



**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 1537/2019
Date of Order: 29.05.2020

PRESENT:

Hon'ble Sri Raj Pratap Singh, Chairman
Hon'ble Sri Kaushal Kishore Sharma, Member
Hon'ble Sri V.K. Srivastava, Member (Law)

IN THE MATTER OF: To seek approval of amended PPA dated 05.10.2019 with M/s Ecogreen Energy Lucknow Pvt. Ltd.

UP Power Corporation Ltd.,
(through its Chief Engineer, PPA-R),
14th Floor, Shakti Bhawan Extn.,
14-Ashok Marg,
Lucknow

.....Petitioners:

M/s Ecogreen Energy Lucknow Pvt. Ltd.
Through its authorized representative
Registered Office: 219, second floor
Vipul Trade Centre, Sector-48
Sohna Road, Gurugram-122018

.....Respondents:

In the presence of:

1. Sri Deepak Raizada, CE UPPCL
2. Sri Mahendra Singh, SE UPPCL
3. Ms Shefali, M/s Ecogreen (on-line)

ORDER

(Date of hearing: 21.05.2020)

1. UPPCL and M/s Ecogreen Energy Lucknow Pvt. Ltd. entered into PPA on 27.09.2017 for 13.5 MW MSW based power from 15 MW installed capacity. The plant was scheduled to be commissioned by March 2019. The PPA for this was approved by the Commission vide order dated 26.12.2017 in petition no. 1241/2017.

2. M/s Ecogreen Energy Lucknow Pvt. Ltd. have sought extension of COD from UPPCL till December 2020 attributing delay in commissioning to delay in issuance of concessional custom duty certificate and that site being dumped with waste before hand.



3. UPPCL agreed to give extension of COD on upto December 2020 on following conditions subject to approval of the Commission:

- i. The extension of commissioning of the plant from March 2019 to December 2020 shall be on the mutually agreed tariff at Rs. 7.19 per Kwh for FY 2020-2021 and tariff for subsequent years shall be as per terms and conditions stipulated in CRE Regulations, 2019, corresponding to the commissioning year 2020-2021.
- ii. UPPCL/UPPTCL shall not bear any financial liability on the extension of COD and;
- iii. There shall be no further extension of the commissioning date under any circumstances and UPPCL shall be at liberty to terminate the PPA upon observing unsatisfactory progress in the works to be performed by the generating company for achieving COD by December 2020;
- iv. The generating plant shall submit monthly progress report during the construction of the plant.
- v. M/s Ecogreen Energy Pvt. Ltd., Shivri , Mohan Road, Lucknow shall ensure installation of ABT meters and submission of DC on the regular basis through login UPSLDC website (www.esss.upsldc.org);
- vi. All other terms and conditions of PPA dated 27.09.2017, along with UPERC/UPPCL orders, shall remain applicable.

An amended PPA was signed in this respect on 05.10.2019. Through instant petition, UPPCL has prayed for the approval of the same.

4. Considering above, the Commission directed UPPCL vide order dated 05.03.2020 to file a comparative statement on affidavit within one week depicting financial impact on UPPCL due to change in COD.

5. UPPCL submitted affidavit vide letter dated 07.03.2020 wherein it maintained with the help of comparative statement that NPV with revised COD is lower viz-a-viz original COD considering total generation from COD till end of third subsequent FY. The NPV for original COD is Rs. 4817 Lakh whereas with revised COD it is Rs. 4673 Lakh. However, there was no representative of M/s Ecogreen Energy Lucknow Pvt. Ltd was present in the hearing on 17.03.2020. Thus, the Commission decided to adjourn the matter and fix the matter for hearing on 21.04.2020.

6. The matter could not be heard on 21.04.202 due to lockdown imposed in wake of outbreak of COVID-19. The matter was take up on 21.05.2020.



7. The representative of Ecogreen Energy Pvt. Ltd. submitted that COD timeline agreed in the amended PPA was prior to COVID-19 circumstances and under current circumstances the COD timelines may not be adhered to.
8. The representative of UPPCL submitted that COVID-19 is a force majeure condition and PPA has provision of its treatment.
9. The Commission observed that since the terms of amended PPA are yet not crystallized and if submitted amended PPA is approved in its present shape this shall lead to unnecessary litigation between the parties. Considering this, the Commission directs both the parties to come up with the firm agreement for the consideration of the Commission.
10. The hearing was adjourned with above directions. The matter to be listed for hearing on 21.07.2020.


(V. K. Srivastava)
Member(Law)


(K. K. Sharma)
Member


(R. P. Singh)
Chairman

Place: Lucknow
Dated: 29.05.2020