

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

Petition No.	55 of 2025
Date of Institution:	27.03.2025
Arguments Heard on:	29.03.2025
Decided on:	10.04.2025

CORAM

DEVENDRA KUMAR SHARMA
CHAIRMAN

YASHWANT SINGH CHOGAL
MEMBER (Law)

SHASHI KANT JOSHI
MEMBER

The HP State Electricity Board Ltd. through
Chief Engineer (System Operation),
Vidyut Bhawan, Shimla, HP-171004.

....Joint Petitioner No. 1.

AND

M/s Kushal Solar Power Project,
Registered Office at Village, Post Office and Tehsil Shahpur,
Distt. Kangra, H.P.
through its Authorized Signatory, Sh. Vipul.

....Joint Petitioner No. 2.

Joint Petition under the provisions of Section 86(1)(b) of the Electricity Act 2003 read with Regulations 56 and 57 of the HPERC (Conduct of Business) Regulations, 2024, for approval of the Power Purchase Agreement (Solar) in respect of M/s Kushal Solar Power Project (1000 kW).

Present:-

Sh. Kamlesh Saklani, Authorised Representative for Joint
Petitioner No. 1.

Sh. Vipul, Authorised Representative for the Joint
Petitioner No. 2.

ORDER

This Joint Petition has been filed by the Himachal Pradesh State Electricity Board Ltd. (the Joint Petitioner No.1 or the HPSEBL for short) and M/s Kushal Solar Power Project (the Joint Petitioner No. 2 for short) for the approval of the Power Purchase Agreement (PPA for short) under Section 86 (1) (b) of the Electricity Act, 2003 (Act for short) read with Regulations 56 and 57 of the HPERC (Conduct of Business) Regulations, 2024, (CBR, 2024 for short) in respect of M/s Kushal Solar Power Project (1000 kW).

2. The case of the Petitioners is that a Solar PV Project (1000 kW) known as M/s Kushal Solar Power Project, situated at Village and Post Office Malhanta, Tehsil Fatehpur, Distt. Kangra, H.P (Project for short) is being setup pursuant to the approval accorded by the HIMURJA (HP Govt. Energy Development Agency) vide letter No. HIMURJA (F-7)/SPV Projects/2024-8921 dated 24.03.2022 (Annexure-IV).

3. As per the Joint Petition, the Commission vide Order dated 29.02.2016 passed in Suo Moto Petition No. 104 of 2015 amended vide order dated 28.10.2024 in Suo Moto Petition No. 02 of 2024 has approved the Model Power Purchase Agreement for Solar PV Projects. The HIMURJA has also approved the Project inventory vide

letter No. HIMURJA (F-7)/SPV Projects/ 2024-10735 dated 06.03.2025 (Annexure-VIII).

4. It is averred that parties have signed the connection agreement on 06.03.2025 providing that the interim interconnection point has been proposed at existing 11 kV Rey Malhanta feeder emanating from 2x6.3 MVA, 33/11 kV Badukhar Sub-station, through solid tap with appropriate Protection arrangement. It is mentioned that this is an interim arrangement wherein the quantum of power to be evacuated from the proposed solar power plant shall be subject to the capacity available in 11 kV Rey Malhanta feeder. Post augmentation of 11 kV Rey Malhanta feeder, the above arrangement shall be converted to permanent and then the solar power plant shall evacuate its full power.

5. It is also averred that the Joint Petitioner No. 2 shall apply for the admissible subsidy and shall intimate the Joint Petitioner No. 1 to that effect.

6. It is also averred that the Commission vide Order dated 14.03.2024 has determined the generic levellised tariff in respect of Solar PV Projects for FY 2024-25 (01.04.2024-31.03.2025) under the HPERC (Promotion of Generation from Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations,

2017, as amended, (RE Regulations, 2017 for short). The Joint Petitioner No. 2 has submitted an undertaking that the project is situated in a rural area and that the tariff for the Projects to be set up in areas other than Industrial and Urban areas upto 1 MW is Rs. 3.50 per kWh as determined by the Commission vide Order dated 14.03.2024, which shall be applicable to the Project which has been incorporated in Clause 6.2 of the draft PPA.

7. We have heard Sh. Kamlesh Saklani, Authorised Representative for the Joint Petitioner No. 1 and Sh. Vipul, Authorised Representative for the Joint Petitioner No. 2 and have perused the entire record carefully.

8. It is evident from the record that the connection agreement in respect of the Project has been signed by the Joint Petitioners on 06.03.2025, a copy whereof has been placed on record. As per the connection agreement, the interim interconnection point has been proposed at existing 11 kV Rey Malhanta feeder emanating from 2x6.3 MVA, 33/11 kV Badukhar Sub-station, through solid tap with appropriate Protection arrangement. It is mentioned that this is an interim arrangement wherein the quantum of power to be evacuated from the proposed solar power plant shall be subject to the capacity available in 11 kV Rey Malhanta feeder. Post augmentation of 11 kV

Rey Malhanta feeder, the above arrangement shall be converted to permanent and then the solar power plant shall evacuate its full power.

9. As per the Swaran Jayanti Energy Policy, 2021, notified on 20.01.2022, Solar Power from the Solar PV Projects upto 5 MW shall mandatorily be purchased by the HPSEBL, if commissioned on or before 31.03.2030 at HPERC approved tariff applicable on the date of allotment of the Project.

10. It is also evident from the letter of the HIMURJA dated 24.03.2022 that the tariff in respect of the Project shall be as per the rates determined by the HPERC and that the Project has been provisionally registered.

11. The Commission vide Order dated 14.03.2024 in Suo Moto Petition No. 01 of 2024 has determined the generic levelised tariff for Solar PV Power Projects for FY 2024-25 (for a period w.e.f. 01.04.2024 to 31.03.2025) as under :-

Sr. No.	Capacity	Generic levelised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 5.00 MW	3.47
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.55
(b)	Above 1.00 MW & upto 5.00 MW	3.52

12. Though the SCOD was initially fixed as 23.03.2023, as evident from Schedule-I attached to the draft PPA but the HIMURJA vide

letter No. HIMURJA (F-7)/SPV Projects/21-22-13883 dated 24.03.2025 has extended the registration upto 30.09.2025 and has also clarified that the tariff shall be as per the rates applicable during the time of commissioning of the Project and that the Project has to be commissioned by the extended date (30.09.2025). Therefore, the SCOD is being considered as 30.09.2025.

13. This Project is situated in the rural area as per undertaking. The capacity of the Project is 1000 kW. Thus, the Project is entitled to the tariff of Rs. 3.50 per kWh, which is subject to adjustment of capital subsidy, if any. This tariff shall be applicable till 30.09.2025. In case the commissioning is delayed beyond 30.09.2025, the tariff as applicable at the time of commissioning of the Project shall be applicable.

14. The Petition is supported by the affidavits of the respective parties.

15. Therefore, in view of the powers vested in the Commission under Section 86 (1) (b) of the Act, read with Regulations 56 and 57 of the CBR, 2024, the Joint Petitioners have made out a case for the approval of the Power Purchase Agreement (Solar) in respect of the Project. Hence, the Petition succeeds and allowed. The PPA is ordered to be approved subject to the following conditions:-

- (i) The tariff of Rs. 3.50 per kWh will be applicable to the Project of the Joint Petitioner No. 2 in case the Project is commissioned by 30.09.2025. In case the commissioning is delayed beyond 30.09.2025, the tariff as applicable at the time of commissioning of the Project shall be applicable.
- (ii) The undertaking of the Joint Petitioner No. 2 that the Project is at rural area shall form the part of the PPA. Similarly, the Connection Agreement dated 06.03.2025 shall also form part of the PPA.
- (iii) The Joint Petitioner No.2 shall apply to the State/Central Government or its designated department(s)/agency(ies), for grant of applicable subsidy/financial assistance to the Solar Power Project immediately on receipt of this Order, if not already applied, and shall intimate the Joint Petitioner No.1 i.e. HPSEBL of the receipt of financial assistance/subsidy released to the Project by the State/Central Government or its designated Department(s)/agency(ies), within 15 days of receipt of the same and an undertaking to this effect shall be furnished by the Joint Petitioner No. 2 which shall form part of the PPA.
- (iv) The Joint Petitioner No. 2 shall make an endeavour to avail the admissible subsidy/financial assistance (if any). In case the subsidy/financial assistance is not availed or the Joint Petitioner No. 2 fails to approach the State/Central Government or its designated Department(s)/agency(ies), the same shall be deemed to have been availed by the Joint Petitioner No. 2 and the

Joint Petitioner No. 1 shall carry out the adjustment of such benefit, if any, admissible to the project after a period of 2 years from the date of the Order, as per order dated 14.03.2024 passed by the Commission in Suo-Moto Petition No. 01/2024. The Joint Petitioner No. 1 shall also intimate the Commission in this regard on making adjustment.

(v) The SCOD of the Project will be 30.09.2025.

16. Other terms and conditions of the PPA shall be subject to provisions of the RE Regulations, 2017, as amended from time to time and the Order of Commission dated 14.03.2024 in Suo-Motu Petition No. 01 of 2024 issued under the aforesaid Regulations.

17. The Joint Petitioners are directed to execute PPA as per the above order after carrying out the necessary additions and alterations within 30 days from the date of this order. Three copies of the executed Power Purchase Agreement be submitted to the Commission for record.

Let a copy of this order be supplied to the Joint Petitioners forthwith.

The file after needful be consigned to records.

Announced

10.04.2025

-sd-
(Shashi Kant Joshi)
Member

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

-sd-
(Devendra Kumar Sharma)
Chairman