

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
Misc. Application No. 21 of 2022

In the matter of:

Petition filed by UJVN Ltd. Under Section 86(1)(c), (e), (f) and (k) read with Section 30 of the Electricity Act 2003 and Regulations 41(1) of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2018 seeking permission of the Commission to connect the Petitioner's Suringad (5 MW) small hydro plant from 33/11 Darati S/s 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.K. Jain, Member (Technical)

Date of Hearing: February 17, 2023

Date of Order: February 20, 2023

ORDER

A petition was filed by UJVN Ltd. seeking permission to connect its Suringad (5 MW) SHP from 33/11 kV Darati Sub-Station. In the matter, the Commission heard the parties on admissibility and merits on 18.01.2023 and vide daily order decided to reserve its judgment. On the next day i.e., 19.01.2023 Petitioner filed an application seeking amendment in its original relief

requesting the Commission to allow connectivity only for 'interim period of Dry Seasons'. Another application was filed by Petitioner requesting further amendment in the prayer by allowing connectivity to its plant only in the 'interim period of Dry & Lean Seasons'.

During the hearing, counsel representing Respondent No. 3 argued vociferously against admissibility of the petition. We have observed that Petitioner vide the amendment applications has relinquished the original reliefs and has abridged the reliefs sought in the main Petition and has not sought any amendment in the facts of the petition, same is neither against the law nor does it prejudice the interest of Respondent. It is the general understanding of law that a Court should be extremely liberal in granting a prayer for amendment of pleading, unless serious injustice or irreparable loss would be caused to the other party. We do not see any injustice/injury being caused to Respondents by allowing amendment application. Moreover, if we do not allow the amendment applications at this stage, the Petitioner is highly likely to bring in a fresh application that will only increase expense and time in resolving the issue. We are of the view that allowing the applications is also in the interest of reducing multiplicity of suits.

Supplementing the above, we would like to emphasize that the Commission has been bestowed with the power to review its decision, directions and orders under Section 94 (1) of the Electricity Act, 2003 and have power to pass such interim orders in any proceedings as it may consider appropriate. In exercise of this, and in exercise of the power provided at Regulation 60 of the UERC (Conduct of Business) Regulations 2014, whereby, the Commission has power to amend any defect or error in any proceedings, we have decided to admit the petition.

On the issue of ad-interim connectivity for dry & lean seasons, we have perused the latest generation data submitted by Petitioner. It appears that in addition to the power generated by the two SHPs of Respondent No. 3 namely Tanga (5MW) & Motighat (5MW), there is capacity in the 33 kV system of UPCL to accommodate evacuation of power from the Petitioner's Suringad SHP (5 MW). Besides this, during the hearing, Petitioner submitted that if connectivity is allowed, it shall take all possible measures to protect the interest of Respondent No. 3 and shall install Special Protection System (SPS), line reactor, capacitor bank etc. Moreover, Petitioner submitted that 1st right of evacuation shall vest with Respondent No. 3 and in case of evacuation constraints, Suringad SHP shall be backed down automatically using the SPS. Also, Petitioner submitted that it shall indemnify Respondent No. 3 for any loss of generation caused to Respondent No. 3 SHPs due to connectivity given to Petitioner's Suringad SHP. It is pertinent to mention here that UPCL (Respondent No.1) has given its consent to this proposed connectivity arrangement.

Considering these submissions, we are of the view that first priority shall be given to evacuation of generation from Respondent No. 3 Motighat & Tanga SHPs and no compromise shall be made on that account. However, taking cognizance of the fact that 220/33kV Baram substation of Respondent No.2 (PTCUL), where reliable connectivity could be given to Motighat & Tanga SHPs, is delayed and is proposed to be commissioned by June 2024. Hence ad-interim connectivity is being allowed to Suringad SHP only upto 31.05.2023 subject to the fulfilment of following directives:

- (i) UPCL shall provide ad-interim connectivity to the Petitioner's Suringad (5MW) SHP at 33/11 kV Darati Sub-Station only after ensuring that Petitioner, in coordination with UPCL, has installed Special Protection System (SPS), line reactor, Capacitor bank etc. for restricting the generation of Suringad SHP during evacuation constraint conditions and to regulate voltage within specified limits.**
- (ii) 1st right of evacuation shall vest with Respondent No. 3 and in case of evacuation constraints, Suringad SHP shall be backed down automatically using the SPS.**

Further, UPCL is directed to instruct its Chief Engineer, Udham Singh Nagar Zone to monitor generation/voltage profile on daily basis and prepare a Technical Report containing the generation/voltage profile of the system for the ad-interim period with detail of power evacuation from three generating stations namely Motighat (5MW), Tanga (5MW) and Suringad (5MW) to be submitted to the Commission within 15 days from the period ending ad-interim connectivity i.e. by 15.06.2023.

(M.K. Jain)
Member (Technical)

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