



Petition No. 1699 of 2021

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

(Date of Order: 23.06.2021)

PRESENT:

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

IN THE MATTER OF: Seeking approval of this Hon'ble Commission for entering into a power procurement arrangement by way of a Power Purchase Agreement for the purposes of procuring solar power from the 65 MW Kalpti Solar PV Power Project, District Jalaun, Uttar Pradesh being developed by Bundelkhand Saur Urja Limited.

M/s Uttar Pradesh Power Corporation Limited, (through its Managing Director)
Shakti Bhawan, 14- Ashok, Marg, Lucknow

----- **Petitioner**

1. M/s Bundelkhand Saur Urja Limited,
(through its Chairman),
TC-43/V, Vibhuti Khand, Gomti Nagar, Lucknow
2. M/s Uttar Pradesh New and Renewable Energy Development Agency
(UPNEDA)
Vibuti Khand, Gomti Nagar, Lucknow
3. M/s NHPC Limited,
(through its Chairman and Managing Director)
NHPC Office Complex, Sector-33, Faridabad - 121003

----- **Respondent**

Following were present:

1. Sh. Deepak Raizada, CE, PPA-Renewable, UPPCL
2. Sh. Divyanshu Bhatt, Counsel, UPPCL
3. Sh. M.G. Gokhale, NHPC Limited
4. Sh. Amitav Singh, Counsel, BSUL



ORDER

(Date of Hearing 15.06.2021)

1. UPPCL has filed this Petition under section 86(1)(b) of the Electricity Act, 2003 read with Regulation 7 and 24 of the UPERC CRE Regulation, 2019 seeking approval of the Commission for entering in to PPA to procure Solar Power from 65 MW Kalpi Solar PV Power Project, District Jalaun, Uttar Pradesh, being developed by Bundelkhand Saur Urja Limited (BSUL), a joint venture of UPNEDA and NHPC Limited.
 2. The Regulation 24 read with Scheduled II, Clause(E)(ii), of the UPERC, CRE, Regulation, 2019 prescribes that any procurement of power more than 5 MW needs to be done at the tariff discovered through at Competitive bidding under section 63 of the Electricity Act, 2003.
 3. The Petitioner has sought relaxation in terms of Regulation 7 of UPERC, CRE, Regulation, 2019 to permit the Petitioner to enter into a long term PPA with BSUL.
 4. The Prayers of the Petitioner are as below:
 - a) Admit the present Petition.
 - b) Relax the Regulation 24 read with Schedule II, Clause (E)(ii) of the Uttar Pradesh Electricity Regulatory Commission (Captive and Renewable Energy Generating Plants) Regulations, 2019 and grant approval to the Petitioner to procure power from the 65 MW Kalpi power Project at District Jalaun that is being developed by BSUL at the rate of Rs. 3.02 per Kwh; and
 - c) Pass such further order(s) or direction(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.
- The matter came up for hearing today.
5. Sh. Divyanshu Bhatt, Counsel of UPPCL submitted that BSUL was formed as a joint venture between NHPC Limited and UPNEDA by U.P. Government to develop 50 MW Solar Power Project at Village Parasan, Tehsil Kalpi, District Jalaun in Uttar Pradesh. However, BSUL being a joint venture of UPNEDA and NHPC may create a conflict of interest in the bidding conducted by UPNEDA, UPNEDA being the nodal agency for conducting bidding for procurement of power.
 6. The Commission observed that any relaxation to BSUL shall pave the way for other such projects which would vitiate the process of competitive



bidding in terms of providing equal of opportunity to others stake holders and benefits derived out of competitive market.

7. Sh. Amitav Singh, Counsel of BSUL requested the Commission to allow filing of reply to the petition and requested time of 2 weeks. Sh. Divyanshu Bhatt also requested the Commission to allow filing of rejoinder within a week thereafter.
8. The Commission allowed 2 weeks' time to respondent (BSUL) to file reply in two weeks' and one week time to Petitioner to file the rejoinder.

The matter is listed for next hearing on 3rd August 2021.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Date: 23.06.2021

