

The HPPCL Versus the HPSEBL

Petition No. 109 of 2024

24.08.2024

Present: Sh. Rohit Sharda, General Manager (Generation) for the Applicant.
Sh. Kamlesh Saklani, Authorised Representative for the HPSEBL with Sh. Mandeep Singh, CE (SO).

ORDER

No reply filed.

Sh. Rohit Sharda, General Manager (Generation) for the Petitioner seek time for consideration on the application. that matter is under active consideration with the Board of Directors. However, during the last date of hearing, it was made clear that no further adjournment shall be granted.

Heard.

This application has been filed seeking additional time of two months from 11.05.2024 for processing/ implementation of the Order dated 12.04.2024 passed by the Commission in Petition No. 48 of 2024. It is averred that the Order dated 12.04.2024 could not be implemented as the regular Managing Director of the HPPCL had been deputed on Election Duty outside the State due to Lok Sabha Elections. Further, the Pekhubella Solar Power Project (32 MWac) has been synchronized with the grid on 15.05.2024 and till the decision dated 12.04.2024 is implemented, the HPPCL shall sale/ supply the power of the Pekhubella SPP to the HPSEBL on the approved rates by the Commission.

We have gone through the submissions. Legally speaking, the application has become infructuous as a time for implementation of the Order dated 12.04.2024 of two months had

been sought w.e.f. 11.05.2024 to 11.07.2024 on the ground that due to the pre-occupation of the Managing Director of the Applicant on Election Duty out of the State, the Order dated 12.04.2024 could not be implemented within the stipulated time. The Lok Sabha Elections process has been completed during the first week of June, 2024. Therefore, there was enough time with the Petitioner to implement the Order and sign the PPA, as directed, but the matter has been deferred on one pretext or the other without any tangible outcome.

In fact, this Commission in Para 19 of the Order dated 12.04.2024 in Petition No. 48 of 2024 had made it very clear that in case the rate of Rs. 2.90 per unit is acceptable to the Joint Petitioners, the PPA may be signed failing which it shall be open to the Joint Petitioner No. 2 (the Applicant) to sell the power in the open market through power exchanges. Not only this, the Commission further directed that such decision of signing the PPA be taken within 30 days failing which the permission shall be deemed to have been denied. Para 19 of the Order dated 12.04.2024 in Petition No. 48 of 2024 is reproduced as under:-

“19. The Joint Petitioner No. 1 is in dire need of power procurement. Since a Joint Petition has been filed that the procurement shall be on the rate approved by the Commission, the Petitioners have made out a case for the approval of PPA. In the circumstances, the PPA is ordered to be approved on the aforesaid rate of Rs. 2.90 per unit. In case said rate is acceptable to the Joint Petitioners, the PPA may be signed on said rate within 15 days. In any case, said rate is not acceptable, the Joint Petitioner No. 2 shall be open to sell the same in open market through power exchanges. The decision of signing the PPA be

taken within 30 days, failing which, the permission shall be deemed to have been denied.”

The Commission, therefore, had made it very clear that the decision for signing the PPA had to be taken within 30 days. However, despite clear directions, the PPA was not signed for the reasons best known to the Applicant.

This application has been filed before the Commission on 29.05.2024. Despite availing time on various dates after filing the present application, no decision to sign the PPA has been taken by the Applicant. However, keeping in view that the Petitioner No. 1 is in dire need of power procurement and since the Joint Petition had been filed and extension of time has been prayed, the Commission is of the firm opinion that it would be in the interest of the parties and the consumers that a time of 15 days is granted for the Applicant for implementation the Order dated 12.04.2024 in Petition No. 48 of 2024 and sign the PPA within 15 days. The application is, therefore, disposed off with the direction to sign the PPA in Petition No. 48 of 2024 as per the order dated 12.04.2024 within 15 days. In case no decision is taken and PPA is not signed, as directed during the extended period of 15 days, the Applicant/ Petitioner shall be free to sell the power of 32 MWac Pekhubella SPP in the open market.

The file after the needful be tagged to the original file No. 48 of 2024 for record.

-Sd-

(Shashi Kant Joshi)
Member

-Sd-

(Yashwant Singh Chogal)
Member (Law)

-Sd-

(Devendra Kumar Sharma)
Chairman