BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

Petition No: 166 of 2025
Instituted on: 24.06.2025
Heard on: 29.08.2025
Decided on: 10.09.2025

CORAM:

YASHWANT SINGH CHOGAL
MEMBER (Law)-cum-CHAIRMAN.

SHASHI KANT JOSHI
MEMBER.

In the matter of:-

M/s Om Energy Generation Pvt. Ltd.
67/2, Calicut Main Road,
Nethimedu Salem-636002 (TN).
And
Site Office at Village Gawala,
Post Office Kuleth, Sub-Tehsil Holi,
Distt. Chamba, H.P., through Authorized Representative
Sh. Gopal Verma. **…….Petitioner**

Versus

1. The Himachal Pradesh State Electricity Board Ltd.
Thro' its Chief Engineer (SO) Vidyut Bhawan, Shimla-04

2. The Department of Promotion of Industry & Internal Trade (DPIIT), Ministry of Commerce and Industry, Government of India, Udyog Bhawan, New Delhi 110011.

3. The Directorate of Industries, Government of Himachal Pradesh, Majitha House, Chhota Shimla-171002.

………Respondents

Petition under Regulations 75 of the HPERC (Conduct of Business) Regulations 2024 read with Section 151 of the Code of Civil Procedure, 1908 in furtherance to the Commission's earlier order(s) dated 28.03.2022 in Petition No.115 of 2023 and 10.02.2025 in Petition No. 13

of 2025, for appropriate directions regarding the denial of subsidy benefits under the Industrial development Scheme, 2017 despite the same having been considered by the Commission during tariff determination for Holi-II (7 MW) Hydro Power Project.

Present:-

Sh. Vikas Chauhan, Ld. Counsel for the Joint Petitioner.
Sh. Kamlesh Saklani, Authorised Representative for the Respondent No. 1.
Respondents No. 2 and 3: Ex-parte.

ORDER

This Petition has been filed under Regulation 75 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2024 (CBR, 2024 for short) read with Section 151 of the Code of Civil Procedure, 1908 in furtherance of the Commission earlier orders dated 28.03.2022 in Petition No. 115 of 2023 and 10.02.2025 in Petition No. 13 of 2025, for appropriate directions regarding denial of subsidy benefits under the Industrial Development Scheme, 2017, having been considered by the Commission while allowing provisional tariff of Rs. 4.06 per kWh after taking into account MNRE subsidy and Industrial subsidy of Rs. 5 Crore each respectively.

2. The Petitioner operates and maintains a Small Hydro Power Project (SHP for short) named as Holi-II (7 MW) situated at Village Gawala, P.O Kuleth, Tehsil Holi, District Chamba H.P. (Project for short) A joint Petition No. 38 of 2021, was filed before the Commission

for the approval of the Power Purchase Agreement (PPA for short) in respect of the project which was allowed by the Commission vide order dated 28.03.2022 and parties accordingly signed the PPA on 04.04.2022. Unit-I of the project was commissioned on 27.03.2024 whereas Unit-II was commissioned on 23.01.2024.

3. It is averred that the issues pertaining to the MNRE subsidy as also Industrial subsidy being provided by the Ministry of New and Renewal Energy (MNRE) and Ministry of Commerce & Industry, Government of India (GoI) were not resolved and thus, the Petitioner and Respondent jointly approached the Commission by filing Petition No. 13 of 2025 which was allowed by the Commission vide order dated 10.02.2025 permitting the continuance of tariff of Rs. 4.06 per kWh for a period of one year subject to certain terms and conditions. Paras 5, 6 and 7 the order dated 28.03.2022 in Petition No. 38 of 2021 have been reproduced as under:-

> *"5. In so far as another subsidy/incentive of Rs.5.00 Crore of Ministry of Commerce and Industry, Govt. of India is concerned the Joint Petitioner No.1 has already got the registration done with the Ministry and, therefore, the request of the Joint Petitioner No.2 is pending consideration and the final decision on said request to be taken by the Ministry of Commerce and Industry, GoI. As such, observations of the officials of HPSIDC are insignificant at this stage. Hence, it is appropriate to make adjustment of an amount of Rs.5.00 Crore of the subsidy of Ministry of Commerce and Industry on the premise that said subsidy will be allowed and deemed to have been availed by the Joint Petitioner No.2. However, in case the proposal/request of Joint Petitioner No.2 is not considered by the Ministry,*

we reserve the right to the Joint Petitioners to approach the Commission for suitable modification in the PPA.

6. Therefore, in view of the powers vested in the Commission under Section 86 (1)(b) of the Electricity Act, the Joint Petitioners have made out a case for approval of PPA on the basis of Provisional Tariff as per the provisions of applicable Renewable Energy Regulations as under:-

*(1) Applicable Tariff without considering the subsidy under Generic levellised tariff of 3rd Control Period: Rs.4.49 per unit. **

(ii) Considering Rs.5.00 Crores subsidy from Ministry of New and Renewable Energy (MNRE): Rs.4.28 per unit.

(iii) Considering additional Rs.5.00 Crores Central Assistance/Subsidy from the Ministry of Commerce & Industry (MCI): Rs. 4.06 per unit.

• As per Commission's Order dated 22.12.2020 in Suo Motu Petition No. 76/2020 for the determination of Generic Levellised Tariffs for Small Hydro Projects for 3rd Control Period (i.e. 01.04.2020 to 30.09.2023). [Project Capacity =7.00 MW].

7. Thus, the tariff which shall be applicable to the project of Petitioner comes to Rs.4.06 per unit. Therefore, the draft PPA is ordered to be approval accordingly subject to the following conditions:-

(i) The SCOD of the project is 15.2.2023 and considering that the issue relating to adjustment of financial assistance/subsidy under "Industrial Development Scheme for Himachal Pradesh & Uttarakhand" notified by the Ministry of Commerce & Industry is yet to be resolved, this provisional tariff shall be applicable for a maximum period of 2 (two) years.

(ii) The petitioners shall approach the Commission at least 1 (one) month before completion of the period of 2 (two) years from the issuance of this Order or immediately after the settlement of such adjustment as per item (i) above, whichever is earlier, for continuation of this tariff or for any other tariff as may become applicable to the project.

(iii) The Company shall intimate to the joint Petitioner No. 1 i.e. HPSEBL, about 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 Company i.e. joint Petitioner No. 2 which shall form part of the PPA.

(iv) The matter regarding adjustment of financial assistance/subsidy shall be governed as per the orders as may be issued by the Commission after receipt of Petition as per item (ii) of this para.

(v) The clause 6.2 of PPA shall be modified to the extent that the levellised provisional tariff shall be subject to further adjustment as per the order(s) as

may be issued by the Commission after receipt of Petition as per item (ii) of this para.

(vi) In case of delay of the project beyond 15.2.2023, the tariff, subject to further adjustment as per item (v) of this para, shall be applicable and the same shall be firm and final.

(vii) The Construction Schedule submitted by way of MA No. 6 of 2022 shall form part of PPA."

4. Similarly para no. 12 of the order dated 10.02.2025 in Petition No. 13 of 2025 has also been reproduced as under:

"While allowing the provisional tariff of Rs. 4.06 per kWh, the Commission has made adjustment of the entire subsidy amounts of Rs. 5.0 Crore each in respect of MNRE and Industrial subsidy. Since, the issues of balance subsidy amount of MNRE subsidy and whole subsidy amount of Rs. 5.0 Crore of Industrial subsidy are yet to be resolved and there is no change in status of the subsidy of the Project, the prayer of the Joint Petitioners is genuine. Accordingly, the prayer is considered and allowed. The provisional tariff of Rs. 4.06 per kWh is allowed to be continue for a further period of one year subject to the following terms and conditions:-

(i) The petitioners shall approach the Commission at least 1 (one) month before completion of the period of 1 (one) year from the issuance of this Order or immediately after the settlement of such adjustment as per item (i) above, whichever is earlier, for continuation of this tariff or for any other tariff as may become applicable to the project.

(ii)The company shall intimate the Joint Petitioner No.1 i.e. HPSEBL, on receipt of financial assistance/subsidy to the Project, within 15 days of receipt of the same and an affidavit to this effect shall be furnished by the Company i.e. joint Petitioner No. 2 which shall from part of the PPA.

(iii) The matter regarding adjustment of financial assistance/subsidy shall be governed as per the orders as may be issued by the Commission after receipt of Petition as per item(i) of this para.

(iv The clause 6.2 of PPA shall be modified to the extent that the levellised provisional tariff shall be subject to further adjustment as per the order (s)

as may be issued by the Commission after receipt of Petition as per item (ii) of this para.

(v) Other terms and conditions of order dated 28.03.2022 shall remain the same."

5. According to the Petitioner, the Ministry of Commerce and Industry, GoI vide notification No. 2(2)/2018-SPS dated 23.04.2018 notified the Industrial Development Scheme for the States of 'Himachal Pradesh and Uttarakhand (IDS 2017 for short) providing Central Capital Investment Incentive for the access to credit (CCIIAC) @ 30% of the investment in plant & machinery (Industrial subsidy for short) with an upper limit of Rs. 5.00 Crores for new and existing industrial units.

6. The Petitioner also applied for the same vide Application No. IDS/HP/2234 dated 16.12.2021. However, on 10.09.2024 when the Petitioner approached the Director of Industries, Govt. of Himachal Pradesh regarding status of application, the Petitioner was informed vide letter dated 24.09.2024 that the status of application on the portal of Directorate of Promotion of Industry and Internal Trade, Ministry of Commerce and Industries, Government of India (DPIIT for short) is reflected as 'closed' as the pre-registration in respect of project was not granted under the Scheme, and thus the project of Petitioner is not eligible for the grant of Industrial subsidy.

7. It is averred that the DPIIT vide communications dated 09.11.2023 and 30.07.2024 **(Annexure A-8 Colly)** had made it clear that IDS-2017 will only be extended in respect of already registered Unit(s) and the claims will not be entertained in respect of unregistered Units

8. It is also averred that the Petitioner had signed Implementation Agreement (IA) on 08.10.2010 and Supplementary Implementation Agreements (SIA's) on 04.08.2018 and 22.12.2020 for implementation of the project with the Government of H.P with the Scheduled Commercial Operation Date (SCOD) of the project as 15.02.2023, as such, the tariff determined vide order dated 22.12.2020 in Suo-Moto Petition No. 76 of 2020 by the Commission for the 3rd Control period w.e.f 01.04.2022 to 30.09.2022 was allowed but after adjustment of the admissible MNRE and Industrial Subsidy.

9. It is claimed that a further information under the RTI Act, sought by the Petitioner from Respondent No. 2 and 3 with respect the reasons for the closure of subsidy for the Project of the Petitioner under IDS,2017 but Respondents No. 2 and 3 have failed to give direct and responsible answer **(Annexure A-9)**

10. According to the Petitioner, the denial of subsidy IDS, 2017 and adjustment of the same by the Commission directly impacts the financial health and viability of the Petitioner's project, infringing upon the principles of regulatory certainty and fairness and the denial of the benefit of right tariff falls within the purview of the Commission.

11. Also averred that the adjustment of Rs. 5.00 Crore towards Industrial subsidy on provisional basis is not required to be made and, therefore, the Petitioner is entitled to the tariff of Rs. 4.28/kWh as applicable for the 3rd Control period w.e.f 01.04.2020 to 30.09.2023. Hence the Petition.

12. The Petition has been resisted by the Respondents by filing separate replies.

REPLY OF RESPONDENT NO. 1

13. The Respondent No. 1 HPSEBL in its reply has averred that the project was eligible for availing the MNRE subsidy notified by MNRE on 02.07.2014 as also the Industrial subsidy notified by the Ministry of Commerce and Industry (IDS 2017) and that the Joint Petition submitted by the Petitioner and Replying respondent was allowed by the Commission vide order dated 28.03.2022 granting provisional tariff of 4.06 per kWh, after taking into account the MNRE subsidy of Rs.

5.00 Crore being provided by the Ministry of New and Renewable Energy (MNRE) as well as subsidy of Rs. 5.00 Crore under IDS 2017 and the PPA was accordingly signed on 04.04.2022 pursuant to order dated 28.03.2022, which was valid for a period of 2 years. However, the case of subsidy could not be settled within the said period and accordingly, Petition No. 13 of 2025 was filed before the Commission for continuance of the tariff until settlement of subsidy case by the Ministries which was allowed and a Supplementary Power Purchase Agreement was executed between the Replying Respondent and the Petitioner on 20.03.2025.

14. As per the HPSEBL, the status of application of the Petitioner is reflected as ‘closed’ as per the Petitioner but the Petitioner is not entitled for the same as the communication of the Department of Industries, Govt. of H.P does not give any specific reasons for rejection of the application of the Petitioner. Similarly, no reasons have been provided in reply to the application under the Right to Information Act.

15. It is claimed that the HPSEBL, being a statutory distribution license under Electricity Act, 2003, is under a legal obligation to procure power in a manner that ensures financial prudence, cost-effectiveness, and least burden on the consumers and the Commission while

approving the tariff for the project has rightly taken into account the impact of admissible subsidy under IDS 2017 as deemed availed. Further, the application of the Petitioner for release of Industrial subsidy has not been rejected and rather, the Petitioner was not eligible solely on the procedural non-compliance and late submission of the application. Therefore, claim of subsidy on account of the Petitioner's inaction and negligence, cannot be made a ground to revisit or revise the tariff.

16. It is averred that regulatory mechanism under the RE Regulations, 2017 operates on the Principle that he Project Cost is reduced by the subsidy so that the Consumers are not burdened with inflated tariff and thus, the adjustment has rightly been made. Further averred that any attempt to seek retrospective exclusion of subsidy from tariff calculation, on the ground of non-receipt would result in undue financial burden upon the HPSEBL and the Consumers, as non inclusion of the admissible subsidy in tariff would increase the levellized tariff which is not in the interest of consumers.

17. Also averred that any upward revision in tariff, post facto, on the basis of denial of subsidy would amount to compensating the Petitioner for its own omission. Further, having accepted the regulatory frame

work and derived the benefits from the same, the Petitioner cannot turn around and seek upward revision. Further, no cause of action has occurred against the HPSEBL and Petition qua the HPSEBL is not maintainable.

REPLY OF RESPONDENT NO. 2

18. The Respondent No. 2 (DPIIT) in its separate reply has denied the averments made in the Petition that the Department of Promotion and Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry, Government of India, notified Industrial Development Scheme, 2017 for State of Himachal Pradesh and Uttrakhand on 23.04.2018, effective from 01.04.2017 to 31.03.2022 **(Annexure -1).** In the 11th Empowered Committee Meeting **(Annexure-2),** it was observed that committed liabilities exceeded the original financial outlay of Rs. 131.90 Crores, therefore, it was decided to issue Provisional Registration until additional funds were made available. Further, a formal communication was issued on 08.09.2021 **(Annexure-3)** in the shape of provisional certificate highlighting clause 7.3 of the scheme Notification clarifying that claims will be entertained only after conversion of provisional registrations to final registrations upon augmentation/approval of

financial resources and units shall be eligible for submitting their Claim only after conversion of Provisional registration into final registration.

19. According to the Replying Respondent, due to high number of applications, the committed financial liability surpassed the initial budget allocated under the IDS, 2017 and, therefore, a considered policy decision was taken and an additional outlay of Rs. 1164.53 crores was approved vide Cabinet decision dated 06.09.2023 for 774 units approved till the 11th Empowered Committee Meetings held on 04.08.2021, and in coherence to the decision, the letters dated 09.11.2023 **(Annexure-4)** and 30.07.2024 **(Annexure-5)** were issued.

20. According to Replying Respondent no meeting of the Empowered Committee held after 04.08.2021 and that the unit of the Petitioner was an unregistered one and incoherence to the decision of Cabinet, the application of the Petitioner is closed and cannot be considered by the Department.

<u>REPLY OF RESPONDENT NO. 3</u>

21. The Respondent No. 3 in its separate reply has raised preliminary submissions that neither any legal nor any fundamental right of Petitioner has been infringed by the Replying Respondent and, as such, no cause of action has accrued to the Petitioner against Respondent.

According to the answering Respondent, the final decision on the application for grant a subsidy to Petitioner was to be taken by the Respondent No. 1, under IDS, 2017 and answering Respondent had a very limited role of processing the online application(s) subject to eligible criteria as by Respondent No.2 for pre-registration. The application of the Petitioner was received in the office of General Manager, District Industries Centre, Chamba on 16.12.2021 for pre-registration vide IDS/HP/2234 which was referred to the Petitioner for compliance of observations as depicted in **(Annexure R-I).** However, the Petitioner never responded back to the clarifications/observations raised by the DIC, Chamba. According to Respondent 3, the Commission may consider the fact that the application was to be forwarded to the Government of India by the Respondent No.3 through online portal only after ensuring eligibility criteria and submission of requisite documents and thus, the Petition is liable to be dismissed.

22. On merits, contents have been denied reiterating the averments made by of the preliminarily submissions. It is averred that the scheme remained in force till 31.03.2022 and during the currency of the Scheme, it was obligatory upon the Petitioner to submit the requisite

documents in order to facilitate the Replying Respondent to forward the same through online portal.

REJOINDERS

23. By way of separate rejoinders, the content of the replies had been denied and those of the Petition have been reaffirmed. However, in rejoinder to the reply of the Respondent No. 3, the Petitioner has averred that the claim about clarification/document as raised by DIC, Chamba leading to closure of the application has been blown out of proportion and is not substantiated by any specific correspondence, notice, or evidence on record where the supposed deficiencies or further requirements were ever communicated in writing to the Petitioner giving a fair and reasonable opportunity of comply. Further a perusal of the DIC Application Status annexed with the reply of the Respondent No. 3 **(Annexure R-1)** shows that an ambiguous "seek clarification" noting was made but no proof of formal physical or electronic intimation to the Petitioner, timelines for response, or acknowledgment of Petitioner's communications was sent. The record indicates that the Petitioner's application had proceeded to the documentation and site inspection stage; substantive documents (project report, sanction letter, bank details, etc.) were uploaded and/or

verified on the portal, as is evident from the DIC report. In fact, the DIC's own certification states "the documents were found in order; further, it is certified that the item of production does not fall in the negative list as defined in (**Annexure I)** under NEIDS 2018" before the application was inexplicably closed. Further, at no stage a final, actionable deficiency memo or rejection order was issued to the Petitioner prior of closure by DPIIT.

POINTS FOR DETERMINATION

24. We have heard Sh. Vikas Chauhan, Ld. Counsel for the Petitioner and Sh. Kamlesh Saklani, Authorised Representative for the Respondent No. 1 and have perused the entire case file carefully. On the basis of the Pleadings, the following points arise for determination in the present Petition:

Point No. 1: Whether the Industrial subsidy has not been provided to the Petitioner despite submission of application in time and no adjustment on account of Industrial subsidy is required to be made, while allowing the final tariff in respect of project?

Point No. 2: Whether the MNRE subsidy has also been denied to the project and no adjustment on account thereof is required to be made?

Point No. 3: **Final Order**

25. For the reasons to be recorded hereinafter in writing, our point wise findings are as under:-

Point No. 1: Yes

Point No. 2: No

Point No. 3: Petition partly allowed as per operative part of the order.

REASONS FOR FINDINGS

Point No. 1

26. It is a simple case of the Petitioner that it had applied for the grant of Industrial subsidy under IDS, 2017 on 16.12.2021 as the Scheme was valid from 01.04.2017 to 31.03.2022 and the project of the Petitioner was also duly registered on the portal of DPIIT. It is also the case of Petitioner that on enquiry about the status of the sanction of the subsidy, no positive response was given by Respondent No. 3. However, the Petitioner was informed vide letter dated 24.09.2024 that the status of the application is reflected as closed on the DPIIT portal and hence the project is not eligible for grant of Industrial subsidy.

27. Though the Respondent No. 1 and 3 in their reply have mentioned that the subsidy could not be granted by the Respondent No. 2 on

account of inaction of the part of the Petitioner in not furnishing requisite documents but the reply of the Respondent No. 2 nowhere suggests that there was any irregularity in the application submitted by the Petitioner or that subsidy has been denied due to some defects or insufficient documents. Sh. Vikas Chauhan, Ld. Counsel for the Petitioner has submitted that the application submitted by the Petitioner was complete in all respect and no communication in writing was sent to the Petitioner for any deficiency.

28. A careful perusal of the reply of the Respondent No. 2 shows that keeping in view the fact that committed financial liability surpassed the initial budget allocated under IDS, 2017, a policy decision was taken that the allocation be made only in respect of already registered 774 units approved till the 11th empowered Committee Meeting held on 04.08.2021 meaning thereby that no registration of new units was made after 04.08.2021. Thus, it is evident that the Respondent No. 2 has allowed the subsidy only to the units which were registered uptill 04.08.2021 and thereafter no registration of any unit(s) was made. Thus, all the units which submitted applications after 04.08.2021 and before 31.03.2022 were not covered. In the circumstances, as evident from the reply of the Respondent No. 2 that in view of the decision

taken in the Empowered Committee meeting held on 04.08.2021, the application of the Petitioner was closed. Since the Petitioner had submitted the application for Industrial subsidy on 16.12.2021, within the validity of the IDS, 2017, which was valid uptill 31.03.2021, no fault can be attributed to the Petitioner as the registration to Industrial unit(s) after 04.08.2021 has not been considered, because the outlay of Rs. 1164.53 Crore only was approved to the unit(s) registered upto 04.08.2021.

29. The Commission while approving the provisional generic levellized tariff for the Project has taken into account the Industrial subsidy of Rs. 5.00 Crore. Since said Industrial subsidy has not been granted, no adjustment on account thereof is required to be made in the tariff to be provided to be Petitioner. Point 1 is accordingly decided in favour of the Petitioner.

<u>Point No. 2</u>

30. The Commission while allowing provisional tariff of Rs. 4.06 per unit for the Project vide order dated 28.03.2022 in Petition No. 38 of 2021 has taken into account a sum of Rs. 5.00 Crore towards MNRE subsidy. However, the entire Petition is silent about the receipt of the MNRE subsidy.

31. On careful perusal of Petition No. 38 of 2021, it is gathered that a sum of Rs. 2.50 Crore has been released by the Ministry of New and Renewable Energy towards MNRE subsidy for the Project and the MNRE has informed the Petitioner that the balance amount of Rs. 2.50 Crore would be released on achieving 80% of the works envisaged in the DPR.

32. As observed above, no details about the release of balance amount of Rs. 2.50 Crore has been made in the Petition. Therefore, the MNRE subsidy of Rs. 5.00 Crore is being considered as deemed availed. However, a liberty is reserved to the Petitioner to approach the Commission, in future, for appropriate tariff, in case the balance subsidy amount of Rs. 2.50 Crore of MNRE subsidy is released/ denied to the Project. Point No. 2 is accordingly decided against the Petitioner.

APPLICABLE TARIFF

33. The Petitioner in the present Petition has submitted that Petitioner is entitled for the enhanced tariff of Rs. 4.28 per kWh by not taking into account the Industrial subsidy of Rs. 5.00 Crore. A careful perusal of the order dated 28.03.2022 in Petition No. 38 of 2021 shows that considering the impact of subsidy of Rs. 5.00 Crore towards Industrial Subsidy, the tariff comes to Rs. 4.28 per kWh and on taking further

impact of the MNRE Subsidy of Rs. 5.00 Crore, the tariff comes to Rs. 4.06 per kWh. As per para 8.19 of the tariff order dated 22.12.2020 in Suo Moto Petition No. 76 of 2020 determining the generic levellized tariff, the Petitioner shall be entitled to the provisional tariff of Rs. 4.28 per kWh from the date of the commissioning of the Project after excluding the Industrial Subsidy of Rs. 5.00 Crore. Hence, provisional tariff of Rs. 4.28 per kWh is allowed to the Project of the Petitioner from the date of commissioning of the Project.

Final Order

34. In view of our aforesaid discussion and findings, the Petition succeeded in part and allowed partly. A provisional tariff of Rs. 4.28 per kWh is granted to the Project from the date of the commissioning of the Project after excluding the Industrial Subsidy of Rs. 5.00 Crore.

35. The parties are accordingly directed to execute the Supplementary Power Purchase Agreement (SPPA) as per the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017, as amended within a period of 30 days from the date of this Order after making

necessary additions and alterations. Three copies of the executed SPPA be submitted to the Commission for record.

36. The Petition qua the impact of MNRE Subsidy is dismissed. However, a liberty is reserved to the Petitioner to approach the Commission as and when the final decision on release of balance amount of MNRE Subsidy is taken by the Competent Authority.

37. The Petitioner has deposited only a fee of Rs. 40,000/- whereas, the Petitioner is required to deposit fee for the execution of SPPA as per the Schedule appended to the HPERC (Conduct of Business) Regulations, 2024 within a period of seven days from the date of the receipt of the order failing which the Petition shall be deemed to have been dismissed.

Let a copy of this order be supplied to the parties forthwith.

The Petition is disposed off accordingly. The file after needful be consigned to records.

Announced
10.09.2025

-Sd-
(Shashi Kant Joshi)
Member

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