

**Sub: In the matter of Application filed under Section 86(1)(b) of the Electricity Act, 2003 read with Regulation 13 of the MPERC (Conduct of Business) (Revision-I) Regulations, 2016 seeking early determination of tariff at which electricity is to be supplied by the petitioner's Mini Hydel Power Plant and other reliefs**

**ORDER**

**(Date of hearing: 20<sup>th</sup> June, 2017)**

**(Date of order: 21<sup>st</sup> June, 2017)**

M/s SAS Hydel Projects Pvt. Ltd.,  
New 25, Old No. 10, Sir Madhavan Nair Road,  
Mahalingapuram, Nungambakkam, Chennai- 600 034

- Petitioner

Shri Ajay Kumar Mishra, Sr. Counsel and Shri A.K. Pradhan, Company Secretary appeared on behalf of the petitioner.

2. The petitioner, M/s SAS Hydel Projects Pvt. Ltd., Chennai has filed this petition seeking early determination of tariff at which electricity is to be supplied by the petitioner's Mini Hydel Power Plant and other reliefs. The case was listed for motion hearing on 21.03.2017, which was adjourned from time to time on the request of the petitioner and finally listed for motion hearing on 20.06.2017. The petitioner has also submitted an amended petition on 22.05.2017. In its petition, the petitioner has prayed the Commission to fix the tariff applicable for mini hydel power projects in the State of Madhya Pradesh to be established under SHP 2011 for 3 years i.e. from 2017-18 to 2019-20 before expiry of 31.03.2017 for giving certainty in applicable tariff to its project.

3. During the motion hearing on 20.06.2017, the petitioner restated the contents of the petition. He has further submitted that:

- (i) The M.P. Power Management Co. Ltd. has issued order dated 09.05.2017 whereby the COD of 9.75 MW Sarsuma MHS in Damoh District has been extended up to 30.09.2018.
- (ii) The scheduled month of commissioning of this project is September, 2018.
- (iii) As per CERC guidelines, the tariff is to be determined for a period of 3 years.
- (iv) As per Section 61(f) of the Electricity Act, 2003 the Commission, for determination of tariff, shall be guided by the multi-year tariff principles. Therefore, the extension of control period of the tariff order for one year is against the provisions of Section 61 of the Electricity Act, 2003.
- (v) The ceiling on the tariff should be for minimum tariff instead of maximum tariff.

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4. Having heard the petitioner, the Commission is of the view that:

- (i) The scheduled COD shall be in accordance with Hydro Power Development Agreement executed between NRED and the petitioner and the extension of scheduled COD can be allowed by the Government of M.P. as evident from clause 3.3(i) & (ii) of the PPA executed on 12.05.2016 by the petitioner with M.P. Power Management Company Limited. As such, the extension of scheduled COD allowed by the MPPMCL vide letter no. 05-01/605 dated 09.05.2017 cannot be considered.
- (ii) For the projects commissioned after 31.03.2018, the tariff shall be applicable as per relevant tariff order applicable during such control period. The Commission intends to initiate the process of determination of tariff for the next control period in due course.
- (iii) The Commission had issued the generic tariff on 14.05.2013 which is applicable to all Small Hydro Power projects commissioned/shall commission during the control period from 14.05.2013 to 31.03.2018 as per CERC guidelines.
- (iv) The aforesaid tariff order was issued based on multi year tariff principles in terms of the Section 61 of the Electricity Act, 2003. The orders for extension of control period for one year from time to time were issued with all other terms and conditions of the tariff order dated 14.05.2013 remained unchanged. Therefore, the contention of the petitioner that the extension of control period of the tariff order for one year is against the provisions of Section 61 of the Electricity Act, 2003, is not correct.
- (v) The tariff indicated in the tariff order is subject to the policy guidelines on free electricity and additional free electricity to be provided by the developer to the State Government.

5. In view of the above, this petition no. 04 of 2017 is not tenable and is dismissed.

Ordered accordingly.

**(Alok Gupta)**  
Member

**(A.B.Bajpai)**  
Member

**(Dr. Dev Raj Birdi)**  
Chairman