

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 39 of 2023

Date of Hearing : 26.09.2023  
Date of Order : 26.09.2023

In the Matter of

Petition under 94(2) of the Electricity Act, 2003 read with Regulation 65 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking clarification regarding recovery of cost for Excess Generation more than the Design Energy and adjustment of Excess Energy against deficit for previous years in respect of Western Yamuna Canal (WYC) Hydro Project in terms of prevailing MYT Regulations.

**Petitioner**

Haryana Power Purchase Centre, Panchkula (HPPC)  
Haryana Power Generation Corporation limited (HPGCL)

**Present on behalf of the Petitioner**

1. Ms. Sonia Madan, Advocate
2. Shri Gaurav Gupta, Xen, HPPC
3. Shri Ravi Juneja, AEE, HPGCL

**Quorum**

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

**Chairman**  
**Member**

**ORDER**

1. The present petition has been filed jointly by HPGCL and HPPC seeking clarification under the MYT Regulations, 2012 & 2019, on the claim of WYC-HPGCL on the excess generation beyond the normative availability (i.e. CuF) in form of charges or adjustment against the deficit of the previous years.
2. The Commission observes that the Commission has already decided the issue raised in this petition, in the generation tariff order dated 18.02.2021 (petition no. 76 of 2020). The relevant part of the ibid order is reproduced hereunder: -  
*“It has been contended that the petitioner may be allowed to recover, at the same rate, for the energy generated beyond normative CUF. The Commission has considered the submissions and observes that for WYC Hydro, neither the petition was filed under HERC RE Regulations nor this Commission has allowed / approved the same under the RE Regulations. Hence, the petitioner ought not to claim any relief by citing the provisions of the RE Regulations. Moreover, the RE Regulations in vogue does not even provide for indicative / ceiling tariff for small / micro hydro projects as the same has to be done on a project specific basis. **Resultantly, full fixed cost for the WYC Hydro Projects as determined by the Commission at the normative CUF is only recoverable. (page 101).**”*

**(Emphasis supplied)**

3. The Commission further observes that HPGCL has preferred an appeal before the Hon'ble Tribunal for Electricity (APTEL), vide appeal no. 150 of 2021, wherein HPGCL has raised the same issue along with others.
4. The Commission has perused the issue raised by HPGCL before Hon'ble APTEL in appeal no. 150 of 2021, which is reproduced hereunder: -  
*"F Disallowance of tariff for generation beyond the normative availability for WYC for FY 2019-20 onwards*  
*(a) The State Commission has disallowed any tariff or charges for the generation of power from the hydro power plant of Western Yamuna Canal (WYC) Hydro Project of the Appellant to the extent that the same is higher than the design parameters/normative availability."*
5. In view of the above, the Commission is of the considered view that the present petition is sub-judice before the appellate authority and the decision of this Commission would be of no consequences till the petition filed before Hon'ble APTEL is withdrawn or decided.
6. Accordingly, the present petition is disposed of as such, as not maintainable.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 26.09.2023.

Date: 26.09.2023  
Place: Panchkula

(Naresh Sardana)  
Member

(R.K. Pachnanda)  
Chairman