

**NHPC Ltd. Vs. Director Energy Directorate of
Energy & Ors.**

CWP No. 913 of 2024

10.04.2025 Present: Mr. Lokesh Sinhal, Advocate (through video Conferencing), Mr. C.N. Singh & Mr. Anshul Gandhi, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. I.N. Mehta, Senior Additional Advocate General, with Mr. Ramakant Sharma, Ms. Sharmila Patial & Mr. Sushant Kaprate, Additional Advocates General and Mr. J.S. Guleria, Deputy Advocate General, for the respondents-State.

On 20.03.2025, the Court passed the following order:-

"CMP No.4325 of 2025

On 27.02.2025, the Court passed the following order:-

"Since the matter is already under consideration with different authorities, we deem it appropriate to defer the consideration of this Court.
List on 20.03.2025."

2. The petitioner has now filed the instant application for placing on record the documents which are in compliance to order dated 24.12.2024, which reads as under:-

"Since report is yet to be submitted by Secretary (Power), Government of India, on the joint request of learned counsel for the parties, list this matter on 27.02.2025."

3. It shall be apt to reproduce paras-4 and 5 of the application, which read as under:-

"4. That it is pertinent to mention here that earlier, on 07.11.2024, a meeting was held in the presence of Shri Sukhvinder Singh Sukhu, Hon'ble Chief Minister of Himachal Pradesh and Shri Manohar Lal Khattar, Hon'ble Union Minister of Power and & Urban Affairs.

In the said meeting, the issue with regard to the free power royalty was discussed. The Hon'ble Chief Minister, however, had submitted that the State Government may decide to take over the concerned projects including the project in question, after paying the expenditure incurred

on these projects if the free power royalty as notified by the State Government and other terms are not acceptable

to the Union/ Power generators. It was then decided that a team of State Government will have a discussion with the Ministry of Power, Government of India.

[A true copy of the minutes of the meeting dated 07.11.2024 circulated by the Special Secretary (Power) to the Government of Himachal Pradesh is annexed herewith and marked as Annexure A-3].”

5. That after the above said meeting dated 07.11.2024, deliberations were held between the Ministry of Power and other Stake Holders. It is submitted that the Secretary, Ministry of Power, Government of India, after examining the matter in detail, has now sent a letter bearing No.DO No.15-4/6/2018-Hydel-II dated 12.03.2025 to the Government of Himachal Pradesh whereby the State Government has been requested to either restore the Terms & Conditions as mutually agreed by the Government of Himachal Pradesh and NHPC and facilitate expeditious implementation of the project in the interest of the State and Nation as a whole or Government of Himachal Pradesh may take over the project after reimbursing the expenditure incurred along with the interest.

[A true copy of the letter bearing No. DO No. 15-4/6/2018-Hydel-II dated 12.03.2025, sent by the Secretary (Power), Government of India, to the Government of Himachal Pradesh is annexed herewith and marked as Annexure A- 4].”

4. Now that the State Government is required to take a decision either to restore the terms and conditions as mutually agreed by the Government of Himachal Pradesh with NHPC and SJVNL and facilitate the expeditious implementation of the project or to take the decision to take over the project after reimbursing the expenditure incurred along with the interest, let such decision be taken within three weeks.

List on 10.04.2025.”

In compliance to the aforesaid order, learned Additional Additional General has placed on record instructions dated 10.04.2025 which go to indicate that the Government has decided to take over Dugar (500 MW), Hydro Electric Project

allotted to NHPC Ltd and further to appoint an independent evaluator for evaluating the actual expenditure incurred on this project.

Learned counsel for the petitioner prays for and is granted a week's time to make submissions in this regard.

List for consideration on **24.04.2025**.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

April 10, 2025
(Shamsh Tabrez)