



Petition No. 1623 of 2020

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order: 04.10.2021

PRESENT:

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

IN THE MATTER OF Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Article 23 (d) of the Power Purchase Agreement dated 19.02.2018 seeking payment of invoices at the Average Power Purchase Cost at rate of Rs. 3.87/kWh in terms of Article 2.1 of the PPA and quashing of the Impugned email dated 28.08.2020 issued by UPPCL

M/s DCM Shriram Limited
2nd Floor, West Wing World mark 1
Aerocity, New Delhi – 110 037

..... Petitioner

AND

Uttar Pradesh Power Corporation Limited
7th Floor Shakti Bhawan, 14 Ashok Marg,
Lucknow, Uttar Pradesh – 226 001

..... Respondent

The following were present:

1. Shri. Suhail Buttan, Counsel, DCM Shriram Ltd.
2. Shri. Deepak Raizada, CE-PPA, UPPCL
3. Shri. Mohit Goyal, Consultant, UPPCL

**Order
(Date of Hearing: 28.09.2021)**

1. The last hearing in the matter was held on 09.03.2021 and the Commission vide Order dated 12.03.2021 directed UPPCL to submit revised computation mentioning data points/sources and rationale for arriving at APPC within a weeks' time with a copy to DCM Shriram Limited and the Petitioner was directed to file rejoinder within a week. UPPCL filed its reply on 19.03.2021 and 31.03.2021. The Petitioner has not filed any rejoinder. The matter was scheduled for hearing on 06.04.2021 but could not be held due to pandemic situation.

The matter came up for the hearing today.

2. On a specific query of the Commission, regarding the APPC rate, Shri. Suhail Buttan, Counsel, DCM Shriram Ltd. submitted that UPPCL while computing APPC rate have taken all sources of power actually incurred in FY 2017-18 itself, whereas



the Regulation prescribes that APPC rate for any particular financial year is computed taking data of previous financial year. Shri. Suhail Buttan, sought further time to file a rejoinder on the submissions of the UPPCL and fix date of next hearing.

3. Shri. Mohit Goyal, Consultant, UPPCL submitted that they have filed their reply in compliance to the Commission's Order dated 30.11.2017. He further submitted that as per PPA clause 2.1, the tariff for payment is to be the APPC for FY 2017-18, which works out to be Rs. 3.48/kWh.
4. The Commission was inclined to conclude the hearing and pass appropriate orders, however, on the request of Shri. Suhail Buttan, Counsel, DCM Shriram Ltd., the Commission granted two weeks' time to file their written submissions.

List the matter for final hearing on 30th November 2021.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 04.10.2021