



Petition No. 1708 of 2021
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order (29.07.2021)

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 section 86(1)(e), 86(1)(f) of Electricity Act 2003, read with Regulation 7 and any other enabling provision of CRE Regulations, 2019.

1. M/s Gularia Chini Mills Limited,
(A unit of Balrampur Chini Mills Limited)
Reg. Off. FMC Fortuna 2nd Floor, 234/3A,
A.J.C. Bose Road, Kolkata-700020

----- **Petitioner**

Versus

1. Managing Director,
U.P. Power Corporation Ltd. (UPPCL)
Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow
2. Chief Engineer, Directorate of PPA,
U.P. Power Corporation Limited,
Shakti Bhawan Extension, 14-Ashok Marg, Lucknow-226001
3. Managing Director
Madhyanchal Vidyut Vitran Nigam Ltd. (MVVNL)
4A, Gokhle Marg, Lucknow

----- **Respondent(s)**

Following was present:

1. Sh. Desh Deepak Chopra, Counsel, M/s Gularia Chini Mills Limited
2. Sh. Sandeep Agarwal, M/s Gularia Chini Mills Limited
3. Sh. Mohit, Consultant, UPPCL
4. Sh. Pankaj Chaturvedi, Balarampur Chini Mills Ltd.



ORDER
(Date of Hearing 15.06.2021)

1. The Petitioner, 'M/s Gularia Chini Mills Limited' is a unit of M/s Balrampur Chini Mills Limited, located at Village- Gularia, Distt- Lakhimpur Kheri in the State of Uttar Pradesh. The Petitioner exports surplus power generated from its bagasse-based generating plant to the DISCOM under PPA. The Petitioner has also installed RE based generating plant of capacity 7.6 MW using Slop as fuel, which is already commissioned and is ready to export 3.5 MW surplus electricity to the DISCOM, MVVNL.
2. The Prayers of the Petitioner are as below:
 - a) the Hon'ble Commission while fixing an early date of hearing in Petition No. 1695 of 2021 may be pleased to approve Power Purchase Agreement dated 23.12.2020 entered between Petitioner and Opposite Party No. 1, and
 - b) the Hon'ble Commission may issue any other further order or directions in favor of the Petitioner as it may be deemed fit and proper under the facts and circumstances of the case.

Brief Facts:

3. In response to Competitive Bidding process initiated by UPPCL, through tender No. RFP NO.13-2020/UPPCL/Competitive Bidding/Slop issued on 13.8.2020, for procurement of 20 MW (\pm 25%) power from Slop based generating plant for a period of 10 years, the Petitioner participated in the above Competitive bidding process and was declared successful bidder to export 3.5 MW at the levelized tariff of Rs. 2.798 per unit for a period of 10 years. The PPA was executed on 23.12.2020 with UPPCL to supply surplus power of 3.5 MW to MVVNL.
4. C.E (PPA), UPPCL, as per provisions of Regulation 5 of the CRE Regulations 2019, has filed Petition No.1695 of 2021 before this Commission for approval of PPA entered with different R.E. based generators including the Petitioner. The above Petition No.1695 of 2021 has not been listed for hearing on approval of PPA so far by the Commission.
5. It may take some time for the Commission to hear and decide Petition No. 1695 of 2021 about approval of PPA, the surplus power available with the Petitioner may not be properly utilised by way of export to MVVNL for want of necessary approval by the Commission.
6. That for proper utilization of 3.5 MW surplus power, during the pendency of petition no. 1695/2021, the Petitioner may be provisionally allowed to inject