

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Hon'ble ATE Judgment dated 14.11.2017 in Appeal No. 285 of 2016 & IA No. 585 of 2016 setting aside the Commission's Order dated 20.09.2016 and remand back of the matter to the Commission to consider the case of the Appellant on merits independently and in accordance with law.

In the matter of:

M/s Dans Energy Pvt. Ltd.

.... Petitioner

And

In the matter of:

Uttarakhand Power Corporation Ltd.

...Respondent

CORAM

Shri Subhash Kumar Chairman

Date of Hearing: January 02, 2018

Date of Order: January 04, 2018

The Order relates to the Judgment dated 14.11.2017 of Hon'ble ATE in Appeal No. 285 of 2016 and IA No. 585 of 2016 in the matter of Appeal filed by M/s DANS Energy Pvt. Ltd. (M/s DEPL) against the Commission's Order dated 20.09.2016 wherein Hon'ble ATE had set aside the Commission's Order and remanded the matter back to the Commission to consider the case of the Appellant on merits independently and in accordance with law.

1. Background and Submissions

- 1.1 A Petition was filed under Section 62 and Section 86(1)(a) of the Electricity Act, 2003 read with relevant provisions of the Uttarakhand Electricity Regulatory Commission (Terms & Conditions for determination of Multi-Year Tariff) Regulations, 2015 and Chapter VII of UERC (Conduct of Business) Regulations, 2014 by the Petitioner seeking determination of tariff for sale of energy generated by the 96 MW Jorethang Loop Hydro-Electric project

(hereinafter referred to as “the Project/Plant”) owned by M/s Dans Energy Private Limited (hereinafter referred to as “the Petitioner”) to Uttarakhand Power Corporation Limited (hereinafter referred to as “UPCL” or “the Respondent”).

- 1.2 The Petitioner owns and operates a 2x48 MW run-of-river with pondage hydro-electric power project located on Rangit river, a major tributary of Teesta River, in South Sikkim,. The Project has been operationalized since 30.09.2015. The Project achieved Commercial Operation Date (COD) on 25.09.2015 & 30.09.2015 for Unit 1 & 2 respectively. The plant is CTU connected and power generated by the Project would be transmitted over a distance of approximately 10 km through a dedicated 220 kV line connecting to the Power Grid Corporation of India Limited (PGCIL) 220/400 kV Grid sub-station located at New Melli.
- 1.3 The Petitioner made an offer vide letter dated 29.04.2016 for the supply of power from their plant at Sikkim, to Uttarakhand Power Corporation Limited (UPCL). UPCL, being desirous of procuring long term power from the Petitioner, filed a Petition before the Commission seeking approval of the Draft PPA, proposed to be signed with the Petitioner for purchase of power.
- 1.4 The Petitioner filed a Petition seeking determination of tariff of its plant on 07.07.2016 before the Commission, which was dealt by the Commission vide its order dated 09.08.2016 wherein the Petition was dismissed as rejected on the grounds stated in the said order. Extract of the order are reproduced as under:

“The Instant Petition is hereby dismissed as rejected. However, the Petitioner is given the liberty to resubmit the Petition on the basis of actual capital cost in accordance with the Regulations.”

- 1.5 In compliance to the same the Petitioner filed a Petition dated 12.08.2016 for determination of MYT tariff based on actual capital cost which was dealt by the Commission vide its order dated 20.09.2016 wherein the Petition was dismissed as rejected on the grounds stated in the said order. Extract of the order are reproduced as under:

“The Instant Petition alongwith the Petition filed by UPCL in the matter of draft PPA and Business Plan Petition earlier filed by the Petitioner is hereby dismissed as rejected.”

- 1.6 Aggrieved with the order of the Commission M/s DANS Energy Pvt. Ltd. preferred an

appeal before the Hon'ble ATE.

- 1.7 The Hon'ble ATE vide its order dated 14.11.2017 remanded back the matter to the State Commission after setting aside the Commission's order dated 20.09.2016. Extract of the order are reproduced as under:

"The impugned order dated 20.09.2016 passed by the State Commission is set aside. The matter is hereby remanded to the State Commission to consider the case of the Appellant on merits independently and in accordance with the law. In light of the above, the Appeal as well as IA stand disposed of."

- 1.8 In compliance to the Hon'ble ATE's Judgment, notice for hearing scheduled on January 02, 2018 was issued to the Petitioner and UPCL on November 27, 2017 and both the parties were at a liberty to make written submissions, if any, in the matter. M/s DEPL vide its letter dated 18.12.2017 informed the Commission that it has vide its letter dated 14.12.2017, withdrawn its offer to sell power to UPCL from its 96 MW project. Accordingly, it withdraw its Tariff Petition alongwith the Business Plan Petition submitted before the Commission for sale of power from 96 MW Jorethang Loop Hydro Electric Project (JLHEP).
- 1.9 UPCL was asked to submit its comments in the matter. In response to the same UPCL vide its letter dated 28.12.2017 submitted that from the letter of M/s DEPL it is apparent that they have withdrawn their offer of sale power to UPCL from its 96 MW JLHEP, therefore, considering the same the matter may be closed.
- 1.10 The hearing in the matter was held on 02.01.2018 wherein both M/s DEPL and UPCL were heard.

2. Commission's Views and Decision

2.1 Status of the Petition

- 2.1.1 M/s DEPL vide their written submission have submitted that they have withdrawn their offer of sale of power to UPCL from its 96 MW JLHEP and also withdraws the Tariff Petition & Business Plan Petition with respect to the same submitted before the Commission.
- 2.1.2 In response to the same, UPCL submitted that as it is evidently clear from the letter of

M/s DEPL that they have withdrawn their offer of sale of power to UPCL, therefore the matter may be closed.

2.1.3 Based on above, the Commission is of the view that as both the seller (M/s DEPL) and the buyer (UPCL) have mutually agreed for withdrawal of offer for sale of power to UPCL from DEPL's 96 MW JLHEP, therefore, based on their mutual consent the Commission hereby allows the Petitioner to withdraw its Petitions filed before the Commission and disposes the matter as closed.

2.1.4 Ordered accordingly.

(Subhash Kumar)
Chairman