

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

**IA No. 10 of 2022
In the matter of
Case No. HERC/PRO 6 of 2021
AND
IA No. 11 of 2022
In the matter of
Case No. HERC/PRO 7 of 2021**

**Date of Hearing : 19.05.2022
Date of Interim Order : 19.05.2022**

In the Matter of

Application on behalf of the Applicant under Section 86(1)(b) of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking approval of this Hon'ble Commission for withdrawal of the Exit Letter dated 26.05.2021 and commencement of power supply on amended terms and conditions as per letter of the Respondent dated 12.05.2022.

Petitioner/Applicant

Haryana Power Purchase Centre, Panchkula (HPPC)

Respondents

M/s Shiga Energy Private Limited (SEPL) – IA 10 of 2022
M/s Dans Energy Private Limited (DEPL) – IA 11 of 2022

Present on behalf of the Petitioner

1. Ms. Sonia Madan, Advocate for HPPC

Present on behalf of the Respondents

1. Mr. Shishir Sharma

Quorum

**Shri R.K. Pachnanda
Shri Naresh Sardana**

**Chairman
Member**

INTERIM ORDER

1. The petitioner i.e. HPPC, in case no. HERC/PRO-6 of 2021 and HERC/PRO-7 of 2021, has preferred the present IAs no. 10 of 2022 and 11 of 2022 in the matter of SEPL and DEPL respectively, seeking withdrawal of exit decision taken by them vide exit memo nos. Ch-87/CE/HPPC/SE/C&R-I/PPA-147 and Ch-86/CE/HPPC/SE/C&R-I/PPA-147, both dated 26.05.2021 and revival / re-institution of the power purchase agreements dated 6.10.2020 terminated in exercise of Clause 3.3.2 of the said concluded PPA(s).
2. The Commission heard Smt. Sonia Madan, the learned counsel appearing for the applicant i.e. Haryana Power Purchase Centre (HPPC). The learned counsel,

emphasized the need for procurement of the ibid power, in view of the present demand-supply scenario in the State of Haryana as well as the revised terms & conditions offered by the IPPs vide letters dated 12.05.2022. She further averred that the IPPs have confirmed that they have accepted the tariff determined by the Commission vide its separate orders dated 27.04.2021, the design energy and salable energy net of auxiliary consumption and free home State share as provided in the Hon'ble Commission's order dated 27.04.2022 shall not be revised and both the parties shall withdraw their respective pending appeals/petitions/applications etc. filed against each other before any court/tribunal/commission(s) and will continue the power supply under the PPA through-out the tenure of PPA at the HERC determined Tariff .Additionally, the learned counsel submitted that the IPPs have further agreed not to make any claims from HPPC for the period starting from the date of termination of the PPAs i.e. 26.05.2022 up to the time power flow from SEPL and DEPL resumes through re-institution of the said PPAs.

3. The Commission has taken note of the submissions made in the IAs, the arguments and case laws cited by the learned counsel as well as the written submissions made by the IPPs vide their letter(s) dated 12th May, 2022 (SEPL/HPPC/2022-23/01 and DEPL/HPPC/2022-23/01).
4. Upon hearing the parties, the Commission observes that since the time source approval was granted to HPPC for procurement of power from SEPL and DEPL HEPs and subsequently tariff determined after following the due process, there has been a prolonged round of litigation by the parties right up to the Hon'ble Supreme Court. Hence, to avoid any possibility of further rounds of litigation, the Commission directs the IPPs and HPPC to file separate affidavit regarding mutual agreement on all the terms & conditions proposed to be included in the PPA(s) dated 6.10.2020 for which the parties have prayed for re-institution. HPPC, SEPL and DEPL shall submit the requisite affidavit within 7 days from the date of this order.
5. The Commission further observes that the petitioner has built its arguments on the basis of wide gap between demand and supply / availability of power thereby leading to acute power shortage scenario. The petitioner i.e. HPPC is directed to inform the status of power procurement from another hydro generator – M/s. Sneha Kinetic (96 MW) which was approved by the Commission vide order dated 29.04.2021 given the fact that the said generator has already attained CoD and is also generating power. Additionally, the Commission vide its order dated 24.09.2020, had accorded source approval for procurement of power from two HEPs i.e. GMR Bajoli (60 MW) and JSW Kuteher (240 MW). However, HPPC has not submitted the signed PPAs so far.

The status report on the execution of PPA and further action taken by HPPC to enforce the terms and conditions of Expression of Interest (EoI), may also be furnished before the next date of hearing.

6. The cases to come up for hearing again on 25.05.2022.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 19.05.2022.

Date: 19.05.2022
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman

