



Petition No. 1644 of 2020 & 1662 of 2020

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

PRESENT:

1. Hon'ble Sh. Raj Pratap Singh, Chairman
2. Hon'ble Sh. Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF: Petition under section 86(1)(c), 86(1)(e) and 86(1)(f) 86(1)(k) of the Electricity Act, 2003 seeking directions to the Respondents and appropriate orders(s) for grant of prayers sought by the present Petitioner.

M/s AMP Solar Clean Power Pvt. Ltd., 309, 3rd Floor, Rectangle One, Behind Sheraton Hotel, Saket, New Delhi -110017

----- **Petitioner**

1. M/s UP Power Corporation Ltd. (through its Managing Director), Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow
2. M/s UP State Load Despatch Centre, Phase-II. (through its Director), Vibhuti Khand, Gomti Nagar, Lucknow
3. M/s UP Power Transmission Company Ltd., Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow

----- **Respondent**

Following were present:

1. Sh. Deepak Raizada, SE, PPA-RE, UPPCL
2. Sh. Anirban Mondal
3. Sh. Arijit Banarjee
4. Sh. Arunav
5. Sh. Pinaki Bhattacharaya
6. Sh. Rakshika Kaul
7. Sh. Sanjay Chalana



8. Andrabi & Co.
9. Sh. Amarjeet Singh Rakhra, Advocate
10. Ms. Mazag Andrabi, Advocate
11. Sh. Rahul Srivastava, Advocate
12. Sh. Piyush Shukla, Advocate

ORDER
(Date of Hearing 19.01.2021)

1. The Petition No. 1644 of 2020 & 1662 of 2020 is filed by M/s AMP Solar Clean Power Pvt. Ltd. The Petitioner has set up a solar power-based Generating Plant of 20MW capacity at Payagpur, District Bahraich in the State of Uttar Pradesh ("**State of UP**"). The Solar Project has been set up for supply of the entire energy generated to its consumers/Captive Users within the area of supply of Madhyanchal Vidyut Vityaran Nigam Limited and therefore, is a Captive Power Project under the provisions of the Act.
2. During the hearing, Ms. Mazag Andrabi, Counsel of the Petitioner submitted as follows:
 - a. On 28.12.2018, the Petitioner entered into Power Purchase Agreements ("PPA") with RCCPL Private Limited and Birla Corporation Limited ("Captive Users") respectively for supply of the entire energy generated by the Solar Project for a period of twenty-five years. The Captive Users are subsidiaries of M P Birla Group.
 - b. The Petitioner by way of application dated 25.10.2019 applied for grant of Long-term Open Access ("LTA") for transfer of 14MW capacity from Payagpur S/s to 133/33 kV Bachhrawan Substation and 6MW (4 MW + 2 MW) capacity from Payagpur S/s to 133/33 kV Tripula Substation. UPPTCL granted LTA to the Petitioner's Solar Project by way of 'Approval for Long Term Open Access' dated 11.02.2020 ("LTA Approval") and pursuant thereto the Petitioner entered into Bulk Power Transmission Agreement



dated 14.02.2020 for transmission of electricity under open access with UPPTCL ("BPTA").

- c. The Petitioner completed construction and civil works pertaining to 10MW capacity of its Solar Project on 21.07.2020 and subsequently, Bay-2 was tested and energized on 21.07.2020.
- d. The Commission, in another matter of Amplus Green Power Private Limited vs. UPPCL and Others ("Petition No. 1517/2019") ("Amplus Order") vide its Order dated 27.07.2020, directed Amplus Green Power Private Limited to inter alia furnish a Bank Guarantee to UPPCL and declare COD of the of the solar plant, as a pre-condition to the execution of Wheeling and Banking Agreement ("WBA") with the Distribution Licensees. The Commission in the said Order also stated that in view of intermittent generation from renewable energy projects, generating plant needs to demonstrate at least maintaining the peak corresponding to the installed capacity over one-time block of 15 minute for at least any three days within a continuous period of two weeks. The relevant extracts of the said order are reproduced below:

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12. The Commission is of the view that synchronization of generation unit within the State Grid must be as per UPERC (Grid Code) Regulations 2007. The same is clear with the Regulations 4.8.5 of UPERC Grid Code, Regulations 2007. The relevant provisions of UPERC Grid Code Regulations 2007 are reproduced as below:-

UPERC Grid Code Regulations 2007

"4.8.5 No generating units shall be synchronized with the State Power Grid without the necessary instructions from SLDC."

To declare COD, the generating unit need to demonstrate the generation capacity equal to installed capacity. In case of PPA with Discom, such demonstration must be as per the terms of PPA with Discom as provided in CRE Regulations, 6(i)(d). For