BEFORE THE HON'BLE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION.

I.A…….. of 2025
In
Review Petition No. 206 of 2025

In the matter of: Petition under Section 94 (1) (f) of the Electricity Act, 2003 read with regulation 7(5) & Regulation 70 of HPERC (Conduct of Business) Regulations, 2024 seeking review of the order dated 22.01.2025 passed by the Hon'ble Commission along with supporting affidavit.

In the matter of: Himachal Pradesh Power Transmission Corporation Ltd., (HPPTCL)

……Petitioner

Versus

Himachal Pradesh State Electricity Board Limited

……..Respondent

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General Manager (C&D)
HPPTCL, Shimla-5

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Place: Shimla

Date: 21/11/2025

Applicant

General Manager (C&D)
HPPTCL, Shimla-5

Through Counsel

Vikas Chauhan
Mob: 9736237549

BEFORE THE HON'BLE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION.

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Application under Regulation 75 of the HPERC (Conduct of Business) Regulations, 2024 read with Section 151 of the Code of Civil Procedure, 1908, seeking continuation of the transmission charges approved for FY 2023-24 during the 5th Control Period, till further orders of this Hon'ble Commission and during the pendency of the Review Petition, in respect of transmission assets whose tariff had been approved up to FY 2023-24 but were not considered while determining the Aggregate Revenue Requirement (ARR) for the 5th Control Period vide Order dated 22.01.2025.

MOST RESPECTFULLY SHOWETH:

1. That the Applicant, Himachal Pradesh Power Transmission Corporation Limited (HPPTCL), is a wholly owned Government Company and the State Transmission Utility (STU) for Himachal Pradesh, vested with the statutory responsibility under Section 39 of the Electricity Act, 2003 to build, operate and maintain an efficient, coordinated, and economical Intra-State Transmission System and to provide non-discriminatory open access to its network upon payment of transmission charges.
2. That HPPTCL is filing the instant Application seeking continuation of the transmission charges already

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approved for FY 2023-24 during the 5th Control Period, till further orders of this Hon'ble Commission, in respect of those transmission assets whose tariff had been duly approved up to FY 2023-24 but were not considered while determining the Aggregate Revenue Requirement (ARR) for the 5th Control Period vide Order dated 22.01.2025. It is most respectfully submitted that the continuation of such approved transmission charges is essential in the interest of justice, equity and to ensure recovery of legitimate costs incurred by HPPTCL in operation and maintenance of the said assets as well as in discharging the liabilities on account of Finance charges which may affect the financial rating of the petitioner and may affect its business adversely. The following facts are, therefore, placed before this Hon'ble Commission for its kind consideration and adjudication of the present Application.

3. That HPPTCL had filed Petition No. 30 of 2024 before this Hon'ble Commission under the provisions of the Electricity Act, 2003 read with the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations and the HPERC (Conduct of Business) Regulations, 2024, seeking approval of its Business Plan and Multi-Year Tariff (MYT) for the Fifth Control Period (FY 2024–25 to FY 2028–29).

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4. In the aforesaid MYT Petition (Petition No. 30 of 2024), the Applicant had claimed Annual Revenue Requirement (ARR) considering the following groups of assets: -

i) *15 Nos. of Inter and Intra State Transmission Schemes transferred from HPSEBL.*

ii) ***New Schemes that have been commissioned for which Capital Cost has been approved by the Hon'ble Commission and Tariff Orders have been issued by the Hon'ble Commission for the fourth Control Period ending 31.03.2024.***

iii) ***New Schemes that have been commissioned recently for which Petition has been filed before the Hon'ble Commission and is yet to be disposed of.***

iv) *New Schemes that have been commissioned very recently or are expected to be commissioned by 31.03.2024 for which the Tariff Petition is yet to be filed and*

v) *Ongoing Schemes as well as new Schemes that shall form part of the Intra-State Transmission Network projected to be commissioned in the fifth Control Period from FY 2024-25 to FY 2028-29.*

It is submitted that, as evident from the above, all such transmission assets were duly covered in HPPTCL's

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MYT Petition (Petition No. 30 of 2024). However, the Hon'ble Commission, vide its Order dated 22.01.2025, did not consider certain assets while determining ARR for the Fifth Control Period and had inter alia observed as under:

"C. Schemes commissioned but not approved: The Commission notes that the schemes commissioned but not approved will undergo a separate review process. At this stage, the Commission has not included such projects in the projected ARR of the Fifth control period."

....

"6.10.2 The ARR approved by the Commission shall be recovered by HPPTCL based on the norms as specified in Regulation 45 of the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023.

6.10.3 Further, the ARR approved subsequently by the Commission in any of it future orders, for intra- state transmission asset(s) which has not been considered in this Order, shall also be recoverable along with this ARR, in the form of monthly transmission charges as per the norms defined in the prevailing HPERC Transmission Tariff Regulations as mentioned above."

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5. That aggrieved by the said Order dated 22.01.2025 passed in the original Petition No. 30 of 2024, the HPPTCL has filed the instant Review Petition No. 206 of 2025 read with Amendment Application under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 7(5) and Regulation 70 of the HPERC (Conduct of Business) Regulations, 2024, seeking review and reconsideration of specific issues decided in the said Order.

6. That in the said Review Petition No. 206 of 2025, HPPTCL has, inter alia, sought review and reconsideration on the following substantive issues before this Hon'ble Commission:

i. Review of the rate of Return on Equity (RoE) and treatment of Income Tax;
ii. Review of the non-inclusion of certain Intra-State transmission assets in light of the Hon'ble APTEL's Judgment dated 12.04.2024;
iii. Review of the exclusion of assets whose COD and Capital Cost were under finalization at the time of original MYT proceedings;
iv. Recovery of Transmission Charges for 400/220/66 kV GIS Pooling Sub-Station, Wangtoo (Sherpa Colony), pursuant to the Hon'ble CERC Order in Petition No. 38/MP/2023;

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v. Recovery of Transmission Charges for 33/220 kV GIS Sub-station at Karian and associated 220 kV Transmission Line to Chamera-II Pooling Station;

vi. Review of the treatment of funding of assets;

vii. Review of the determination of Transmission Charges for Short-Term Open Access (STOA) consumers.

7. Through the issues highlighted above, HPPTCL has raised issue towards allowance of transmission charges post FY 2023-24 in respect of multiple number of transmission assets and asset wise detail in said regard is as under: -

I. Charor–Banala Transmission Line and Associated Assets

8. That, with respect to the Charor–Banala Transmission Line and its associated assets, this Hon'ble Commission in its Order dated 22.01.2025 in original Petition No. 30/2024 has observed that the issue regarding classification and recovery of charges was sub judice before Hon'ble Commission following the remand back of matter by the Hon'ble Appellate Tribunal for Electricity (APTEL) vide its Judgment dated 27.08.2024. Accordingly, in its Order dated 22.01.2025(MYT Order) the Hon'ble Commission had held that the said asset would not be classified for

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pooling or included in the projected ARR for the Fifth Control Period till final adjudication.

9. Pursuant to issuance of MYT Order, the Hon'ble Commission vide Order dated 23.01.2025 had ruled as under: -

"

86. In view of the above, the Petitioner has not been able to establish on record that the Petitioner is not liable to pay the transmission charges for the entire capacity of the transmission line i.e. 289 MW or that the Petitioner is liable to pay the transmission charges for 86 MW upto 12.07.2024 and 80 MW from 13.07.2024 onwards from its project i.e. MalanaII HEP. Similarly, the Petitioner has not been able to establish on record that the provisional bills dated 14.08.2021, 01.10.2021 and 08.11.2021 demanding the transmission charges for the entire capacity of the transmission line i.e. 289 MW and subsequent bills and disconnection notice dated 11.08.2023 are also illegal and null and void. The Petitioner has also not been able to establish on record that the minutes of meeting held on 21.10.2021 are also wrong and illegal. Point No. 1 is accordingly decided against the Petitioner. 8.9. We also direct the HPPTCL/ Respondent to sign the transmission service agreements with all those power producers to whom the

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system/transmission line was conceived and their projects have been commissioned/ under construction as per the detail appended to the tariff order dated 12.08.2021 in Petition No. 97 of 2020 so that the transmission charges are shared accordingly. The file after needful be consigned to the records

"

10. Therefore, HPPTCL has in the instant Review Petition No. 206 of 2025 prayed that the said asset be treated as Intra-State in nature after issuance of HPERC Order dated 23.01.2025 in remand back proceedings and that the corresponding Transmission Charges for 5th Control period be included in the revised tariff determination.

II. 400/220/66 kV GIS Pooling Sub-Station, Wangtoo (Sherpa Colony)

11. That, regarding the 400/220/66 kV GIS Pooling Sub-Station at Wangtoo (Sherpa Colony), the Hon'ble Commission in its Order 22.01.2025 in original Petition No. 30/2024 had noted that schemes commissioned but not yet approved would be taken up separately. However, the Hon'ble CERC vide its Order dated 20.03.2025 in Petition No. 38/MP/2023 has held that this asset is Intra-State in nature by ruling as under: -

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"41. We observe that the instant substation was planned to evacuate the power of intra-State generating stations and drawl/injection of HPSEBL. As recorded in minutes and submitted by CTUIL, it was Petitioner's proposal to construct the substation as an intra-State transmission system for which it had tied up ADB funding. We observe that Petitioner has developed 9 bays under 400 kV, and interconnecting 400 kV transmission lines provides an evacuation path to intra-State generating stations. Further, as per HPERC analysis, the maximum capacity that can be handled by Wangtoo 400/220 kV substation is 315 MVA with n-1 contingency condition, and HSEBL has already utilized approx. 316 MW of peak power from Wangtoo substation. We note that Petitioner has developed the instant substation as an intra-State transmission system with intra-State generating stations as its beneficiaries and does not qualify as inter-State transmission system. We do not agree with Petitioner's contention that the substation should be recovered under POC since actual power flow from three HEPs-Karcham Wangtoo/ Baspa/ Naphtha Jhakri may flow on an inter-state basis through the Subject Asset. We observe that load flow varies in a transmission system on a continuous basis depending on the load-generation balance scenarios. A transmission system planned as an intra-State

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transmission system cannot be termed as inter-State for one month and then intra-State for another month. There are cases where intrastate power flows through inter-State lines where such inter-State lines cannot be declared as intra-State. Since the network is meshed, it is not appropriate to identify an intra-State transmission system as inter-State and levy its transmission charges on beneficiaries of other States. We are of the considered opinion that the instant substation cannot be included for the sharing of transmission charges under the 2020 Sharing Regulations, and such charges cannot be levied on beneficiaries on an all India basis. In view of the above, discussions, the prayers of the Petitioner cannot be acceded to." (Emphasis Provided)

12. Since Wangtoo Substation has been declared to be intrastate in nature, HPPTCL has therefore, sought in Review Petition No. 206/2025, the recovery of the Transmission Charges for this asset beyond FY 2023–24 till further orders of this Hon'ble Commission.

III. 33/220 kV GIS Sub-station at Karian and Associated Transmission Line

13. That, with regard to the 33/220 kV GIS Sub-station at Karian and the 220 kV Transmission Line from Karian to Chamera-II Pooling Station, this Hon'ble

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Commission, vide Order dated 28.04.2025 in Petition No. 11 of 2025, has already allowed recovery of Transmission Charges for both assets for the period from 01.04.2020 to 31.03.2024, in accordance with the applicable Regulations. HPPTCL has, therefore, sought in the instant Review Petition No. 206/2025 to consider the same as the part of the Intra-State Transmission Assets and allow the Petitioner to recover transmission charges beyond the FY 2023-24 till further orders.

IV. 220 kV D/C Bajoli–Holi–Lahal Transmission Line and Ors.

14. That, in addition to the above, Hon'ble Commission vide its Tariff Orders for 220 kV D/C Bajoli–Holi–Lahal Transmission Line alongwith associated Transmission assets has ruled as under: -

"*4.9.5 As detailed in para 3.5.5 of Chapter 3 Capital Cost, prima facie the asset is observed to be catering to evacuation of power outside the State and since majority of energy flow through the system seems to be towards inter-state transmission system connection points, the Petitioner is directed to approach the appropriate authority for recovery of charges under POC/GNA mechanism. Also, the Petitioner is directed to enter into connection agreements/TSA/LTAs with the*

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existing and upcoming beneficiaries of the transmission asset in a time bound manner"

15. Accordingly, HPPTCL vide communication dated 02.07.2024 has submitted request to the Central Electricity Authority (CEA) for certification of the following transmission elements as Inter-State in nature under Regulation 93 of the CERC (Terms and Conditions of Tariff) Regulations, 2024:

a. 220 kV D/C Bajoli–Holi–Lahal Transmission Line;

b. 220/33 kV portion of 33/220/400 kV Lahal Sub-station along with 220 kV Lahal–Budhil Transmission Line; and

c. 400/220 kV portion of 33/220/400 kV Lahal Sub-station along with 400 kV Lahal–Chamera Transmission Line.

However, due to non-finalization of certification guidelines by the CEA, the nature of such assets are yet to be decided as Inter-State or Intra-State, leading to non-realization of their approved cost and severely constraining the financial sustainability of HPPTCL.

16. HPPTCL has, therefore, sought in the instant Review Petition No. 206/2025 to consider the same as the part of the Intra-State Transmission pool of Transmission Charges for 5th MYT Period.

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V. 33/132/220 kV, 2×100 MVA GIS Sub-station at Dehan in District Kangra (Asset-1) and 220 kV D/C Dehan-Hamirpur Transmission Line (Asset-2)

17. The Hon'ble Commission, vide its Order dated 22.01.2025 in original Petition No. 30 of 2024, has inter alia observed as under:

"C. Schemes commissioned but not approved: The Commission notes that the schemes commissioned but not approved will undergo a separate review process. At this stage, the Commission has not included such projects in the projected ARR of the Fifth control period."

....

"6.10.2 The ARR approved by the Commission shall be recovered by HPPTCL based on the norms as specified in Regulation 45 of the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023.

6.10.3 Further, the ARR approved subsequently by the Commission in any of it future orders, for intra- state transmission asset(s) which has not been considered in this Order, shall also be recoverable along with this ARR, in the form of monthly transmission charges as per the norms defined in the prevailing HPERC

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Transmission Tariff Regulations as mentioned above."

It is submitted that the instant assets, being intra-State in nature, were commissioned on 04.08.2022. The Hon'ble Commission, vide its Order dated 17.07.2025 in Petition No. 146 of 2024, has already determined the transmission charges for the said assets for the period from COD up to FY 2023–24 and classified them as intra-State assets. However, since these assets have not been included in the projected ARR of the Fifth Control Period as approved vide MYT Order dated 22.01.2025, and no direction for recovery of transmission charges beyond FY 2023–24 has been issued, therefore, the Hon'ble Commission is requested in the instant Review Petition No. 206/2025 to allow continuation of the transmission charges approved for FY 2023–24 for the Fifth Control Period till further orders.

VI. 400/220 kV, 315 MVA Pooling Sub-Station at Gumma (Asset-1), Additional 400/220 kV, 315 MVA Transformer Bank at Gumma (Asset-2), 220 kV Double Circuit Twin Moose Transmission Line from Hatkoti to Gumma along with LILO of 400 kV Double Circuit Jhakri to Abdullapur Transmission Line (Asset-3) and 220 kV Switching Station at Hatkoti (Asset-4).

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18. The Hon'ble Commission, vide Order dated 22.01.2025

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in the original Petition No. 30 of 2024, has observed as follows:

"C. Schemes commissioned but not approved: The Commission notes that the schemes commissioned but not approved will undergo a separate review process. At this stage, the Commission has not included such projects in the projected ARR of the Fifth control period."

....

"6.10.2 The ARR approved by the Commission shall be recovered by HPPTCL based on the norms as specified in Regulation 45 of the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023.

6.10.3 Further, the ARR approved subsequently by the Commission in any of it future orders, for intra- state transmission asset(s) which has not been considered in this Order, shall also be recoverable along with this ARR, in the form of monthly transmission charges as per the norms defined in the prevailing HPERC Transmission Tariff Regulations as mentioned above."

The Petitioner respectfully submits that the instant assets, being intra-State elements, were commissioned on 02.11.2020, 05.02.2021, 02.11.2020 and 01.02.2022 respectively. The Hon'ble Commission, vide its Order

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dated 17.07.2025 in Petition No. 101 of 2024, has already determined the transmission charges for the said assets for the period from COD to FY 2023–24 and held them to be intra-State in nature. However, since these assets were not included in the projected ARR of the Fifth Control Period nor any direction for recovery post FY 2023–24 has been issued, therefore the Hon'ble Commission is requested in the instant Review Petition No. 206/2025 to allow continuation of the transmission charges approved for FY 2023–24 till further orders.

Financial Hardship and Statutory Obligations of the Applicant/HPPTCL:

19. That, the Review Petition No. 206 of 2025 has been pending before this Hon'ble Commission since June 2025, and due to the absence of tariff approval for the above-mentioned assets, the Applicant is facing severe financial hardship, adversely affecting its capacity to operate and maintain the State Transmission Network as well as to discharge the liabilities on account of finance charges which may affect the financial rating of the petitioner and may affect its business adversely.

The continued non-recovery of Transmission Charges is impairing the Applicant's ability to discharge its statutory functions under:

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a. **Section 39(2)(d)** of the Electricity Act, 2003 – requiring the State Transmission Utility to provide non-discriminatory open access to its transmission system on payment of transmission charges; and
b. **Section 40(a) & (c)** of the Electricity Act, 2003 – mandating the transmission licensee to build, maintain and operate an efficient, coordinated and economical transmission system and provide open access on payment of transmission charges.

The financial viability of HPPTCL is, therefore, of paramount importance to ensure grid stability, uninterrupted operation, and reliability of the Intra-State Transmission System in Himachal Pradesh. Unless the applicable tariff is duly approved by this Hon'ble Commission and the corresponding transmission charges are recovered from the beneficiaries, HPPTCL would be unable to effectively discharge its statutory functions and obligations entrusted under the provisions of the Electricity Act, 2003.

20. That, Regulation 12(3) of the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023 empowers this Hon'ble Commission as under:

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"If the information furnished by the Transmission Licensee in the Petition is in accordance with these Regulations, the Commission, in case of a new transmission system or element thereof, through a specific prayer in the tariff application, may consider granting interim tariff up to seventy percent (70%) of the tariff claimed from the date of commercial operation during the first hearing of the application."

Thus, the Hon'ble Commission possesses clear statutory authority to grant interim tariff relief pending final adjudication of the petition. In the present case, since the process of prudent capital cost has already been followed & completed by Commission, it is requested that the tariff determined for FY 2023-24 may kindly be allowed to be continued as an interim arrangement till finalisation of tariff for FY 2024-29 by the Commission.

21. That, Regulation 20(2) of the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2023 empowers this Hon'ble Commission as under:

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"(2) Notwithstanding anything contained in these Regulations, the Commission shall have, at all times, the authority, either on Suo-motu basis or on a Petition filed by the Transmission Licensee, to determine the

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tariff or Fees and Charges, including terms and conditions thereof, of Transmission Licensee:

Provided that such determination of tariff or Fees and Charges may be pursuant to an agreement or arrangement or otherwise whether or not previously approved by the Commission and entered into at any time before or after the applicability of these Regulations."

22. That, therefore, in the interest of justice, equity, and to ensure uninterrupted transmission services in the State, HPPTCL humbly prays that this Hon'ble Commission may be pleased to allow continuation of the transmission charges for the assets for which the tariff has already been approved for FY 2023–24 till final adjudication of Review Petition No. 206 of 2025 or until further orders.

PRAYER

In light of the foregoing submissions, the Applicant most respectfully prays that this Hon'ble Commission may kindly be pleased to:

I. Allow the present Interim Application;

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2. Allow continuation and recovery of the transmission charges already approved for FY 2023-24 during the 5th Control Period, till further orders of this Hon'ble Commission, in respect of those transmission assets whose tariff had been approved up to FY 2023-24 but were inadvertently not considered while determining the Aggregate Revenue Requirement (ARR) for the 5th Control Period vide Order dated 22.01.2025; and
3. Pass such other or further orders as this Hon'ble Commission may deem fit, just and proper in the facts and circumstances of the case.

Place: Shimla

Dated: 21/11/25

Through Counsel

Applicant

General Manager (C&D)
HPPTCL, Shimla-5

Vikas Chauhan
Mob: 9736237549

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BEFORE THE HON'BLE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION.

I.A…….. of 2025
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Himachal Pradesh State Electricity Board Limited

……..Respondent

AFFIDAVIT

I, Manoj Kumar S/o Sh. Kishan Chand aged about 59 Years, presently working as General Manager (C&D), Himachal Pradesh Transmission Corporation Limited,

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Himfed Bhawan, Shimla-171005, do hereby solemnly affirm and declare as under:

1. That I am duly authorized to file this application on behalf of Respondent Himachal Pradesh Power Transmission Corporation Limited and to swear this affidavit therein.

2. That the accompanying application has been prepared and drafted at my instance and under my instructions. The contents of para 1-22 of the application are true and correct to the best of my personal knowledge based on official record. No part of it is false and nothing material has been concealed there from.

3. That the deponent further declares that this affidavit of mine is true and correct to the best of my personal knowledge, no part of it is false and nothing material has been concealed there from.

NOTARIAL Shimla (R) Expiry 2026

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Verified at Shimla on this 21. day of November, 2025.

Deponent
General Manager (C&D)
HPPTCL, Shimla-5

fore me on 21/11/25
day of .....202 by Sh./Smt.
who was identified by Sh./Smt.
document was read over and explained
to the deponent
to which he/she admitted the same as
and correct at the time of making it.

Public Notary
Govt. of H.P
Shimla H.P
INDIA-1