

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

In the matter of :-

M/s Nanal Hydro Power Consultancy (P) Ltd.
Vardaan Cottage, Below Gita Mandir,
Tuti Kandi, Shimla-171004

....Petitioner

Versus

1. The HP State Electricity Board Ltd. thro' its,
Executive Director (Personnel)
Vidyut Bhawan, Shimla-171004
2. M/s Tejassarnika Hydro Energies Pvt. Ltd.
Plot No. 125, Road No. 71, Navnirman Nagar,
Jublee Hills, Hyderabad-500033

....Respondents

Petition No. 109 of 2015 (amended petition)

(Decided on **30th April, 2016**)

CORAM

S.K.B.S. Negi
CHAIRMAN

Counsels: -

for petitioner:	Sh. Ajay Vaidya, Advocate
for respondent No.1	Er. Suneel Grover, CE(SO)
for respondent No.2	Sh. Vinod Kumar alongwith Sh. Dharam Pal Reddy

ORDER

M/s Nanal Hydro Power Consultancy (P) Ltd., a registered Company, under the Companies Act, 1956, having its registered office at Vardaan Cottage, Below Gita Mandir, Tuti Kandi, Shimla-171004 (hereinafter referred as “the petitioner Company”) through Sh. R.C. Singh S/o Sh. K.S. Pundir its Director/Authorised signatory, has moved petition No. 109 of 2015 under section 86 of the Electricity Act, 2003, read with regulation 3(3) of the Himachal Pradesh Electricity Commission (Power Procurement from Renewal Sources and Co-generation by Distribution Licensee) Regulations, 2007 (hereinafter referred as “the 2007 Regulations”), seeking approval to use a common transmission line system, alongwith benefit of deemed generation, for its Hysrund Small Hydroelectric Project (3.00MW) located in Chamba Distt. H.P. (hereinafter referred as

“the project”), from which the power is to be evacuated in Joint Mode with Joiner-1 HEP(12.00MW), by interfacing the project with 33kV transmission line from Joiner-1 SHP (12.00MW) to 33/132 kV proposed substation of the Himachal Pradesh State Electricity Board Ltd. (hereinafter referred as “the Respondent Board”), at Kurthlala at 33kV level.

2. M/s Tejas Sarnika Hydro Energies (P) Ltd., having its corporate office at Plot No. 125, Road No.-71, Navanirman Nagar Colony Jubli Hills, Hyderabad-500033 (hereinafter referred as “the Respondent No. 2”) is also in the process of developing 12.00 MW Upper Joiner (Joiner-I) HEP situated in the same vicinity at village Churah, Distt. Chamba (HP).

3. Both the IPPs i.e. the petitioner Company and Respondent No.2 have vide Agreement dated 23.12.2011 agreed to pool the power, to be generated from their generating stations, at a common Pooling Point near Ganed village and the power so pooled is to be further transmitted through the joint 33 kV line upto the proposed 33/132 kV Kurthala Pooling Station at 33 kV voltage level and the cost of 33 kV line from common Pooling Point to 33/132 kV Kurthala Pooling Sub-station is to be shared between the petitioner Company and Respondent No.2, in proportion to their respective installed capacities as per Implementation Agreements executed with the GoHP and the line losses from the respective generating stations upto the interconnection point are to be apportioned to each generating station in proportion to the gross monthly energy generated by each of them. The cost of O&M of the interconnection facilities at the Respondent Board’s Grid is to be borne by the IPPs injecting power therein in proportion to the respective installed capacities of the Projects. The claims of the deemed generation of the projects with the HPSEBL are to be raised in proportion to the installed capacities of the respective IPPs.

4. With the background as set out in the preceding paras of this Order and to improve the corridor utilization in an environment friendly evacuation, the petitioner Company has approached this Commission for according its approval to the user of the common transmission line system as envisaged under sub-regulation (3) of regulation 3 of the 2007 Regulations and to amend the agreement accordingly and for the mandatory directions, as per regulations, to Respondent No. 2 to adhere the terms and conditions of the cost sharing Agreement dated 23.11.2011, alongwith the benefit of deemed generation.

5. The petitioner Company had moved petition No. 109/2015 without impleading Respondent No. 2, as a party to the proceedings before this Commission and through its MA No. 15 of 2016, sought the permission of this Commission to implead Respondent No. 2 and also to amend the petition. The permission was granted and simultaneously the petitioner Company was also advised to take note that the 2007 Regulations, quoted in its petition, have been repealed and replaced by the HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions from Renewable Energy Sources and Terms and Conditions of Tariff Determination) Regulations, 2012 (hereinafter referred as 2012 Regulations)

6. Now the petitioner has moved the amended petition, bearing petition filing No. 19 of 2016, with statement that copy of the petition has been sent by him to Respondent No. 2 through courier on 10.03.2016, Sh. Vinod Kumar, who has put in appearance on behalf of Respondent No. 2, submits that the copy of the petition has not yet been received. The copy of the same has again been supplied to the Respondent No. 2 by the petitioner in the Court to-day.

7. In response to the amended petition, the Respondent Board has raised the preliminary objections to the maintainability of the amended petition stating that the petitioner Company, have failed to take note of the fact that the Regulations, 2007, quoted by the petitioner Company, now stands replaced by the 2012 Regulations, and has again submitted the amended petition under the 2007 Regulations. Under the Regulations of 2012, there is no provision for seeking the approval/consent of the Commission to use common transmission line system and such arrangements can be made with the approval of licensee. Hence this amended petition is not maintainable and deserves to be dismissed. In light of the foregoing discussion, the petitioner prays for permission to withdraw the petition. Hence the petition is dismissed as withdrawn.

Pronounced in the open Court.

--Sd/-
S.K.B.S. Negi
Chairman