

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 59 of 2020

Date of Hearing : 11.12.2024

Date of Interim Order : 12.12.2024

IN THE MATTER OF:

Judgement dated 25.10.2024 passed by Hon'ble APTEL in Appeal No. 326 of 2021 (Amplus Vs. HERC, HPPC and HAREDA) and Appeal No. 149 of 2021 (HPPC vs. Amplus, HERC and HAREDA)

And

In the matter of

Petition under section 62 of the Electricity Act, 2003 read with Regulation 6 (1) of the Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2017 for determination of Tariff of 50 MW Power Project of Amplus Sun Solutions Private Limited located at village Khanak, Tehsil, Tosham, District Bhiwani (HERC/ Petition No. 59 of 2020).

Petitioner

M/s. Amplus Sun Solutions Pvt. Ltd (Amplus)

Respondents

- 1. Haryana Power Purchase Centre, Panchkula (HPPC)**
- 2. Haryana Renewable Energy Development Agency (HAREDA)**

Present on behalf of the Petitioner

- 1. Mr. Rahul Kinra, Advocate**
- 2. Mr. Aditya Ajay, Advocate**

Present On behalf of the Respondents

- 1. Mr. Shubham Arya, Advocate, HPPC**
- 2. Ms. Reeha Singh, Advocate, HPPC**
- 3. Mr. Gaurav Gupta XEN, HPPC**
- 4. Mr. Ravinder Singh, Project Officer, HAREDA**

Quorum

**Shri Nand Lal Sharma
Shri Mukesh Garg**

**Chairman
Member**

INTERIM ORDER

- 1. The case was heard on 11.12.2024, as scheduled, in the court room of the Commission.**
- 2. At the outset, the Commission observes the judgement of the Hon'ble Appellate Tribunal for Electricity (APTEL) dated 25.10.2024, wherein the APTEL has observed as following:-
"40. In view of the above deliberations, we set aside the impugned order to the limited extent and remand the matter in both the appeals (APL 326 of 2021 & APL 149 of 2021) to State Commission for redetermination of tariff after prudence check of Capital cost**

including related issues raised and considering the feasible CUF corresponding to the capital cost of AC: DC module allowed. We make it clear that the issues with regard to Interest on term loan and working capital, Interest During Construction and O & M expenses shall not be opened for reconsideration, as admitted by learned counsel of Amplus. In the interregnum, Amplus is allowed a tariff of Rs 3.03/Kwh from the date of their order till the matter is finally decided by the State Commission upon remand, which needs to be decided expeditiously by State Commission. Both the appeals and associated IAs are disposed of in view of the above-mentioned terms”.

3. Upon hearing the parties, the Commission directs the petitioner to file its detailed written submissions including the year-wise CUF and generation achieved, since the date of CoD and the complete record of competitive bidding held to select the vendor of major items of the project. In absence of the same, the details of financial prudence exercised by the developer in awarding the tender, may be provided. The petitioner is directed to file its written submissions within 2 weeks from the date of this order with copy to the respondents. The respondents shall file their rejoinder within 3 weeks from the date of receipt of written submissions of the petitioner, with copy to the petitioner. The petitioner, may, if so desires, file its rejoinder within one week thereafter.
4. The registry of the Commission is directed to provide a fresh petition number.
5. The case to come up for hearing on 13.02.2025.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12.12.2024.

Date: 12.12.2024
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman