



Petition No. 1540/2019

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order: 01.02.2022

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) (b) and Section 86 (1) (f) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 03.12.2015 executed between M/s T A Greentech Private Limited (a Project Company formed by M/s Technical Associates Ltd.) and Uttar Pradesh Power Corporation Limited seeking approval of Change in Law events due to promulgation of GST Laws and Safeguard Duty.

1. M/s T A Greentech Private Limited
8th km, Faizabad Road, Vijaypur,
Gomti Nagar, Lucknow-226010

2. M/s Technical Associates Limited
8th Km., Faizabad Road, Vijaypur,
Gomti Nagar, Lucknow, U.P. - 226010

..... Petitioner

Versus

1. Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14 Ashok Marg, Lucknow - 226001

2. The Uttar Pradesh New & Renewable Energy
Development Agency (UPNEDA)
Vibhuti Khand, Gomti Nagar, Lucknow - 226010

..... Respondents

The following were present:

1. Shri Deepak Raizada, CE, UPPCL
2. Shri Amarjeet Singh Rakhra, Advocate, UPPCL
3. Shri Nishant Shukla, Advocate, UPSLDC
4. Shri Pranav Agarwal, Advocate, T.A Greentech Pvt. Ltd.
5. Shri Dhruv Mathur, Counsel, T.A Greentech Pvt. Ltd.

ORDER

(Date of Hearing 01.02.2022)



1. The Commission, vide Order dated 29.11.2021 has allowed the request of the Petitioner to adjourn the hearing and directed the Petitioner to file its submission in compliance to the Commission's order dated 27.09.2021. The Petitioner has filed its submission on 31.01.2022.

The matter came up for hearing today.

2. During the hearing, Shri Dhruv Mathur, counsel of the Petitioner reiterated earlier submissions in the matter regarding 'Change in Law' events as per Article 12 of the PPA. Further, Shri Dhruv Mathur submitted that it is a section 63 projects whose tariff is discovered by the bidding process.

3. The Commission observed that although the Petitioner's project is a section 63 project, the Petitioner need to clarify whether there is a net impact on the introduction of the claimed 'Change in law' events. Shri Dhruv Mathur responded that they have submitted the relevant details in July 2021 and subsequent submissions. Further, the Commission stated that the Petitioner needs to submit documentary that they have actually paid the claimed amount with respect to duty and taxes.

4. Shri Deepak Raizada on behalf of UPPCL submitted that the Commission vide order dated 12.02.2018 had market aligned the discovered tariff considering the module cost of Rs. 2.65 Cr/MW. Further, Shri Amarjeet Singh Rakhra, Advocate of UPPCL submitted that even after including the claims of change in law events, the tariff wouldn't change.

5. After hearing the parties, the Commission directed the Petitioner and Respondent to furnish within four-week the details in respect of prevailing taxes/duty (amount & rate %) on the bid date and the new/replace taxes/duty (amount & rate %) claimed as change in law event in the present petition along with documentary proof of payment of taxes/duty claimed as change in law.

List the matter for final hearing on 15.03.2022.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 10.02.2022