

**BEFORE THE HIMACHAL PRADESH ELECTRICITY  
REGULATORY COMMISSION AT SHIMLA**

**PETITION No. .... OF 2017**

**IN THE MATTER OF:-**

Patikari Power Private Limited,  
1st House, Bhumian Estate,  
Nav Bahar, Bhumian Road,  
Chhota Shimla , Shimla-171002. .... Petitioner

**Versus**

Chairman,  
Himachal Pradesh State Electricity Board  
Vidyut Bhavan, Shimla-171004 .....Respondent

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BEFORE THE HIMACHAL PRADESH ELECTRICITY  
REGULATORY COMMISSION AT SHIMLA

PETITION No. .... OF 2017

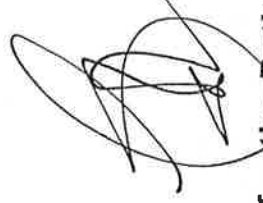
MEMO OF PARTIES

M/s Patikari Power Private Limited  
1<sup>st</sup> House, Bhumian Estate,  
Nav Bahar, Bhumian Road,  
Chhota Shimla, Shimla – 171002  
H.P. ....Petitioner

Versus

The Himachal Pradesh State  
Electricity Board Ltd (HPSEBL)  
thro' its Executive Director (Pers.),  
Vidyut Bhawan, Shimla-171004

.....Respondent



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9810013352

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY  
COMMISSION AT SHIMLA**

FILING NO. \_\_\_\_\_

CASE NO. \_\_\_\_\_

**IN THE MATTER OF:-**

Application for Determination/Revision/Review of Tariff for Sale of Power from Patikari, 16 MW Hydro Power Plant Located on Bakhli Khad (*tributary of River Beas*), District Mandi(H.P.) to Himachal Pradesh State Electricity Board.

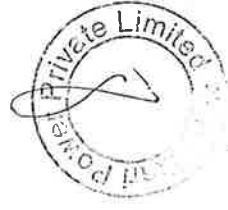
**AND IN THE MATTER OF:-**

Petition under Sections 62 & 86 of Electricity Act, 2003 for determination of tariff of 16 MW Patikari Hydro Electric Project.

**AND IN THE MATTER OF:-**

Patikari Power Private Limited,  
1<sup>st</sup> House, Bhumian Estate,  
Nav Bahar, Bhumian Road,  
Chhota Shimla , Shimla-171002.

..... Petitioner



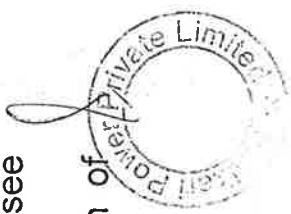
**Versus**

The Himachal Pradesh State  
Electricity Board Ltd. (HPSEBL)  
thro' its Executive Director (Pers.),  
Vidyut Bhawan, Shimla-171004

..... Respondent

**MOST RESPECTFULLY SHOWETH:-**

1. The Petitioner is **M/s Patikari Power Private Ltd, ('PPPL')**, a Company incorporated under the Companies Act, 1956, having its Registered office at 1<sup>st</sup> House, Bhumian Estate, Nav Bahar Road, Chhota Shimla, Shimla – 170002, (Himachal Pradesh) and Corporate Office at Hall B, First Floor, Plot No. 143-144, Udyog Vihar, Phase IV, Gurgaon – 122015, Haryana, and is a Generating Company within the meaning of Section 2 (28) of the Electricity Act, 2003. PPPL has developed 16 MW Patikari Hydro Electric Project in District Mandi, in the State of Himachal Pradesh which was declared under commercial operation on 06.02.2008 ('Project').
2. That the Respondent is the Himachal Pradesh State Electricity Board Ltd ('HPSEBL') thro' its Executive Director (Pers.), Vidyut Bhawan, Shimla-171004, a deemed licensee under the Act, engaged in generation and distribution of electricity in the State of Himachal Pradesh.
3. That the present Petition is being filed and instituted by Mr Syed Javed Mohsin, who has been duly authorized to sign, institute, file, verify, execute, submit affidavit etc., on behalf of the Petitioner Company.



A copy of Resolution dated 14-11-2017 passed in favour of Mr Syed Javed Mohsin is attached herewith as **Annexure P-1**.

#### **4. BACKGROUND OF PPPL TARIFF PETITION:**

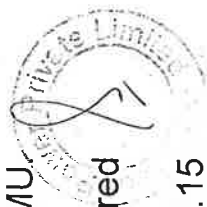
- i. That on 21.06.2000, GoHP executed a Memorandum of Understanding (**MOU**) in favour of East Indian Petroleum Limited ('**EIPL**') predecessor in the interest of the Petitioner for review of the Detailed Project Report ("**DPR**") prepared by the Respondent and for the implementation of the Project. EIPL updated the data till September 2001 and submitted the DPR for approval to the Respondent.
- ii. That due explorations and validations including optimization of layout and structural design of various components of project, proposed by the Respondent in their DPR, were carried out by the Petitioner. However, the hydrological data provided by the Respondent in their DPR had to be taken as such and relied upon for preparation of the revised DPR by the Petitioner. Based on the 90% dependable year discharges arrived at on the basis of hydrological data provided by the Respondent, the Design Energy was determined and fixed as 78.81 Million Units, out of which 12% had to be supplied free of cost to the GOHP as per the provisions of the IA.

A copy of the DPR submitted by the Petitioner is attached hereto and marked as **Annexure P-2**.

iii. That the Petitioner obtained Techno-Economic Clearance from the Respondent on 27<sup>th</sup> September 2001 under which the approved Capital cost of the Project was Rs. 125.90 Crores and the same was based on Nov, 2000 price level.

A copy of the Techno-Economic Clearance issued by the Respondent on 27<sup>th</sup> September 2001 is attached hereto and marked as **Annexure P-3**.

iv. That the Discharge Data for 12 years (1984-85 to 1995-96), which was taken into account for preparation of DPR, had been provided to the Petitioner by the Respondent. 90% Dependable Year Energy (Design Energy) derived from this discharge data is 78.81 MU and adopted as such in DPR. Further based on this data, Average Annual Energy works out to be 104.54 MU. Based on these Energy figures the Petitioner had got assured that the Project will generate minimum revenue of Rs. 152.15 million and average revenue of Rs. 205.67 million per annum which would accrue to the Petitioner from above said Design Energy and Average Annual Energy respectively @ tariff of Rs. 2.25 per kwh then notified by GOHP for Small Hydro Power Projects. However, it is seen in the last 10 years that due to less water resources and reduction in available water and reduction





in available water for power generation, the design energy of the project considering the entire 23 years data is 56.98 MU. Thus, it can be appreciated that for the given capital. Cost of the project and the equity already invested therein. The revenue is much lower than was envisaged in the PPA and the petitioner for no fault of theirs and inspite of completing the project in lower than TEC approved cost is suffering and in 10 years of generation, the Company has found it difficult to even service its debt.

Calculation Sheet of the minimum annual revenue of the Project based on DPR Design Energy and notified tariff is attached hereto and marked as **Annexure P-4**.

- v. That on 09.11.2001, EIPL entered into an Implementation Agreement ("IA") with GoHP for implementation and development of the Project. Further, a Tripartite Agreement dated 09.11.2001 was also executed between GoHP, EIPL and M/s Patikari Power Pvt. Ltd. ('PPPL' or 'Petitioner'), which was incorporated to *inter-alia* build, own, operate and maintain the Project.

A copy of the Implementation Agreement dated 09.11.2001 and Tripartite Agreement dated 09.11.2001 is attached hereto and marked as **Annexure P-5 collectively**.

vi. That the Petitioner raised about Rs.41.12 Crores equity funds for the Project. The Petitioner also tied up the debt funding for the balance funding requirement of the Project from the consortium of Indian banks in which State Bank of India acted as the lead lender and State Bank of Hyderabad and State Bank of Patiala as the other consortium members. At the time of raising of debt, the Petitioner had assured the banks that there would be some savings in the estimated Project cost, which would make the project viable for long term funding. Accordingly, the banks carried out the appraisal and loan amount was released to the Petitioner for execution of the Project.

vii. That though in the TEC, the approved capital cost of the Project is Rs. 125.90 Crores at November 2000 price level, the Project was completed in the year 2008 at a capital cost Rs. 115.11 Crores only, i.e. well within the approved capital cost. That the reduction in cost has been achieved by optimized engineering, redesigning, engineering changes, effective Project management and savings in interest due to reduced construction period as assured to the lenders.

A copy of project balance sheet as on 31<sup>st</sup> March, 2010 *inter-alia* project cost is enclosed at **Annexure P-6**.

viii. The work on the main components of the Project was started in June, 2005 and the Project was completed in January, 2008. The first unit was commissioned on 20<sup>th</sup> January, 2008 and the second unit on 28<sup>th</sup> January, 2008 in a record period of about two and a half years. Both the Units were put on Commercial Operation on 06<sup>th</sup> February, 2008. The power from the Project is being sold to HPSEB according to the PPA.

Copy of HPSEBL letter declaring the Project Commercial Operation Date is enclosed at **Annexure P-7**.

ix. That this Hon'ble Commission on 18.06.2007 notified the Himachal Pradesh State Electricity Regulatory Commission (Power Procurement from Renewable Sources and Co-Generation from Distribution Licensees) Regulations, 2007 ("**Regulations**"). Clause (m) of Regulation 2 of the said Regulations defines the term "**renewable sources and co-generation**", which considered the hydro power projects upto and including 25 MW as renewable sources and co-generation projects.

x. That the Petitioner had signed the Power Purchase Agreement with the Respondent on 5<sup>th</sup> July 2004 at the tariff rate of Rs. 2.25/- per kwh, which is very low as compared to the power cost of the Respondent from other sources. Tariff for procurement of power had been fixed and finalized by the GOHP much before

the establishment of the Hon'ble Commission and the Petitioner had to follow the same, as the same also formed part of the terms and conditions of the bidding document. The Petitioner had relied upon the hydrological data as provided by the Respondent, at the time of the submission of the bids, for the development of the Hydro Power Project.

A copy of the PPA dated 05.07.2004 is attached hereto and marked as **Annexure P-8**.

- xi. That the Petitioner, in August, 2008 filed Petition No. 184/2008 before this Hon'ble Commission under Sections 62 and 86 of the Act, praying for determination of the tariff in respect of the Project, as the PPA of the Project *inter-alia* did not contain any condition mandating that the said PPA would be subject to the provisions of the Commission's regulations on the power procurement from renewable sources.

- xii. That this Hon'ble Commission vide its order dated 29.10.2009 passed in Petition No. 184/2008 (**Annexure P-9**) concluded as under that:-

*"i. The commission has the power to re-open the concluded PPA's for the purpose of incentivising the generation from non-conventional energy projects, within the*

*framework of the Act and the regulations framed thereunder.”*

The Hon'ble Commission further decided to consider each Petition on its merits and to issue individual project wise orders based on the furnishing of necessary data/ detailed calculations (along with supporting documents) on an affidavit with respect to the claims regarding mandatory release of water discharge, payment of differential amount on account of payment of the compensation of fisheries and towards the use of forest land; and also the levy of LADA charges.

xiii. That the Petitioner in compliance of the said order dated 29.10.2009 submitted Petition No. 201/2009 and thereby, prayed as under:-

*“a. determine the tariff for purchase of energy from the Project, by the Board and may enhance the existing tariff of Rs.2.25 per unit to the minimum of Rs.4.70 per unit w.e.f. 20<sup>th</sup> January 2008 (i.e. from the date of Commissioning of the Project) for the entire Project life of 40 years; and may also take into account the expenditure incurred by the Petitioner on account of change in law/policy/regulations in respect of the water discharge, payment of differential amount on*



*account of compensation to fisheries and towards use of forest land and also towards levy of LADA charges;"*

xiv. That this Hon'ble Commission vide its Order dated 16.07.2010 was pleased to partly allow the Petition No. 184/2008 & 201/2009, while holding as under:-

*"the tariff of Rs. 2.25 paise fixed in relation to this Project shall be enhanced by 27 paise on account of impact of 15% mandatory release of water down stream of diversion structure. However, either party on the actual data available for a period of 10 years may approach the Commission to review the said increase.*

*.....  
This order shall be applicable from the date it is made."*

A copy of the Order dated 16.07.2010 passed by this Hon'ble Commission in Petition No. 184/2008 & 201/2009 is attached hereto and marked as Annexure P-10.

#### **5. NECESSITY OF PRESENT PETITION:**

i. Hon'ble Appellate Tribunal for Electricity (APTEL) vide its order dated 23.04.2012 while partly allowing the Appeal filed by the instant Petitioner against Hon'ble HPERC order dated

16.07.2010 in Appeal bearing No. 179 of 2010 was *inter-alia* pleased to hold as under:-

*“38. Even though the information submitted by the appellant for the last 2 years of operation indicates lower generation than the design generation, the data for river discharge has not been submitted along with the discharge expected as per the DPR. Moreover, the data of limited period of less than two years is inadequate to conclusively establish the issue in favour of the appellant.*

*However, we give liberty to the appellant to approach the State Commission with upto date supporting data to establish their case regarding low discharge in the river and the State Commission would consider the same after giving opportunity of hearing to all concerned.*

*39. The fourth issue is regarding allowance of impact of change in law, rules and policy of the State Page 79 of 87 Appeal No. 179 of 2010 & IA No. 248 of 2011 Government on tariff retrospectively from the date of change in such law/rules/policy instead of prospectively i.e. from the date of the impugned order.”*

A copy of the Judgment dated 23.04.2012 passed in Appeal No. 179 of 2010 is attached hereto and marked as **Annexure P-11**.

- ii. It is thus submitted that Hon'ble APTEL vide its order dated 23.04.2012 has given liberty to the Petitioner to approach this Hon'ble Commission with up to date discharge data and material in support of their case for review / revision / enhancement of tariff in respect of the Project considering substantially low discharges in the river compared to DPR discharges.
- iii. Accordingly, the present Petition has been filed by the Petitioner, a Generating Company as defined in Section 2(28) of the Electricity Act, 2003 (hereinafter referred to as "Act"), seeking a revision/determination/review/enhancement of tariff for sale of energy generated from the 16 MW Patikari Hydro Electric Plant on Bakhli stream, a tributary of River Beas, District Mandi, Himachal Pradesh (hereinafter referred to as "Project") in terms of the law laid down by Hon'ble APTEL as well as by this Hon'ble Commission, wherein liberty has been given to the Petitioner to approach this Hon'ble Commission with material and data in support of its case regarding increase in tariff of the Project on account of low discharge in the river.

#### **6. SALIENT FEATURES OF PRESENT PETITION:**



- i. Based on the hydrological data made available by the Respondent to the Petitioner at the time of preparation and subsequent filing of the tariff petition, the project was expected / to generate minimum 78.81 MU of energy or more per annum. However, actual discharges in the river, as recorded by the Petitioner during construction and after commissioning of the Project, have been recorded to be comparatively much below the 90% Dependable Year Discharges considered in the DPR. This trend was, in fact, evident right since commissioning of the Project in January 2008 and was brought to the kind notice of this Hon'ble Commission as well as the Hon'ble APTEL by the Petitioner through its earlier petitions. Consequently actual annual generation from the Plant, which was envisaged to be equal to or more than Design Energy of 78.81 MU, has not touched this figure even once post commissioning of the Project.
- ii. That based on the expected minimum generation of 78.81 MU per annum, the project was envisaged to generate minimum revenue to the tune of Rs.152.15 million @ the tariff of Rs 2.25/- per kWh. In spite of the above, the Petitioner had managed to tie up loans amounting to Rs 7450 lakhs from banks viz. State Bank of India, State Bank of Hyderabad, State Bank of Patiala and The Lakshmi Vilas Bank Limited for executing and completing the Project well within the approved cost and time frame. However, with actual inflows being substantially low

compared to 90% Dependable Year discharges, the project is not able to achieve minimum annual generation of 78.81 MU as envisaged in DPR / TEC granted by the Respondent leading to abysmally lower revenue generation by the Project.

- iii. Because of abysmally low generation and consequent lower revenues on account of lower discharges in the river on which the Project is located, Petitioner has been put to tremendous financial constraints right since commissioning of its project making it extremely difficult even to service the loans. Many a time since its commissioning the Project has been on the verge of being declared as NPA when Petitioner had performed to infuse additional funds from time to time by arranging additional inter corporate loans or through other means to avoid this. Because of these financial constraints, the Project has not been able to pay large outstanding claims of its contractors / vendors which are pending since construction stage thereby putting additional financial burden on the Petitioner by way of interest on these outstanding payments. Details of these large outstanding claims against the Petitioner as on date with dates since when these are payable are given hereunder:

SI No	Claimant	Amount, (In Rs)	Outstanding Since
1	Abir Infrastructure Private Limited	1,75,21,316	30-03-2013
2	Energy Infrotech Private Limited (formerly known	1,39,51,821	Outstanding as on 31-03-2008 amounting to

SI No	Claimant	Amount, (In Rs)	Outstanding Since
	as Erudite Engineers Pvt Ltd)		Rs. 2,49,51,821 against which an amount of Rs. 80,00,000 released on 10-03-2010 and Rs. 30,00,000 released on 04-06-2014
3	A.Sitaramaraju	63,56,600	30-03-2007
4	Srivatsa Projects Private Limited	3,00,00,000	25-06-2010

A copy of the latest statement of accounts evidencing above financial liabilities of the Petitioner is attached hereto and marked as **Annexure P-12** collectively.

- iv. That the Project was commissioned in January 2008 and has thus been in operation for almost ten (10) years now leading to wear and tear of components especially the underwater parts including Turbine Runners. Immediate major overhauling and capital maintenance of the generating units are required to be undertaken now to avoid any breakdowns and consequent outages which would lead to avoidable loss of generation and revenue to the Petitioner as well as to the GOHP by way of corresponding reduction in Free Power. For taking up these preventive overhauling activities, some cost intensive capital spares like Turbine Runners are required to be procured which Petitioner is constrained to postpone for want of funds in absence of adequate revenue from the Project. There is thus

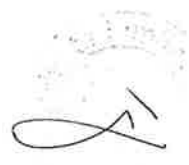
urgent need to review the 90% Dependable Year discharges, corresponding Design Energy and tariff based on up to date discharge data in accordance with Hon'ble APTEL's order dated 23.04.2012 as mentioned above.

v. At the time of preparation of DPR by the Petitioner, discharge data of Bakhli Khad for 12 years (from 1984-85 to 1995-96) only was provided by the Respondent to the Petitioner. Moreover, this data did not contain the actual discharges at the Weir Site but were the extrapolated figures from the discharges recorded at the gauge site established by BBMB upstream of Pandoh Dam at Kaloh which is around 8 km down stream of Patikari Power Station site. Hydrology data taken into account in DPR as such does not truly take into account actual run offs at Weir Site and hence the Annual Design Energy of 78.81 MU derived from such data in the DPR is obviously suspect.

vi. The Petitioner had started the construction activities at Weir Site in later part of the year 2005. It was only then that the Petitioner had established the discharge gauge upstream of Weir Site and started recording the actual discharges of Bakhli Khad there. The Petitioner has now collected actual discharge data of river at Weir Site for over 11 years (year 2006-07 to 2016-17). The river discharge data of a total of 23 years is thus available now for further factual analysis.

A copy of the River Discharge Data including the annual yield in million cubic meters (M cum) Petitioner for 23 years now available is attached hereto and marked as **Annexure P-13**.

vii. The hydrological data made available by the respondent for 12 years from 1984-85 to 1995-96. When compared with the actual observed discharge data from 2006-07 till 2016-17 (11 years), it may be seemed that while the average annual water yield for the data made available by the respondent is 191.71 MCM, the actual water yield collected by PPPL is 120.87 MCM. This works out to about 63% of the water resources shown by the respondent. In view of this, it is clear that the hydrological water resources data provided by the respondent were misleading, incorrect and very much on the higher side as compared to actual discharges observed by the PPPL.

  
Year wise annual yield/run offs as well as average annual yield during the above mentioned durations are tabulated and graphically depicted in **Annexure P-14** attached herewith.

viii. Keeping in view the facts and circumstances explained in foregoing paras of this petition, there is an urgent need for review and revision of the 90% Dependable Year Discharges based on the hydrological data now available, corresponding Design Energy and hence the tariff. Taking into account total 23 years hydrological data of Bakhli Khad now available. year

2016-17 comes out to be the 90% Dependable year and corresponding month wise theoretical energy generation potential (Design Energy) of the Project works out to be as under:

S.No.	Month	Revised Design Energy
1	April	3.43 MU
2	May	3.25 MU
3	June	5.98 MU
4	July	5.24 MU
5	August	11.90 MU
6	September	7.99 MU
7	October	3.59 MU
8	November	2.31 MU
9	December	1.97 MU
10	January	3.55 MU
11	February	3.72 MU
12	March	4.05 MU
<b>Revised Annual Design Energy</b>		<b>56.98 MU</b>

It is submitted that actual efficiency as well as head of the plant has been taken into account for working out the Design Energy as above. Incidentally the actual efficiency and head of the Plant are higher than the corresponding values assumed in the DPR. Moreover, above said Design Energy has been calculated

assuming 100% plant availability. Mandatory releases of water from Weir Site in accordance with extant HPPCB's notifications in this regard have not been taken into account while working out above said Revised Design Energy. Since the issue regarding mandatory releases from Weir Site and commensurate compensation to the generators on this account is under adjudication by Hon'ble APTEL at present, its implications on Design Energy have not been taken into consideration while working out above said Revised Design Energy. This issue will, therefore, be put up separately before the Hon'ble Commission later on for its consideration. Working sheets containing the consolidated hydrological data of 23 years, corresponding calculated energy figures, fixing of Revised 90% Dependable Year and Revised Design Energy are appended herewith as **Annexure P- 15** collectively.

- ix. Petitioner had commenced releasing the mandatory discharges from Weir Site immediately after commissioning of the Project and continues to do so in pursuance of the relevant notifications of HPPCB in this regard. Since the energy calculations mentioned above do not take into account the loss of generation on account of these mandatory releases as well as on account of the power evacuation constraints in the transmission network of the Respondent, actual generation from the Plant has always been less than the corresponding calculated energy figures right from commissioning of the Project. This is evidenced by the

working sheet enclosed herewith as **Annexure P-16** wherein a comparison of generation on monthly basis for the 90% dependable year generation (as per approved DPR), based on actual observed discharges and actual gross generation from the project for the period 2007-08 till 2016-17 is shown.

From a perusal of above, it may be seen that while the design energy for the project based on the hydrological data made available by the respondent for the period 1984-85 to 1995-96 (12 years) was 78.81 MU i.e., The design energy if the data set of 2006-07 to 2016-17 is considered, the design energy for these 11 years works out to be 56.99 MU. In case, the entire series of 23 years which includes both the data set of 1984-85 to 1995-96 and 2006-07 to 2016-17 is considered that the design energy for the entire 23 years works out to 56.98 MU.

From this it may be seen that the actual generation is much below the 90 % dependable year generation and also substantially below the theoretical generation based on new 90 % dependable year calculated now for the 23 years available data.

A summary of the same is tabulated below:



Year	Theoretical Generation (As per observed discharges)	Actual Generation	Difference
2008-09	73.51	71.13 ✓	2.38
2009-10	39.63	35.36 —	4.27
2010-11	83.20	77.63 ✓	5.57
2011-12	75.53	58.05 —	17.48
2012-13	78.39	73.41 ✓	4.98
2013-14	86.01	79.09 ✓	6.92
2014-15	82.67	73.49 ✓	9.18
2015-16	61.67	56.64 —	6.03
2016-17	56.98	50.40 —	6.59

- x. In its earlier petition Nos. 184/2008 & 201/2009 filed before the Hon'ble Commission and Appeal No. 179 of 2010 before Hon'ble APTEL, Petitioner had prayed for determination of tariff based on completion cost of the Project and CERC norms as the estimated return to the Petitioner @ fixed tariff of Rs.2.25 per KWH would be far less than what is admissible as per CERC norms. This plea was, however, not accepted on the premise that when Petitioner had entered into the agreement with the Govt. / Respondent of its own volition, former knew the expected levels of returns and thus the same could not be the valid ground for review of tariff. Going by this conclusion of the Hon'ble Commission as well as Hon'ble Tribunal, the Petitioner had known that it will earn an assured minimum annual revenue or more from sale of electricity from its Plant which works out to be Rs.152.15 million based on DPR Design Energy of 78.81 MU @ tariff of Rs.2.25 per KWH as per calculations given hereunder:

i.	Design Energy per annum	: 78.81 MU
ii.	Auxiliaries Consumption (Average)	: 0.42%
iii.	Transformation & Transmission Losses (Average)	: 2.08%
iv.	Total losses from Generator terminal to Delivery Point	: 2.50%
v.	Energy delivered at Delivery Point (0.975 x 78.81) MU	: 76.84 MU
vi.	12% Free Power to home State	: 9.22 MU
vii.	Net Saleable / Billable Energy (76.84 – 9.22) MU	: 67.62 MU
viii.	Current Tariff as per PPA	: Rs.2.25/kWh
ix.	Assured revenue per annum Rs. (76.62 x 2.25) million	: Rs.152.15 million

- xi. Since the viability of the Project was based on the premise that the Petitioner will earn an assured minimum annual revenue of Rs.152.15 million or above during 90% of the life of the Project as worked out, tariff needs to be so adjusted that Petitioner continues to generate minimum revenue of above said amount at the actual revised Design Energy of 56.98 MU as now worked out on the basis of consolidated discharge data of Bakhli Khad for 23 years. Minimum annual revenue of Rs.152.15 MU to the Petitioner from the Project can be ensured if its tariff is re-fixed at Rs.3.11 per kWh as calculated hereunder:

i.	Revised Design Energy per annum	: 56.98 MU
ii.	Auxiliaries Consumption (Average)	: 0.42%
iii.	Transformation & Transmission Losses (Average)	: 2.08%

iv.	Total losses from Generator terminal to Delivery Point	:	2.50%
v.	Energy Delivered at Delivery Point (0.975 x 56.99) MU	:	55.56 MU
vi.	12% Free Power to home State	:	6.67 MU
vii.	Net Saleable / Billable Energy (55.56 – 6.67) MU	:	48.89 MU
viii.	Assured Revenue per annum as per I (ix) above	:	Rs.152.15 Million
ix.	Revised Tariff for assuring above revenue Rs.(152.15/48.89) = Rs.3.11 /kWh	:	Rs.3.11 /kWh

**Note:** Auxiliaries consumption, Transformation & Transmission losses are as per actuals recorded since commissioning of the Project.

xii. That the Hon'ble Commission has the jurisdiction to try and adjudicate the instant Petition, as the Project is located within the jurisdiction of this Hon'ble Commission. The power generated from the project is being sold to the Respondent within the jurisdiction of this Hon'ble Commission. The parties are having their registered office within the jurisdiction of this Hon'ble Commission. The PPA for sale of energy generated from the Project is executed within the jurisdiction of this Hon'ble Commission.

xiii. That the Petitioner has filed the appropriate fees as prescribed in the Regulations by this Hon'ble Commission along with the instant Petition.

**Prayer:-**

In view of the facts and the circumstances as detailed above, it is most respectfully prayed that this Hon'ble commission may be pleased to;

- i. To consider and allow the review of design discharge data as tendered by Respondent in the DPR and given to the petitioner.
- ii. To accept the design discharge figures of the project of petitioner, since the construction of the project to till March 2017 as enclosed in

**Annexure P-13**

- iii. Allow the instant Petition filed by the Petitioner and thereby review/revise/enhance the tariff for sale of energy generated from 16MW Patikari Hydro Electric Project to Rs. 3.11/- kWh, after considering the material and data submitted by the Petitioner substantiating the fact that the actual discharges in Bakhli Khad stream are far below than those provided by the Respondent and taken into account in the DPR dated Nov, 2000 leading to lower generation and loss of revenue to the Petitioner.

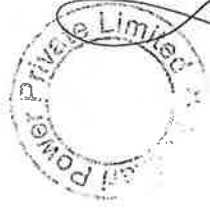
- iv. Direct the Respondent Board to pay the enhanced tariff from the COD of the project to compensate for revenue losses suffered by the Petitioner right since commissioning of the

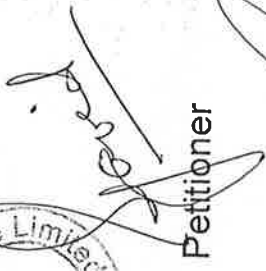
Project due to low discharges in Bakhli Khad  
i.e. Rs 50.17 Cr.

- v. Direct the Respondent to pay interest at 18 %  
per annum from COD of the project till the time  
the said amount is paid by the Respondent to  
the Petitioner.
- vi. Pass such other order as this Hon'ble  
Commission may deem fit and proper in the  
facts and the circumstances of the case.

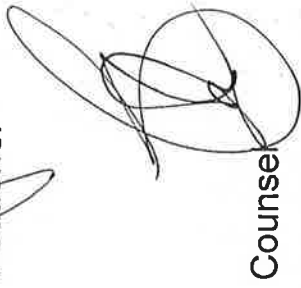
Date: Nov, 2017

Place: New Delhi



  
Petitioner

Through

  
Counsel

Tarun Johri (Advocate)