



Petition No. 1583/2020

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order: 13.08.2020

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

Petition under Section 86 (1) (b) of the Electricity Act, 2003 read with Section 63 of the Electricity Act, 2003 and Regulation 57 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulation, 2019; seeking extension of time-period for Scheduled Commissioning Date under the Power Purchase Agreement dated 21.12.2018 entered into between the Petitioner and the Respondent No. 1.

Eden Renewable Jasmin Ltd, Unit No. 236 B & C, 1st Floor,
DLF South Court, Saket, New Delhi – 110 017

..... **Petitioner**

1. Uttar Pradesh Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg, Lucknow
2. Uttar Pradesh New & Renewable Energy Development Agency,
Vibhuti Khand, Gomti Nagar, Lucknow

..... **Respondents**

The following were present:

1. Shri Deepak Raizada, CE, UPPCL
2. Ms. Namrata Kalra, Sr. Project Officer, UPNEDA
3. Shri Vijayendra Singh, Advocate, Eden Renewable Jasmin Ltd
4. Shri Raghav Seth, Advocate, Eden Renewable Jasmin Ltd
5. Ms. Vaishali Sharma, Advocate, Eden Renewable Jasmin Ltd
6. Shri Aditya Jalan, Advocate, Eden Renewable Jasmin Ltd

ORDER

(Date of Hearing 28.07.2020)

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1. The Petition has been filed by Eden Renewable Jasmin Pvt. Ltd seeking extension of time for scheduled commissioning date under the Power Purchase Agreement dated 21.12.2018 (as amended on February 16, 2019 and September 03, 2019). As per the PPA dated 21.12.2018, the 50 MW solar project is to be commissioned within 21 months.
2. UPNEDA had initiated a competitive bidding for solar power producers for setting of solar PV projects with aggregate capacity of 500 MW. The tariff of Rs. 3.21/unit for the project was adopted by the Commission vide Order dated September 17, 2019 in Petition No. 1462/2019 filed by UPPCL and UPNEDA jointly.
3. The Petitioner has prayed for granting extension of seven months and two weeks (or such other period as Commission may deem fit) in the scheduled commissioning date. This extension in COD is being sought in line with the extension already provided by UPNEDA for land acquisition and financial closure vide letter dated December 19, 2019.
4. Shri Vijayendra Singh, legal Counsel of the Petitioner submitted that project is 100% based on FDI. The Petitioner has already obtained grant of connectivity on 22.04.2019. However, the permission for procurement of land has been received on 05.12.2019. UPNEDA has already granted seven months and two weeks existing for land acquisition and financial closure. Further, Petitioner approached UPPCL for extension of SCD. UPPCL vide letter dated 10.02.2020 has requested the Petitioner to file a Petition before the Commission in the matter of extension of SCD. As per PPA, the schedule Scheduled commissioning is September 2020.
5. The Counsel further submitted that lenders are willing to fund the project subject to extension of SCD. He also informed that the MOU for land acquisition with land aggregators was signed on 11.07.2019. The PV supplier has been identified but order is yet to be placed. He further averred that the Petitioner has been diligent, watchful and stands committed to the project.



6. Shri Deepak Raizada, CE, UPPCL and Ms. Namrata Kalra, Sr. Project Officer, UPNEDA submitted that copies of the Petition are yet to be received and requested for two weeks-time for filing their Counter affidavits.
7. The Commission while appreciating 100% FDI is a welcome step to the State Power Sector, also observed that the extension of SCD has consequence regarding levy of liquidated damages and impact of the Change in law on the project. Therefore, it is necessary to validate the bona fide of the project on ground.
8. The Commission directed Petitioner to serve copy of the Petition to the Respondent in both electronic and physical mode at the earliest in terms of Conduct of Business Regulations. The Respondent may file their reply within two weeks with the copy to the Petitioner who can file its rejoinder before next date of hearing.

List the matter for next hearing on 20.08.2020.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 13.08.2020

