

**The HPSEBL AND M/s Shivalik Enegy Pvt. Ltd. Versus The
DOE, HP.**

Filing No. 185 of 2022

17.11.2022

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

Sh. Harnam Singh, Authorised Respresentative for Joint Petitioner
No. 2.

DAILY ORDER

Office report seen. This is joint Petition for approval of the Power Purchase Agreement under Generic Levellised Tariff in respect of the Chirchind-II HEP (12.90 MW) under section 86(1) (b) of Electricity Act, 2003 read with Regulation 50-A of HEPRC (Conduct of Business) Regulations, 2005.

The requisite Court fee is not filed. A Miscellaneous Application has been filed for adjustment of fee of Rs. 2,60,000/- paid in the earlier Petition for approval of the Power Purchase Agreement being Petition No. 40 of 2021 which had been dismissed. The application is supported by an affidavit.

The authorized representatives of the parties have submitted that since no effective order had been passed in said Petition No. 40 of 2021 and a liberty had been reserved to the parties to approach the Commission to file fresh application, the Court fee ought to have been returned/ refunded to the parties but no order qua returning/ refunding the Court fee has been made in the said Petition and thus, said fee is required to be adjusted in this Petition.

Sh. Shanti Swaroop Bhatti, Ld. Legal Consultant for the Proforma Respondent submits that the Petition is only for approval of PPA and no relief has been claimed against the Proforma Respondent.

We have gone through the submissions and record carefully. Though the submission of the authorised representatives appear to be very attractive but the same is liable to be rejected for reasons that the earlier Petition No. 40 of 2021 was finally disposed off by the Commission by passing an effective order without any order qua refund/return of the Court fee. Hence the question of reviving the Court fee and adjusting the same in the present Petition does not arise. The Miscellaneous Application has, therefore, no merits and is accordingly dismissed. Be tagged to file.

The Joint Petitioners No. 1 and 2 are directed to file the Court fee of Rs.2,60,000/- (Rs.1,30,000/- each) within a period two weeks from today, failing which the Petition shall be deemed to have been dismissed.

Petition heard on merits and order reserved.

-Sd-

(Shashi Kant Joshi)
Member

-Sd-

(Yashwant Singh Chogal)
Member (Law)

-Sd-

(Devendra Kumar Sharma)
Chairman