

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

Petition No: 251 of 2025
Date of Institution: 10.11.2025
Arguments Heard on: 01.04.2026
Decided on: 12.05.2026

CORAM

Yashwant Singh Chogal
MEMBER (Law)-cum-CHAIRMAN

Shashi Kant Joshi
MEMBER

In the matter of:-

M/s Dera Hydro Power Private Limited,
Registered Office at K.H. No.-18/1 and 18/2,
Jainantu Niwas, First Floor, Below Shree Mahun Nag Brothers,
Bye Pass Road, B.C.S. New Shimla,
Shimla, H.P.-171009.**Review Petitioner**

Versus

M/s Himachal Hydel Projects Private Limited,
SCO 3, Sector16, Panchkulla,
Haryana-134108.**Respondent No.1**

The HP Power Transmission Corporation Limited,
Himfed Bhawan, Below Old MLA's Quarters,
Tutikandi (Panjiri), Shimla, H.P.-171005.**Respondent No. 2**

The HP State Electricity Board Limited, through its,
Chief Engineer (System Planning)
Vidyut Bhawan, Shimla, H.P.171004.**Respondent No.3**

The HIMURJA, through its,
Director,
Urja Bhawan, Kasumpti, Shimla-171009.**Respondent No.4**

The Directorate of Energy, through its,
 Director (DoE),
 MC Parking Building, 2nd Floor near Tutikandi Crossing,
 Shimla, H.P.-171005.

.....**Respondent No. 5**

Review Petition under Sections 94(1)(f) of the Electricity Act, 2003 read with Regulation 70 the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2024 seeking review of Order dated 27.09.2025 passed by the Commission in Petition No. 25 of 2025.

Present:

Ms. Shreya Chauhan and Sh. Ajitesh Garg, Ld. Counsel for the Petitioner.

Sh. Nimesh Gupta and Sh. Anil Kapoor, Ld. Counsel for the Respondent No. 1.

Sh. Ashish, Law Officer for the Respondent No. 2

Sh. Kamlesh Saklani, Authorized Representative for the Respondent No. 3.

Respondent No. 4 ex-parte.

Sh. Arvind Kumar, Legal Consultant for the Respondent No. 5.

ORDER

This Review Petition has been filed by M/s Dera Hydro Power Private Limited (the Petitioner for short) under Sections 94(1)(f) of the Electricity Act, 2003 (Act for short) and Regulation 70 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2024 (CBR, 2005 for short) seeking review of Order dated 27.09.2025 passed by the Commission in Petition No. 25 of 2025 titled M/s Dera Hydro Power Private Limited Vs. M/s Himachal Hydel Projects Private Limited and others.

2. As per the Petitioner, the impugned order proceeds on a fundamentally incorrect premise that the Petitioner failed to place on record any material explaining deviation from the 2015 DUG-based evacuation arrangement or establishing any revised evacuation approval, which is contrary to the pleadings and documents on record and thus, the findings in paras 81 to 87 of the impugned order suffer from manifest error apparent on the face of record.

3. As per the Petitioner, the information and communications regarding revised TEC dated 26.04.2017 approving joint evacuation with Kurhed-I was already on record (Annexure P-3 to the main Petition) duly supported by the correspondence of the Himachal Pradesh Power Transmission Corporation Limited (HPPTCL/ Respondent No. 1 for short) (Annexure P-4 and P-5 in the main Petition) and the subsequent Interim Connection Agreement dated 22.11.2018 (Annexure P-7 in the main Petition). Further, the observations that that the DUG Small Hydro Power Project (DUG for short) was a necessary party were based on ignoring the vital aspect that the DUG scheme stood superseded by the revised TEC and subsequent Supplementary Implementation Agreement (SIA for short) dated 22.11.2018. Further, the feasibility report dated

19.01.2018 (Annexure P-9) and confirmation of the HPPTCL regarding DOG conductor capacity (Annexure P-4 and P-5 to the main Petition) were in support of the joint evacuation which were not considered constituting a fatal error. Also the Commission was required to adjudicate the matter holistically based on the applicable Regulations, on the basis of material on record or could have called for the requisite information, clarification and documents considered necessary for the proper adjudication of the matter.

4. It is averred that vide endorsement No. DoE/CE(TEC)/TEC-Dera/2012-6232-40 dated 03.12.2012 the revised TEC was issued on 26.04.2017 by the DoE for the Project of the Petitioner wherein it is mentioned in Para XVI that *“For evacuation of power the IPP shall interface this project at switchyard of Kurhed-I SHP (4.50MW) by constructing 33 kV S/Cline form Dera SHP to Kurhed-I SHP from where the power will be further evacuated in joint mode with Kurhed-I SHP through existing 33 kV Kurhed-I – Holi line upto 33 kV Holi Substation of the HPSEBL. The cost on account of this joint evacuation arrangement shall be shared by the IPPs of these projects on proportionate basis.”* Also pursuant to the revised TEC, the consent of the Respondent No. 1 for joint utilization of Kurhed-Holi line for

evacuation of 5 MW power was sought and the joint evacuation of the power from the Project with the Project of the Respondent No. 1 was found feasible and could be considered subject to consent of the line owner and availability of technical margin and that the interim connectivity agreement was executed between the Petitioner and the HPSEBL on 22.11.2018 for evacuation of power upto Holi Sub-station. Further, the Petitioner had also applied for Long-Term Open Access (LTOA for short) but for want of NOC from the Respondent No. 1, LTOA was not provided.

5. It is averred that the findings of the Commission that interim Connectivity Agreement does not apply to the line of the Respondent No. 1 also suffer from patent error on the face of record as the Petitioner had produced the entire record before the Commission but the Commission has not addressed the issue in proper perspective. According to the Petitioner, the material documents were already on the record but the failure to notice and apply the operative TEC dated 26.04.2017 is a fatal oversight constituting an error apparent on the face of record especially Annexure P-4 and P-5 which were before the Commission.

6. Also that the Commission has not appreciated the character of the line by treating it as purely dedicated line/ asset of the Respondent No. 1 but its use is regulated under the Intra-state transmission system and the Respondent No. 1 was bound to provide non-discriminatory access. Also, the Commission has proceeded ignoring the statutory and policy mandate for shared evacuation infrastructure.

REPLY OF THE RESPONDENTS

7. The Petition has been resisted by the Respondents No. 1, 2, 3 and 5 by filing the separate replies. No reply has been filed by the Respondent No. 4.

REPLY OF RESPONDENT NO. 1

8. The Petition has been resisted by the Respondent 1 by filing reply that the Review Petition is not maintainable as the same does not disclose any error apparent on the face of record warranting review and that the scope of review is extremely limited and cannot be used as a tool to rehear or re-appreciate the evidence, re-argue the case on merits or to introduce new arguments/ evidence that could have been placed during the original proceedings. Also that the review is permissible only if there are sufficient grounds such as

discovery of new and important evidence, mistake or error apparent on the face of record or any other sufficient reason and is not an appeal in disguise. Further, the error must be self evident and should not require a process of reasoning or re-examination on merits. According to the Respondent No. 1, the Petitioner has taken the grounds for re-appreciation which are not permissible in a review.

9. According to the Respondent No. 1, the Petitioner is attempting to reagitate the issue which has been decided by the Commission and has failed to point out any manifest error which is self evident from the record. Further, the impugned order is well reasoned based on holistic well reasoned subject and documents. Also, there are no fundamental errors apparent on the face of record. According to it, the Project line of the Replying Respondent is a dedicated transmission line as per the provisions of Section 2 (16) of the Electricity Act, 2003 and compelling joint use thereof without adequate compensation would infringe on its statutory functions. Further, Section 35 of the Electricity Act, 2003 mandates unilateral sharing when there is absent surplus capacity.

10. On merits, it is averred that the Commission has duly considered each and every aspect of the matter including the alleged

Revised TEC dated 26.04.2017 (which was not annexed as a standalone document in the original Petition but referenced indirectly), the HPPTCL's correspondence and the interim Connection Agreement dated 22.11.2018. The finding in paras 81-87 of the impugned order are based on correct appreciation and the Petitioner has failed to mention as to how the Revised TEC bounds the Replying Respondent to share the dedicated line without share or compensation especially when SIA of 2015 contemplates evacuation through DUG.

11. It is also averred that the revised TEC dated 26.04.2017 has been issued without the consent of the Replying Respondent and cannot override the nature of the dedicated transmission line and also that the Interim Connection Agreement dated 22.11.2018 does not bind the Replying Respondent. Not only this, even in the STU Meeting, recommendations to adjudicate the matter only in the absence of the mutual agreement. It is further averred that the DUG was a necessary party under the SIA of 2015.

REPLY OF RESPONDENT NO. 2

12. The Respondent No. 2/ HPPTCL in its separate reply has submitted that the HPPTCL being the State Transmission Utility has

supported the claim of the Petitioner in the original Petition for evacuation of power in joint mode with Kurhed-I SHEP through the existing 33 kV dedicated line, in the interest of optimum utilization of resources/ Right of Way (RoW) corridor as the multiple dedicated lines are not in the interest of the State. Therefore, the existing RoW corridors are required to be used to their optimum capacity to ensure minimal social and environmental impacts and underlying resources of the State and the RoW cannot be kept under-utilized, as elaborated in the HPPTCL's reply in Petition No. 25 of 2025.

REPLY OF RESPONDENT NO. 3

13. The Himachal Pradesh State Electricity Board Limited (the Respondent No. 3/ HPSEBL) in its separate reply has submitted that the evacuation of power of the Petitioner's Project by utilizing the project line of the Respondent No. 1 could be feasible subject to certain conditions as enumerated in the reply to the Petition No. 25 of 2025 which may be read as part and parcel in reply to the contentions/ submissions of the Petitioner herein for the sake of brevity.

14. According to the Respondent No. 3, being a Distribution Licensee in the State of Himachal Pradesh, is mandate to purchase

the hydro power from the SHPs upto 25 MW and thus, in reply to the Petition No. 25 of 2025, detailed submissions have been made, inter alia, to facilitate the evacuation of power of the Petitioner's Project subject to some augmentation works.

15. It is averred that the Replying Respondent is not averse to the joint evacuation mode of the Project of the Petitioner with the Respondent No. 1 subject to augmentation. It is averred that the Replying Respondent has no major role in the present Petition and an appropriate order may be passed keeping in view the peculiar facts and circumstances of the case.

REPLY OF RESPONDENT NO. 5

16. The Respondent No. 5/ DoE in its separate reply has submitted that while granting the Revised Techno Economic Clearance (TEC) in respect of the Project of the Petitioner vide endorsement No. DoE/CE(TEC)/ TEC-Dera(R)/2017-631-38 dated 26.04.2017, it was mentioned as under:-

“For evacuation of power the IPP shall interface this project at switchyard of Kurhed-I SHP (4.50 MW) by constructing 33 kV S/C line from Dera SHP to Kurhed-I SHP from where the power will be further evacuated in joint mode with Kurhed-I SHP through existing 33 kV Kurhed-I Holi line upto 33 kV Holi Sub-station of the HSPEBL. The cost on account of this joint

evacuation arrangement shall be shared by the IPPs of these project on proportionate basis.”

17. The above mentioned evacuation arrangement shall be subject to the HPERC approval of “Comprehensive area wise plan for augmentation and establishing of transmission/ sub-transmission system for evacuation of power from small HEPs” which has already been submitted to the HPERC. The Transmission/ Distribution Licensee may however, also evolve alternate system(s) depending on the site conditions and subsequent developments with the approval of HPERC.

REJOINDERS

18. In rejoinder to the reply of the Respondent No. 1, the contents of the written statement filed by the Respondent No. 1 have been denied and those of the Petition have been reaffirmed.

SUBMISSIONS OF THE PARTIES

19. We have heard Ms. Shreya Chauhan, Ld. Counsel for the Petitioner, Sh. Nimesh Gupta, Ld. Counsel for the Respondent No. 1, Sh. Ashish, Law Officer for the Respondent No. 2, Sh. Kamelsh Saklani, Authorised Representative for Respondent No. 3 and Sh. Arvind Kumar, Legal Consultant for the Respondent No. 5 and have gone through the record carefully.

20. Ms. Shreya Chauhan, Ld. Counsel for the Petitioner has submitted that the impugned order suffers from errors apparent on the face of record as the Commission has not taken into consideration material which was on record and the Commission in exercise of the powers vested in it under Section 94 of the Act read with Regulation 70 of the CBR, 2024 has the power to review its order and the review be allowed in the interest of justice.

21. Sh. Nimesh Gupta, Ld. Counsel for the Respondent No. 1 on the other hand has submitted that the Petitioner has failed to demonstrate discovery of any new evidence or other sufficient reasons warranting review. According to him, the Petitioner has re-agitated the same issues/ documents which have already been considered by the Commission. He has also submitted that the Impugned order does not suffer from any errors apparent on the face of record and has relied upon the law laid down by the Hon'ble Supreme Court in Parsion Devi v. Sumitri Devi (1997) 8 SCC 715, Kamlesh Verma v. Mayawati (2013) 8 SCC 320 and Meera Bhanja v. Mirmala Kumari Choudhary (1995) 1 SCC 170.

22. Sh. Ashish, Law Officer for the Respondent No. 2 and Sh. Kamlesh Saklani, Authorised Representative for the Respondent No.

3 have submitted that the power from the Project of the Petitioner can be evacuated in joint mode through 33 kV dedicated transmission line of the Respondent No. 1 with Kurhed-I HEP (Project of the Respondent No. 1).

POINTS FOR DETERMINATION

23. We have gone through the submissions including the written submissions filed by the Petitioner and the Respondent No. 1 and perused the record carefully. On the basis of the pleadings and submissions, the following points arise for determination:-

Point No. 1: Whether there are sufficient reasons for reviewing the Order dated 27.09.2025 in Petition No. 25 of 2025?

Point No. 2: **Final Order**

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

Point No. 1: Yes.

Point No. 4: The Petition allowed per operative part of the
(Final Order) Order.

REASONS FOR FINDINGS

Point No. 1:

25. It is well settled law that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced at the time when the order was made. It may also be exercised where some mistake or error apparent on the face of the record is found but may not be exercised on the ground that the decision was erroneous on merits which is the domain of a court of appeal. While exercising the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. In this regard, reliance may be placed in *Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715 wherein it is held as under:-

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and

corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise."

26. Similarly in *Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170 it has been held by the Hon'ble Supreme Court that the review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. Para 8 of the aforesaid law is reproduced as under:-

"8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleswar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] , speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] , there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

27. A similar view has been taken by the Hon'ble Supreme Court in Ram Sahu v. Vinod Kumar Rawat, (2021) 13 SCC 1.

28. The Commission in the impugned order has clearly observed that the entire Petition was silent whether or not the Petitioner had applied for the revised TEC to the DOE or that the arrangement as proposed in the IA, SIA or TEC was not feasible or that the evacuation arrangement may be changed or modified. Para 83 of the impugned order is reproduced as under:-

“83. Surprisingly, the entire Petition is silent whether the Petitioner had applied for the revised TEC to the DoE that the arrangement as proposed in IA, SIA and TEC was not feasible and the evacuation arrangement be changed or modified. Though, vide the SIA dated 22.06.2015, the interconnection point was changed that the Project shall be interfaced with switchyard of DUG (1.50 MW) SHEP at 33 kV level for further evacuation of power in joint mode with DUG (1.50 MW) SHEP upto 33 kV Sub-station at Holi Power House of the HPSEBL but no explanation has come forward from the Petitioner as to why said arrangement was not availed or feasible especially when the expenditure of 33 kV line from DUG SHEP to Holi Power House of the HPSEBL has to be shared by both the IPPs on proportionate basis subject to the approval of the Commission. So much so, even DUG HEP has not been arrayed as a party to the Petition.”

29. At the very outset, it is relevant to mention here that the averments in the Review Petition that the Revised TEC was already on record are not based on true inspection of record as no revised TEC was ever placed on record in the main Petition and rather, only a

passing reference had been made in letter dated 02.04.2018 (Annexure P-4 to the main Petition) that the Revised TEC has been issued. Had the Revised TEC dated 26.04.2017 issued by the DoE had been placed on record, the Commission would not have been constrained to make the observations as made in Paras 81 to 87 of the impugned order.

30. The stand of the HPSEBL and the HPPTCL in Petition No. 25 of 2025 was very clear that the power from the Project of the Review Petitioner can be evacuated in a joint mode upto 33 kV Holi Sub-station through a dedicated transmission line constructed by Kurhed-I HEP subject to certain augmentation etc.

31. The Commission in Para 87 of the Impugned order has observed as under:-

“87. Thus, it can be safely concluded that unless a revised TEC and evacuation arrangement in respect of Dera HEP is issued after carrying out the detailed system study by the DoE, it cannot be said that the power of the Project of the Petitioner can be evacuated through the Project line of the Respondent No. 1 in joint mode.”

32. Therefore, the only point which weighed in the mind of the Commission for the denial of evacuation of the power from the Project of the Petitioner was that unless a Revised TEC and evacuation arrangement is issued by the DoE, after carrying out

detailed system study, it cannot be said that power of the Petitioner can be evacuated through the Project line of the Respondent No. 1.

33. Now the Petitioner has placed on record the copy of revised TEC dated 26.04.2017 (Annexure P-3 to the Review Petition) providing the revised evacuation arrangement in respect of the Project. Para xvi of said Revised TEC reads as under:-

“For evacuation of power the IPP shall interface this project at switchyard of Kurhed-I SHP (4.50 MW) by constructing 33 kV S/C line from Dera SHP to Kurhed-I SHP from where the power will be further evacuated in joint mode with Kurhed-I SHP through existing 33 kV Kurhed-I Holi line upto 33 kV Holi Sub-station of the HSPEBL. The cost on account of this joint evacuation arrangement shall be shared by the IPPs of these project on proportionate basis.”

34. It is apparent from the above revised TEC that the IPP (Dera HEP/ Petitioner) shall interface its Project at the switchyard of the Respondent No. 1 at Kurhed-I HEP by constructing a S/C 33 kV line from Dera HEP to Kurhed-I HEP wherefrom the power will be evacuated in joint mode with Kurhed-I SHP through existing 33 kV Kurhed-I Holi line upto 33 kV Holi Sub-station of the HSPEBL. It is specifically mentioned in the Revised TEC that the cost on account of this joint evacuation, the cost of joint evacuation i.e. joint transmission line and transmission equipment etc. at Holi Power House Sub-

station shall be shared by the IPPs of these project on proportionate basis.

35. However, in the TEC dated 03.12.2012 the evacuation arrangement in respect of the Project was as under:-

“xiv) For evacuation of power the IPP shall interface this project with 33 kV Sub-station at Holi Power House through 33 kV line build on double circuit structures with zero 0.15 sq.in. “WOLF” conductor in joint mode with downstream projects namely Garoh SHP and Kunkali SHP. The cost of joint transmission line and terminal equipment at Holi Power House Sub-station shall be shared by the IPPs of these projects on proportionate basis.”

In view of the above, the Commission in the impugned order was constrained to observe in Para 87 of the order that unless the revised TEC is obtained after carrying out detailed system study, the joint evacuation cannot be considered.

36. Though, the Respondent No. 1 in its reply has submitted that the line constructed by Kurhed-I HEP upto the interconnection point is a dedicated line of Kurhed-I HEP as per the provisions of Section 2 (16) of the Electricity Act, 2003 and the Respondent No. 1 cannot be compelled to share said dedicated line with the Petitioner and that the Revised TEC has been issued without the consent of the Respondent No. 1 yet said assertion of the Respondent No. 1 do not merit consideration for the simple reason that there is enough carrying

capacity in the transmission line constructed by the Respondent No. 1 upto the interconnection Point and both the Respondents No. 2 and 3 have already mentioned in their replies that the power can be evacuated through the line constructed by the Respondent No. 1 from its Project upto the Interconnection Point subject to carrying certain augmentation. Further, the revised TEC provides that the cost of the transmission line and terminal equipment at Holi Power House Sub-station shall be shared proportionally by the parties.

37. It is not in dispute that both the Projects are situated in a tough terrain having Right of Way (RoW) issue. In this regard, reference may be invited to first proviso of Sub-regulation of Regulation 8 of the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-Term, Medium-Term Intra-State Open Access and Related Matters) Regulations, 2010 which provides as under:-

“Provided that in order to optimize the use of Right of Way and/or space at the interconnection sub-station, the nodal agency may require two or more generators to inject their power at a common interconnection point in joint mode.”

38. Similarly Sub-regulations (6) and (7) of Regulation 5 of the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and

Conditions for Tariff Determination) Regulations, 2017 provides as under:-

“(6) In order to optimize the use of limited transmission/ subtransmission corridors or the limited space at the sub-stations of the licensee, the renewable energy generators may, with the approval of the licensee, enter into a suitable arrangement for joint project line(s) for two or more projects and inject power into the grid through the joint evacuation system in accordance with the principles laid down, from time to time, by the Commission.

(7) Notwithstanding anything contained in the preceding sub-regulation (6), where there are right of way problems or there are space limitations at the sub-station of the concerned licensee, the licensee may require the renewable energy generators to enter into suitable arrangement for joint project line(s) for two or more projects and inject power into the grid through the joint evacuation system.”

39. Once, the DoE has made the revised evacuation arrangement in respect of the Project of the Petitioner, the same cannot be defeated by the Respondent No. 1 claiming that the line in question is a dedicated line and its consent was not taken while revising the evacuation arrangement. The DoE being a specified agency for the purpose has revised the evacuation arrangement by weighing all the pros and cons and carrying out the technical feasibility and thus, the evacuation has to be done in the manner as provided by the DoE when there is constraint of RoW so that there is optimum utilization of the limited corridor capacity and RoW issue. The other apprehensions of the Respondent No. 1 that it shall suffer on account

of energy loss and the grid failure and such joint evacuation will also create multiplicity of disputes are also untenable as the Petitioner will construct its own line upto the Project of the Respondent No. 1 and thereafter, the power will be evacuated in a joint mode through the Project line of the Respondent No. 1 upto Holi Power House Sub-station after carrying out system study and the line losses beyond the switchyard of the Kurhed-I HEP shall be shared proportionately by both the Petitioner and the Respondent No. 1. The other contention of the Respondent No. 1 that the existing evacuation arrangement i.e. the line constructed by the Respondent No. 1 may lead to unstable grid safety is also not sustainable as both the HPSEBL and the HPPTCL have mentioned in their replies that joint evacuation is feasible as line constructed by the Respondent No. 1 upto the interconnection point at Holi Power House Sub-station has enough carrying capacity. Not only this, the cost of joint evacuation shall also be shared proportionately by the Petitioner and the Respondent No. 1 as per the Revised TEC dated 26.04.2017 meaning thereby that the Petitioner shall also have to share the cost of the line constructed by the Respondent No. 1 from the switchyard of its Project Kurhed-I HEP upto Holi Power House Sub-station and the terminal equipment

already installed by the Respondent No. 1 at Holi Power House Sub-station for the evacuation. The cost of construction of the transmission line from Dera HEP to Kurhed-I HEP as also cost of terminal equipment at Dera HEP and Kurhed-I HEP for connecting the Project of the Petitioner at the switchyard Kurhed-I HEP shall be borne by the Petitioner/ Dera HEP. However, it is relevant to mention here that the power house of the Respondent No. 1 (Kurhed-I HEP) shall have to be necessarily shut down while connecting the project of the Petitioner at the switchyard of Kurhed-I HEP. The loss of generation on this account to the Kurhed-I HEP and GoHP shall have to be borne by the Petitioner. Both the HPSEBL and the HPPTCL shall have to make the necessary arrangement of joint evacuation within the shortest possible time so that no loss of generation occurs to the Respondent No. 1/ Kurhed-I HEP and the GoHP.

40. In view of the above, the Petitioner has established on record that there are errors apparent on the face of record in the impugned order which are required to be corrected. Point No. 1 is accordingly decided in favour of the Petitioner and against the Respondent No. 1.

Final Order

41. In view of the aforesaid discussions and findings, the Petition succeeds and allowed. Consequently, Petition No. 25 of 2025 titled M/s Dera Hydro Power Private Limited vs. M/s Himachal Hydel Project Private Limited and Others is allowed subject to the following:-

- (i) The Respondent No. 1 is directed to allow the Petitioner to utilize its Project line of Kurhed-I HEP for evacuation of power from the Project of the Petitioner upto Holi Power House Sub-station.
- (ii) The Petitioner shall construct its own line upto the switchyard of Kurhed-I HEP and terminal equipment at the switchyard of the Project of the Respondent No. 1/ Kurhed-I HEP and thereafter, the power will be evacuated in a joint mode through the Project line of the Kurhed-I HEP upto the Holi Power House Sub-station after carrying out system study.
- (iii) The cost of joint evacuation and line losses beyond the switchyard of Kurhed-I HEP shall be shared proportionately by the Petitioner and the Respondent No. 1 as per the Revised TEC dated 26.04.2017.
- (iv) The Petitioner shall also share the cost of the line constructed by the Respondent No. 1 (Kurhed-I HEP) upto Holi Power House Sub-station as per the revised TEC dated 26.04.2017.
- (v) Both the parties i.e. the Petitioner and the Respondent No. 1 shall share the cost of terminal equipment already installed at Holi Power House Sub-station for the evacuation.

- (vi) The cost of construction of the transmission line from Dera HEP to Kurhed-I HEP of the Respondent No. 1 as also cost of terminal equipment to be installed at the switchyard of the Kurhed-I HEP for connecting the Dera HEP to the switchyard of Kurhed-I HEP shall be borne by the Petitioner/ Dera HEP.
- (vii) The Power House of the Respondent No. 1 (Kurhed-I HEP) shall have to be necessarily shut down while connecting the Project of the Petitioner at the switchyard of Kurhed-I HEP. The loss of generation on this account to the Kurhed-I HEP and GoHP shall have to be borne by the Petitioner.
- (viii) Both the HPSEBL and the HPPTCL shall make the necessary arrangement within shortest possible time so that no loss of generation occurs to the Respondent No. 1 and the GoHP.

42. The pending applications, if any, are also deemed to have been disposed off.

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

The file after needful be consigned to the records.

Announced
12.05.2026

-Sd-
(Shashi Kant Joshi)
Member

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