



Petition No. 19 of 2017(M)

In the Matter of

“Petition for waiver of declaration of capacity to SLDC in 15 Minutes time block for Small Hydro Power Projects”.

M/s Chhattisgarh Small Hydro Power Developers Associations

... Petitioner

V/S

Chhattisgarh State Power Distribution Co. Ltd.
and others

... Respondents

PRESENT : **Narayan Singh, Chairman**
: **Arun Kumar Sharma, Member**

APPEARANCE : Shri M.Krishna Prasad for petitioner.
: Shri Manoj Khare, S.E. for CSPDCL,
Shri Abhinav Kardekar, Advocate for
SLDC & Shri Apoor Goyal, Advocate for
CREDA.

ORDER ON ADMISSION

(Passed on 13th June, 2017)

The petitioner, M/s Chhattisgarh State Small Hydro Power Developers Associations (hereinafter the Association or petitioner) is an association formed by the small hydro power developers of the State of Chhattisgarh in the year 2008 and it is registered under the Chhattisgarh Society Registration Act, 1973. The association is involved in development of small hydro power projects and co-ordinating with the Govt. organizations involved in development of such projects.

- 2.** This petition is filed against the respondents Chhattisgarh State Power Distribution Company Limited (CSPDCL), Chhattisgarh State Renewable Energy Development Agency (CREDA) and Chhattisgarh State Load Dispatch Centre (SLDC), in the matter of

waiver of declaration of capacity to SLDC in 15 Minutes Time Block, as per Intra State Availability Based Tariff Mechanism, Regulation, 2016 (the Regulation), for small hydro power projects irrespective of the capacity in the State of Chhattisgarh.

- 3.** According to the pleading, almost all small hydro power projects in the State are run-off the river based without any inundation of water for storage so as to avoid submergence of forest/agriculture/revenue/residential land and nearby villages and depends on intermittent rains.
- 4.** It is also submitted that the raining pattern is not continuous nature and varied with wide variation from high to low depending on monsoon conditions. Since the small hydro projects in the State of Chhattisgarh are rain fed without any storage, it is difficult to submit declared capacity and power generation to SLDC in 15 minutes time block due to sudden changes in rain fall pattern.
- 5.** The relief is sought mainly for waiver of declaration of capacity to SLDC in 15 minutes time block as per the Regulations for small hydro power projects irrespective of the capacity in the State. It is submitted that under the Regulation the Hasdeo Bango hydel Plant is exempted from scheduling. The Govt. of Chhattisgarh is also trying to attract investment from private sector to exploit the small hydro potential in the State and announced a separate policy for this purpose.
- 6.** Before admitting the case we had decided to issue notices to the respondents also. The respondent SLDC has raised it's objection regarding admissibility of the petition stating that the petition is not filed in prescribed format under the CSERC (Conduct of Business) Regulation, 2009, no specific section/provisions of act is mentioned in the petition under which the proceeding initiated/relief claimed, no particulars of limitation and jurisdiction have been given and also the petitioner failed to mention the law points involved in the matter.

- 7.** The prayer no. 2 is vague and ambiguous. The petitioner is claiming itself a registered association but no certificate of registration is produced.
- 8.** The respondent SLDC prays to dismiss the petition.
- 9.** Heard the parties on the matter.
- 10.** We feel that there are definitely some issues involved, which are to be resolved, hence, we admit the case for hearing.
- 11.** The respondents are directed to file their replies, if they want to do so, within three weeks, with copies to the petitioner. The petitioner shall submit his rejoinder, if any, within two weeks thereafter, with copies to the concerned respondents.
- 12.** The case is fixed for hearing on 22.07.2017 at 11:00 AM.

Sd/-
(ARUN KUMAR SHARMA)
MEMBER

Sd/-
(NARAYAN SINGH)
CHAIRMAN