

Before  
**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

Petition No. 32 of 2022

**In the Matter of:**

**Petition for approval of Provisional Tariff for Vyasi Hydro Power Project (2x60 MW) under Section 62 and 86 of the Electricity Act, 2003 read with the relevant regulations and guidelines of the Hon'ble Commission.**

And

**In the matter of:**

UJVN Limited,  
"UJJWAL", Maharani Bagh, GMS Road,  
Dehradun.

...Petitioner

&

**In the matter of:**

Uttarakhand Power Corporation Ltd.,  
Victoria Cross Vijeta Gabar Singh Bhawan,  
Kanwali Road, Dehradun

...Respondent

**Coram**

Shri D.P. Gairola	Member (Law)/Chairman(I/c)
Shri M.K. Jain	Member (Technical)

**Date of Hearing: November 09, 2022**

**Date of Order: November 09, 2022**

**ORDER**

This Order relates to the Petition filed by Uttarakhand Jal Vidyut Nigam Ltd. (hereinafter referred to as "UJVN Ltd." or "the Petitioner") seeking approval of the Commission for "Provisional Tariff for Vyasi Hydro Power Project (2x60 MW) under Section 62 and 86 of the Electricity Act, 2003 read with the relevant regulations and guidelines of the Commission"

**Background**

2. The Petitioner vide its letter dated 18.10.2022 submitted a Petition for 'Approval of Provisional Tariff for Vyasi Hydro Power Project (2x60 MW) under Section 62 and 86 of the

Electricity Act, 2003 read with the relevant regulations and guidelines of the Hon'ble Commission' wherein the Petitioner has sought the following reliefs:

**"H. Relief Sought**

92. In view of the facts mentioned above, the Petitioner prays for the following relief: -

- Accept the accompanying financial projections of the Petitioner for FY 2022-23 prepared in accordance with Tariff Regulations established by the Hon'ble Commission and pass/ issue Provisional Tariff Order for Vyasi HEP;
- Consider and provisionally approve the project cost of Rs. 1897.38 Crore of Vyasi HEP as on COD i.e. 24.05.2022.
- Allow continuation of provisional tariff determined for FY 2022-23 till approval of final tariff for Vyasi HEP by the Hon'ble Commission.
- Grant suitable opportunity to the Petitioner within a reasonable time frame to file additional material information that may be subsequently available;
- Grant the waivers prayed for with respect to such filing requirements as the Petitioner is unable to comply with at this stage in the filing;
- Treat the filing as complete in view of substantial compliance as also the specific humble requests for waivers with justification placed on record;
- Condone any inadvertent omissions/ errors/ shortcomings and permit the Petitioner to add/ change/ modify/ alter this filing and make further submissions as may be required at a future date;
- Consider and approve the Petitioner's application including all requested regulatory treatments in the filing;
- Consider the submissions of Petitioner that could be at variance with the orders and regulations of the Hon'ble Commission, but are nevertheless fully justified from a practical viewpoint;
- Pass such orders as the Hon'ble Commission may deem fit and proper in view of the facts and circumstances of the case."

3. The Petitioner in its Petition has further requested the Commission to pass an Interim Order as following:

"

**I. Interim Order prayed for: -**

- It is humbly submitted that the Vyasi HEP has been commissioned and 238.97 MU energy till September 2022 has already been exported to UPCL. After commissioning of the plant, the liabilities against loan repayment, loan interest and O&M expenses are increasing with the passing of each month.
- The Hon'ble Commission in its Tariff Order dated 31.03.2022 for UPCL for FY 2022-23 has already approved power purchase cost from Vyasi Project as Rs. 7.60 per kWh in the ARR of UPCL.
- To discharge the liabilities against loan repayment, loan interest and O&M expenses, it is requested that the Hon'ble Commission may kindly pass appropriate order, as an Interim relief, directing UPCL for payment of bills for export of electricity from Vyasi HEP at a tariff of Rs. 7.60 per kWh, till the Order on the instant petition for provisional tariff is issued by the Hon'ble Commission."

4. The Petitioner in its Petition has submitted that the original DPR cost of the project was Rs 936.23 Cr. which was revised and approved to Rs 1581.01 Cr with IDC upto December 2019 by their Board in its 95<sup>th</sup> meeting held on 27.09.2019. Further, due to considerable impact of Covid-19 pandemic on construction of project, the Petitioner's board has revised and approved the commissioning date of project as 30.09.2021 and accordingly revised the project cost to Rs. 1777.30 Cr due to increase in IDC upto Sep. 2021.
5. The Petitioner further submitted that the project was envisaged to be commissioned on 30.09.2021 but due to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> wave of COVID-19 pandemic & resumption of work with restrictions under SOPs of MHA, GoI/GoU after lifting of lockdown period, the project commissioning was further delayed. Besides Covid-19 Pandemic, non-settlement of R&R issue of Lohari Village also affected the construction activities at Dam site till October, 2021 and filling of reservoir from EL 622.00 to EL 630.00 till 11<sup>th</sup> April, 2022. The Unit-I & Unit -II of the project were commissioned on 24.05.2022 & 22.04.2022 respectively. The actual cost incurred up to 31.03.2022 as per the audited accounts is Rs.1719.11 Crores. The Petitioner submitted that the actual project cost capitalized as on COD i.e. 24.05.2022 is Rs. 1897.38 Crores.
6. Hearing in the matter was held on the stipulated date and time. During the hearing the Petitioner reiterated its submission in the matter and requested the Commission for allowing the interim tariff for recovery of its current expenses till finalization of the provisional tariff requested in the instant Petition. During the hearing the Commission enquired about the completion of the Project in all respect and filing of the petition on final tariff. To this, the Petitioner submitted that as on date some works of the Project are pending and expected to be completed by March, 2023, thereafter, with the audited expenditures, it shall be in a position to file the Petition for determination of final tariff.
7. Further, during the hearing the Respondent requested the Commission for a time extension of 15 days for submitting its comments/reply in the matter.

#### **Commission's Views & Decisions**

8. The Commission vide its letter dated 21.10.2022 sought comment/reply from the Respondent on the Petition filed by the Petitioner and allowed the Respondent time till 07.11.2022 for submitting its reply in the matter. However, the Respondent did not make any submission before the Commission during the said time frame, rather on the last

date of submission of comments, i.e. on 07.11.2022 they submitted a letter before the Commission seeking additional time for furnishing their reply.

9. The Commission is of the view that since the current proceeding is for approval of interim/provisional tariff and the Respondent shall be allowed adequate time to respond on the merits at the time of determination of final tariff as has been allowed by the Commission in the past also. Further, the Commission is of the view that the request of Respondent will unnecessarily delay the proceeding, therefore, the request of the Respondent is not accepted.
10. The Commission has taken cognizance of the submission of the Petitioner made during the hearing that some works are pending and expected to be completed by March, 2023, thereafter, it shall be in a position to file the petition for determination of final tariff. Therefore, the Commission, at present finds it appropriate to determine the provisional tariff in place of allowing it an interim tariff as the Petitioner has assured that within few months it will file a separate petition for the final tariff of the Project. In this regard, the Commission directs the Petitioner to file the petition for determination of final tariff at the earliest in accordance with the MYT Regulations.
11. Accordingly, the Commission decides to allow Provisional Tariff of Rs. 7.60 per unit, which is equivalent to the interim tariff claimed by the Petitioner to meet/recover the expenses till determination of final tariff. The same shall be recovered based on energy generated/supplied to the beneficiary. Any arrear against the energy supplied shall be recovered in three equal monthly instalments beginning from November, 2022 onwards.
12. The Commission at present is not taking any view on NAPAF and saleable primary energy of the Project and shall take a final view on the same while determining the final tariff. However, the Petitioner is directed to maintain a proper data for calculation of actual PAFM, e-flow etc.

The Petition is hereby disposed off.

Ordered accordingly.

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

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