



Petition No. 1699 of 2021

**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 Regulations 14 and 15 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 2019, read with Regulations 7 and 24 of the Uttar Pradesh Electricity Regulatory Commission (Captive and Renewable Energy Generating Plants) Regulations, 2019 read with Section 86 (1) (b) of the Electricity Act, 2003 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 Kalpi Solar PV Power Project, District Jalaun, Uttar Pradesh being developed by Bundelkhand Saur Urja Limited

Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14 Ashok Marg,
Lucknow, Uttar Pradesh - 226 001

..... Petitioner

Vs

Bundelkhand Saur Urja Limited
TC - 43/V, Vibhuti Khand,
Gomti Nagar, Lucknow - 226 010, Uttar Pradesh

Uttar Pradesh New and Renewable Energy
Development Agency (UPNEDA)
Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010

NHPC Limited, NHPC Office Complex,
Sector-33, Faridabad - 121003 (Haryana)

..... Respondent

The following were present:

1. Shri. Divyanshu Bhatt, Counsel, UPPCL
2. Shri. Deepak Raizada, CE - PPA Renewable, UPPCL
3. Shri. Raghav Malhotra, Counsel, BSUL
4. Shri. Amit Kapur, Counsel, BSUL
5. Shri. Akshat Jain, Counsel, BSUL



Order
(Date of Hearing: 28.09.2021)

1. The last hearing in the matter was held on 03.08.2021 and the Commission vide Order dated 06.08.2021 granted BSUL one week time to file additional reply considering latest discovered levelized tariff of Rs. 2.68/kWh for 25 years in the recent bid of UPNEDA. The Respondent submitted its reply on 20.08.2021 wherein BSUL has reconsidered the tariff based on various parameters and agreed to match the figure of Rs. 2.68/kWh for 25 years for procurement of 65 MW power from BSUL's project by UPPCL.

The matter came up for the hearing today.

2. Shri. Divyanshu Bhatt, Counsel, UPPCL submitted that a rejoinder dated 24.09.2021 has been filed. He further submitted that there are certain additional charges/liabilities, which have been borne by the SPD while quoting the figure of Rs. 2.68/kWh. These additional charges may have impact on the final tariff figure of BSUL.
3. Shri. Amit Kapur, Counsel, BSUL submitted the following:
 - i. On 20.08.2021, in compliance to the directions of the Commission, BSUL submitted its revised proposal to supply 65 MW power at fixed tariff of Rs. 2.68/kWh for a period of 25 years, i.e., BSUL agreed to match the bid discovered price.
 - ii. UPPCL has now contended that BSUL's tariff should be reconsidered by the Commission in view of that the SJVNL, i.e., the successful bidder in the recent bid conducted by UPNEDA, has additional charges / liabilities being borne by BSUL while arriving at tariff of Rs. 2.68/kWh. Admittedly, when UPPCL filed the Petition seeking approval for procurement of power from BSUL's project at Rs. 3.02/kWh, there is no occasion for UPPCL to now have an objection for supply of power at Rs. 2.68/kWh.
 - iii. On 16.09.2021, BSUL received sanction from MNRE for development of Solar Parks under mode - 5A in scheme for "Development of Solar Parks and Ultra Mega Solar Power Project", i.e., for setting up Solar Park of 65 MW capacity on land identified by BSUL. Since SJVNL is SPD in Solar Park and LSPDCL, a Solar Park Implementing Agency, whatever benefits are available to SJVNL/LSPDCL, shall also apply to BSUL. Therefore, UPPCL's contention that SJVNL and BSUL stand on a different footing since SJVNL is liable to bear certain additional charges which are not applicable to BSUL's case, is baseless and liable to be rejected.



4. The Commission opined that the bidding terms and conditions applicable to the bidding conducted by UPNEDA along with discovered levelized tariff of Rs. 2.68/kWh should be applicable to BSUL Project. UPPCL agreed to the same.
5. On the specific query of the Commission on expected COD of the project, as the risk associated with the Change in Law etc. is only till the project is commissioned, Shri. Amit Kapur Counsel, BSUL submitted that expected commissioning date of the project is March 2022.
6. The Commission after taking consensus of all the parties involved, directed parties to file a written submission from UPPCL and BSUL that whether in future, any related matters, viz; Change in Law etc. are to be dealt under Section 62 or Section 63 of the Electricity Act, 2003. The Commission granted two weeks' time to the parties for filing written submission as aforesaid. The Commission shall pass an appropriate Order thereafter.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 04.10.2021

