

BEFORE THE HON'BLE UTTARANCHAL ELECTRICITY REGULATORY COMMISSION
Dehradun.

FILING NO. _____
CASE NO. _____

IN THE MATTER OF: PETITION SEEKING FIXATION OF TARIFF FOR DEBAL SMALL HYDRO
POWER PROJECT U/s.62 AND 86 OF THE ELECTRICITY ACT, 2003
READ WITH THE RELEVANT REGULATIONS AND GUIDELINES OF
THE COMMISSION.

AND

IN THE MATTER OF: CHAMOLI HYDRO POWER PRIVATE LIMITED, BEING THE
GENERATION COMPANY IN THE STATE OF UTTARANCHAL,
DISTRICT CHAMOLI, HAVING ITS REGISTERED OFFICE AT DEBAL
VILLAGE, THARALI TQ, DIST. CHAMOLI, UTTARANCHAL STATE

VERSUS

Petitioner.....

THE UTTARANCHAL ELECTRICITY REGULATORY COMMISSION
80, VASANT VIHAR
PHASE 1, DEHRADUN
UTTARANCHAL- 248001

Respondent.....

PETITION

1. Specific Legal Provision Under which Petition is being filed:

Filing of petition for availing Provisional tariff from Uttaranchal Power Corporation Limited for 5 MW Debal Small Hydro Power Project of M/S.Chamoli Hydro Power Pvt. Ltd. u/s. 82(4) and 86 of Electricity Act 2003 read with the relevant regulations and guidelines of the commission.

The petitioner respectfully submits the petition under section 62(1) (a) of Electricity Act, 2003 before the honorable commission for determination of provisional tariff for the petition's power project to the commissioned in March 2007.

2. Limitations

The petitioner further declares that the present petition is within the time period specified as per the order dated 10th day of November 2005.

3. Fact of Case:

- 3.1 The Petitioner Company Chamoli Hydro Power Private Limited (CHPPL) was incorporated on 19.06.2003. The Petitioner is establishing a Small Hydropower Generating Station on River Kailganga, a tributary to Pinder river in the District of Chamoli, Uttaranchal state, having a installed capacity of 5 MW in the name of Debal Small Hydro Power Project. The cost of the project as appraised by Term lending institutions has been estimated at Rs.28.63 Crores. The company has so far spent an amount of Rs.24.35 Crores. The implementation of the project is in final stages and is expected to be commissioned by 7th March, 2007.
- 3.2 The Government of Uttar Pradesh declared a policy in 1995 under which river valleys were to be allotted to private developers for identification and establishing hydropower projects in the respective river valleys.
- 3.3 The policy also stipulated that the power generated by these projects shall be purchases by UPSEB.
- 3.4 The Petitioner was allowed by the Government of Uttar Pradesh in the year 18.10.1994 to identify potential sites in the Pinder valley, District Chamoli for setting up Small hydro electric projects.
- 3.5 The Petitioner started construction activities at the site in the year 25.04.2005 and scheduled to commence its operation by 7th March, 2007. The events of the case area as detailed below.

- 3.6** In November 2000 after formation of the State of Uttaranchal, Government of Uttaranchal vide its letter number – 1120/Uks -3-M/2001, Dated 10-12-2001 approved the draft PPA to be signed with the Small Hydro Power Projects Developers of Small Hydro Projects upto 5 MW. Government of Uttaranchal also directed that:
- i)** Small Hydro Power Projects Developers who have been allotted sites/projects by the Government of undivided Uttar Pradesh may be invited to sign the approved PPA within a specified period.
 - ii)** If any of the Small Hydro Power Project Developer is not interested in developing projects as per the PPA approved by the Government of Uttaranchal, then allotment of sites/ projects shall be considered cancelled.
- 3.7** Accordingly UPCL informed all the Small Hydro Power Project Developers who had been allotted sites / projects by the Government of undivided Uttar Pradesh in line with Government of Uttaranchal directives dated 10-12-2001 to give their consent to develop project as per draft PPA approved by the Government of Uttaranchal upto 21-02-2002, having rate of Rs. 2.50 per unit, failing which allotment of sites/projects to them shall be cancelled.
- 3.8** An option was given to Developers to adopt the new Small Hydro Power Policy of Government of Uttaranchal but the petitioner categorically decided to stick to the old policy, wherein a fixed tariff of Rs.2.50 per unit for 40 years was approved & guaranteed by the Government of Uttaranchal & signed the Power Purchase Agreement with Uttaranchal Power Corporation Ltd.
- 3.9** Section 62 (1) (a) of the Electricity Act, 2003 empowers the state commission with the task of determining tariffs for sale of electricity by a generating company to a distribution licensee. In case of the State of Uttaranchal, the Uttaranchal Electricity Regulatory Commission (hereinafter referred to as “the Hon’ble Commission” or “the UERC”) is the competent body to determine such tariffs.
- 3.10** The Hon’ble Commission was constituted in September 2001 and its Conduct of Business Regulations were notified on October 24, 2002.
- 3.11** The Hon’ble Commission notified the Uttaranchal Electricity Commission (Terms and conditions for determination of Hydro Generation Tariff) Regulations, 2004 on May 14, 2004. These regulations are applicable to all Large Hydro Power (LHP) stations located in Uttaranchal with an installed capacity above 25 MW.

- 3.12 On 31.12.04, in a suo moto order, the Hon'ble Commission ruled that pending the regulations for Small Hydro Power (SHP) stations with installed capacity upto 25 MW, determination of tariffs for such SHP stations would be based on the applicable regulations for LHP, with such relaxations and variations which, in Commissions view, may become necessary.
- 3.13 As per section 4(1) of the Uttaranchal Electricity Commission (Terms and conditions for determination of Hydro Generation Tariff) Regulations, 2004 on May 14, a generating company may make an application for fixation of tariff in respect of the completed units of generating station in such formats and along with such information which the Hon'ble commission may require from time to time.
- 3.14 Subsequently on 10th November 2005, the Hon'ble commission notified its approach for determining generation tariff for each new small hydro generating stations having capacities higher than 1MW and up-to 25MW for the initial years will be fixed on cost plus basis in accordance with Uttaranchal Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) Regulations, 2004 subject to stipulations as notified by the UERC.
- 3.15 The notification also stipulates the generating station to supply contract with the distribution licensee (UPCL) only.
- 3.16 CHPPL is accordingly filing its tariff petition for Debal Small Hydro power station before Hon'ble commission for the financial year 2006-07 for determination of tariff applicable to sale of power by the station to UPCL.
- 3.17 For computing the cost of generation, the petitioner has largely adopted the approach articulated in the tariff regulations by the Hon'ble commission dated 10th November, 2005.

4. Cause of Action:

Our project 5 MW Debal Small Hydro Power Project is getting ready and expected to be commissioned in the month of March, 2007. In view of this we are applying for provisional tariff fixation.

5. Ground of Relief:

5.1 The Petitioner seeks the relief for provisional tariff as per the regulations stipulated in clause 3(34) of the honorable commission's order dated 10th November 2005, and accordingly worked out the provisional tariff structure, and submits the same in the enclosure for necessary consideration.

6. Details of remedies exhausted:

None

7. Matter not previously filed for pending with any other court.

Applying the petition for the first time with the commission and this matter is not pending with any court.

8. Relief Sought:

In view of the above submissions, the petitioner, with a view to seek approval of Honorable commission, proposes the Provisional tariff structure for purchase of energy at Rs.3.63 per unit by UPCL. The petitioner therefore humbly prays to the Honorable commission to take the petition on record and may please grant the said relief.

9. Interim Order, if any, prayed for:

None

10. Details of Index

Annexure 1: Affidavit

Annexure 2: Statement of rate calculation offered by Petitioner.

Annexure 3: Board resolution

11. Particulars of fee remitted :

Enclosed a DD No. 083850, Dt. 2nd February, 2007 for Rs.1,00,000/- in favour of Uttarachncl Electricity Regulatory Commission drawn on SBI, payable at Dehradun.

12. List of Enclsoures:

1. Auditor certificate on project expenditure, Page No.36
2. Copy of MOU with NDEA, Page No. 37-41.
3. Copy of MOU with Government for implementation, Page No. 42-46.
4. Copy of letter stating the formation of new generation company by name Chamoli Hydro Power Pvt. Ltd., Page No. 47
5. Copy of Power Purchase Agreement for 3 MW, Page No. 48-120.
6. Copy of Amendment to Power Purchase Agreement for 5 MW, Page No. 121-124
7. Copy of Implementation Agreement for 3 MW, Page No. 125-152.
8. Copy of Amendment to Implementation Agreement for 5 MW, Page No. 153-184.
9. Copy of D.P.R., Page No. 185-349.
10. Copy of Contract Agreement for supply of E & M Equipment, Page No. 350-366.
11. Copy of Contract Agreement for local transport, erection, testing and commissioning of E & M Equipment, Page No. 367-383.
12. Copy of Civil contract Agreement, Page No. 384-493
13. Copy of sanction letters from Financial institutions, Page No. 494 – 506.

Petitioner

VERIFICATION

I.B. Sadasiva Reddy, Director of Chamoli Hydro Power Private Limited, S/o of Sri B.V.Reddy, aged about 49 years, R/o Debal Village, District Chamoli District, Uttaranchal do hereby verify that the contents of Paras 1 to 10 are true to my personal knowledge and Para 3.1 to 3.17 are derived from official records, which are true from records and Para 1 to 10 believed to be true on legal advise and that I have not suppressed any material fact.

(Signature of Petitioner)

Place : Debal (Village)

Date :,2007

BEFORE THE HON'BLE UTTARANCHAL ELECTRICITY REGULATORY COMMISSION
Dehradun.

FILING NO. _____
CASE NO. _____

IN THE MATTER OF: PETITION SEEKING FIXATION OF TARIFF FOR DEBAL SMALL
HYDRO POWER PROJECT U/s.62 AND 86 OF THE ELECTRICITY
ACT, 2003 READ WITH THE RELEVANT REGULATIONS AND
GUIDELINES OF THE COMMISSION.

AND

IN THE MATTER OF: CHAMOLI HYDRO POWER PRIVATE LIMITED, BEING THE
GENERATION COMPANY IN THE STATE OF UTTARANCHAL,
DISTRICT CHAMOLI, HAVING ITS REGISTERED OFFICE AT DEBAL
VILLAGE, THARALI TQ, DIST. CHAMOLI, UTTARANCHAL STATE

Affidavit

I.B. Sadasiva Reddy, S/o of Sri B.V.Reddy, aged about 49 years, R/o Debal Village, District Chamoli District, Uttaranchal, the deponent named doe hereby solemnly affirm and state on Oath as under

1. That the deponent is the director who is authorized as per the resolution of the Company dated 2nd September, 2005 and is appointed with the facts deposed to below.
2. The deponent name above, do hereby verify that the contents of paragraph no. 1 to 10 of the accompanying petition are true to my personal knowledge and those of 1 to 10 of the accompanying petition are based on information received and those of paragraphs no. 1 to 10 of the ara 1 to 10 accompanying petition are based on the legal advice which i believe to be true and verify that no part of this affidavit is false and no material has been concealed.

(Deponent)

I, Advocate K.S.Negi, do hereby declare that the person making this affidavit is known to me through the perusal of records and I am satisfied that he is the same person alleging to be deponent himself.

(Advocate)

Solemnly affirmed before me on this 15th Day of February 2007, at 11:30 A.M. by the deponent who has been identified by the aforesaid advocate.

I have satisfied myself by examining the deponent that he understood the contents of the addidavit which has been read over and explained to him. He has also been explained about section 193 of Indian Penal Code that whoever intentionally gives false evidence in any of the proceedings of Commission or fabricates evidence for purpose of being used in any of the proceedings shall be liable for punishment as per law.

(Notary Public)