

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 70 of 2020

Date of Hearing : 22.04.2025

Date of Interim Order : 23.04.2025

IN THE MATTER OF:

Judgement dated 21.02.2025 passed by Hon'ble APTEL in Appeal No. 91 of 2022 (HPPC Vs. LR Energy and Ors) and Appeal No. 31 of 2023 (LR Energy vs. HPPC and Ors)

And

In the matter of

Petition under Sections 62 of the Electricity Act, 2003 and all other enabling provisions of the Act read with the relevant provisions of 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 Project Specific Tariff of 20 MWp (AC) Solar Pv Power Plant located at Tosham, Dt. Bhiwani, Haryana. (HERC/PRO-70 of 2020)

Petitioner

M/s. L R Energy Pvt. Ltd.

Respondents

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

Present on behalf of the Petitioner

1. Mr. Ranbir Chatterjee, Vice-President

Present On behalf of the Respondents

1. Mr. Harshvardhan Singh, Advocate, HPPC

Quorum

**Shri Nand Lal Sharma
Shri Mukesh Garg**

**Chairman
Member**

INTERIM ORDER

1. The case was heard on 22.04.2024, 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 21.02.2025, wherein the APTEL has observed as under:-
"It is submitted by the contesting parties that issue in hand in the instant batch of appeals are considered by Court I in Appeal No. 326 of 2021 & Appeal No. 149 of 2021 on 25.10.2024 and some of these issues might have covered by the said judgement. After examining the judgement, we find it appropriate that identical issues / similar issues were considered by Court I in Appeal No.326 of 2021 & Appeal No.149 of 2021 and the matter was remanded to the State Commission for fresh consideration ruling as under:-

“36. Learned counsel for HPPC has also claimed that prudence check on the CUF and other costs submitted by Amplus has not been carried out by the State Commission, which resulted in allowing higher cost and lower CUF to Amplus.

37. In our view, the ratio of AC : DC module, associated capital cost and resultant CUF are interlinked and the State Commission has erred by disallowing the Capital Cost on higher DC module but at the same time considered the higher CUF, which can possibly be achieved with higher DC : AC ratio; and, had also not carried out prudence check of the capital cost and associated CUF while determining tariff under section 62, therefore it needs reconsideration.

38. Considering the fact that the Appellant Amplus has sought a levelized tariff of Rs. 3.86/Kwh and levelized tariff in the range of Rs. 3.71/Kwh is worked out with CUF of 17.3% so claimed to be achievable with 1:1 AC:DC modules and approved cost, and Amplus has now sought a levelized tariff of only Rs. 3.03/Kwh in the interregnum, till the matter decided by State commission, we are inclined to accept their request as an interim arrangement.

39. However, as submitted by learned counsels for Amplus and HPPC, all the issues raised in the Petitions are interlinked to Capital cost except escalation factor allowed in O&M. Regarding contention of Learned counsel of HPPC regarding higher escalation factor of 5.72% allowed in O&M in the impugned order, we are not inclined to interfere with the same since it is as per prevailing Regulation, as also admitted by the learned counsel of HPPC.

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 open 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.”

In the light of the above decision, the Appeal nos. 91 of 2022 & 31 of 2023 stand remanded to the State Commission considering that a decision has already been taken by the Coordinate Bench of this Tribunal with the directions to pass the consequential order expeditiously within three months.”

3. Consequently, the Commission took-up the issue suo-motu and scheduled the case for hearing on 22.04.2025.

4. 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 components of the project, evidencing the financial prudence exercised in awarding the contracts. 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 2 weeks from the date of receipt of written submissions of the petitioner, with copy to the petitioner.
5. The registry of the Commission is directed to provide a fresh petition number.
6. The case to come up for hearing on 21.05.2025.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 23.04.2025.

Date: 23.04.2025
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman