



Petition No. 1624 of 2020
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order (18.06.2021)

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: Petition under Regulation 59 of the UPERC (Conduct of Business) Regulations, 2019 read with regulation 7 of UPERC CRE, 2019 and relevant provisions of the Electricity Act, 2003.

1. M/s India Glycols Limited,
E-1, Sector-15, GIDA, Gorakhpur (U.P.)

----- **Petitioner**

1. M/s U.P. Power Corporation Ltd. (through its Managing Director), Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow
2. M/s U.P. Power Corporation Ltd., (through its Superintending Engineer), Electricity Import Export and Payment Circle, Shakti Bhawan Extn., 14-Ashok Marg, Lucknow
3. M/s U.P. Power Corporation Ltd., (through its Chief Engineer, Power Purchase Directorate), Shakti Bhawan Extn., 14-Ashok Marg, Lucknow
4. M/s U.P. State Load Despatch Centre, Phase-II, Vibhuti Khand, Gomti Nagar, Lucknow

----- **Respondent**

Following were present:

1. Director, UPSLDC
2. Executive Engineer, RAU
3. Shri B.K Saxena, Advocate, UPPCL
4. Sh. Desh Deepak Chopra, Counsel, M/s India Glycols Limited
5. Sh. Shailesh Chand, M/s India Glycols Limited



ORDER

(Date of Hearing 10.06.2021)

1. The Petitioner 'India Glycol Limited' is a generating company engaged in the business of Industrial/Potable Alcohol and other incidental business situated at Sahajanwa, Distt. Gorakhpur in the State of Uttar Pradesh. The Petitioner owns and operates a 12 MW Slop and Rice Husk Based Biomass power generation plant. The Petitioner has entered into Power Purchase Agreement dated 23.07.2012 with UPPCL. The Petitioner uses 3.8 MW for its captive consumption and surplus 8 MW is exported to the DISCOM.
2. The Prayers of the Petitioner is as below:
 - a. that in the bills submitted by the Petitioner the settlement of the unutilized banked energy from 2018-19 to 2019-20 is to be settled as per CRE Regulations, 2014, and.
 - b. that the energy banked from April 2019 to January 2020 is to be settled as per CRE 2014 as DSM software with inbuilt capability of banking provisions was not in place to bank the energy on TOD basis as per CRE Regulations, 2019 and.
 - c. that the bills from January 2020 to April 2020 will also be settled as per CRE Regulations, 2014 as server of UPSLDC at the Petitioner's end had developed technical snag and the Petitioner was unable to furnish the details of scheduling of power, and.
 - d. that the bills for energy withdrawn from UPPCL will be adjusted from the bills of energy sold to UPPCL.
 - e. the DSM mechanism may further be kept in abeyance in view of non-availability of the relevant software by SLDC till November 2019, ongoing global pandemic of pandemic situation and the peculiar nature of the Petitioner's industry, and,



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- f. that the Hon'ble Commission may be pleased to issue any other further order or directions in favor of the Petitioner as it may be deem fit and proper under the facts and circumstances of the case.
3. During the hearing, today, Sh. Desh Deepak Chopra, Counsel of the Petitioner submitted that relaxation may be consider by the Commission under clause 7 of the UPERC CRE Regulations, 2019 for Banked power from April 2019 to April 2020 due to various reasons like delay in software upgradation for TOD, technical snag at UPSLDC server etc., which was the responsibility of UPSLDC. The Counsel also prayed to keep in abeyance the DSM till Nov'19 in view of non-availability of relevant software.
4. The representative of UPSLDC submitted that the Petitioner is a member of Co-gen Association who has filed the writ Petition no. 29124 (M/B) of 2019 before the Hon'ble High Court. As the matter is sub-judice before the Hon'ble High Court, the Commission may treat the present Petition premature before it.
5. The Commission observed that the Co-gen Association and the Petitioner are different legal entities. The Commission asked the UPSLDC representative about the changes made in the CRE Regulations 2019 from the CRE Regulations, 2014 regarding Banking of Power. Sh. Rahul Srivastava, Counsel UPSLDC responded that withdrawal of banked power is now made as per TOD, Banking charges on unutilized energy have been levied @12% etc., The Commission further asked, whether there will be any problem if the prayers are allowed, the UPSLDC representative responded that the Banking of power is settled between buyer and seller and withdrawal of Banked power does not affect the DSM calculation.
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6. Sh. B.K. Saxena, Counsel UPPCL submitted that for banked power injection till 31.03.2019, the provisions of UPERC CRE Regulations, 2014 would be applicable.
7. After hearing the parties, the Commission allowed the Petitioner and Respondents to file their written submission within 2 weeks.

Order reserved.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Date: 18 06.2021