



Petition No. 1555/2020

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order: 27.08.2020

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Kaushal Kishore Sharma, Member
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF

Under Section 86 (1) (f) read with Section 86 (1) (b) read with Section 86 (1) (e) of the Electricity Act, 2003, against the termination by NTPC of 300 MW, Wind Power Sale Agreement dated 14 March, 2019, entered into at Lucknow between NTPC Ltd. and U.P. Power Corporation Ltd.

Uttar Pradesh Power Corporation Limited,
(through its Chief Engineer, PPA)
Shakti Bhawan, 14- Ashok, Marg,
Lucknow

..... Petitioner

National Thermal Power Corporation, (NTPC),
Through the General Manager, (Commercial)
NTPC Bhawan, Scope Complex,
7, Institutional Area, Lodhi Road,
New Delhi-110003

Mytrah Vayu (Brahmani) Private Limited,
Through Chief Operating officer,
8001, Q-City, S No.109, Nanakramguda,
Gachibowli
Hyderabad, Telangana-500032

..... Respondent



The following were present:

1. Shri Sitiesh Mukherjee, Advocate, UPPCL
2. Shri Abhishek Kumar, UPPCL
3. Shri Deepak Raizada, CE, PPA, UPPCL
4. Shri Venkatesh, Advocate, NTPC
5. Shri Aditya Singh, Advocate, Mytrah Energy Ltd.

ORDER

(Date of Hearing 06.08.2020)

1. The Commission vide order dated 23.06.2020 had directed the Petitioner, UPPCL to serve a copy of the Petition to the Respondents. The Respondents were also allowed one month time to file reply to the Petition and UPPCL was to file its rejoinder with in two weeks thereafter. The Commission had fixed the date of hearing as 04.08.2020 which was rescheduled to 06.08.2020 upon request of the Petitioner.

The matter came up for hearing today.

2. The Respondent No. 1, NTPC has filed its reply dated 25.07.2020. UPPCL has filed amended memo of parties dated 23.07.2020, with Mytrah Energy (India) Pvt. Ltd., and Srijan Energy System Pvt. Ltd. as Respondent No. 2 and 3. However, no impleadment application has been filed in this regard. UPPCL also filed its submission dated 23.07.2020. Subsequently UPPCL has filed its rejoinder dated 05.08.2020.
3. During the hearing, Shri Venkatesh, legal Counsel of the Respondent No. 1, NTPC has argued that NTPC, being a Central Generating Company is within the jurisdiction of CERC. Shri Sitiesh Mukherjee, legal Counsel of the Petitioner has argued that the power under the Project is not from Generating Station of NTPC and UPPCL had filed Petition No. 1483/2019 for PPA approval before this



Commission. He requested two weeks' time to file its detailed submissions in the matter.

4. The Commission after hearing both the parties allowed UPPCL two weeks time to UPPCL to file its submissions on jurisdiction issue with a copy to NTPC. NTPC may file its reply within two weeks thereafter.

The next date of hearing shall be intimated after the receipt of submissions of both the parties.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow
Dated: 27.08.2020

