

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Petition for determination for Project Specific Tariff in respect of 12.6 MW Sarju-II Small Hydro Power Project on Sarju River in Kapkote, Distt. Bageshwar, Uttarakhand.

In the matter of:

M/s Uttar Bharat Hydro Power Pvt. Ltd. ... Petitioner

AND

In the matter of:

Uttarakhand Power Corporation Ltd. ... Respondent

CORAM

Shri Subhash Kumar Chairman

Date of Hearing: May 02, 2017

Date of Order: May 03, 2017

Heard the Petitioner and the Respondent in the matter. The Respondent has not raised any issue on the maintainability of the Petition. The Petitioner further referred to the prayer made in the Petition and asked the Commission to pass an interim order accepting Rs. 6 per unit as a provisional tariff for the Sarju-II project till fixation of final tariff.

In this regard, Regulation 13(2) of RE Regulations, 2013 reads as follows:

*“(2) Till fixation of final tariffs a RE Based Generating Stations or Co-generating Stations may either accept the generic tariff as provisional tariff or make an application for determination of provisional tariff **in advance of the anticipated date of completion of project** based on the capital expenditure actually incurred up to the date of making the application or a date prior to making of the application, duly audited and certified by the statutory auditors. The provisional tariff as may be determined by the Commission may be charged from the Commercial Operation Date (CoD) of the respective unit of the generating station. Provided that the RE Based Generating Stations and Co-generating Stations shall be required to make a fresh application for determination of final tariff based on actual capital expenditure incurred up to the date of commercial operation or commissioning of the generating station, with duly audited and certified copies of accounts by the statutory auditors within 18 months from the CoD.”*

(Emphasis Added)

As can be seen from above, the Regulation makes it amply clear that the Petitioner has an option either to accept generic tariff as provisional tariff or make an application for determination of provisional tariff in advance of the anticipated date of completion. Once the project is commissioned, the Petitioner has no option but to continue with the generic tariff or provisional tariff determined by the Commission prior to achieving COD. In the instant case, the Petitioner has achieved the COD of the project on 28.05.2016, hence, the Petitioner cannot exercise its option for determination of provisional tariff as on date, i.e. post COD almost one year from the COD.

In view of the above discussion, the Commission rejects the claim of the Petitioner for allowing the provisional tariff of Rs. 6 per unit for Sarju-II SHP and admits the Petition and directs that the generic tariff shall continue as provisional tariff. UPCL is also directed to file its written submission on merits of the Petition within one month from the date of Order with a copy of the same to be served on the Petitioner and the Petitioner is at liberty to file a rejoinder within two weeks of receipt of written submission from UPCL.

Ordered Accordingly.

(Subhash Kumar)
Chairman