

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Application of M/s. Him Urja Pvt. Ltd. in respect of Vanala Small Hydro Project of 15 MW in Distt.- Chamoli for grant of permission of Open Access for carrying electricity from Vanala SHP to outside the State of Uttarakhand

Uttarakhand Power Corporation Ltd., DehradunPetitioner

And

M/s. Him Urja Pvt. Ltd. Respondent

Coram

Shri V.J. Talwar Chairman

Shri Anand Kumar Member

Date of Order: 10.06.2009

INTERIM ORDER

The hearing on the application filed by Uttarakhand Power Corporation Limited (UPCL) for grant of permission of Open Access for carrying electricity from Vanala SHP to outside the State of Uttarakhand was held today. The hearing was attended by Shri Jag Mohan Lal, Managing Director, UPCL, Shri S.P.S. Raghav on behalf of M/s. Him Urja Pvt. Ltd. & Shri T. Panda, Managing Director, Power Transmission Corporation of Uttarakhand Ltd. (PTCUL). Before taking up the matter of grant of permission for Open Access and the evacuation voltage level, the Commission sought the status and authorisation of M/s. Him Urja Pvt. Ltd., the developer of the project, to wheel the power generated at Vanala SHP through the State Transmission/Distribution system for sale outside the State. The Commission was apprised that in terms of clause 4.1 of supplementary implementation

agreement dated 15.04.2006 dealing with disposal of power generated at Vanala SHP, the power can be disposed off only in one or more of the five modes listed therein. Relevant portion of clause 4.1 of this implementation agreement is reproduced below:

“ARTICLE IV

SALE OF POWER AND ROYALTY ENERGY

4.1 *Disposal of Power*

4.1.1 *The Company may utilize the option to dispose off power from the project, after allowing for Royalty Energy, in any one or more of the following modes:*

- i) Sell power to the UPCL, and such sales shall be mutually negotiated between the UPCL and the Company; and/or*
- ii) Sell power to any High Tension (HT) consumer within the State of Uttaranchal; and/or*
- iii) Sell power to local rural grids within the State of Uttaranchal, which are not connected to the UPCL's main grid; and/or*
- iv) Sell power to rural power distribution entities (i.e. those which sell power to predominantly rural areas); and/or*
- v) Sell power to any consumer outside the State of Uttaranchal”*

It is clear from the above clause that the first four modes are for sale within the State and only fifth one is for sale outside the State. However, such sale is permitted only to a consumer situated outside the State. The word “Consumer” has been defined clearly in the sub-section (15) of section 2 of Electricity Act, 2003 as follows:

(15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

In view of the above provisions, it is necessary to know the status of the proposed buyer before proceeding further in the matter. M/s. Him Urja Pvt. Ltd. is,

therefore, required to inform the Commission the details of the proposed purchaser with whom the PPA has been/or is proposed to be signed alongwith copies of PPA and other relevant documents and also to confirm that the proposed sale is permissible under clause 4.1 quoted above read with the abovesaid definition of consumer.

Requisite information may be submitted to the Commission by the developer M/s. Him Urja Pvt. Ltd. under affidavit latest by 20.06.09. The next date of hearing in this matter will be decided after receipt of this information.

-Sd-

(Anand Kumar)
Member

-Sd-

(V. J. Talwar)
Chairman