

**M/s Sandhya Hydro Power Project Versus the HPSEBL
and others**

Filing No. 304 of 2024

16.12.2024

Present: Sh. Sakya Chaudhari and Sh. Chandan Kumar, Ld.
Counsel for Petitioner.

DAILY ORDER

Office report seen. This is a Petition under section 86(1) (c), 86(e), 86(1) and 86(1)(i) read with section 60 of the Electricity Act, 2003 and Regulation 16 to 19 of the HPERC (Deviation Settlement Mechanism and Related Matters) Regulation, 2018 seeking setting aside of the Demand Notice raised by the HPSEBL for the period from 20.05.2019 to 30.06.2024 levying Deviation Settlement Mechanism charges on the Petitioner.

Heard. During course of hearing, Sh. Sakya Chaudhari moved an application under Regulation 66 read with Regulation 75 of the HPERC (Conduct of Business) Regulations, 2024 read with Section 94 of the Electricity Act, 2003 and principles enshrined under order 6 Rule 7 Code of Civil Procedure 1908 for amending the petition that due to inadvertence, the petitioner has left out to include the following prayer:

“(j-a) Pass an order allowing the refund or adjustment of the DSM charges already paid and/or payable by the Petitioner, to the extent the same is not attributable to the Petitioner.”

Sh. Sumit Dhiman, Authorized Representative for HPSEBL, Sh. Virender Chauhan, Advocate and Sh. Vikas Chauhan, Advocate waive notice on behalf of Respondent No.1 to 3 respectively. Copy of the amendment application supplied to them.

Heard.

The petition is at the initial stage of admission. As per petitioner, the aforesaid prayer could not be included in the prayer clause due to inadvertence which is material for adjudication of the controversy between the parties. The same neither sets up a new case nor changes nature of the petition. Since, the petition is at initial stage, the application is considered and allowed. The petition is allowed to be amended by incorporating the aforesaid prayer.

Let amended petition be filed within a week with advance copy to the Respondents 1 to 3.

The Respondents are directed to file reply within a period of six week with advance copy to the opposite parties. The rejoinder, if any, shall also be filed within a period of two weeks. The case be listed after 8 weeks in the month of March, 2025 with proper intimation to the parties. Date of next hearing will be conveyed separately.

(Shashi Kant Joshi)
Member
-sd-

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

(Devendra Kumar Sharma)
Chairman
-sd-