

**Before**  
**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**  
**Misc. Application No. 10 of 2024**

**In the matter of:**

Petition under Section 86(1) (c), (e) (f) and (k) read with Section 30 of Electricity Act, 2003 and Regulation 43(1) of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2023 seeking permission of the Hon'ble Commission to connect the Petitioner's Suringad (5MW) small hydro plant from 33/11 kV Darati Sub-station of UPCL.

**In the matter of:**

Managing Director, UJVN Limited "UJJWAL", Maharani Bag, GMS Road, Dehradun

..... Petitioner

**AND**

**In the matter of:**

1. Managing Director, Uttarakhand Power Corporation Ltd. (UPCL)
2. Managing Director, Power Transmission Corporation of Uttarakhand Ltd. (PTCUL)
3. M/s Himalaya Hydro Private Limited.

.... Respondent(s)

**CORAM**

**Shri D.P. Gairola, Member (Law)-Chairman (I/C)**

**Shri M. L. Prasad, Member (Technical)**

**Date of Hearing: March 14, 2024**

**Date of Order: March 15, 2024**

**ORDER**

The Order relates to the Petition filed by UJVN Ltd. (hereinafter referred to as "the Petitioner") under Section 86(1) (c), (e) (f) and (k) read with Section 30 of The Electricity Act, 2003 and Regulations 43(1) of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2023 seeking permission of the Commission to connect the Petitioner's Suringad (5 MW) small hydro plant from 33/11 Darati S/s of Uttarakhand Power Corporation Ltd. (hereinafter referred to as "the Respondent No. 1" or "Distribution Licensee" or "UPCL").

## **1. Background**

- 1.1 The Petitioner, UJVN Ltd., is a company incorporated under the provisions of the Companies Act, 1956, having its registered office at UJJWAL, Maharani Bagh, GMS Road, Dehradun.
- 1.2 The Petitioner had completed construction of 5 MW Suringad Small Hydro Project in Pithoragarh District in April 2021. The Petitioner has been requesting UPCL for granting connectivity to its project for evacuation of power through 33/11 kV Darati S/s of UPCL. The Commission vide its order dated 02.02.2024 allowed interim connectivity to Petitioner's Suringad SHP at 33/11 kV Darati S/s during low discharge period i.e. from 15th December to 15th March till commissioning of 220 kV Baram S/s and associated lines. Further, in the said order the Commission had directed that upon the expiry of the said interim connectivity period, Suringad SHP shall be disconnected from UPCL's 33/11 kV Darati S/s.
- 1.3 UJVNL has now filed the instant petition before the Commission to permit connectivity to its SHP till 31<sup>st</sup> May and to direct UPCL to continue supply of power to Suringad SHP from Darati Sub-station even after the period interim connectivity is over.
- 1.4 Accordingly, the Commission decided to hear the parties on admissibility of the petition and vide letter dated 12.03.2024 directed the parties to be present for hearing on 14.03.2024. Considering the fact that date of disconnection provided in the aforesaid order of the Commission dated 02.02.2024 is 15.03.2024, the Commission decided to expeditiously initiate the adjudication process in the matter.
- 1.5 On the date of hearing i.e. 14.03.2024, the Commission heard all the parties in detail and have recorded their submissions in the following paras.

## **2. Submission by Petitioner**

- 2.1 UJVNL has submitted that there is a typographical error in the aforesaid order dated 02.02.2024. That combined reading of the paras 4.5, 4.9 and 4.10 of the aforesaid Order reveals that the intendment of the order was to allow connectivity till 31<sup>st</sup> March.

2.2 UJVNL has submitted that Suringad SHP be permitted to continue its connectivity till 31<sup>st</sup> May. That the original data submitted by Petitioner vide report dated 25.10.2023 showed no possibility of voltage fluctuation from January to May and in December, the voltage profile does not cross threshold limit of 34.65 kV in these months. Further, during the period of connectivity, the data generated reveals that the current generation of the Motighat, Tanga and Suringad SHPs combined at its peak was 5.18 MW, which does not even come close to the threshold of 16 MW which the grid is capable of evacuating.

2.3 UJVNL also submitted that there is a need for continued supply of power to Suringad SHP from Darati Substation even after the interim period of connectivity is over and the plant itself is no longer operating. That station supply for auxiliaries of the Suringad SHP need to be continued for charging of batteries which are vital for control and protection of power station and to keep operative the drainage and dewatering system of the plant for safety of the plant and equipment etc.

### **3. Submission by Respondent No. 1**

3.1 UPCL during the hearing stated that it has no issue if the connectivity is allowed to Petitioner's SHP up till 31 May. UPCL further stated that there shall be low generation up till the end of May and therefore, connectivity can be allowed to UJVNL.

### **4. Submission by Respondent No. 2**

4.1 Respondent No. 2 has not made any submission.

### **5. Submission by Respondent No. 3**

5.1 That the instant Petition is a review filed in garb of a substantive petition and that such petitions are not allowed to be entertained by the Courts, which would otherwise have a negative consequential effect of setting a trend which would distort the judicial discipline.

5.2 That the Commission has been rendered functus officio after passing of the order dated 02.02.2024 and therefore, re-agitation and reiteration of the same issue before the Commission amounts to derogation of judicial discipline.

5.3 That UJVNL's request to continue supply from UPCL even after the interim

connectivity period comes to an end is a relief beyond the scope of captioned petition. That UJVNL's SHP has been in existence since 2021 thus UJVNL must have been taking power from UPCL to keep its auxiliaries in running condition.

## **6. Commission Observations, View & Decision**

6.1 We have heard the parties on admissibility of the Petition, and we have examined the submissions thereof in detail. Petitioner in its prayer has made three requests for us to grant upon which are listed in the following paras of this order alongwith the observation of the Commission on each prayer:

- (i) Petitioner has stated that there is a typographical error in para 4.9 of the aforesaid order of the Commission which needs to be corrected and the date of disconnection of Suringad SHP from the Darati Sub-station be corrected from 15.03.2024 to 31.03.2024. Regarding this, it is to clarify that the date 15<sup>th</sup> March has been fixed on examining the generation data and taking a prudent view considering that the flow of water increases gradually post 15<sup>th</sup> March. The connectivity period starting from 15<sup>th</sup> December to 15<sup>th</sup> March was cautiously decided by the Commission to ensure protection of interest of the other party involved i.e., M/s Himalaya Hydro Pvt. Ltd. and that there shouldn't be an iota of possibility of any network constraints for simultaneous evacuation of all three generators during the aforesaid period of interim connectivity. However, we agree that there is a typographical error but that doesn't exist in para 4.9. The typographical error exists in para 4.10 of the aforesaid Order that provides the date of submission of report by the Chief Engineer, Udham Singh Nagar Zone, UPCL to the Commission. In the said para, it is clarified that 15 days should be read as 30 days. However, it is relevant to mention and as rightly pointed out by the counsel of M/s Himalaya Hydro, that for seeking clarification/correctness on clerical errors in the Court orders, an application on rectification of the order could have been made. But making this typographical error as a base to topple the view of the Commission is an unscrupulous attempt.
- (ii) On the issue/prayer to permit connectivity to Petitioner's SHP up till 31<sup>st</sup> May, it is needless to emphasize that the Commission after much deliberation and

examining the yearly and month wise generation data and voltage profile of the relevant network had allowed connectivity to Petitioner up till 15<sup>th</sup> March vide the aforesaid order dated 02.02.2024. On the issue of granting interim connectivity till 31<sup>st</sup> May 2024, the Commission had already quashed the aforesaid request of the Petitioner and had given reasons for allowing connectivity for the period from 15<sup>th</sup> December to 15<sup>th</sup> March in the said Order and the same are reproduced hereunder:

*“...it is evident that the total generation of Motighat and Tanga SHPs reduces from the month of December till March and is only about 30% of the total installed capacity of the plants in the month of March. Thereafter, the generation increases from the month of April and reaches to about 80% of the total installed capacity in the said month. Meaning thereby that, evacuation of power from the Suringad SHP is possible during the months of December uptill March, when generation of Motighat and Tanga SHPs is low, thus, provide sufficient scope to ensure power evacuation from Suringad SHP.”*

...

*“In light of the above, the Commission is of the view that based on the submissions of the parties it seems that connectivity to Suringad SHP of the Petitioner at 33/11 kV Darati S/s is possible during low discharge period i.e. from 15<sup>th</sup> December to 15<sup>th</sup> March, hence, the Commission allows interim connectivity to Suringad SHP at UPCL's 33/11 kV Darati Sub-station for the period starting from 15<sup>th</sup> December to 15<sup>th</sup> March, till commissioning of 220 kV Baram S/s and associated lines. Upon the expiry of the said interim connectivity period, Suringad SHP shall be disconnected from UPCL's 33/11 kV Darati S/s.”*

Further, Petitioner has submitted that a committee formed by MD, UPCL consisting of officers of Petitioner, Respondent No. 1 & 2 has submitted its report on 28.02.2024, examining the generation data of Motighat, Tanga and Suringad SHPs alongwith the voltage profile of the system. In this regard, we would like to draw attention to the direction of the Commission in the aforesaid Order whereby a technical report containing the generation/voltage profile of the system for the interim period (from 15<sup>th</sup> December to 15<sup>th</sup> March)

with detail of power evacuation from three generating stations namely Motighat (5MW), Tanga (5MW) and Suringad (5MW) is to be submitted by the Chief Engineer, Udham Singh Nagar separately to the Commission. Since this Commission has already issued direction soliciting report with respect to the generation/voltage profile of the system for the interim period, we are of the view that considering any other report on the subject is unwarranted. Moreover, we observe that matter such as this has been already deliberated upon by this Commission in length and cannot be reopened on the whims of Petitioner who seems to be either ignorant or very casual about the procedure of judicial process. This Commission has allowed an interim arrangement vide the aforesaid order and shall examine its effectiveness based on the Technical Report to be submitted by the Chief Engineer, UPCL. We are not inclined to peruse any other report at this juncture on this matter nor shall we revisit our stance w.r.t. allowing connectivity to Petitioner. Further, we agree with the argument of the counsel of M/s Himalaya Hydro that if Petitioner was aggrieved by the aforesaid order of the Commission, it may have filed a review of the same or an appeal before the Hon'ble APTEL.

- (iii) On the issue/request of allowing connectivity for the purpose of auxiliary consumption, we have already clarified in the above paras that disconnection is to be ensured on expiry of interim connectivity period allowed in the Commission's Order dated 02.02.2024. We cannot let Petitioner have connectivity post 15<sup>th</sup> March with the network of UPCL as it may jeopardise the interests of M/s Himalaya Hydro Pvt. Ltd.

- 6.2 In light of the above, the Commission is of the view that based on the above observations of the Commission on the issue of rectification of typographical error, it is already clarified that 15 days in para 4.10 of the said Order shall be read as 30 days for submission of report by Chief Engineer, Udham Singh Nagar, UPCL. Besides this, on the other two requests/prayer discussed in the above paras of this order, the Commission does not find them maintainable and hence decides to reject the same.
- 6.3 Further, the Commission directs the parties to strictly comply with the directions of the Commission given in the order dated 02.02.2024. UPCL is directed to ensure

disconnection of the Suringad SHP on 00:00 Hrs of 16<sup>th</sup> March, 2024 and submit compliance report on the same under affidavit.

- 6.4 The Petition is meritless and is being rejected at the admission stage and is hereby dismissed.

Ordered Accordingly.

**(M. L. Prasad)**  
**Member (Technical)**

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