

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 30 of 2024
Alongwith IA No. 11 of 2024
Date of Hearing: 19.07.2024
Date of Order: 22.07.2024

Petition under section 86 (1)(b), 86(1)(f) and (86)(1)(k) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement (PPAs) dated 12.12.2001 and as amended on 16.03.2004 executed between Punjab State Power Corporation Limited (PSPCL) and M/s Kotla Hydro Power Private Limited (KHPPL) seeking appropriate direction for execution of a supplementary PPA; AND / OR issuance of appropriate directions for allowing intra-state and inter-state open access to M/s Kotla Hydro Power Private Limited for sale and supply of power within or outside the State of Punjab.

And

In the matter of: M/s Kotla Hydro Power Private Limited, Through its Authorized Signatory Having its office at B-37, IIIrd Floor, Sector-1, Noida, Gautam Buddha Nagar- 201301 Uttar Pradesh.

...Petitioner

Versus

1. Punjab State Power Corporation Limited (PSPCL), Through its Chief engineer, NRSE & Thermal Design Shakti Vihar, SE/ ELECTRICAL, T-4, Thermal Design Complex, PSPCL, Patiala- 147001, Punjab.
2. Punjab Energy Development Agency (PEDA), Through its Director Plot No. 1-2, Sector 33D, Chandigarh (U.T.)-160034.
3. Punjab State Load Dispatch Centre (PSLDC), Through its Superintending Engineer/ Open Access SLDC Building, 220kV Sub Station Ablowal, Patiala-147004, Punjab.

...Respondents

Commission: Sh. Viswajeet Khanna, Chairperson
 Sh. Paramjeet Singh, Member

Petitioner: Sh. Neeraj Malhotra, Senior Advocate
 Sh. Nishant Kumar, Advocate
 Sh. Nimesh Kumar, Advocate
 Sh. Pramod K. Arora, A.R

PSPCL: Ms. Poorva Saigal, Advocate (through VC)
 Ms. Harmohan Kaur, CE/ARR&TR
 Sh. Harjeet Singh, ASE/TR-5
 Sh. Ashish Bansal
 Sh. Ashwani Kumar
 Sh. Gerry

ORDER

The Petitioner filed Petition No. 30 of 2024 alongwith IA No. 11 of 2024, for urgent listing of the petition. The petition has been taken up for hearing on admission today i.e. 19.07.2024 and the IA No. 11 of 2024 stands disposed of accordingly.

The Petition was taken up for hearing on admission. Ms. Poorva Saigal, Advocate, has appeared for PSPCL. After hearing the Ld. Counsel for the parties, petition is admitted. Notice be issued to the respondents. The Ld. Counsel for the Petitioner further submitted that the period of initial 20 years of the PPA expired on 22.06.2024 and MHP of the Petitioner has been disconnected from the Grid by PSPCL. Pursuant to the disconnection of its MHP, the petitioner is continuously suffering loss of generation. The petitioner has requested PSPCL to allow the petitioner to supply power from its MHP at the existing tariff. An identical matter is pending before the Commission in Petition No. 05 of 2024 and the Commission vide order dated 07.03.2024, has allowed the generator to continue supply power to PSPCL at the existing tariff as per their mutual consent till the pendency of the matter. Contradicting the submissions of the Petitioner, the Ld. Counsel for PSPCL, submitted that the facts and circumstances of the present case are not identical with that of Petition No. 05 of 2024. In Petition No. 05 of 2024, the parties had mutually agreed for supply of power on the existing rate whereas in the present case the petitioner has not come forward despite the repeated requests of PSPCL and sought time to file a detailed reply. The same may be filed by PSPCL within two weeks with a copy to the Petitioner (through hard & soft copy) within two weeks. The Petitioner may file rejoinder, thereto, if any within one week thereafter with a copy to PSPCL (through hard & soft copy).

The Petition shall be taken up for hearing on 21.08.2024 at 11.30 AM.

Sd/-

(Paramjeet Singh)
Member

Sd/-

(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **22.07.2024**