

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

Petition No: 75 of 2026
Date of Filing: 08.05.2026
Arguments Heard on: 08.09.2026
Decided on: 21.09.2026

CORAM

SHASHI KANT JOSHI
MEMBER-cum-CHAIRMAN

In the matter of:-

M/s Tidong Power Generation Pvt. Ltd.
Grover Cottage, 2nd Floor (above HDFC Home Loans)
Chotta Shimla, Kasumpti Road, Shimla-171002

.....Petitioner

Versus

1. The HP Power Transmission Corporation Ltd.,
HIMFED Bhawan, Panjari, Near MLA Quarters,
Shimla-171004.
2. The Himachal Pradesh Power Corporation Ltd.
HIMFED Building, BCS, New Shimla-171009.
3. The Himachal Pradesh State Load Despatch Centre,
SLDC Complex, Totu, Shimla, HP-171008.

.....Respondents

Petition under Regulation 38 of the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium-Term Intra-State Open Access and related matters) Regulations, 2010 read with Regulation 41 of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010 seeking grant of interim connectivity and Short-Term Open Access for additional 50 MW quantum from 3x50 MW (150 MW) Tidong-I Hydro Electric Project.

Present:-

Sh. Rohit Sharma, Senior Manager for the Petitioner.
Sh. Vikas Chauhan, Ld. Counsel for the Respondent No. 1.
Ms. Sneh Bhimta, Ld. Counsel for Respondent No. 2 with Sh.
Jitinder Dogra, DGM.

Ms. Anita Sharma, Additional Superintending Engineer for the
Respondent No. 3.

ORDER

This Petition has been filed by M/s Tidong Power Generation Private Limited (Tidong-I HEP/ Petitioner for short) under Regulation 38 of the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term, Intra-State Open Access and Related Matters) Regulations, 2010 (Open Access Regulations, 2010 for short) read with Regulation 41 of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010 seeking grant of interim connectivity and Short-Term Open Access for additional 50 MW quantum from 3x50 (150 MW) Tidong-I Hydro Electric Project (HEP for short).

SUMMARY OF PLEADINGS

2. It is averred that the Petitioner has already been granted connectivity and long term access for 100 MW. Unit No 1 of the plant is expected to achieve Commercial Operation on 07.05.2026; and Units No. 2 and 3 are on the verge of commissioning, presently on 12.05.2026 and 16.05.2026, respectively. The present urgent Petition has been necessitated to prevent bottling up of hydro power capacity of 50 MWs, despite admitted availability of adequate margins in the evacuation system.

3. As per the Petition, an earlier order of the Commission passed on 02.05.2022 in Petition No. 12/2021 and 48/2021 (Annexure P-2) covers the issue in principal, in as much as it stands concluded that (i) the Petitioner will be permitted to evacuate power under the temporary arrangement put in place by the Central Electricity Authority (CEA for short), till the time Jhangi pooling station is commissioned; and (ii) the augmentation work on the temporary arrangement, namely, re-conductoring of the LILO portion of Kashang-Wangtoo line at Tidong HEP, is required to be carried out by the Petitioner matching with the Kashang Stage II and Stage III time frame to avoid any evacuation constraints under N-1 condition. It is also averred that no appeal against the Order dated 02.05.2022 has been filed by either of the parties; and thus, the same has attained finality.

4. It is averred that the CEA meetings of 19.12.2011, 13.03.2020 and 18.06.2020, which largely forms the basis of the Order dated 02.05.2022, while suggesting the upgradation measures of the temporary arrangement had considered the entire capacity of 150 MW for Tidong HEP and 243 MW for Kashang HEP (Total 393 MW). However, since the subject matter before the Commission in that case was only 100 MW of LTA qua Tidong, therefore, no order regarding additional capacity of 50 MW was passed.

5. It is further averred that Stage II (65 MW) and Stage III (65 MW) of Kashang HEP are not likely to be commissioned in the near future; and therefore, there is no change in circumstances requiring augmentation works immediately; and the system has got adequate margins for evacuation of additional 50 MW power from Tidong HEP. Further, the Kashang Stage I (only commissioned unit) is only 65 MW and the total LTA granted on the system, including 100MWs LTA of the Petitioner is 278.10 MW and there are no other applicants seeking connectivity and/or access over the transmission system. Thus, there is enough margin on the system to accommodate the additional 50 MW of evacuation, presently as short term access, from Tidong HEP.

6. As per the Petition, M/s Nuziveedu Seeds Ltd. (NSL for short) entered into a memorandum of understanding with the Government of Himachal Pradesh (GoHP for short) to execute Tidong-1 Hydro Electric Project (100 MW), a run of the river project near village Rispa, Tehsil Moorang, Distt. Kinnaur, Himachal Pradesh and the Implementation Agreement was entered into between NSL and the GoHP on 28.07.2006 and thereafter, a Special Purpose Vehicle Company named M/s NSL Tidong Power Generation Private Limited was created for the construction of the project and a tripartite agreement was entered into between NSL, GoHP and M/s NSL Tidong Power Generation Private

Limited on 16.09.2008. On 01.08.2019, GOHP allowed NSL to change the name of the project as Tidong Power Generation Pvt. Ltd.

7. Further averred that on 30.07.2011, the Petitioner applied for grant of connectivity for 100 MW to Respondent No. 1/ HPPTCL. The Respondent No. 1/ HPPTCL sought further information regarding the application vide letter dated 02.12.2011, and the requisite certificates/No objection were provided on 02.12.2011, 20.12.2011 and 26.12.2011.

8. It is averred that in the meanwhile, in the 30th meeting of the Standing Committee of Power System Planning of the Northern Region held on 19.12.2011, the following arrangement was proposed by CEA:-

“HPPTCL informed that Tidong-I (100MW) was under construction and likely to be commissioned by December 2014. Since, Jhangi Pooling Station may not come up by December 2014, Tidong-I power shall be temporarily evacuated by LILO of one circuit of 220 kV D/C Kashang-Bhaba line at Tidong-I HEP. These works shall be carried out by HPPTCL. Later on when Jhangi P.S. is commissioned, Tidong-I Jhangi 220 kV D/C line shall be constructed and also Kashang-Jhang 220 kV D/C line with single HTLS conductor shall be established. These works are proposed to be carried out by HPPTCL.”

9. As per the Petition, the connectivity was granted to the Petitioner on 18.07.2023 for 100 MW at the ISTS at LILO point of 220 kV Kashang-Wangtoo-Bhaba D/C line; and the connection agreement for 100 MW was signed on 11.03.2014. Thereafter, the Petitioner in accordance with Open Access Regulation, 2010, filed an application on 06.10.2019 for grant of Long Term Open Access (LTOA) for 100 MW, with requisite

documents. The said application was allowed vide letter dated 29.10.2019 and the Respondent No. 1/HPPTCL intimated grant of long term access in respect of Project on transmission system- 220 kV Kashang-Wangtoo-Bhaba D/C line and 400/200/66 kV Sub-station at Wangtoo by LILO of 400 kV Karchham-Wangtoo-Abdullapur D/C line of PGCIL and LILO of 220 kV Kashang-Bhaba D/C line at Wangtoo.

10. It is averred that on 20.01.2020, the Petitioner informed the Respondent No.1/ HPPTCL that it has received in-principle approval from the Directorate of Energy (DoE for short) for enhancing the capacity of the project from 100 MW to 150 MW and fresh TOR for the 3rd unit of 50 MW from the Ministry of Environment, Forest and Climate Change (MoEF for short) and requested for approval of evacuation of the additional 50MW power from the project.

11. As per the Petition, the issue of evacuation of power of Tidong-I HEP was again considered by the CEA in its meeting held on 13.03.2020 (Annexure P-6), and was observed as under:-

“the evacuation system of Tidong-I HEP consists of LILO of one circuit of 220 kV Kashang-Bhaba D/C line (with Zebra conductor) at Tidong-I. HPPTCL informed that LTA was granted to Tidong-I as per 100 MW capacity of through LILO of the line, as only one unit of Kashang-I HEP was available of 65 MW and there was no certainty of Kashang-II & III & IV (2x65+48 MW) due to water shortage. Subsequently, there was proposal of diverging water from other canal for Kashang II-IV, the issues has been cleared by National Green Tribunal and as of now the expected commissioning date Kashang II and the other

units is by 2024/2025. With this the combined capacity of Tidong-I (150 MW) + Kashang-I, II, III & IV (243 MW) would be 393 MW. With one double circuit line from Kashang-Wangtoo, the existing evacuation arrangement needs upgradation to utilize this capacity with n-1 outage criteria.”

12. It is averred that the CEA accepted the proposal of the Respondent

No. 1/ HPPTCL for evacuation of Power and proposed as under:-

“Considering the site condition and the urgent need for Tidong to evacuate its power, the HPPTCL proposal with the following system was agreed for evacuation of power from Tidong (150 MW) and Kashang HPEs stage I to IV (243 MW)

i) Re-conductoring of the 220 kV Kashang to Wangtoo line and 220 kV Kashang-Bogtu-Wangtoo line with HTLS conductor.

ii) LILO of Kashang-Wangtoo 200kV line (direct line) at Tidong HEP Sw. yard with HTLS conductor.

HPPTCL further requested that they are planning to include this proposal in GEC-I as some funds are left. For, this, CEA stated that as the timeline of GEC-I is December, 2020, therefore it would be difficult to reconductor the line in that time frame.

b) Transformation capacity at Wangtoo

HPPTCL stated that there are 7 single phase, 400/220kV transformers at Wangtoo S/s, with a total of 630 MVA capacity, including one spare unit. HPPTCL enquired whether this S/s can be considered as n-1 complaint.

In this regard, CTU stated that under n-1 condition, capacity left would be 315 MVA and the time gap required for the spare unit to come into service is around 10-12 hours. Therefore, spare unit cannot be considered to meet n-1 condition.

HPPTCL stated that there is space constraint at Wangtoo S/s therefore it is difficult to augment the transformer capacity at Wangtoo.

CEA stated that augmentation may not be required with implementation of Tidong-I HEP. However, with other units of Kashang HEP, the augmentation may be required. HPPTCL suggested that at that time, the proposal of

Jhangji 400/220 kV PS needs to be considered and the Tidong HEP could be connected with Jhangji PS.”

However, in the month of June, 2020, the CEA re-considered the matter of evacuation of Power of Tidong-I HEP on the request of Tidong-I HEP and vide letter dated 18.06.2020 (Annexure P-4) had proposed the following arrangement:-

“(1) Tidong-I may execute the LILO of one circuit of the Kashang-Wangtoo line at Tidong HEP with ACSR Zebra conductor to evacuate its power.

(2) Based on the timeframe of Kashang-II, III, IV, HPPTCL to carry out reconductoring of Kashang-Wangtoo line and Kashang-Bogtu-Wangtoo line. Tidong developer should also reconductor, the LILO portion of the Kashang-Wangtoo line at Tidong HEP, matching with the KashangII, III and IV time frame, so that there is no power evacuation constraint from Kashang HEP under N-I condition.

(3) In the event of any power evacuation constraint during any line outage, adequate backdown should be carried out by the Tidong HEP in consultation with the SLDC.

(4) In case of outage of transformer at Wangtoo, the loss of generation if any shall be borne by Kashang and Tidong-I in proportion to their generation.

(5) On commissioning of Jhangji Pooling Station, Tidong-I HEP would also be connected to Jhangji Pooling Station.”

13. As per the Petition, the GoHP and the Petitioner executed the Supplementary Implementation Agreement (SIA for short) on 06.01.2021 (Annexure P-5) for the enhanced capacity of 150 MW of the project.

14. As per the Petition, the Respondent No. 1/ HPPTCL refused to sign the LTOA agreement for 100 MW, inter-alia on the ground that the Petitioner’s connectivity and access to use the Kashang-Bhaba line is

temporary in nature till setting up of Jhangi Sub-station and commissioning of units-II and III of the Kashang Project of the Respondent No. 2/ HPPCL. Aggrieved thereby, the Petitioner filed Petition No. 12 of 2021 before the Commission on 02.02.2021 seeking grant of Long-Term Access for 100 MW of the Project. The said Petition was considered and decided by the Commission alongwith Petition No. 48/2021 of the Respondent No. 2/ HPPCL vide order dated 02.05.2022 (Annexure P-2) and held as under:-

“67. In view of our above said discussion and findings on points No. 1 to 3, both the Petitions succeed in part and allowed partly. The Respondent HPPTCL is directed to reconsider the LTA dated 29.09.2019 granted to the Petitioner Tidong-I HEP for a period of 25 years and grant such LTA restricting the same till commissioning of Jhangi Pooling Station.

68. The HPPTCL is also directed to consider the LTA application of IKHEP for Stages II and III and grant the LTA to them in accordance with the Open Access Regulations, 2010 within a period of 30 days from today.

69. However, the claim of the HPPCL in Petition No. 48/2021 that Kashang-Bhaba Transmission line is dedicated line for IKHEP is rejected.

70. It is ordered that in the event of power evacuation constraints during any line outage, the adequate backdown should be carried out proportionately by Tidong-I HEP and IKHEP Stages II and III.

71. It is also ordered that Tidong-I HEP has to execute the LILO of one circuit of Kashang-Wangtoo line at Tidong HEP with ACSR Zebra conductor to evacuate its power. Further the Tidong-I HEP will also reconductor the LILO portion of Kashang-Wangtoo line at Tidong HEP, matching with the Kashang Stages II and III time frame so that there is no power evacuation constraints from Kashang HEP under N-1 condition.

72. The HPPTCL is also directed to take up the matter with the concerned authorities for speeding up of the work of construction of Jhangi Pooling Station and if there are

some hindrances, to take appropriate steps for getting the same removed so that there is smooth evacuation of Power.”

15. It is further averred that on 03.06.2022, LTA agreement for 100 MW was executed between the Petitioner and the Respondent No. 1/ HPPTCL (Annexure P-6) and subsequently, on the same day 2nd Supplementary Implementation Agreement (Annexure P-7) was also executed to amend clause 5.1 of the IA dated 28.07.2006. Thereafter, 3rd Supplementary Implementation Agreement (**Annexure P-8**) was executed on 24.02.2026 between the Petitioner and the GoHP to amend Clauses 5.1, 5.30 and 13.2 of the IA dated 28.07.2006.

16. It is averred that pursuant to the enhanced capacity of the Project, the Petitioner requested the Respondent No. 1/ HPPTCL for grant of connectivity for the additional 50MW (3rd unit of 3 x 50MW) vide application dated 06.04.2026. In response thereto, Respondent No. 1/ HPPTCL while affirming that permitting evacuation of the additional 50 MW from the Tidong-I HEP is not adverse from a system operation perspective but being a regulated transmission utility, it lacks any enabling provision under the applicable Regulations to independently grant such additional/interim connectivity.

17. As per the Petition, the Petitioner has also submitted its application for Short Term Open Access (Annexure P-9) for the additional 50 MW for

the period 16.05.2026 to 31.05.2026 to the Respondent No. 3/ HPSLDC on 07.05.2026.

RESPONSE OF THE RESPONDENTS

18. The Petition has been resisted and contested by the Respondents by filing separate replies.

REPLY OF THE RESPONDENT NO. 1

19. The Respondent No. 1/ HPPTCL in its reply has averred that it is not averse to the prayer of the petitioner seeking grant of interim connectivity for the balance 50 MW quantum from its Tidong-I HEP 150 MW (3x50 MW), over and above the existing 100 MW already granted connectivity through the transmission system. The Petitioner through his Counsel during the hearing before the Commission on 15.05.2026 undertaken that it is willing and ready to file the application for Medium Term Open Access and the Replying Respondent No. 1 has complied with the interim order dated 15.05.2026 of the Commission and has granted interim connectivity for the said balance 50 MW capacity of the Petitioner's 3x50 MW (150 MW) Tidong-I HEP through the existing evacuation system, i.e. LILO of 220kV Kashang-Wangtoo D/C Line, moreover, the Petitioner has also duly complied with the procedural requirements in order to secure the interim connectivity with the Replying Respondent No. 1 and is now required to apply for the MTOA as soon as possible.

20. It is also averred that the CEA in a meeting in the year, 2020 has discussed the Revision of Master Plan for the State of H.P and the evacuation arrangement of Tidong-1 HEP (3x50 MW) was also discussed therein. Based on the deliberations in the meeting and considering the site condition, the CEA agreed for evacuation of power from Tidong-I (150 MW) and Kashang HEPs Stage I to IV (243 MW) with certain proposed changes in the evacuation arrangement from Tidong-I (150 MW) which were intimated to the Replying Respondent No. 1 vide letter dated 18.06.2020 which are as follows:-

- “(1) Tidong-I may execute the LILO of one circuit of the Kashang-Wangtoo line at Tidong HEP with ACSR Zebra conductor to evacuate its power.*
- (2) Based on the timeframe of Kashang-II, III, IV, HPPTCL to carry out reconductoring of Kashang-Wangtoo line and Kashang-Bogtu-Wangtoo line. Tidong developer should also reconduct, the LILO portion of the Kashang-Wangtoo line at Tidong HEP, matching with the Kashang II, III and IV time frame, so that there is no power evacuation constraint from Kashang HEP under N-I condition.*
- (3) In the event of any power evacuation constraint during any line outage, adequate backdown should be carried out by the Tidong HEP in consultation with the SLDC*
- (4) In case of outage of transformer at Wangtoo, the loss of generation if any shall be borne by Kashang and Tidong-I in proportion to their generation.*
- (5) On commissioning of Jhangi Pooling Station, Tidong-I HEP would also be connected to Jhangi Pooling Station.”*

21. It is averred that the Commission vide its Order dated 02.05.2022 in Petition No. 12 of 2021 and Petition No. 48 of 2021 (Annexure P-2) had categorically held that the Kashang-Bhaba line is not a dedicated line and is an asset of the Replying Respondent No. 1. Further averred that the Commission after taking into consideration the

proposal/arrangement made by CEA in its meeting held on 19.12.2011, 13.03.2020 and subsequent letter dated 18.06.2020, had observed/held as under:-

“57. As observed above, the CEA is vested with the Powers of making transmission plans under Section 73 of the Act. Therefore, the arrangement as proposed by the CEA was required to be followed in the facts and circumstances of the matter and the evacuation arrangement is required to be in accordance with the arrangement made by the CEA.

58. Ultimately the power has to be evacuated and the CEA has already proposed the evacuation arrangement in its meeting held on 19.12.2011 and 13.03.2020 and 18.06.2020. The arrangement though is interim in nature as proposed and suggested by the CEA but will continue till the construction and commissioning of Jhangi Pooling Station. Therefore, there was no occasion for the HPPTCL to ask the Tidong-I for signing of MTOA.

59. It emerges from the record that as per the proposed arrangement suggested for the Tidong-I HEP and IKHEP, by the CEA, ultimately the Tidong-I shall be connected to Jhangi Pooling Station on its Commissioning. Both Tidong-1 HEP and HPPTCL have been required to do some work by the CEA vide letter dated 18.06.2020 so that there is smooth evacuation of Power of Tidong-I. It is also apparent from the record that the application of HPPCL dated 09.10.2019 for LTA of (IKHEP Stages II and III) is pending with HPPTCL. The carrying capacity of Kashang-Bhaba Line is enough to accommodate Tidong-1 HEP and Stages II and III of IKHEP. The said line is Double Circuit line. Though, the Scheduled date of commissioning of IKHEP Stages II and III are said to be 2024-25 but as per reply to the interrogatories sought by Tidong-I HEP, HPPCL has stated that Stages II and III may be delayed. Therefore, in view of uncertainly of the completion of dates of IKHEP Stages II and III, it is unlikely that there would be any problem of evacuation of Power of Tidong-1 HEP (100 MW) for which LTA has already been issued.”

22. It is further averred that the Commission vide Order dated 02.05.2022 (Annexure P-2) directed the Replying Respondent No. 1 to reconsider the LTA granted to the Tidong-I HEP restricting the same till commissioning of Jhangi Pooling Station and also directed to consider the LTA application of IKHEP (of the HPPCL) for Stages II and III and

grant them LTA which were duly complied with by the Replying Respondent No. 1.

23. It is averred that the Commission, while considering the evacuation arrangement proposed by the Central Electricity Authority (CEA), vide Order dated 02.05.2022 (Annexure P-2), ordered that in the event of power evacuation constraints during any line outage, adequate backdown shall be carried out proportionately by Tidong-I HEP and IKHEP Stages II and III.

24. It is also averred that, as observed by the CEA and not disturbed by the Commission, the 220 kV Kashang-Wangtoo (Bhaba) D/C Line, being a D/C line, has adequate carrying capacity under N-0 condition, and would have adequate carrying capacity under N-1 criteria upon completion of HTLS reconductoring of the line by HPPTCL and Tidong, so as to accommodate Tidong-I HEP along with Stage II and Stage III of IKHEP (of HPPCL). It is further averred that the connectivity extended to the Petitioner on the Kashang-Wangtoo system is interim in nature, being intended to subsist only until the commissioning of the 400/220 kV Jhangi Sub-station. Accordingly, the connectivity for the balance 50 MW quantum of Tidong-I HEP (3x50 MW), over and above the existing LTA of 100 MW, may be granted to the Petitioner on the existing Kashang-Wangtoo D/C Line on the same terms and conditions as the existing LTA, up to the commissioning of the Jhangi Substation, with the

transmission charges for the said 50 MW being payable on the same terms as allowed by the Commission in its order dated 02.05.2022 (Annexure P-2) or as may be deemed fit by the Commission.

25. It is averred that in the event of allowing the connectivity(interim) of balance 50 MW to the Petitioner's Tidong-I HEP on the existing transmission system of the Replying Respondent No. 1, the same may not be construed as an amendment/ modification to the existing LTOA/ LTA dated 03.06.2022 already granted/executed in favour of the Petitioner for 100 MW of its capacity. Further, the said additional connectivity to the Petitioner may also not be construed as an amendment/modification to the existing LTOA/LTA dated 10.01.2020 (Stage I) and 08.07.2022 (Stage II & III) granted/executed in favour of the Respondent No.2/ HPPCL for its Stage I to III of IKHEP. The Petitioner and the Respondent No. 2 shall continue to be bound by the terms and conditions of the already existing LTOA/LTA entered upon with the Replying Respondent No. 1 including the payment of applicable transmission charges therein. Further, the Commission may also take into consideration the CEA minutes of meeting dated 13.03.2020 (Annexure P-3), the CEA letter dated 18.06.2020 (Annexure P-4) and the Order dated 02.05.2022 (Annexure P-2) for the just adjudication of the matter in hand.

RESPONSE OF THE RESPONDENT No. 2/ HPPCL

26. The Replying Respondent No. 2/ HPPCL in its separate reply has averred that it is presently implementing a 3x65 MW Integrated Kashang Hydro Electric Project in District Kinnaur, Himachal Pradesh and that the Replying Respondent No. 2/ HPPCL had entered into an agreement for Long Term Access with Respondent No. 1/ HPPTCL on 10.01.2020 for a period of 25 years i.e. upto 2044 and was granted connectivity and Long Term Access (LTA) for a quantum of 65 MW for evacuation of power from Kashang HEP. Thereafter, the Replying Respondent No. 2/ HPPCL entered into another agreement for Long Term Access with Respondent No. 1/ HPPTCL on 08.07.2022 for a period of 25 years. The Replying Respondent No. 2 was granted connectivity for another 113.1 MW. It is also averred that the Replying Respondent No. 2/ HPPCL was thus granted connectivity and Long Term Access for a total quantum of 178.1 MW out of which 65 MW is already operationalized, whereas the remaining 113.1 MW is scheduled to be operationalized on 30.06.2026, however, the same shall remain unutilized owing to delay in commissioning of Kashang Stage II & III due to various reasons beyond the control of the Replying Respondent No. 2/ HPPCL. Copies of the Long-Term Agreement dated 10.01.2020 and 08.07.2022 have been annexed with reply as Annexure R/2-1 (colly).

27. It is also averred that the total LTA granted on the system is 278.1 MW i.e. 100 MWs LTA of the Petitioner and 178.1 MWS LTA allocated to the Replying Respondent No. 2/ HPPCL. Further averred that since only 65 MW-Kashang Stage I (only commissioned unit) of the LTA is being utilized by the Replying Respondent No. 2/ HPPCL and Stage II and Stage III (113.1 MW) of the Kashang HEP are not likely to be commissioned, therefore, the Petitioner has sought interim connectivity for additional 50 MW quantum from 3 x 50 (150 MW) Tidong-1 HEP, as there are no other applicants seeking connectivity and/or access over the transmission system. It is further mentioned that the aforesaid matter/issue was also taken up as Agenda Item No. 1 during the STU Consultation Meeting held on 04.05.2026 and during deliberations the Replying Respondent No. 2/ HPPCL had also intimated the stakeholders that Kashang Stage II & III HEP (113.1 MW) was not likely to be commissioned in the immediate future and therefore accordingly, the stakeholders observed that temporary evacuation of additional 50 MW from Tidong HEP may be technically feasible in short term. It was also specifically observed that the subject transmission corridor already stands commercially booked under the existing connectivity/ LTA approvals and the Respondent No. 1/ HPPTCL, under the prevailing regulatory framework is not in a position to grant additional connectivity on conditional/interim basis. Thus, in view of the facts and admitted

position that the project of the Replying Respondent No. 2/ HPPCL was not likely to commission in near future and the remaining 113.1(MW) LTA granted on the system to the Replying Respondent No. 2 would be unutilized, it was concluded at the meeting that short term technical feasibility appears to exist, however, the matter involves regulations dispensation, which is beyond the powers of HPPTCL/STU, therefore, the Petitioner was directed to approach the Commission. The copy of the minutes of the meeting of the STU held on 04.05.2026 has been annexed as Annexure R/2-2.

28. It is further averred that in view of the minutes of the STU meeting (Annexure R/2-2), the Petitioner approached the Replying Respondent No. 2/ HPPCL seeking issuance of a No Objection Certificate (NOC) for temporary utilization of 50 MW capacity on the 220 kV D/C Kashang-Wangtoo transmission line for a period of three years since Unit II (65 MW) and Unit III of Kashang (65 MW) were not likely to achieve connectivity within next three years. Copy of the letter seeking NOC by the Petitioner has been annexed as Annexure R/2-3. It is averred that considering the facts and circumstances of the case, the Replying Respondent No. 2/ HPPCL vide letter dated 13.05.2026 had granted a conditional and temporary NOC permitting utilization of 50 MW capacity out of the unutilized LTA quantum allocated to the Replying Respondent No. 2/ HPPCL i.e. 113.1 MW. The NOC was also granted subject to the

condition that all liabilities, charges and obligations associated with temporary utilization of the said 50 MW capacity shall be borne exclusively by the Petitioner including but not limited to transmission charges, connectivity charges, DSM charges etc. Copy of the letter dated 13.05.2026 has been annexed as Annexure R/2-4.

29. It is also averred that the Commission, taking into consideration the No Objection Certificate dated 13.05.2026 issued by the Replying Respondent No. 2/ HPPCL in favour of the Petitioner and the fact that project of the Replying Respondent No. 2/ HPPCL is not likely to commission, granted Short Term Access to the Petitioner whose project would commission within a fortnight and the Petitioner also undertook to file an application for Medium Term Open Access, the Respondent No. 1/ HPPTCL to grant connectivity for carrying additional 50 MW quantum from 3X50 MW Tidong-1 HEP on the existing evacuation system.

30. The Replying Respondent No. 2/ HPPCL has further reiterated that since Kashang Stage II and III are presently delayed and are unlikely to achieve commissioning by the scheduled operationalization date' of the LTA i.e. 30.06.2026, the Replying Respondent No. 2/ HPPCL by invoking the Force Majeure Clause of the Agreement of Long Term Access (LTA) has already requested Respondent No. 1/ HPPTCL to revise the operationalization dated of the LTA pertaining to 113.1 MW (unutilised quantum) to 31.12.2030 which is the anticipated Commercial Operation

Date. Copy of the letter dated 18.05.2026 has been annexed as Annexure R/2-5. It is further mentioned that the Kashang Stage II & III have experienced delay due to various reasons beyond the control of the Replying Respondent No. 2/ HPPCL which includes geological surprises, technical/contractual constraints, etc. details whereof have been annexed with Annexure R/2-5.

31. It is also averred that pursuant to the Order of the Commission, interim connectivity for additional 50 MW has been granted to the Petitioner by Respondent No. 1/ HPPTCL vide letter dated 16.05.2026, copy of which has been annexed as Annexure R/2-6. It is further averred that since, the entire corridor of 278.1 MW including 100MW of the Petitioner and 178.1 (65 MW +113.1 MW) is commercially booked and as such 50 MW out of 113.1 (MW) allocated to the Replying Respondent No. 2/ HPPCL is now being utilized by the Petitioner, therefore the Petitioner is liable to pay the transmission charges in respect of the additional 50 MW quantum and the Replying Respondent No. 2/ HPPCL is not liable to pay any charges to Respondent No. 1/ HPPTCL for the said quantum of 50 MW since the unutilized LTA has been reallocated and is being utilized by Tidong HEP and, therefore, the transmission charges for the said quantum shall be adjusted or waived for the Replying Respondent No. 2/ HPPCL, otherwise it would result in unjustified commercial implications and regulatory inconsistency.

RESPONSE OF THE RESPONDENT No. 3

32. The Replying Respondent No. 3/ HPSLDC in its separate reply has averred that the Petitioner may be directed to obtain connectivity and seek Long-Term, Medium-Term or Short-Term Open Access under the relevant Regulations for the additional capacity of 50 MW.

SUBMISSIONS OF THE PARTIES

33. Heard Sh. Rohit Sharma, Senior Manager for the Petitioner, Sh. Vikas Chauhan, Ld. Counsel for Respondent No. 1, Ms. Sneh Bhimta, Ld. Counsel for the Respondent No. 2 and Ms. Anita Sharma, Additional Superintending Engineer for Respondent No. 3 and have pursued the entire record with minutes care.

POINTS FOR DETERMINATION

34. I have gone through the submissions including the written submissions filed by the Petitioner and perused the record carefully. On the basis of the pleadings and submissions, the following points arise for determination:-

Point No. 1: Whether the Petitioner can be granted interim connectivity for additional 50 MW for 3x50 MW Tidong-I HEP on the existing evacuation system for which LTA has been granted for 278.1 MW, i.e. 100 MW LTA for the Petitioner and 178.1 MW LTA for the Respondent No. 2/ HPPCL by the Respondent No. 1/ HPPTCL?

Point No. 2: Final Order.

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

Point No. 1: Yes.

Point No. 2: The Petition allowed per operative part of the Order.
(Final Order)

REASONS FOR FINDINGS

Point No. 1:

36. It is admitted case of the parties that the Petitioner has been granted connectivity and Long Term Access for 100 MW as per the Agreement for Long Term Access executed on 03.06.2022 (Annexure P-6). It is also admitted by the parties that CEA meetings held on 19.12.2011, 13.03.2020 and 18.06.2020 largely forms the basis of the Order dated 02.05.2022 passed in Petition No. 12/2021 and 48/2021 vide Order dated 02.05.2022 while suggesting the upgradation measures of temporary arrangement for the entire capacity of 150 MW for Tidong HEP and 243 MW for Kashang HEP (Total 393 MW). However, the subject matter before the Commission in that case was only for 100 MW of LTA for Tidong HEP, therefore, no order regarding additional capacity of 50 MW was passed. It is also admitted case of the parties that Stage-II (65 MW) and Stage-III (65 MW) of Kashang HEP are not likely to be commissioned in the near future and there is no change in circumstances requiring augmentation works immediately and the

system has got adequate margin for evacuation of additional 50 MW power from Tidong HEP. There are no other applicants seeking connectivity and/ or access over the transmission system. It is admitted by the parties that the connectivity for 100 MW was granted to the Petitioner on 18.07.2023 at the ISTS at LILO point of 220 kV Kashang-Wangtoo-Bhabha D/C line and the connection agreement for 100 MW was signed on 11.03.2014. Thereafter, the Petitioner in accordance with the Open Access Regulations, 2010 filed an application on 06.10.2019 for grant of Long Term Open Access for 100 MW which was allowed vide letter dated 29.10.2019 by the Respondent No. 1/ HPPTCL. It is also not disputed that the Petitioner informed the Respondent No. 1/ HPPTCL that it has received in-principle approval from the DoE for enhancing the capacity of the Project from 100 MW to 150 MWs and fresh TOR for the 3rd unit of 50 MW from MoEF. The issue of evacuation of power of Tidong-I HEP was again considered by the CEA in its meeting held on 13.03.2020 (Annexure P-6) and accepted the proposal of the Respondent No. 1/ HPPTCL for evacuation of power. The Petitioner executed the SIA on 06.01.2021 (Annexure P-5) for the enhanced capacity of 150 MW. It is also admitted case of the parties that on 03.06.2022 2nd SIA was also executed to amend Clause 5.1 of the IA dated 28.07.2006 and thereafter, 3rd SIA (Annexure P-8) was executed

on 24.02.2026 between the Petitioner and the GoHP to amended Clauses 5.1, 5.30 and 13.2 of the IA dated 28.07.2006.

37. Sh. Rohit Sharma, Senior Manager for the Petitioner has argued that in pursuant to the enhanced capacity of the Project, the Petitioner has requested the Respondent No. 1/ HPPTCL for grant of interim connectivity for the additional 50 MW (3rd unit of 3x50 MW) vide application dated 06.04.2026 and in response thereto the Respondent No. 1/ HPPTCL while affirming that permitting evacuation of additional 50 MW from Tidong-I HEP is not adverse from the system operation perspective but being a regulated transmission utility, it lacks any enabling provision under the applicable regulations to independently grant such additional/ interim connectivity. He has further argued that the Petitioner has applied for Short Term Open Access as per application (Annexure P-9) for the additional 50 MW for the period 16.05.2026 to 31.05.2026 to the Respondent No. 3/ HPSLDC on 07.05.2026.

38. Sh. Rohit Sharma, Senior Manager has also placed on record written submissions in the form of affidavit on behalf of the Petitioner wherein, he has stated that the Respondent No. 2/ HPPCL has granted NOC for grant of connectivity to the Petitioner for the additional quantum of 50 MW on the terms and conditions mentioned in its letter dated 13.05.2026. He has further submitted that the Commission vide its order dated 15.05.2026 directed the Respondent No. 1/ HPPTCL to grant

interim connectivity for carrying the additional 50 MW quantum from the 3x50 MW Tidong-I HEP on the existing evacuation system. Pursuant to the directions of the Commission, the interim connectivity for the additional 50 MW quantum was granted on 16.05.2026 immediately after the passing of the said order. He has further submitted that the Respondent No. 1/ HPPTCL has shared the relevant connection details bearing reference No. "CON-5" alongwith the draft Interim Connection Agreement with the Petitioner on 25.05.2026 for completion of necessary formalities in respect of the interim connectivity. Pursuant thereto the Interim Connection Agreement was duly executed between the Petitioner and the HPPTCL on 22.05.2026 thereby completing the necessary contractual formalities in compliance of the interim Order of the Commission dated 15.05.2026. He has further submitted that the Petitioner, subsequent to the grant of Interim Connectivity, has also proceeded for applying Medium-Term Open Access (MTOA) for the additional 50 MW as per the provisions of the relevant Regulations and MTOA agreement was duly executed on 05.08.2026, securing the MTOA arrangement for the additional 50 MW. Lastly, he has prayed that the Petition may be disposed off with the direction to the parties to abide by the terms and conditions of NOC dated 13.05.2026 issued by the Respondent No. 2/ HPPCL, Interim Connectivity Agreement dated 22.05.2026 and the MTOA Agreement dated 05.08.2026.

39. Sh. Vikas Chauhan, Ld. Counsel for the Respondent No. 1/ HPPTCL, has argued that the Respondent No. 1 is not averse to the prayer of the Petitioner for grant of interim connectivity for the additional 50 MW from its Tidong-I HEP 150 MW (3x50 MW) over and above the existing 100 MW already granted connectivity through the transmission system. He further argued that the Petitioner has already undertaken before the Commission on 15.05.2026 that it is willing and ready to apply for MTOA and the Respondent No. 1/ HPPTCL has already complied with the Interim Order of the Commission dated 15.05.2026 and has granted the interim connectivity for the said additional 50 MW as prayed. As per him, the Interim connectivity for the said additional 50 MW has been provided through the existing evacuation system i.e. LILO of 220 kV Kashang-Wangtoo D/C line. He has further pointed out that the CEA in a meeting in the year, 2020 has discussed the revised master plan for the State of H.P. wherein, it has discussed the evacuation arrangement of Tidong-I HEP (3x50 MW) and agreed for evacuation of power from Tidong-I HEP (150 MW) and Kashang HEPs Stage-I to IV (243 MW) with certain proposed changes in the evacuation arrangement from Tidong-I HEP (150 MW) which were conveyed to the Respondent No. 1/ HPPTCL vide letter dated 18.06.2020. He also argued that the Commission in its Order dated 02.05.2022 in Petition No. 12 of 2021 and Petition No. 48 of 2021 (Annexure P-2) had categorically held that the Kashang Bhaba line

is not a dedicated line and is an asset of the Respondent No. 1/ HPPTCL. He has further pointed out that the Commission in its Order dated 02.05.2022 has made it clear that in the event of power evacuation constraints during any line outage, adequate backdown shall be carried out proportionately by the Tidong-I HEP and IKHEP Stage II and III. The Ld. Counsel for the Respondent No. 1 also submitted that the connectivity extended to the Petitioner on the Kashang-Wangtoo is interim in nature and intended to be subsist only until the commissioning of 400/220 kV Jhangi Sub-station. The Ld. Counsel also submitted that in the event of allowing the interim connectivity of additional 50 MW to the Petitioner's Tidong-I HEP on the existing transmission system of the Respondent No. 1/ HPPTCL, the same may not be construed as an amendment/ modification to the existing LTOA/ LTA dated 03.06.2020 executed in favour of the Petitioner for 100 MW capacity and that the said additional connectivity to the Petitioner may also not be construed as an amendment/ modification to the existing LTOA/ LTA dated 10.01.2020 (Stage-I) and 08.07.2022 (Stage-II and III) executed in favour of the Respondent No. 2/ HPPCL for its Stage-I to III of IKHEP and that the Petitioner and the Respondent No. 2/ HPPCL should continue to be bound by the terms and conditions of the already existing LTOA/ LTA including the payment of applicable transmission charges. Lastly, he has prayed that the Commission while disposing off the Petition may also

take it into consideration the CEA minutes of meeting dated 13.03.2020 (Annexure P-3), CEA letter dated 18.06.2020 (Annexure P-2) and the Order of the Commission dated 02.05.2022 (Annexure P-2) for the just adjudication of the matter.

40. Ms. Sneh Bhimta, Ld. Counsel for the Respondent No. 2/ HPPCL argued that the Respondent No. 2 is implementing a 3x65 MW Integrated Kashang HEP in Distt. Kinnaur and had entered into an agreement with the Respondent No. 1/ HPPTCL on 10.01.2020 for LTA for a period of 25 years and was granted connectivity and LTA for 65 MW for evacuation of power from Kashang HEP. The Respondent No. 2 has also entered into another agreement for LTA with the Respondent No. 1/ HPPTCL for a period of 25 years on 08.07.2022 and that the Respondent No. 2/ HPPCL was granted connectivity for another 113.1 MW and thus, granted connectivity and LTA for the total quantum of 178.1 MW out of which 65 MW is already operationalized and the remaining 113.1 MW is scheduled to be operationalized on 30.06.2026. She has further submitted that the same shall remain unutilized owing to delay in commissioning of Kashang Stage-II and III due to various reasons beyond the control of Respondent No. 2/ HPPCL. She has argued that the Stage-II and Stage-III (113.1 MW) of the Kashang HEP are not likely to be commissioned, therefore, the Petitioner has sought interim connectivity for additional 50 MW from 3x50 MW Tidong-I HEP as

there are no other applicants seeking connectivity and access over the transmission system. She further pointed out that this issue was also taken up during the STU meeting held on 04.05.2026 and during the deliberations the Respondent No. 2 also intimated the stakeholders that Kashang Stage-II and III HEP (113.1 MW) was not likely to be commissioned in the immediate future and the stakeholders observed that temporary evacuation of additional 50 MW from Tidong-I HEP may be technically feasible in short-term. She further point out that it was concluded at the meeting that Short-term technical feasibility appears to exist, however, the matter involves dispensation of Regulations which is beyond the power of the HPPTCL/ STU, therefore, the Petitioner was directed to approach the Commission. She further argued that the Petitioner, in view of the minutes of the meeting of the STU, approached the Respondent No. 2 for issuance of NOC for temporary utilization of additional 50 MW on the 220 kV D/C Kashang-Wangtoo transmission line for a period of three years, since, Unit-II (65 MW) and Unit-III (65 MW) of Kashang were not likely to achieve comissioning within the next three years. The Respondent No. 2/ HPPCL in view of the facts and circumstances of the case granted temporary NOC vide letter dated 13.05.2026 to the Petitioner permitting utilization of 50 MW capacity out of the utilized LTA allocated to the Respondent No. 2 subject to the condition that all liabilities, charges shall be borne exclusively by the

Petitioner including but not limited to transmission charges, connectivity charges, DSM charges etc. The Ld. Counsel for the Respondent No. 2 also reiterated that Kashang Stage-II and III are presently delayed and are unlikely to achieve commissioning by the scheduled operationalization date of the LTA i.e. 30.06.2026 and has already requested the Respondent No. 1/ HPPTCL to revise the operationalization of the LTA pertaining to 113.1 MW (unutilized quantum) to 31.12.2030 by invoking the force majeure clause of the LTA agreement. The Ld. Counsel for the Respondent No. 2 has prayed that pursuant to the Order of the Commission, interim connectivity for additional 50 MW has been granted to the Petitioner by the Respondent No. 1, therefore, the Petitioner is liable to pay the transmission charges in respect of the additional 50 MW capacity and the Respondent No. 2 is not liable to pay any charges to the Respondent No. 1 for the said quantum of 50 MW since the unutilized LTA is being utilized by the Tidong-I HEP, therefore, the transmission charges for the said quantum should be adjusted or waived for the Respondent No. 2/ HPPCL, otherwise it would result in unjustified commercial implications and regulatory inconsistency.

41. Ms. Anita Sharma, Additional Superintending Engineer for the Respondent No. 3/ HPSLDC has submitted that the Petitioner may be directed to obtain connectivity and seeking Long-Term, Medium-Term or

Short-Term Open Access under the relevant Regulations for the additional capacity of 50 MW.

42. In view of the aforesaid submissions, pleadings and the replies filed by the Respondents, it is concluded that the prayer of the Petitioner for grant of interim connectivity for the additional 50 MW of Tidong-I HEP has been considered by the Respondents No. 1 and 2 and has been granted conditional Interim Connectivity for a period of three years i.e. upto 30.06.2029 pursuant to the Interim Order of the Commission dated 15.05.2026 and the Interim Connection Agreement has been executed on 22.05.2026 between the Petitioner and the Respondent No. 1/ HPPTCL. The Petitioner has also executed the agreement for Medium Term Open Access with the Respondent No. 1/ HPPTCL on 05.08.2026 and the copies of the Interim Connection Agreement and the MTOA agreement has been placed on record. In view of the above, the prayer of the Petitioner has been fully complied with by the Respondents, therefore, now there remains nothing to be adjudicated. As such, the Point No. 1 is accordingly decided in favour of the Petitioner.

FINAL ORDER

43. In view of the abovesaid discussions and findings on Point No. 1, the Petition succeeds and allowed. The parties shall be bound by the terms and conditions of the Interim Connection Agreement dated 22.05.2026, the Medium Term Open Access Agreement dated

05.08.2026 and the 'No Objection Certificate' dated 13.05.2026 issued by the Respondent No. 2/ HPPCL.

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

The file after needful be consigned to the records.

Announced
21.09.2026

-sd-
(Shashi Kant Joshi)
Member-cum-Chairman