

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

Miscellaneous Application No.:	625 of 2025
Date of Institution:	27.11.2025
Heard on:	05.12.2025
Decided on:	05.01.2026

CORAM:

SH. YASHWANT SINGH CHOGAL
Member (Law)-cum-Chairman

SH. SHASHI KANT JOSHI
Member

In the matter of:-

The Himachal Pradesh State Electricity Board Limited
Vidyut Bhawan, Shimla-171004 (HP).**Petitioner**
Versus

The Directorate of Energy through Chief Engineer (Energy),
DOE, MC Parking Building,
2nd Floor, Shimla-171005.

The HP State Load Dispatch Centre through Chief Engineer,
SLDC, SLDC Complex, Totu, Shimla-171011.
.....**Respondents**

Miscellaneous Application under Regulation 75 of the HPERC (Conduct of Business) Regulations, 2024, seeking modification in Format 1.4/ Format 3.5 issued for FY 2019-20, FY 2020-21 and FY 2021-22 by incorporating energy figures up to three (3) decimal points and taking into account renewable energy of 6.485 MUs in respect of Shimla HEP w.e.f. 01.04.2021 to 26.09.2021 in FY 2021-22.

Present:-

Sh. Kamlesh Saklani, Authorised Representative for the Petitioner.

Sh. Shanti Swaroop, Ld. Legal Consultant for the Respondent No. 1.

Sh. Partap Thakur, Chief Engineer, HPSLDC for the Respondent No. 2.

ORDER

This Miscellaneous Application has been filed under Regulation 70 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2024 (CBR, 2024 for short) seeking modification in Format 1.4/3.5 issued for 2019-20, FY 2020-21 and FY 2021-22 by incorporating the energy figures upto three (3) decimal points and by taking into account renewable energy of Shimla HEP (5.0 MW) w.e.f. 01.04.2021 to 26.09.2021.

2. The claim of the Petitioner in short is that it had filed the following Petitions for authentication of RPO compliance:-

- (i) Petition No. 03/2021 for FY 2019-20, disposed off on 14.09.2021.
- (ii) Petition No. 29/2021 for FY 2020-21, disposed off on 02.12.2021.
- (iii) Petition No. 41/2022 for FY 2021-22, disposed off on 28.11.2022.

3. Pursuant to orders dated 14.09.2021 and 02.12.2021, the HPSEBL vide letter dated 17.08.2022 requested the Commission to issue Format 3.1.1 for issuance of RECs for FY 2019-20 and FY 2020-21 to authenticate surplus RE for issuance of RECs. Further, the HPSEBL in continuation of letter dated 17.08.2022 submitted true up details of purchase of non-solar RE power

including own generation for FY 2019-20 and FY 2020-21 vide letter dated 23.08.2022 and requested the Commission to issue Format 3.1.1.

4. Accordingly, the Commission vide letter dated 31.08.2022 issued Format 3.1.1 which was further revised by the Commission vide letter dated 22.11.2022, as per the REC Procedure notified by the CERC.

5. In the meanwhile, the CERC REC Regulations, 2022 came into effect from 05.12.2023 providing that the distribution licensee has to make an application for the issuance of RECs to the Central Agency within three months from the end of the relevant financial year. Since, the process of re-registration of the HPSEBL with the Central Agency was under process involving recurring correspondence between the HPSEBL, the Central Agency vide email dated 10.04.2023 informed the HPSEBL regarding the details/format prescribed under the REC Procedure Regulations, 2022, notified by the CERC for re-registration. Accordingly, the HPSEBL vide letter dated 18.04.2023 requested the Commission for issuance of Format 3.5 for FY 2019-20, FY 2020-21 and FY 2021-22 in accordance with the revised REC procedure notified under the said Regulations and the Commission vide letter dated 24.06.2023 issued format 3.5 for FY 2019-20, FY 2020-21 and FY 2021-22. In the month of June, 2023, the HPSEBL attempted to submitted an online

application on REC web portal for issuance of Non-Solar RECs for FY 2021-22, however, the web portal did not provide the requisite option for uploading applications pertaining to FY 2021-22, as such, on 28.06.2023, the HPSEBL applied with the Central Agency for issuance of RECs on the basis of Format 3.5 and Format 3.6 as issued by the Commission and the State Agency, respectively.

6. On 27.09.2023, the Central Agency (NLDC) intimated the HPSEBL about its inability to process the application of the HPSEBL on the grounds that the CERC REC Regulations, 2022 require applications to be filed within three months from the end of the financial year.

7. Aggrieved by the action of the Central Agency, the HPSEBL preferred an application before the CERC (Central Electricity Regulatory Commission) being Petition No. 152/MP/2024 seeking entitlement to the HPSEBL for issuance of RECs for the period FY 2019-20, FY 2020-21 and FY 2021-22 and requested for appropriate directions to the Central Agency (NLDC) for issuance of RECs and the CERC vide order dated 31.03.2025 was pleased to direct the Central Agency to issue RECs to the HPSEBL for the FY 2019-20, FY 2020-21 and FY 2021-22 subject to verification of compliance with the applicable procedure.

8. In compliance with the aforesaid directions, the HPSEBL vide letter dated 08.04.2025 requested the Central Agency for processing the issuance of RECs for aforementioned Financial Years. In response, the Central Agency vide emails dated 11.04.2025 and 17.04.2025 requested the submission of original Format 1.4 pointing out some variations in the figures between the orders issued by the Commission and Format 3.5 certification for FY 2020-21 and FY 2021-22. The Central Agency further sought clarifications on variation in data and to submit energy quantum upto three decimal places.

9. It is the case of the Applicant that on careful scrutiny, it noticed variations in the data for FY 2019-20, which require rectification for issuance of certificates. The variations between Orders and Format 3.5 certifications has been summarized as under:

TABLE:1- FY 2019-20

Sr. No.	Description	As per Order dated 14.09.2021	As per Format 3.5	Variation
1	Consumption including Hydro (MUs)	10303.54	10303.54	-
2	Consumption excluding Hydro (MUs)	1288.97	1288.97	-
3	Non-Solar RPPO	10.25%	10.25%	-
4	Non-Solar RPPO (MUs)	132.12	132.12	-
5	Non-Solar RE Purchased and available with HPSEBL towards RPPO Compliance (MUs)	1521.75	1475.85	45.90
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO	(+)1389.63	(+)1343.73	45.90

	(MUs)			
7	Non-Solar RPO deficit of Previous Years (in MUs)	83.52	83.52	-
8	Net Surplus (in MUs)	1306.11	1260.21	45.90

TABLE:2- FY 2020-21

Sr. No.	Description	As per Order dated 02.12.2021	As per Format 3.5	Variation
1	Consumption including Hydro (MUs)	9965.14	9965.14	-
2	Consumption excluding Hydro (MUs)	1860.14	1860.14	-
3	Non-Solar RPPO	10.25%	10.25%	-
4	Non-Solar RPPO (MUs)	190.66	190.66	-
5	Non-Solar RE Purchased and available with HPSEBL towards RPPO Compliance (MUs)	731.77	732.45	0.68
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO (MUs)	(+)541.10	(+)541.79	0.69
7	Non-Solar RPO deficit of previous years (MUs)	0.00	0.00	-
8	Net Surplus (MUs)	541.10	541.79	0.69

TABLE:3- FY 2021-22

Sr. No.	Description	As per Order dated 28.11.2022	As per Format 3.5	Variation
1	Consumption including Hydro (MUs)	11613.64	11613.64	-
2	Consumption excluding Hydro (MUs)	3216.34	3216.34	-
3	Non-Solar RPPO	10.50%	10.50%	-
4	Non-Solar RPPO (MUs)	337.72	337.72	-
5	Non-Solar RE Purchased and available with HPSEBL towards RPPO Compliance (MUs)	857.63	864.115	6.485
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO (MUs)	(+)519.92	(+)526.395	6.475

7	HPO deficit in FY 2021-22 (MUs)	0.093	0.093	-
8	Net Surplus (MUs)	519.827	526.302	6.475

10. According to the Petitioner, the variation in data as contained in order dated 14.09.2021 and 02.12.2021 for FY 2019-20 and FY 2020-21 respectively, has occurred because the Commission had relied upon the provisional data supplied by the Petitioner whereas, while issuing Format 3.1.1 and Format 3.5, the Commission considered the true-up figures of Non-solar renewable energy quantum determined in the subsequent true up order dated 19.07.2022 which was submitted by the HPSEBL vide letter dated 23.08.2022.

11. Also averred that variations in figures of 6.485 MUs and 6.475 MUs in FY 2021-22 has arisen on account of non-consideration of energy from Shimla HEP (5.0 MW) for the period from 01.04.2021 to 26.09.2021 as the approval for the long term Power Purchase Agreement (PPA) of Shimla HEP (5.0 MW) was accorded on 27.09.2021 and energy prior to it i.e. 01.04.2021 to 26.09.2021 was settled under the REC Mechanism. Subsequently, Petition was filed by M/s Sai Engineering Foundation being Petition No. 77 of 2022, which was decided by the Commission vide order dated 22.03.2023 extending the applicability of long term levellized tariff w.e.f. 01.04.2021 in respect of Shimla HEP (5.0 MW), as a result, the net saleable energy became eligible for

Non-solar RPO compliance of the HPSEBL and the same was accounted for in Format 3.5 leading to variation.

12. According to the HPSEBL, unless the orders of the Commission aligns with the certified figures in Format 3.5, the Central Agency (NLDC) will not process the RECs issuance and any delay thereof will prejudice HPSEBL by depriving it of legitimate entitlement. Hence, the revised Format 3.5 be issued on following final figures for FY 2019-20, FY 2020-21 and FY 2021-22:

TABLE:4- FY 2019-20

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	10303.537
2	HPSEBL consumption within State (excluding Hydro)	1288.972
3	Non-Solar RPPO (%age)	10.25%
4	Non-Solar RPPO	132.120
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	395.307
(b)	RE Purchased from SHPs (excluding SHPs under REC Mechanism) owned by IPPs/ HIMURJA	1440.161
(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	170.448
	Total Non-Solar RE Purchased by HPSEBL	2005.916
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	530.072
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	1475.844
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO(in MUs)	1343.724
7	Non-Solar RPO deficit of previous years	83.520

	(in MUs)	
8	Net Surplus (in MUs)	1260.204

TABLE:5- FY 2020-21

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	9965.138
2	HPSEBL consumption within State (excluding Hydro)	1860.139
3	Non-Solar RPPO (%age)	10.25%
4	Non-Solar RPPO	190.664
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	359.353
(b)	RE Purchased from SHPs (excluding SHPs under REC Mechanism) owned by IPPs/ HIMURJA	1370.167
(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	152.836
	Total Non-Solar RE Purchased by HPSEBL	1882.356
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	1149.907
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	732.449
6	Net shortfall (-)/ surplus (+) in meeting Non-Solar RPO (in MUs)	541.785
7	Non-Solar RPO deficit of previous years (in MUs)	0.000
8	Net Surplus (in MUs)	541.785

TABLE:6 FY 2021-22

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	11613.639
2	HPSEBL consumption within State (excluding Hydro)	3216.341
3	Non-Solar RPPO (%age)	10.50%
4	Non-Solar RPPO	337.716
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	399.891
(b)	RE Purchased from SHPs (excluding SHPs	1718.227

	under REC Mechanism) owned by IPPs/ HIMURJA	
(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	195.158
	Total Non-Solar RE Purchased by HPSEBL	2313.275
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	1449.158
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	864.117
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO	526.401
7	HPO deficit in FY 2021-22	0.093
8	Net Surplus (in MUs)	526.308

REPLY OF THE RESPONDENTS

13. The Respondent No. 2/ Himachal Pradesh State Load Despatch Centre (HPSLDC) in its reply has submitted that the Petition is not maintainable against the HPSLDC and that the HPSLDC has been unnecessarily been dragged into unwarranted litigation.

14. The Respondent No. 1/ Directorate of Energy (DoE) in its reply has submitted that the figures of Non-solar Renewable Energy Purchase have been checked and figures match up with the format issued by the DoE. However, appropriate decision be taken by the Commission.

15. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Petitioner, Sh. Shanti Swaroop, Ld. Legal Consultant for the Respondent No. 1 and Sh. Partap Thakur, Authorised Representative for the Respondent No. 2 and have perused the entire record carefully.

16. The HPSEBL has made the following prayers:-

- a. Issue revised Format 1.4/Format 3.5 certifications for FY 2019-20, FY 2020-21 and FY 2021-22, reflecting the energy quantum in MUs upto three decimals in conformity with Table-4, Table-5 and Table-6; and
- b. Pass such other order(s) as the Commission may consider just, equitable and appropriate in the facts and circumstances of the case.

17. On 11.04.2025 and 17.04.2025, the Central Agency (NLDC) has conveyed the HPSEBL to submit original Format 1.4 and to clarify the variations in data as contained in the formats and compliance order. The observations made by the Central Agency (NLDC) are reproduced as under:-

“(i) For FY 2020-21

Net Non-Solar RE Procured and Net Non-Solar Surplus

<i>Description</i>	<i>Net Non-Solar RE Procured (in MU)</i>	<i>Net Non-Solar Surplus (in MU)</i>
<i>As per HEPRC certification (Format 3.5)</i>	<i>732.45</i>	<i>541.79</i>
<i>As per Format 3.6</i>	<i>732.298</i>	<i>-</i>
<i>As per HPERC order dated 02.12.2021 in matter of Petition No. 29 of 2021</i>	<i>731.77</i>	<i>541.10</i>
<i>Quantum of energy submitted before CERC and further order pronounced dated 31.03.2025 in the matter of Petition No. 152/MP/2024</i>	<i>-</i>	<i>541.79</i>

(ii) For FY 2021-22

Net Non-Solar RE Procured and Net Non-Solar Surplus

<i>Description</i>	<i>Net Non-Solar RE Procured (in MU)</i>	<i>Net Non-Solar Surplus (in MU)</i>
<i>As per HEPRC certification (Format 3.5)</i>	<i>864.115</i>	<i>526.302</i>

<i>As per Format 3.6</i>	<i>864.115</i>	<i>-</i>
<i>As per HPERC order dated 28.11.2022 in matter of Petition No. 41 of 2022</i>	<i>857.63</i>	<i>519.827</i>
<i>Quantum of energy submitted before CERC and further order pronounced dated 31.03.2025 in the matter of Petition No. 152/MP/2024</i>	<i>-</i>	<i>519.83</i>

Further, the Central Agency (NLDC) has asked the Applicant to clarify:-

- (iii) Please clarify the differences for the aforementioned financial years.*
- (iv) It has been observed that quantum of energy is submitted by M/s HPSEBL in MU whereas REC is calculated in MWh, which is 1000 times that of MU. So during calculation in MY and further during rounding off appreciable error occurs. So please submit all quantum upto three digits after decimal in case of MU.*
- (v) Since, there is difference in calculation in the data submitted at different places, it is requested to kindly send Format 3.6 (in excel format as well) for the FY 2019-20, 2020-21 and 2021-22 for further necessary action.”*

18. In so far as the variation in figures for FY 2019-20 and FY 2020-21 in Net Non-Solar RE Procured and Net Non-Solar Surplus is concerned, the Commission while passing compliance order dated 02.12.2021 in Petition No. 29 of 2021 had considered only the provisional figures without the True-up but certificate (Format 3.5) was issued based on the figures of True-up on the request of the Petitioner received vide letter dated 23.08.2022.

19. In so far as difference of figures in Net Non-solar RE Procured and Net Non-solar Surplus for FY 2021-22 is concerned, the same had occurred on account of non-consideration of energy from Shimla HEP (5.0 MW) for the

period from 01.04.2021 to 26.09.2021 (order dated 28.11.2022 in Petition No. 41 of 2022) and energy in respect of Shimla HEP (5.0 MW) w.e.f. 01.04.2021 to 26.09.2021 was settled under the REC Mechanism. Subsequently, a Petition was filed by M/s Sai Engineering Foundation being Petition No. 77 of 2022, which was decided by the Commission on 22.03.2023 vide which the applicability of long term levelized tariff was extended w.e.f. 01.04.2021 to 26.09.2021. As a result, the net saleable energy became eligible for Non-solar RPO compliance of the HPSEBL and the same was accounted for in Format 3.5 leading to variation. In the circumstances, taking into account the true up figures and Non-Solar Energy in respect of Shimla HEP (5.0 MW), the actual final figures for FY 2019-20, FY 2020-21 and FY 2021-22 will be read as under:-

TABLE:4- FY 2019-20

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	10303.537
2	HPSEBL consumption within State (excluding Hydro)	1288.972
3	Non-Solar RPPO (%age)	10.25%
4	Non-Solar RPPO	132.120
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	395.307
(b)	RE Purchased from SHPs (excluding SHPs under REC Mechanism) owned by IPPs/ HIMURJA	1440.161

(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	170.448
	Total Non-Solar RE Purchased by HPSEBL	2005.916
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	530.072
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	1475.844
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO(in MUs)	1343.724
7	Non-Solar RPO deficit of previous years (in MUs)	83.520
8	Net Surplus (in MUs)	1260.204

TABLE:5- FY 2020-21

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	9965.138
2	HPSEBL consumption within State (excluding Hydro)	1860.139
3	Non-Solar RPPO (%age)	10.25%
4	Non-Solar RPPO	190.664
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	359.353
(b)	RE Purchased from SHPs (excluding SHPs under REC Mechanism) owned by IPPs/ HIMURJA	1370.167
(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	152.836
	Total Non-Solar RE Purchased by HPSEBL	1882.356
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	1149.907
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	732.449
6	Net shortfall (-)/ surplus (+) in meeting Non-Solar RPO (in MUs)	541.785
7	Non-Solar RPO deficit of previous years (in MUs)	0.000
8	Net Surplus (in MUs)	541.785

TABLE:6 FY 2021-22

Sr. No.	Description	Quantum (MUs)
1	HPSEBL consumption within State (including Hydro)	11613.639
2	HPSEBL consumption within State (excluding Hydro)	3216.341
3	Non-Solar RPPO (%age)	10.50%
4	Non-Solar RPPO	337.716
5	Details of RE Purchase against Non-Solar RPPO	
(a)	Net Generation (e/c GoHP Free Power Share) by SHPs owned by HPSEBL	399.891
(b)	RE Purchased from SHPs (excluding SHPs under REC Mechanism) owned by IPPs/ HIMURJA	1718.227
(c)	RE Purchased against GoHP free power share in SHPs owned by IPPs/ HIMURJA and HPSEBL	195.158
	Total Non-Solar RE Purchased by HPSEBL	2313.275
6	Dedicated Non-Solar RE Sold by HPSEBL outside its area of supply	1449.158
7	Balance Non-Solar RE available with HPSEBL to meet its Non-Solar RPO	864.117
6	Net shortfall (-)/ surplus (+) in meeting Non- Solar RPO	526.401
7	HPO deficit in FY 2021-22	0.093
8	Net Surplus (in MUs)	526.308

20. Thus, the Net Non-Solar RE procured and Net Non-solar surplus incorporating data upto three decimal places shall be as under:-

Year	RPO as specified by SERC/ NAPPC/ Tariff Policy whichever is higher (in % of total energy consumed)	Total Consumption of HPSEBL excluding consumption met from Hydro sources (in MUs)	RPO in MUs (C=B*A/100)	Net non-Solar RE Energy Procured in respective financial year (MUs).	Net surplus in MUs recommended for issuance of non-solar RECs
	(A)	(B)	(C)	(D)	(E)=D-C

2019-20	10.25	1296.972	132.120	1475.844	1260.204
2020-21	10.25	1860.139	190.664	732.449	541.785
2021-22	10.50	3216.341	377.716	864.117	526.308

21. Hence, the application is considered and allowed. Let revised format 3.5 be issued accordingly.

22. The application disposed off, accordingly.

23. A copy each of the same be tagged to Petitions No. 03 of 2021, 29 of 2021 and 41 of 2022.

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

The file after needful be consigned to records.

Announced
05.01.2026

-Sd-
(Shashi Kant Joshi)
Member

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