is March, 2023.
- (vi) The provisions relating to 'Base Rate of Late Payment Surcharge', 'Default Trigger Date', 'Due Date of Payment', 'Outstanding Dues', 'Payment Security Mechanism' and 'Late Payment Surcharge', as per the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 notified by the Ministry of Power, Government of India published in THE GAZETTE OF INDIA (EXTRAORDINARY) on 3rd June, 2022 shall be incorporated in the PPA at appropriate places.

9. 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 8 above. 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 this order.

10. Other terms and conditions of the PPA shall be subject to the provisions of the RE Regulations, 2017 and Order of the Commission dated 28.03.2022 in Suo-Moto Petition No.7 of 2022 issued under the aforesaid Regulations.

11. 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
21.01.2023

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

-Sd-
(Devendra Kumar Sharma)
Chairman