



Petition No. 1697 of 2021

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

(Date of Order: 12.07.2021)

PRESENT:

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

IN THE MATTER OF: Petition under section 86(1)(f) of the Electricity Act, 2003 and UPERC (Terms and Condition of Tariff) Regulations, 2019 read with provisions of the Power Purchase Agreement (PPA) dated 10.12.2010 for implementation of the terms of the PPA and adjudication of the dispute between the Petitioner and the Respondent.

M/s Lalitpur Power Generation Company Limited (LPGCL),
Bajaj Bhawan, Jamnalal Bajaj Marg, B-10, Sector-3, Noida - 201301

----- **Petitioner**

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

----- **Respondent**

Following were present:

1. Ms. Swapna Seshadri, Counsel, LPGCL
2. Sh. S.K. Sharma, LPGCL
3. Sh. Upendra Prasad, LPGCL
4. Sh. Sanjeev Kumar Singh, LPGCL
5. Sh. Nived Veerapaneni, Counsel, UPPCL
6. Ms. Puja Priyadarshini, Counsel, UPPCL
7. Sh. JPS Gangwar, CE-PPA, UPPCL
8. Sh. Hemant Sahai, Counsel, UPPCL
9. Sh. Aditya Dubey

ORDER

(Date of Hearing 29.06.2021)

1. The Petitioner, LPGCL has filed the present Petition under section 86(1)(f) of the Electricity Act, 2003 read with provisions of the Power Purchase Agreement (PPA) dated 10.12.2010, UPERC Generation Tariff Regulations,



2019 and in terms of the liberty granted by the Commission vide order dated 12.02.2021 in Petition no. 1563 of 2020.

2. The Petitioner has made following prayers in the Petition:
- Admit the present petition.
 - Direct to UPPCL to enhance, establish and operationalize/activate the Escrow Mechanism to an amount of Rs. 660 Crore to fulfill its obligation as per Article 11.4.2 of the PPA which would meet the PSM coverage for all the three units of the Petitioner's generating stations within a period of one month.
 - Direct UPPCL to establish the Letter of Credit for an amount of Rs. 660 Crore as per Article 11.4.1 of the PPA for all the three units of Petitioner's generation stations within a period of one months.
 - Pass such other further Order(s) as the Hon'ble Commission may deem just in the facts of the present case.

The matter came up for hearing today.

- Ms. Swapna, Counsel of the Petitioner has submitted that they have filed an interim application also. She further submitted that the respondent, UPPCL, during the proceedings in Petition no. 1563 of 2020 have appraised the Commission that Escrow account for an amount of Rs. 200 Crore has been activated in favor of the Petitioner out of the sanctioned limit of Rs. 341 Crore, however, no LC has been provided to LPGCL.
- She pleaded before the Commission to direct UPPCL to activate Escrow account up to the sanctioned limit of Rs. 341 Crore as an interim measure, to cover billing from Unit-I and II of the Petitioner's Plant. She pleaded before the Commission that the matter may be fixed for final hearing on next date.
- Sh. Hemant Sahaj, Counsel of UPPCL submitted that the matter may be decided after giving UPPCL an opportunity to file reply in 4 weeks. Ms. Swapna requested the Commission one week to file rejoinder.

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6. The Commission allowed 4 weeks' time to UPPCL file its reply to the petition and the interim application. The Petitioner may file its rejoinder in a week thereafter with the copy to the respondent.

List the matter on 12.08.2021 for final hearing.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Date: 12, 07.2021

