

The HPPTCL Versus the HPSEBL and others

CMA No.417 of 2025

03.11.2025

Present: Sh. Ashish, Law Officer for the Petitioner.
Sh. Kamlesh Saklani, Authorized Representative for Respondent.
None for Respondents No.2 to 18.

DAILY ORDER

Heard. This Petition has been filed under Section 86 (1) of the Electricity Act, 2003 read with Regulation 8 (7) of the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023 and Section 75 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2024 for in-principle approval of twelve (12) Transmission Schemes.

As many as eighteen parties have been impleaded in the array of Respondents. On 08.08.2025, an application under Order 1 Rule 10 of the Code of Civil Procedure was filed for the deletion of Respondents No. 2 to 18 that upon re-examination of the scope of original Petition, it was gathered that the matter pertains for in-principle approval of the transmission schemes and no substantive relief has been claimed against the Respondents No. 2 to 18. Also, the Respondents No. 2 to 18 were inadvertently arrayed as the entire cause of action is limited to the in-principle approval of the transmission schemes and dispute primarily concerns between the Petitioner and the Respondent No. 1/ HPSEBL. According to the Application, the continuation of the Respondents No. 2 to 18 in the array of Respondents would lead to delay and unnecessary correspondence and their presence isn't required to adjudicate the matter.

The Application has been resisted by the Respondent No. 1 that the Commission lacks jurisdiction on the issue and it is to be decided by the State Government as per the provisions of the

Electricity Act, 2003. However, the Commission is empowered to determine the tariff of Asset which are required to be restructured by the State Government. Also averred that the Government of Himachal Pradesh (GoHP) vide Notification No. MPP-A(3)-1/2001-IV dated 10.06.2010 has specified that the assets to be transferred to the HPPTCL on its incorporation and additional capitalization on existing assets cannot be done as the said notification issued by the GoHP pursuant to the bipartite agreement between the GoHP and Unions/ Associations of the HPSEBL for specified assets only and not for assets concerned in the instant Petition.

It is averred that since, the Petition is not maintainable before the Commission, deletion of the stakeholders including the GoHP which is competent under Section 131 of the Electricity Act, 2003 to decide the vesting of property of HPSEBL and restructuring is strictly objected and all the stakeholders are necessary parties. Also averred that Petitioner be directed to take action as per the directions of the Commission without transfer of assets and additional capitalization is to be done by the HPSEBL.

Sh. Ashish Rana, Law Officer for the Petitioner has placed on record a copy of Notification No. MPP-A(1)-4/2006-loose dated 31.10.2008 which shows that the HPPTCL shall be entrusted with the following works/ businesses with immediate effect:-

1. All new works of Sub-station of 66 kV and above;
2. All ongoing works of Sub-station of 66 kV and above;
3. All new and ongoing work of laying/ construction of transmission lines of 66 kV and above;
4. Strengthening/ upgradation of all transmission lines of/ to 66 kV and above;
5. Formulation, updation, execution of Transmission Master Plan for the State for transmission strengthening and upgrading of net work and evacuation of power;
6. All matters related to planning and Co-ordination of the transmission related issues with CTU, CEA, Ministry of Power – State Government and HPSEB;
7. Planning and Co-ordination with IPPs/ CPSUs/ State PSUs/ other Departments or organizations or agencies of the Central Government and State Government and HPSEB with regard to all transaction related issues.

8. Any other matter or subject that the State Government may specifically assign to the Corporation from time to time.

The Assets are not owned by the Respondents No. 6 to 18. A reference has also been invited to Minutes of Meeting held on 21.06.2025 under the Chairmanship of the Hon'ble Chief Minister, whereby it was resolved that the works of 66 kV and above are required to be done by the HPPTCL. Moreover, the Govt. of Himachal Pradesh vide notification No. MPP-A(1)-4/2006-loose dated 31.10.2008 has made it clear that all new works of Sub-station of 66 kV and above, all ongoing works of Sub-station of 66 kV and above, all new and ongoing work of laying/ construction of transmission lines of 66 kV and above, strengthening/ upgradation of all transmission lines of/ to 66 kV and above, will be done by the HPPTCL.

In view of the above, the dispute regarding the twelve schemes, as mentioned in the Petition, is only between the HPPTCL and the HPSEBL and Respondents No. 2 to 18 are not necessary for disposal of the present application. The Application is, therefore, allowed and names of Respondents No. 2 to 18 are ordered to be deleted from array of Respondents.

Let reply to the Petition be filed within a week with advance copy to the opposite party and matter be listed on 18.11.2025 for consideration.

-sd-
(Shashi Kant Joshi)
Member

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