

**Before**

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

**In the matter of:**

Application seeking relaxation of the provisions of the UERC (Tariff and Other Terms for Supply of Electricity from Non-conventional and Renewable Energy Sources) Regulations, 2010 and UERC (Tariff and Other Terms for Supply of Electricity from Non-conventional and Renewable Energy Sources) Regulations, 2013 in accordance with Section 61, 62 and 86(1)(e) of the Electricity Act, 2003 and Regulation 49& 50 of UERC (Tariff and Other Terms for Supply of Electricity from Non-conventional and Renewable Energy Sources) Regulations, 2013.

**AND**

**In the matter of:**

M/s Birahi Ganga Hydro Power Ltd.

M/s Himalaya Hydro Pvt. Ltd.

M/s Rishiganga Power Corp. Ltd.

... Petitioners

**AND**

Uttarakhand Power Corporation Ltd.

... Respondent

**CORAM**

**Shri Jag Mohan Lal      Chairman**

**Shri C.S. Sharma      Member**

**Shri K.P. Singh      Member**

**Date of Hearing: March 19, 2014**

**Date of Order: March 19, 2014**

Heard the Petitioners and the Respondent. The following issues have been raised by the Petitioners namely M/s Birahi Ganga Hydro Power Ltd., M/s Himalaya Hydro Pvt. Ltd. & M/s Rishiganga Power Corp. Ltd. in their Petitions:-

1. To review the Capacity Utilization Factor specified in RE Regulations, 2010 & 2013 and refix them at a lower level for recovery of AFC.
2. To adjust capital subsidy only after it has been received by the generators.
3. Capital cost indexation mechanism should be in place.
4. To allow additional capitalization on account of force majeure condition as applicable for large hydro stations.

The Petitioners have submitted the data of CUF of the existing generating stations in the State since FY 2007-08 contending that most of the plants are unable to achieve the normative CUF of 45% as specified by the Commission in RE Regulations, 2010 & 2013.

The Respondent has filed a written submission mentioning that review of Regulations cannot be undertaken by the Commission through a judicial order. They have also contended that the petition is barred by limitation. The Commission holds that the petitions are not maintainable as review/modification of Regulations cannot be undertaken by the Commission while discharging its judicial function. However, considering the contention taken by the petitioners regarding difficulties in achieving norms of operation prescribed in Regulations, the Commission orders that Secretary may get the data of CUF submitted by the petitioners examined as also the other issues raised by the petitioners and, if required, frame an appropriate draft amendment to RE Regulations, 2010 & 2013 for inviting comments from all stakeholders.

With the above observations, the petition stands disposed off as not maintainable.

Ordered accordingly.

**(K.P. Singh)**  
Member

**(C.S. Sharma)**  
Member

**(Jag Mohan Lal)**  
Chairman