

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

Suo Moto Petition No: 13 of 2025
Date of Institution: 29.07.2025
Arguments Heard on: 12.08.2025
Decided on: 14.08.2025

CORAM:

YASHWANT SINGH CHOGAL
MEMBER (Law)-cum-Chairman

SHASHI KANT JOSHI
MEMBER.

Commission on its own Motion

Versus

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

....Respondent.

**Suo-Moto Petition for clarifying the anomaly in the application of
tariff in respect of Solar PV Projects where the Solar PV Projects
have not been commissioned on or before the Scheduled
Commercial Operation Date.**

Present:-

Sh. Yashwant Singh, (Executive Director) for the
Petitioner.

Sh. Kamlesh Saklani, Authorised Representative for the
Respondent.

ORDER

This Suo Moto Petition has been initiated by the Commission to
correct the anomaly in application of the tariff by the HPSEBL in
respect of Solar PV Project(s) where the Solar PV Projects have not
been Commissioned on or before the Scheduled Commercial

Operation Date (SCOD for short) and where the Himachal Pradesh State Electricity Board Limited (HPSEBL for short), at its own, has started applying the lower tariff as applicable on the date of commissioning of the Project.

2. This Commission vide order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023 has determined the generic levelled tariff for the Solar PV Projects for FY 2023-24 for the period w.e.f. 01.04.2023 to 30.09.2023 as under:-

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

3. As per Clause 12 (E) (i) of the above tariff order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023, the tariff shall remain applicable for such capacities as are commissioned on or before 31.03.2025 provided the Joint Petition for approval of Power Purchase Agreement (PPA for short) is submitted to the Commission on or after 01.04.2023 but not later than 30.09.2023.

4. Though, the Commission in the Petitions for the approval of PPA for Solar PV Projects, filed before the Commission on or after 01.04.2023 but not later than 30.09.2023, has allowed the tariff as

mentioned above, but has also put a stipulation in the order(s) approving the PPA that in case the Project is not commissioned on or before the SCOD, the Project developers shall be entitled to the tariff as applicable on the date of Commissioning of the Project.

5. Similarly, the Commission vide order dated 04.11.2023 in Sua Moto Petition No. 6 of 2023 determined the generic levelled tariff for the Solar PV Projects for remainder period of FY 2023-24 for the period w.e.f. 01.10.2023 to 31.03.2024 as under:-

Sr. No.	Capacity	Generic levelled tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.65
(b)	Above 1.00 MW & upto 5.00 MW	3.62
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.70
(b)	Above 1.00 MW & upto 5.00 MW	3.67

6. As per Clause 12 (E) (i) of the above tariff order dated 04.11.2023 in Sua Moto Petition No. 6 of 2023, the tariff shall remain applicable for such capacities as are commissioned on or before 31.03.2025, provided the Joint Petition(s) for the approval of the PPA is submitted to the Commission on or after 01.10.2023 but not later than 31.03.2024.

7. Though, the Commission in the Petitions for the approval of PPA for the Solar PV Projects, filed before the Commission on or after 01.10.2023 but not later than 31.03.2024 has allowed the tariff

as mentioned above, but has also put a stipulation in the order(s) approving the PPA that in case the Project is not commissioned on or before the SCOD, such Project developers shall be entitled to the tariff as applicable on the date of Commissioning of the Project.

8. Further, the Commission vide order dated 14.03.2024 in *Suo Moto* Petition No. 1 of 2024 determined the generic levelled tariff for the Solar PV Projects for FY 2024-25 for the period w.e.f. 01.04.2024 to 31.03.2025 as under:-

Sr. No.	Capacity	Generic levelled tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 5.00 MW	3.47
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.55
(b)	Above 1.00 MW & upto 5.00 MW	3.52

9. As per Clause 12 (E) (i) of the tariff order dated 14.03.2024 in *Suo Moto* Petition No. 1 of 2024, the above tariff shall remain applicable for such capacities, as are commissioned on or before 31.03.2026 provided the Joint Petition(s) for approval of PPA is submitted to the Commission on or after 01.04.2024 but not later than 31.03.2025.

10. No doubt, the Commission in the Petitions for the approval of PPA for Solar PV Projects, filed before the Commission on or after 01.04.2024 but not later than 31.03.2025 allowed the tariff as

mentioned above, but has also put a stipulation in the order(s) approving the PPA that in case the Project is not commissioned on or before the SCOD, the Project developers shall be entitled to the tariff as applicable on the date of Commissioning of the Project.

11. Still further, the Commission vide order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025 determined the generic levelled tariff for the Solar PV Projects for FY 2025-26 for the period w.e.f. 01.04.2025 to 31.03.2026 as under:-

Sr. No.	Capacity	Generic levelled tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.45
(b)	Above 1.00 MW & upto 3.00 MW	3.38
(c)	Above 3.00 MW & upto 5.00 MW	3.32
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 3.00 MW	3.44
(c)	Above 3.00 MW & upto 5.00 MW	3.38

12. As per Clause 13 (E) (i) of the tariff order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025, the above tariff shall remain applicable for such capacities as are commissioned on or before 31.03.2027 provided the Joint Petition(s) for approval of PPA is submitted to the Commission on or after 01.04.2025 but not later than 31.03.2026.

13. No doubt, the Commission in the Petitions for the approval of PPA for Solar PV Projects, filed before the Commission on or after 01.04.2025 but not later than 31.03.2026 allowed the tariff as per the

above tariff order but has also put a stipulation in the order(s) approving the PPA that in case the Project is not commissioned on or before the SCOD, the Project developer shall be entitled to the tariff as applicable on the date of Commissioning of the Project.

14. It is, thus, apparent from the generic levelled tariff orders as mentioned above for Solar PV Projects dated 31.03.2023 in Suo Moto Petition No. 11 of 2023, 04.11.2023 in Suo Moto Petition No. 6 of 2023, 14.03.2024 in Suo Moto Petition No. 1 of 2024 and 27.03.2025 in Suo Moto Petition No. 1 of 2025 that the tariffs, as allowed vide the aforesaid orders, were/ are applicable upto 31.03.2025, 31.03.2025, 31.03.2026 and 31.03.2027 respectively provided that the Petitions are filed on or after 01.04.2023 but not later than 30.09.2023, as per order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023, on or after 01.10.2023 but not later than 31.03.2024, as per order dated 04.11.2023 in Suo Moto Petition No. 6 of 2023, on or after 01.04.2024 but not later than 31.03.2025, as per order dated 14.03.2024 in Suo Moto Petition No. 1 of 2024 and on or after 01.04.2025 but not later than 31.03.2026, as per order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025. However, the Commission while approving the PPAs on the Joint Petitions has put up a condition in the orders contrary to the aforesaid tariff orders that in case the commissioning of the

Project is delayed beyond SCOD and the tariff in the said prevalent control period when the Projects are actually commissioned, is less, the Project Developers shall have to provide the power to the HPSEBL on said tariff only.

15. In the circumstances, the condition imposed by the Commission in the order approving the PPAs in the Joint Petitions runs contrary to tariff orders dated 31.03.2023, 14.11.2023, 14.03.2024 and 27.03.2025. As a result, the HPSEBL has started applying the lower tariff in all those cases where the Solar PV Projects have not been commissioned on or before the SCOD. This has caused serious prejudice to the Solar PV Developers/ owners as they have been divested of the tariff which is applicable to them as per tariff orders dated 31.03.2023, 14.11.2023, 14.03.2024 and 27.03.2025 respectively.

16. The aforesaid anomaly, therefore, is required to be corrected by clarifying that the Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023 and where the Joint Petitions have been filed on or after 01.04.2023 but not later than 30.09.2023 and are commissioned on or before 31.03.2025 but the HPSEBL, at its own, has applied lower tariff as applicable on the date of

commissioning shall be entitled to the tariff as provided to them as under:-

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

17. Similarly, the anomaly in all these cases is required to be corrected by clarifying that the Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 04.11.2023 in Suo Moto Petition No. 6 of 2023 and where the Joint Petitions have been filed on or after 01.10.2023 but not later than 31.03.2024 and are commissioned on or before 31.03.2025 but the HPSEBL, at its own, has applied lower tariff as applicable on the date of commissioning shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levellised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.65
(b)	Above 1.00 MW & upto 5.00 MW	3.62
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.70
(b)	Above 1.00 MW & upto 5.00 MW	3.67

18. Further, the aforesaid anomaly, is required to be corrected by clarifying that the Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 14.03.2024 in

Suo Moto Petition No. 1 of 2024 and where the Joint Petitions have been filed on or after 01.04.2024 but not later than 31.03.2025 and are/ will be commissioned on or before 31.03.2026 but the HPSEBL, at its own, has applied lower tariff as applicable on the date of commissioning shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levellised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 5.00 MW	3.47
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.55
(b)	Above 1.00 MW & upto 5.00 MW	3.52

19. Also, the aforesaid anomaly, is required to be corrected by clarifying that the Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025 and where the Joint Petitions have been/ are filed on or after 01.04.2025 but not later than 31.03.2026 and are commissioned on or before 31.03.2027 as per order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025 shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levellised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.45
(b)	Above 1.00 MW & upto 3.00 MW	3.38
(c)	Above 3.00 MW & upto 5.00 MW	3.32
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 3.00 MW	3.44
(c)	Above 3.00 MW & upto 5.00 MW	3.38

20. This order shall not be applicable for waiver of the provisions provided in the executed PPAs relating to imposition of Liquidated Damages for delay in agreed COD.

FINAL ORDER

21. In view of the above, the Petition succeeds and allowed. It is clarified and ordered as under:-

- 1) The Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 31.03.2023 in Suo Moto Petition No. 11 of 2023 and where the Joint Petitions have been filed on or after 01.04.2023 but not later than 30.09.2023 and are commissioned on or before 31.03.2025 shall be entitled to the tariff as provided to them as under:-

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

- 2) The Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 04.11.2023 in Suo Moto Petition No. 6 of 2023 and where the Joint Petitions have been filed on or after 01.10.2023 but not later than 31.03.2024

and are commissioned on or before 31.03.2025 shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levellised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.65
(b)	Above 1.00 MW & upto 5.00 MW	3.62
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.70
(b)	Above 1.00 MW & upto 5.00 MW	3.67

- 3) The Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 14.03.2024 in Suo Moto Petition No. 1 of 2024 and where the Joint Petitions have been filed on or after 01.04.2024 but not later than 31.03.2025 and are commissioned on or before 31.03.2026 shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levellised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 5.00 MW	3.47
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.55
(b)	Above 1.00 MW & upto 5.00 MW	3.52

- 4) The Solar PV Developers who have been allowed a particular tariff for such capacities as per order dated 27.03.2025 in Suo Moto Petition No. 1 of 2025 and where the Joint Petitions have been/ are filed on or after 01.04.2025 but not later than 31.03.2026 and are commissioned on or before 31.03.2027 shall be entitled to the tariff as provided to them as under:-

Sr. No.	Capacity	Generic levelled tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.45
(b)	Above 1.00 MW & upto 3.00 MW	3.38
(c)	Above 3.00 MW & upto 5.00 MW	3.32
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 3.00 MW	3.44
(c)	Above 3.00 MW & upto 5.00 MW	3.38

22. It is made clear that this order shall be applicable in all those cases where the normative generic levelled tariff of FY 2023-24, FY 2024-25 and FY 2025-26 is applicable to the Solar PV Project(s) having PPAs with the HPSEBL and the Project(s) are commissioned within the control period of tariff applicability condition imposed with such applicable normative generic levelled tariff and where the HPSEBL, at its own, has applied lower tariff as applicable on the date of commissioning. In all these cases, the HPSEBL and Solar PV Project Developers shall sign the Supplementary Power Purchase Agreement(s) (SPPA).

23. Before signing the SPPAs, the HPSEBL shall scrutinize each such case and sign the SPPAs for the purpose accordingly. Three copies of the SPPAs shall also be submitted to the Commission.

24. This order shall not be applicable to the Solar PV Projects where slippage in COD of unit/ project or part capacity falls beyond respective applicable tariff control period of such generic levelled tariff.

25. This order shall not be applicable for waiver of the provisions provided in the executed PPAs relating to imposition of Liquidated Damages for delay in agreed COD.

26. The HPSEBL shall be free to seek any further clarification on the aforesaid order.

27. Let a copy of this order be supplied to the HPSEBL for necessary action.

The file after doing the needful be consigned to records.

Announced
14.08.2025

**-Sd-
(Shashi Kant Joshi)
Member**

**-Sd-
(Yashwant Singh Chogal)
Member (Law)-cum-Chairman**