

Before

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

**Petition No. 33 of 2021**

**In the matter of:**

Petition seeking adjustment of tariff for Vanala Small Hydro Power Project (15 MW) unit of M/s Him Urja Pvt. Ltd. in terms of the directions contained in Order of the Commission dated 08.07.2016 and also as per Section 61 and 62 of the Electricity Act, 2003 read with Regulation 16(3) & 25 of UERC (Tariff and other terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulation, 2010 as amended from time to time and Regulation 3 & 4(4) of the UERC (Terms and Conditions for Truing up of Tariff) Regulations, 2008.

**In the matter of:**

M/s Him Urja Pvt. Ltd.

... Petitioner

**AND**

**In the matter of:**

Uttarakhand Power Corporation Ltd.

... Respondent

**CORAM**

**Shri D.P. Gairola**

**Member (Law) - Chairman(I/c)**

**Shri M.K. Jain**

**Member (Technical)**

**Date of Hearing: September 07, 2021**

**Date of Order: December 01, 2021**

The Order relates to the Petition dated 24.07.2021 filed by M/s Him Urja Pvt. Ltd. (hereinafter referred to as "Petitioner") seeking adjustment of tariff for Vanala Small Hydro Power Project (15 MW) (hereinafter referred to as "Project") of the Petitioner in terms of the directions contained in Order of the Commission dated 08.07.2016 on account of receipt of subsidy from MNRE and also as per Section 61 and 62 of the Electricity Act, 2003 (hereinafter

referred to as “the Act”) read with Regulation 16(3) & 25 of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2010, as amended from time to time (hereinafter referred to as “RE Regulations, 2010”) and Regulation 3 & 4(4) of UERC (Terms and Conditions for Truing up of Tariff Regulation, 2008.

## **1. Background**

- 1.1 The Petitioner had commissioned its project on river Nandakini, District Chamoli, Uttarakhand, having an installed capacity of 15 MW in December, 2009, which is presently connected to 66 kV Srinagar-Joshimath transmission line at Mangrauli sub-station near Nandprayag, District Chamoli, Uttarakhand. The Commission had determined the project specific tariff of Rs. 4.00/kWh for the project vide its Order dated 10.04.2014 after deducting subsidy amount of Rs. 6.20 Crore in accordance with the then prevalent RE Regulations.
- 1.2 Subsequently, the Petitioner had approached the Hon’ble APTEL against the said Order dated 10.04.2014 vide Appeal No. 178 of 2014. The Hon’ble APTEL after hearing the parties upheld the decision of the Commission vide its Judgement dated 03.05.2015. Subsequently, the Petitioner based on the aforesaid Judgement of the Hon’ble APTEL, approached the Commission seeking adjustment of tariff on account of adjustment of subsidy not received from MNRE in respect of Vanala SHP.
- 1.3 The Commission vide its Order dated 08.07.2016 rejected the Petition stating that re-determination of the tariff without deduction of subsidy from capital cost, as requested by the Petitioner, shall be considered after ascertainment of refusal of subsidy by the MNRE. Till such time, existing levelised tariff as determined by the Commission shall remain applicable. Subsequently, the Petitioner filed a Review Petition dated 01.09.2016 before the Commission seeking revision of tariff on account of adjustment of subsidy not received from MNRE in respect of its Vanala SHP. The Commission rejected the said Review Petition stating that till the establishment that either no subsidy would be eligible to a generator or subsidy amount is reduced by MNRE, no corrections will be made in tariffs.
- 1.4 Accordingly, the Petitioner has filed the present Petition dated 24.07.2021 seeking

adjustment of tariff for Vanala SHP based on the subsidy amounting to Rs. 6.20 Crore issued by MNRE vide Order dated 13.09.2019.

## **2. Petitioner's submissions**

- 2.1 The Petitioner submitted that the company was incorporated on 01.02.1995 with a view to *inter alia*, engage in the business of generation of electricity, and has been developing and operating small run of the river hydro projects in the State of Uttarakhand. The Petitioner has developed Vanala SHP having installed capacity of 15 MW on river Nandakini, District Chamoli, Uttarakhand. The electricity is being supplied to Uttarakhand Power Corporation Limited (hereinafter referred to as "UPCL" or "Respondent") from the said project in accordance with the terms and conditions of the PPA dated 21.12.2012 executed with UPCL.
- 2.2 The project specific tariff was determined by the Commission at the rate of Rs. 4.00/kWh in accordance with UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2010 (hereinafter referred to as "RE Regulations, 2010") vide Order dated 10.04.2014. The Petitioner submitted that the claim of the Petitioner for not deducting subsidy from the computation of the capital cost for determination of tariff till the date of actual receipt of the subsidy was rejected by the Commission vide its Order dated 10.04.2014.
- 2.3 The Petitioner submitted that the aforesaid Order of the Commission was challenged before the Hon'ble APTEL in Appeal No. 178 of 2014. Among other issues, the Petitioner had contested that the capital subsidy which has not been actually received should not be deducted while determining total cost of the project till the date of actual receipt of the subsidy by the Petitioner. The Hon'ble APTEL dismissed the Appeal permitting the Petitioner to approach the Commission for adjustment of the amount of capital subsidy in terms of the Regulation 16(3) of the UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2010.
- 2.4 The Petitioner submitted that as per observations of the Hon'ble APTEL, the Petitioner filed a Petition before the Commission not to reduce subsidy from the capital cost of the

project till the date of actual receipt of the subsidy which was dismissed by the Commission vide Order dated 08.07.2016 stating that re-determination of the tariff without deduction of subsidy from capital cost, as requested by the Petitioner, shall be considered subsequent to ascertainment of refusal of subsidy by the MNRE.

2.5 The Petitioner submitted that the Ministry of New and Renewable Energy allowed its application of the subsidy vide its Order dated 13.09.2019 and the payment of Rs. 6.20 Crore has been received by the financial institution on 27.09.2019. The Petitioner submitted that in the circumstances mentioned above, the Petitioner is entitled to a revised capital cost based on the fact that no amount of capital subsidy has been received by the Petitioner for its project during commissioning of the project. The said capital cost and tariff is required to be adjusted together with carrying cost in terms of the Regulations of the Commission.

### **3. Respondent's replies**

3.1 The Commission in order to provide transparency forwarded the copy of the Petition to the Respondent for comments. In the matter, UPCL vide letters dated 19.08.2021 and 03.09.2021 submitted its replies in the matter which have been dealt in the subsequent paragraphs of this Order.

3.2 UPCL submitted that the Petition has been filed under Section 61 & 62 of the Act read with Regulation 25 of RE Regulations, 2010 and Regulation 3 & 4(4) of the UERC (Terms and Conditions for Truing up of Tariff) Regulation, 2008. The Petition does not qualify to fall under the said provisions of law, the Petitioner has wrongly invoked these provisions. The Respondent also submitted that the Petitioner has no cause of action to file the present Petition and the cause of action as represented in the Petition is wrong. The Petitioner has wrongly stated that the cause of action arose in accordance with the directions contained in the Commission's Order dated 08.07.2016.

3.3 UPCL submitted that the Petitioner is misinterpreting and not representing the true import of the Order dated 08.07.2016 which clearly shows that the Commission only mentioned about the condition where MNRE refuses the subsidy to the Petitioner and not otherwise. It is further submitted that the Petitioner himself has mentioned about Regulation 16(3) of RE Regulations, 2010 and from the provisions of said regulation

itself, it is evident that the present Petition is not legally maintainable as the cause of action in the present Petition is not reduction in the subsidy amount but in-fact receiving the same.

- 3.4 UPCL submitted that the findings of the Commission were upheld by the Hon'ble APTEL in an Appeal filed by the Petitioner against the Order dated 10.04.2014 of the Commission. The Hon'ble APTEL considering that the Commission has rightly provided an option to the Petitioner under regulation 16(3) of RE Regulations, 2010 in case there is reduction in subsidy amount, and thereby the Appeal was dismissed by the Hon'ble APTEL. The Petitioner after the said Order of the Hon'ble APTEL filed a Petition before the Commission requesting not to reduce subsidy from the capital cost of the project till the date of actual receipt of the subsidy. The said Petition was also dismissed vide Order dated 08.07.2016 by the Commission. The Commission clarified that the intent of the regulation mandates not to frequently revise the tariff once determined for the life of the project, however, correction in tariff would be carried out if the MNRE reduces the amount of subsidy, which is not the case in the present matter, hence, the Petitioner is wrongly representing to have filed the present Petition as the cause of action arose in accordance with the said Order.
- 3.5 UPCL submitted that the amount of subsidy considered by the Commission for determination of the tariff for Vanala SHP has been received by the Petitioner, and there has been no reduction in the subsidy amount. Regulation 16(3) of RE Regulations, 2010 applies only in case wherein the subsidy amount is reduced by the MNRE, in which case also, the correction in tariff is done when it is demonstrated that reduction is not due to the inefficiency of the generator. UPCL also submitted that the Petitioner has misinterpreted the observations of the Hon'ble APTEL. The extract of the Judgement does not anywhere suggest grant of permission by the Hon'ble Tribunal as represented by the Petitioner. In fact the Hon'ble APTEL did not find any perversity or illegality in the Order of the Commission and the issue was decided against the Petitioner and it was specifically mentioned that the correction in the tariff would be carried out only when the amount of subsidy is reduced by the MNRE as per the Regulations.
- 3.6 UPCL submitted that it is wrong to say that the provisions of 16(3) of RE Regulation, 2010 are attracted in the matter and it is also wrong to say that the Petitioner has not

been able to get subsidy from the date of commissioning of the project for the reasons beyond the control of the Petitioner. It is surprising that the Petitioner has not disclosed any reason for delay in receiving the subsidy so as to give any basis for the Commission to analyse the correctness of the submission of the Petitioner. UPCL also submitted that the Petitioner has to fulfil certain prerequisites for availing the subsidy and it was the sole responsibility of the Petitioner to demonstrate its generation and capacity of the plant as per the policy, and, therefore, only the Petitioner is responsible for such acts and also its consequences.

- 3.7 UPCL submitted that the project was commissioned on 06.12.2009 and the application by the Petitioner to avail financial support was dated 16.03.2010. It is not clear as to when the same was submitted and thereafter, the only correspondence made by the Petitioner with MNRE is dated 13.12.2017. Further, the Petitioner failed to attain 80% of the quantum of generation envisaged in DPR for three consecutive months before April, 2017 and thereafter, only the request for release of capital subsidy was made, all this delay was totally attributable to the Petitioner himself. MNRE even sought clarification from the Petitioner for such a long delay in submission of the request for release of MNRE subsidy as is evident from letter dated 02.02.2018 of MNRE.
- 3.8 UPCL also submitted that the letter dated 12.02.2018 of the Petitioner also clearly shows that the delay in receiving the subsidy amount was due to the mistake of the Petitioner himself, the admission in the letter is sufficient to reject the application of the Petitioner. Further, the application for the release of the subsidy was rejected by the MNRE due to the undue delay in submission of the claim for the subsidy and also for not keeping the Ministry informed about the progress and generation etc., as is evident from letter dated 18.02.2019 of MNRE. This also establishes that the delay was solely attributable to the Petitioner. Furthermore, the application dated 10.06.2019 of the Petitioner written to MNRE for reviewing the decision of rejection of the application for subsidy also shows the admission of the Petitioner that the delay was due to mistake of the Petitioner himself.

#### **4. Petitioner's rejoinder**

- 4.1 Copy of the replies submitted by UPCL were forwarded to the Petitioner for submission

of rejoinder in the matter, if any. The Petitioner vide letter dated 05.11.2021 submitted its comments which have been dealt in the subsequent paragraphs of this Order.

4.2 The Petitioner submitted that there is no inefficiency on the part of the Petitioner as the Petitioner has been acting under the mistake of fact that the 80% capacity referred to installed capacity and not the generation as stipulated in the DPR. The interpretation of the Petitioner was further confirmed by AHEC, IIT Roorkee. Further, the Petitioner cannot be termed as negligent as it acted in a manner which he honestly believed to be justified by law. Therefore, the delay is not attributable to the Petitioner and it may not be penalized for the same.

4.3 The Petitioner also submitted that the maxim was considered by the Hon'ble Supreme Court in Motilal Padampat Mills Ltd. V/s State of Uttar Pradesh reported in (1979) 118 ITR 326(SC). The Hon'ble Supreme Court observed as follow:

*"It must be remembered that there is no presumption that every person knows the law. It is often said that everyone is presumed to know the law, but that is not a correct statement: there is no such maxim known to the law."*

4.4 The Petitioner submitted that the regulations provide for the revision of the tariff if the subsidy is rejected or reduced. The act of revision as mentioned in the regulation is all encompassing and includes reduction in subsidy also. If the power of determination of tariff is vested with the Commission as per the regulation, then the Power of revision of such tariff is also inherent in such regulation. The powers of the Commission are global and have inherent powers to interpret the regulation or supplement the regulation which such words or do any other thing as required in the interest of justice. The word 'Revision' has to be widely interpreted to include all revisions under any circumstances. Equity and justice demanded that the word 'Revision' has to be interpreted to include reduction in subsidy also.

## **5. Commission's Analysis and view**

5.1 The Commission conducted a hearing on the admissibility of the Petition on 07.09.2021. After hearing both the parties, the Commission vide Order dated 07.09.2021 reserved the judgement. After examining the relevant material available on records, issues raised by the Petitioner in the Petition, replies of the Respondent and the analysis of the

Commission are dealt in the subsequent paragraphs of this Order.

- 5.2 The Vanala project having installed capacity of 15 MW was commissioned on river Nandakini, District Chamoli, Uttarakhand, in December, 2009. The Commission had determined the project specific tariff of Rs. 4.00/kWh for the project vide its Order dated 10.04.2014 after deducting subsidy amount of Rs. 6.20 Crore on the date of commissioning. The relevant Paras of the said Order is as follows:

*“3.7.4 The Commission in this regard, had asked the Petitioner to submit a statement containing full details of calculation of any subsidy and incentive received, due or assumed to be due from the Central Government and/or State Government. The Petitioner vide its reply dated February 20, 2013 submitted that it had applied with MNRE for grant of capital subsidy but no subsidy had been received by it till date as it was unable to fulfil the conditions of grant of subsidy which requires the plant to be tested at 80% of the capacity for 80 days. However, the Petitioner could not run the plant for such period due to excessive silt in the river. Therefore testing has not been done. The Petitioner further submitted that as per Policy circulated by MNRE dated 11.12.2009 the subsidy eligible for its project works out to Rs. 6.20 Crore.*

*3.7.5 Accordingly, from the loan amount worked out in sub-Para (1) above, the capital subsidy equal to 75% of Rs. 6.20 Crore has been considered to have been utilized towards pre-payment of debt in accordance with the Regulations.”*

- 5.3 Aggrieved by the Order of the Commission, the Petitioner had approached the Hon’ble APTEL against the said Order dated 10.04.2014 vide Appeal No. 178 of 2014. The Hon’ble APTEL after hearing the parties upheld the decision of the Commission vide its Judgement dated 03.05.2015. The relevant extract of the said Judgement is as follows:

***“10.3 Our consideration on Issue ©***

*After going through the rival contentions and findings recorded by the State Commission on this issue in the impugned order, we agree to the views taken by the State Commission in the impugned order. The State Commission, in the impugned order has provided that the same may be reviewed in accordance with Regulation 16(3) of the RE Regulations, 2010. The amount of subsidy shall be considered for each renewable source as per the applicable policy of MNRE. If the amount of subsidy is reduced by MNRE, then necessary corrections in tariffs would be carried out by the State Commission provided the reduction in subsidy amount is*

*not due to the inefficiency of the generator. In view of this relaxation or liberty, we do not find any illegality and perversity in the impugned order and, accordingly, this issue, being Issue No.(C), is also decided against the Appellant."*

5.4 Subsequently, the Petitioner based on the aforesaid Judgement of the Hon'ble APTEL approached the Commission seeking adjustment of tariff on account of adjustment of subsidy not received from MNRE in respect of Vanala SHP. The Commission vide its Order dated 08.07.2016 rejected the Petition stating that re-determination of the tariff without deduction of subsidy from capital cost, as requested by the Petitioner, shall be considered after ascertainment of refusal of subsidy by the MNRE. Till such time existi9evelizedsed tariff as determined by the Commission shall remain applicable. The relevant extract of the said Order is as follows:

*"2.4 ...Revision in tariff in accordance with the Regulations may be carried out once the subsidy is received or it is established that the developer will no longer be getting any subsidy from MNRE in future. The same is the intent of the Regulations also which says that corrections in tariffs would be carried out by the Commission if MNRE reduces the amount of subsidy.*

*2.5 Accordingly, the Commission is of the view that redetermination of the tariff without deduction of subsidy from capital cost, as requested by the Petitioner, shall be considered subsequent to ascertainment of refusal of subsidy by the MNRE. Till such time existi9evelizedsed tariff as determined by the Commission shall remain applicable. Hence, the Petitioner's prayer in this regard is, hereby, rejected."*

5.5 Subsequently, the Petitioner filed a Review Petition dated 01.09.2016 before the Commission seeking revision of tariff on account of adjustment of subsidy not received from MNRE in respect of its Vanala SHP. The Commission rejected the said Review Petition vide Order dated 20.09.2016 stating that till the establishment of the fact that either no subsidy would be eligible to a generator or subsidy amount is reduced by MNRE, no corrections will be made in tariffs. The relevant extract of the said Order is as follows:

*"2.1.9 ...*

*...*

*The Regulations clearly specify that necessary corrections in tariffs will only be made if the amount of subsidy is either increased or reduced by MNRE. It does not anywhere say that it is only for generic tariff. The principle applies equally to the generator opting for project specific tariff or opting for generic tariff. Hence, till it is established that either no subsidy would be eligible to a generator or subsidy amount is reduced by MNRE, no corrections will be made in tariffs. Hence, the Petitioner's contention in this regard is not tenable and rejected accordingly."*

5.6 In the present Petition, the Petitioner has sought adjustment of tariff for Vanala SHP based on the subsidy amounting to Rs. 6.20 Crore issued by MNRE vide Order dated 13.09.2019 as per the Commission's Order dated 08.07.2016 and also in accordance with Regulation 16(3) & 25 of the RE Regulations, 2010 read with Section 61 and Section 62 of the Act.

With regard to subsidy, Regulation 16(3) and Regulation 25 of RE Regulations, 2010 specifies as follows:

***"16. Financial Principles***

(1) xxx

(2) xxx

(3) *The amount of subsidy shall be considered for each renewable source as per the applicable policy of MNRE. If the amount of subsidy is reduced by MNRE, then necessary corrections in tariffs would be carried out by the Commission provided the reduction in subsidy amount is not due to the inefficiency of the generator.*

**25. Subsidy or incentive by the Central / State Government**

*The Commission shall take into consideration any incentive or subsidy offered by the Central or State Government, including accelerated depreciation benefit if availed by the generating company, for the renewable energy power plants while determining the tariff under there Regulations.*

*Provided that only 75% of the capital subsidy for the financial year of commissioning as per applicable scheme of MNRE shall be considered for tariff determination.*

xxx

xxx"

The Commission had determined the tariff of the Vanala SHP vide Order dated 10.04.2014 considering the capital subsidy equal to 75% of Rs. 6.20 Crore towards pre-payment of debt in accordance with the Regulations. Further, it is pertinent to mention that in exercise of powers conferred under Section 61 read with Section 181 of the Electricity Act, 2003, the Commission had framed the RE Regulations, 2010 wherein the renewable energy source based generating stations were provided with an option to either opt generic tariff or apply for project specific tariff. The Petitioner had approached the Commission vide Petition dated 09.03.2010 and Supplementary Petition dated 03.12.2012 for determination of project specific tariff for Vanala SHP. After hearing the parties, the Commission had determined the project specific tariff in accordance with the Regulation 14(1) of RE Regulations, 2010 for the Vanala SHP based on the actual capital cost vide its Order dated 10.04.2014 after deducting 75% of the capital subsidy amount from the normative loan as on CoD which was not actually received by the Petitioner.

The Respondent has relied on Regulation 16(3) of RE Regulations, 2010 stating that there is no reduction in the subsidy amount, hence, and the Petition is liable to be dismissed. In the matter, it is pertinent to mention that the tariff of the Vanala SHP was project specific and, therefore, the levelized tariff for the plant is to be determined based on the actual capital cost in accordance with the provisions of Act and Regulations made thereunder. The main intent of project specific tariff is to service the actual capital cost incurred by the plant developer and in case there is a delay in receipt of subsidy the generator would suffer as its tariff gets reduced from the year of commissioning of the project although it receives subsidy later on. It is explicitly clear from the available data the subsidy amount was received by the Petitioner in September, 2019 and prior to that the Petitioner had arranged its own funds for which no recovery was allowed through tariff. RE Regulations, 2010 deals with the re-determination of tariff only in case of reduction of subsidy amount provided the reduction in subsidy amount is not due to the inefficiency of the generator.

Before taking any views on the Petition, it is pertinent to examine what reduction means. Collins dictionary defines reduction as the act of making something smaller in size or amount, or less in degree. It gives its synonyms as cut, cutting, trimming, pruning. Thus, as is evident from the ordinary meaning of the word reduction, reduction

means making something smaller in size or amount. The levelised tariff determined by the Commission for the project is based on the principles of determining the present value of tariffs that is to be received in the future based on the discounting factor. Given the time value of money, a Rupee is worth more today than it would be worth tomorrow. Hence, delay in receipt of subsidy reduces its worth and also the consequent levelised tariff for the Petitioner.

Hence, based on the above, it is imperative to quote and invoke the powers vested with the Commission under regulation 46 of RE Regulation, 2010, i.e. 'Power to Remove Difficulties', the said regulation reads as:

***"46. Power to Remove Difficulties***

*In any difficulty arises in giving effect to these regulations, the Commission may, of its own motion or otherwise, by an order and after giving a reasonable opportunity to those likely to be affected by such order, make such provisions, not inconsistent with these regulations, as may appear to be necessary for removing the difficulty."*

The Commission is of the view that it is necessary to exercise the powers given under the said regulations as delay in receipt of subsidy has consequent lead to reduction of the value of the subsidy considering the time value of money. Moreover, it is imperative that power of removal of difficulty be exercised in the interest of justice as the claim of the Petitioner is genuine and needs to be redressed in his favour.

5.7 Further, the Petitioner submitted that the revised capital cost on account of non-receipt of subsidy amount at the time of commissioning of the project, and tariff is required to be adjusted together with carrying cost in terms of the Regulations of the Commission.

In the matter, based on the available information on record, the Commission observed that the application of the Petitioner for approval of subsidy was rejected by MNRE due to undue delay in submission of claim for the subsidy as also for not keeping MNRE informed about the progress and generation etc. The Commission also observed that the Petitioner had admitted that there was miscommunication with AHEC in 2010 regarding performance testing without running the plant at 80% of the installed capacity. However, the Petitioner has not submitted any communication with AHEC in this regard. Accordingly, the Commission does not find it prudent to allow carrying cost

on the arrear amount to be recovered from UPCL.

The Petitioner vide its letter dated 22.11.2021 submitted that there will be an incremental tariff of Rs. 0.12 per unit for the life of the project if 75% of the capital subsidy amount of Rs. 4.65 Crore is reduced in the year 2019, i.e. year of receipt of subsidy, and accordingly, the tariff for the entire life of the project will be Rs. 4.12/kWh. However, tariff calculation in support of its claim has not been provided by the Petitioner.

The Commission in the past had determined levelized tariff of Rs. 4.00/kWh vide its Order dated 10.04.2014 by reducing 75% of capital subsidy amount from normative loan as on CoD. It is pertinent to mention that the tariff components comprise, i.e. depreciation, interest on normative loan, return on equity, O&M and interest on working capital and the amount of capital subsidy under RE Regulations, 2010 affects only two components, i.e. interest on normative loan and interest on working capital. Accordingly, by allowing 75% of capital subsidy amount of Rs. 4.65 Crore as on CoD, there will be an increase in interest on normative loan and corresponding increase in interest on working capital due to receivable, i.e. two months of approved tariff.

- 5.8 Accordingly, in light of the above discussions, the revised levelized tariff on account of adjustment in tariff due to receipt of subsidy in FY 2019-20 instead of FY 2009-10 as considered by the Commission in Order dated 10.04.2014, works out to Rs. 4.09/kWh for entire life of the Project, i.e. 35 years in accordance with the RE Regulations, 2010.
- 5.9 The Commission directs the Respondent to pay the arrears from the date of applicability of project specific tariff, i.e. 15.05.2011, as already approved vide Order dated 10.04.2014, to the Petitioner on account of increase in levelled tariff (i.e. Rs. 0.09/kWh) in four equal monthly instalments commencing from 01.12.2021.
- 5.10 Ordered accordingly.

**(M.K. Jain)**  
**Member (Technical)**

**(D.P. Gairola)**  
**Member (Law)- Chairman (I/c)**