



**Petition No. 1629 of 2020**

**BEFORE**

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Date of Order: 18.12.2020**

**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 63, Section 86 (1) (b) And (e) of the Electricity Act, 2003 read with Rule 8 of the Electricity Rules, 2005 And the Uttar Pradesh Electricity Regulatory Commission (Captive And Renewable Energy Generating Plants) Regulations 2019 And other applicable provisions of the Regulations Notified By the Hon'ble Uttar Pradesh Electricity Regulatory Commission for the development of 150 Mw of Solar Power Plants at Rihand Dam Reservoir, Uttar Pradesh

Solar Energy Corporation of India Limited  
D-3, 1st Floor, Wing-A, Prius Platinum Building,  
District Centre, Saket, New Delhi - 110017.

U.P. Power Corporation Limited,  
Shakti Bhawan, 14- Ashok Marg,  
Lucknow-226001

..... **Petitioner**



1. Uttar Pradesh Jal Vidyut Nigam Limited  
12th Floor, Shakti Bhawan Extn.,  
14- Ashok Marg, Lucknow  
Uttar Pradesh- 226001
2. Rihand Floating Solar Private Limited  
SP Centre, 41/44, Minoo Desai Marg, Colaba,  
Mumbai, Maharashtra- 400005
3. Renew Sun Power Private Limited  
138, Ansal Chambers-II, Bhikaji Cama Place  
New Delhi-110066
4. Auxo Sunlight Private Limited  
138, Ansal Chambers-II, Bhikaji Cama Place  
New Delhi-110066

.....Respondent

The following were present:

1. Ms. Ranjitha Ramachandran, Counsel for SECI
2. Ms. Poorva Saigal, Counsel for SECI
3. Shri Atulya Kumar Naik, Representative of SECI
4. Shri Pankaj Saxena, Representative of UPJVNL
5. Shri B.K Saxena, Counsel of UPPCL

**ORDER**

**(Date of Hearing 15.12.2020)**

1. The petition has been filed jointly by UPPCL & SECI under Section 63, Section 86 (1) (b) And (e) of the Electricity Act, 2003 read with Rule 8



of the Electricity Rules, 2005 And the Uttar Pradesh Electricity Regulatory Commission (Captive And Renewable Energy Generating Plants) Regulations 2019 And other applicable provisions of the Regulations Notified By the Hon'ble Uttar Pradesh Electricity Regulatory Commission for the development of 150 MW of Solar Power Plants at Rihand Dam Reservoir, Uttar Pradesh.

2. The following prayers has been made:

(a) Admit the present Petition.

(b) Approve the procurement of power by UPPCL from the Grid Connected Floating Solar PV Power Projects of 150 MW cumulative capacity being established at Rihand Dam, Sonbhadra District in the State of Uttar Pradesh at the tariff discovered in the competitive bid process for the individual power projects as stated in Table-4 at paragraph 12 above on the terms and conditions contained in the Power Purchase Agreements dated 17.12.2019 and 20.12.2019 with Solar Power Developers being Respondent Nos. 2 to 4 read with the Power Sale Agreement dated 04.09.2019 including the trading margin of Rs.0.07/kWh payable to Solar Energy Corporation of India Limited.

(c) Pass any such further Order or Orders as this Hon'ble Commission may deem just and proper in the circumstances of the case.

Matter came up for hearing today.

3. Ms. Ranjitha Ramachandran, learned counsel of the Petitioner submitted that the petition has filed u/s 86 (1) (b) for procurement of power by UPPCL from the Grid Connected Floating Solar PV Power Projects of 150 MW cumulative capacity being established at Rihand Dam, Sonbhadra District in the State of Uttar Pradesh at the tariff discovered in the competitive bid process for the individual power projects. She further submitted that upon approval of the



Commission, CERC would be approached for adoption of tariff along with the order of this Commission and necessary documents.

4. The Commission observed that the petition has been filed under both section 63 & 86(1)(b) of EA 2003, whereas the counsel has submitted that it would be approaching CERC for adoption of tariff. The Commission also observed that as per the bidding guidelines dated 03.08.2017, the appropriate Commission, in case of single distribution licensee being the procurer, should be the State Electricity Regulatory Commission of the concerned State where the distribution licensee is located. Whereas as per the PPA the appropriate Commission is defined to be CERC.
5. The Commission also observed that all the projects from which power proposed to be procured are in State of UP and UPPCL is the sole procurer. Moreover, the PPA contains the tariff discovered under section 63 of the EA, therefore, unless the tariff gets adopted by appropriate Commission, how the approval of PPA is justified.
6. Upon specific query of the Commission regarding payment of 5 paisa for lease charge and 2 paisa towards the dismantling the project after 25 years to UPJVNL, counsel of the SECI replied that these payments are to be made by solar power developer (SPD) out of the project tariff. She referred to clause 9.3 & 9.4 of the PPA dated 17<sup>th</sup> /20<sup>th</sup> December,2019 is in this regard authorizing SECI to deduct these payments from the SPD payments in case SPD does not make payment to UPJVNL.
7. The Commission also observed that there has been substantial delay in filing the petition with respect to bidding conducted in October,18.
8. The Commission queried about trading margin of Rs.0.07/kWh mentioned in the PPA, whereas the guidelines dated 3/8/2017 provide that trading margin shall be as notified by appropriate Commission or as mutually agreed between the parties. The counsel replied that



trading margin of 7 paise/unit has been brought through an amendment to the bidding guidelines. The Commission observed that the bidding conducted as per guidelines dated 3/8/2017, thus the bidding document including PPA should be aligned to the said guidelines.

9. The Commission directed Petitioner to submit the following within two weeks:

(a) Reasons for delay in filing petition.

(b) Reasons for divergence between SBD & bidding documents with reference to Appropriate Commission & trading margin.

(c) Carry out necessary amendments to the petition in case of CERC to be approached for tariff adoption.

10. The next date of hearing shall be intimated separately after submission of above details.

**(Vinod Kumar Srivastava)**  
Member

**(Kaushal Kishore Sharma)**  
Member

**(Raj Pratap Singh)**  
Chairman

Place: Lucknow

Dated: 18 .12.2020

