

Himurja

(H.P. Govt. Energy Development Agency)

HIMURJA, Urja Bhawan, Block No 8-A SDA Complex, Kasumpti, Shimla-171009

PHONE-177-2620365, 2621783, 2625306, 2621623, FAX 177-2622635

Regd.

No. HIMURJA (F-7) 100 KW 1852

Dated: 23 Feb. 2017

To

Sh. Prakash Chand, S/o Nokhu

VPO- Shanag, Tehsil- Manali Distt Kullu

Sub:-

Consent for exclusive time bound right for preparation of Project Report for the Micro Hydel Project Shanag Middle (100 KW) in Distt Kullu, Himachal Pradesh.

Dear Sir,

I am directed to inform that after considering your application for the self identified project the State Government has consented to give you the exclusive right for preparation of project report for subsequent implementation of MHEP in H.P. The details of the project for which consent has been granted is as below:-

Sr. No.	Name of the Project	River/ Stream	Distt.	Elevation Range (Diversion site to Tail race)	Estimated Capacity (KW)
1	Shanag Middle	Halandi nala	Kullu	±2135 to ±2100	100KW

1. PROJECT REPORT FINALISATION:

The Micro Hydel Developer shall submit a comprehensive project report to Himurja prepared by a reputed consultant within six months of issue of this letter along with the credential of the consultant. The project report should include measurement & calculations so as to accurately establish the location of the project features, without changing allotted elevations, as well as refining the design discharge leading to a proposed Installed Capacity, as firmed up during joint inspection of the project site by representative of Himurja and Micro Hydel developer.

- 1.1 The Micro Hydel Developer shall have to fulfill the proforma (Annexure-A) for availing the Central Financial Assistance (CFA) within 7 days from the issue of consent letter positively and submit it to Himurja for further submission to MNRE for sanction of CFA.

2. CAPACITY ADDITION APPROVAL

Capacity enhancement (maximum limit up to 100 KW) if any in the project report will be decided as per policy of the State Govt. as applicable from time to time. Prior approval of the Himurja will be mandatory for enhancement of capacity.

- (a) As a measure of optimization maximum installed capacity of the project will remain upto 100 KW after enhancement if so required which shall be admissible without payment of any capacity addition charges but the developer will have to sign Implementation Agreement / Supplementary Implementation Agreement on this account.

Office of the Deputy Commissioner, Kullu
Encl. No. 446 ADRA dt 15-3-2017

Forwarded in original to Sh. Prakash Chand S/o Nokhu, VPO Shanag, Tehsil Manali Distt. Kullu for information & necessary action.
Distt. Revenue Officer, Kullu.

397
10/3/17

- (b) The project will be cancelled in case of it is found at any stage that a larger capacity project exceeding 100 KW is viable at this site.

3. SECURITY (REFUNDABLE)

The successful applicant will have to submit security deposit in the shape of Bank Guarantee of Rs 4 lakh (Rupees four lakh only) valid for 45 months in favour of Director Himurja to be submitted within one month of issue of allotment/ consent letter failing which EMD will be forfeited and project will be cancelled. The EMD already deposited with Himurja shall be refunded on submission of above security deposit/bank guarantee within one month.

4. The developer or his agents shall carry out the requisite detailed investigations and techno economic studies of the project and shall submit a Project Report to HIMURJA within a period of 6 months from the date of issue of this consent letter.

5. Following milestones shall be binding on the developer:-

Sr. No.	Milestones	Time Period
1	Submission of Project Report.	Within 6 months from the issue of consent letter. On the request of the developer extension in time for submission of project report (PR) will only be given upto 4 months beyond 6 months after issue of consent letter for valid reasons after charging requisite fee as mentioned in clause 8 of the policy on MHEP up to 100 KW.
2	Obtain Techno-Economic Clearance (TEC) from Government/ Director of Energy.	The Techno-Economic Clearance (TEC) shall be accorded by Directorate of Energy Govt. of H.P. within two months from the date of receipt of the project Report.
3	Signing of IA	Within one month of accordance of TEC or within 9 months after issue of consent letter (excluding extension if any) whichever is earlier, developer will sign the IA.

6. The developer shall stick to the time schedule for the investigation of the project and submission of the project report. In the event of the developer being unable to submit the project report within 6 months from the date of issuing this consent letter, the developer can seek extension in time beyond 6 months for submission of project report for valid reasons. Maximum extension of 4 months shall be granted to the applicant for submission of PR with extension fee @ Rs. 10/- per KW (non refundable) per month for 4 months. The extension fees shall be submitted to Director, Himurja in shape of D. D payable at Shimla. Request for extension in time period accompanied with extension fee should be given one month before expiry of stipulated period.

7. Project Report submission date shall be reckoned only after it has been found that the report is in conformity with H.P. Govt. Policy upto 100 KW MHEP within allotted/approved elevation & stream. The reports and studies shall be prepared by reputed consultants who have experience of handling the complete task of geological & hydrological investigation, construction, erection, commissioning and operation of hydroelectric projects. Complete details of the consultants and their experience shall be included in the PR or annexed therein.
8. HIMURJA, on the receipt of Project Report (PR), will scrutinize the PR from the angle of techno-economic viability of the project as well as optimum utilization of the potential. After its scrutiny the HIMURJA will forward the PR to Director of Energy, for accordance of TEC. During examination of PR HIMURJA/ Director of Energy, may point out the defects and deficiencies affecting the techno-economic viability. Developer is expected to make good the defects promptly and remove the defects or deficiencies, as pointed out by the HIMURJA/ Director of Energy, within 30 days from the dispatch of the communication. The developer will obtain Techno Economic Clearances (TEC) from Director of Energy, within two months from the date of submission of PR.
9. If the performance of this consent or of any obligation of developer is prevented, restricted or interfered with for any reasons of; fire, explosion, epidemic, cyclone, earthquake, flood, unforeseen natural calamity, war, revolution, requirement of any Government or any sub-division authority or representative of any such Government in respect of the aforesaid conditions, or any other act whatsoever, whether similar or dissimilar to those enumerated, beyond the reasonable control of the party hereto; the party so affected upon giving prompt notice to other party shall be excused from such performance to the extent of such prevention, restriction of interference for the period it persists provided that the party so affected shall make its best efforts to avoid or remove causes of non-performance, if possible, and shall continue performance hereunder with the utmost dispatch whenever such causes are removed. If the force majeure such as war, civil war, insurrection/disputes/local hindrances, riots, revolutions, fires, floods, epidemics, quarantine, restrictions, freight embargoes, radioactivity, earthquakes, cloudbursts, landslides and excessive snow persists for continuous period of the consent letter or more, the parties shall meet and decide about the further course of action.
10. In case the developer does not find the Project to be feasible from techno-economic considerations or from any other aspect, the developer shall hand over to the HIMURJA all the Project Reports and any other connected documents etc. as may have been collected and/or prepared by the developer during the course of investigations.
11. The Government after having concluded that the Project is techno-economically viable may enter into an Implementation Agreement with the developer within two months of accordance of TEC or within 9 months after issue of consent letter (excluding extension if any) whichever is earlier and the IPP shall respond for signing the IA accordingly in accordance with the policy on MHEP upto 100 KW read with various amendments in it notified from time to time.

12. This consent shall be restricted within the approved parameters of this consent letter i.e. to utilize water of ~~Halinda~~ Khad/ Stream in elevation range between EL ± 212.5 m to EL ± 210.2 m (i.e. Diversion weir to Tail race) on which this project is envisaged unless otherwise approved by the H.P. Government. The H.P. Govt. shall be at liberty to cancel the consent if any violation on this account is discovered at a later stage.
13. The developer shall have to obtain the following NOCs and clearances from different Departments and furnish the same at the time of submission of the Project Report or earlier:
 - 13.1 NOC from I&PH & Revenue Department- stating that the proposed Projects does not infringe with the drinking and irrigation rights of the local inhabitants and of the ownership of traditional water mills i.e. Gharats.
 - 13.2 NOC from the Gram Panchayat.
 - 13.3 NOC from Wild Life.
 - 13.4 Forest clearance, wherever forest land is involved and permission under section 118 of H.P. land reforms and tenancy Act for purchase of private land will be required.
14. Photocopies of NOCs obtained from various departments duly attested shall be furnished to the HIMURJA. The developer is required to furnish an affidavit, on Rs. 10/- stamp paper duly notarized, to the effect that all the conditions in the NOCs obtained from the different Departments and Gram Panchayat shall be abided by them, incase an LA is signed with the developer later on.
15. The receipt of this communication and acceptance of consent conditions aforesaid will be acknowledged within one month and the affidavits and security charges within one month from the date of issue of this letter. In case, developer confirmation is not received or security, and other relevant essential documents, not deposited by the due date it shall be presumed that developer is not interested in taking up the project and consent shall be treated as withdrawn.

16. ROYALTY

In the event of this project being awarded to you for implementation, a separate agreement called Implementation Agreement shall be executed for supplying the royalty on water usages in shape of free power royalty (Energy) as per the following rates or the rates applicable as per policy of the State Govt. at the time of signing of Implementation Agreement.

For captive consumption or third party sale the concessional royalty rates shall be 2%, 15% and 24% (2% for first 12 years, 15% for next 18 years and 24% for remaining period of to 10 years). Which should be payable to the local Panchayat instead of H.P. Govt., if the project falls in more than one Panchayat the royalty will be shared between the Panchayat in proportion to the project area.

17. No LADF will be applicable under this scheme.

18. TRANSFER OF PROJECT TO SUBSIDIARY GENERATING UTILITY

18.1 The project can not be divested to Himachali / Non Himachali at any stage.

The developer may use or sell the energy in the following manner:-

The project developer will make captive use inside the State or make third party sale for which the developer shall enter into suitable agreement for transmission of power with concerned entities.

19. Alongwith the acceptance letter of the consent, the following shall also be furnished by the developer: "An affidavit on a stamp paper of Rs.5/-only (duly notarized) to the effect that not more than three projects (including this project) are under execution with the developer in the State". and no other up to 100 KW project is allotted to the developer.

20. Other conditions of Micro Hydel Power Policy 2012 upto 100KW read with amendments to the same notified from time to time shall be applicable.

21. HIMURJA/ H.P. Government shall provide necessary assistance in obtaining clearances at State level.

22. This consent letter is being issued in lieu of MOU and no separate MOU shall be signed by the government.

23. This consent letter is being issued under the orders and authorization of Deptt. of Non-Conventional Energy Sources, Govt. of Himachal Pradesh.

24. In case at any stage it is found that this Micro hydro Electric Project is prejudice to overall optimum development of the river, the government reserves the right to cancel the allotment of the project without any liability/limitations.

25. The PR of the project is to be completed within the specified time i.e. 6 months (excluding extension of 4months) failing which project shall stand cancelled.

26. The State Government and the local right holders shall have the right over use of water for irrigation and drinking water supply.

27. The Govt. reserves the right to modify, delete or add any of the conditions, criteria, at its own discretion and shall be at liberty to withdraw the consent if at a later stage it is found that some information has been suppressed or false information has been supplied by developer about the project.

Note:

- (i) In case after allotment it is observed that the facts with regard to the parameter of the project have been concealed at the time of applying of the project the responsibility lies

upon the concerned IPP and project will be cancelled out rightly and security /BG will be forfeited.

In case of default of any of the time frame and/or conditions of this consent letter, the Government shall be at liberty to withdraw the consent and forfeit the security/BG and the project can thereafter be granted to other suitable party.

Himurja and H.P. government welcome, you to the fraternity of developers engaged in the infrastructural development of the State and reiterate its commitment to facilitate entrepreneurs in the State for over all growth and development, and wish your project all the success.

Yours Sincerely,

(Er. K.L. Thakur)
Director,

HIMURJA, Urja Bhawan,
Kasumpti, Shimla-171009.

Dated: 23-2-2017

Endst. No.: - A/A 185364

1. Copy is forwarded to the following for information and necessary action:-

- i) Additional Chief Secretary /Principal Secretary/Secretary (Forests/Revenue/I&PH/ RD & Panchayati Raj) to the Govt. of H.P., Shimla-2.
- ii) Principal CCF (Wild Life), Himachal Pradesh.
All the Departments are requested to render necessary assistance to the developer to prove or otherwise the feasibility and desirability of the project and formulation of the PR. This consent be treated as Government permission to the developer for investigating the project and obtaining various clearances for submission of PR and possible setting up of the Micro Hydro Power Project as described in the letter above.
2. Additional Chief Secretary (NES), to the Govt. of H.P. for information w.r.t letter No.NES-F(1) 1/2009-I dated 22-2-2017.
3. The Director (SHP/ Micro Hydel) MNRE Block No.-14 CGO Complex, Lodhi Road, New Delhi-110003 for information please. The case for the Central Financial Assistance (CFA) will be sent separately.
4. Director, Directorate of Energy, Sector-6, Phase -III, Shanti Bhawan, New Shimla-171009 for information please.
5. M.D. HPTCL Barowalia House, Kahalini Shimla -171002 for information.
6. Deputy Commissioner, Distt. Kullu H.P.
7. The Chief Engineer (SO&P), HPSEB Ltd. Vidyut Bhawan, Shimla 171004 for information and necessary action.
8. The Sr. Project Officer/ Project Officer Himurja, Distt Kullu H.P. for information and necessary action.

(Er. K.L. Thakur)
Director,
HIMURJA, Urja Bhawan,