



Petition No. 1808 of 2022
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order (07.06.2022)

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 Sections 86(1)(c), 86(1)(e), and 86(1)(k) of the Electricity Act, 2003, seeking necessary order(s) and/or directions from this Hon'ble Commission as sought by way of this present Petition.

1. Lalganj Power Private Limited (LPPL)
29, Hare Krishan Regency,
Rampura Road, Sukhiya, Sanganer,
Jaipur, Rajasthan - 302 011

----- **Petitioner**

Versus

1. Uttar Pradesh State Load Despatch Centre
Phase II, Vibhuti Khand, Lucknow
Uttar Pradesh - 226 010
2. Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14, Ashok Marg,
Civil Lines, Lucknow, Uttar Pradesh -226001
3. Uttar Pradesh Power Transmission Company Limited
Shakti Bhawan, 14, Ashok Marg,
Lucknow, Uttar Pradesh - 226010

Following were present:

1. Sh. Deepak Raizada, C.E (PPA), UPPCL
2. Sh. Divyanshu Bhatt, Counsel, UPSLDC
3. Sh. Sanjay Sen, Counsel, LPPL
4. Sh. Aniket Prasoon, Advocate, LPPL
5. Sh. Puneet Chandra
6. Sh. Karan Chadha



ORDER
(Date of Hearing 22.02.2022)

1. The Petitioner, LPPL has filed instant petition seeking partial COD of 40MW for its Solar Power Project of installed capacity 70MW as the project is unable to demonstrate its peak installed capacity due to low solar irradiance and harsh weather condition in winter months.
2. The Prayers made in the petition are as below:
 - a) Allow the Petitioner to declare COD for 40 MW capacity of the Solar Project, equivalent to the peak generation capacity achieved during the trial run period, as per the procedure adopted in this Hon'ble Commission's order dated 27.07.2020 in Petition No. 1517 of 2019.
 - b) Allow the Petitioner to declare COD for 40 MW capacity of the Solar Project and wheel the power to its captive users as per the approved LTOA and signed BPWA and BPTA Agreement.
 - c) Allow the Petitioner to gradually demonstrate incremental generation capacity till it is able to demonstrate the installed capacity of the Solar Project.
 - d) Allow the Petitioner the liberty to add, amend, and supplement the pleadings, if required.
 - e) Pass any other order or direction that this Hon'ble Commission may deem just and equitable in the facts and circumstances of the present case and in the interest of justice.

Background

1. Petitioner, LLPL is a 'Generating Company' engaged in the business of generation and sale of solar energy. Petitioner is setting up 70 MW SPP located in Village- Muradnagar urf Jeewala, Saharanpur (Distt.). The Solar Project is being set up by the Petitioner for supply of the entire energy generated to its captive users within the area of supply of PVVNL, DVVNL & MVVNL discoms of UPPCL. Petitioner has executed "PPAs" with its captive user(s) for supply of the energy generated by the SPP for a period of 25 years.
2. UPPTCL granted connectivity to the Solar Project on 05.01.2019 and Petitioner entered into a Connection Agreement with UPPTCL on 07.01.2019 for connectivity of its Solar Project at the 132/33 kV Chhutmalpur s/s. UPPTCL granted LTOA approvals on different dates to the Petitioner for supply of power to its captive users.



3. Solar Project was energized, and the Commissioning Certificate was issued to the Petitioner on 15.09.2021. Petitioner has already generated power to the tune of **15099655 kWh** during the time period **from 15.09.2021 to 24.12.2021**. However, without being able to declare partial COD of the Solar Project, the Petitioner is unable to formally commence the supply of power under the PPAs to its captive users. As a result, the Petitioner has not been able to earn any revenue thus far despite having achieved commissioning and generating power.
4. The Commission vide order dated 27.07.2020 in Petition No. 1517/2019 (Amplus Green Power Private Limited vs. UPPCL and Others in have issued the procedure for declaration of COD of a solar generating plant under open access. The relevant extracts of the said order are as below:

"....13. COD is the date when generating plant has demonstrated the installed capacity as per the terms of the PPA in case of plants having PPA with Discom, because under Section 86(1)(b) of Electricity Act, 2003, power procurement of the Discom is approved by the Commission and same cannot be in variance with the approved PPA. In case of third party sale where there is no PPA or generator is selling the power at exchange, the installed capacity, for which the generator seeks COD, must be demonstrated. The same should not be an issue as there is historical data available with SLDC from the date of synchronization. Therefore, the Petitioner shall provide the generation data to the SLDC which shall be verified by SLDC from the data available with it and accordingly provide clearance for issuance of COD in accordance with the codes, practices and procedures and applicable Regulations and grant of connectivity. In view of intermittent generation from renewable energy projects, generating plant needs to demonstrate at least maintaining the peak corresponding to the installed capacity over one-time block of 15 minute for at least any three days within a continuous period of two weeks....."
5. Petitioner is seeking partial COD for the capacity corresponding to the peak generation demonstrated by the Solar Project, since the electricity generated by the Solar Project is dependent on solar irradiance, however, in the prevailing weather conditions, it is nearly impossible to reach and maintain its peak generation capacity, as the solar irradiance is relatively less.
6. The Petitioner has submitted that the Commission may direct UPSLDC to submit the MRI data available with it to cross verify the peak generation demonstrated by the Petitioner's Solar project.

Record of Proceedings

3. The Commission held the hearing on 22.02.2022, wherein Sh. Sanjay Sen on behalf of LPPL submitted that this petition has been filed seeking approval of partial COD i.e., 40 MW as per the protocol established by this Commission.



Further, Sh. Sanjay Sen stated that they have gone beyond to 40 MW and now reached approximately 50 MW and additional affidavit to this effect has been filed today before the Commission.

4. The Commission observed that there is already established procedure in this regard and UPSLDC has to verify the data considering till date i.e., today. The Commission asked LPPL, when the entire capacity will be completed, Sh. Sanjay Sen responded that they would complete the project by mid of this year as delay has happened on account of supply of certain parts from China. Sh. Divyanshu Bhatt on behalf of UPSLDC submitted that they will verify the data. No other point has been pressed upon by the Petitioner during hearing.
5. The Commission, vide its order dated 11.03.2002 directed UPSLDC to verify the peak generation demonstrated by the Petitioner till the date of hearing i.e. 22.02.2022 and file its reply and decided to pass appropriate order after the submission of UPSLDC.

Commission's analysis and decision

6. The Petition has been filed for declaration of partial COD of the Solar Plant of 70 MW. The Petitioner vide affidavit dated 21.02.2022, though at the time of filing of Petition, it had demonstrated peak generation capacity of 40 MW, however, with some improvement in weather, the Project has been able to demonstrate peak generation of 49.52667 MW in one time block of 15 minutes for three days within continuous period of two weeks i.e. from 16.02.2022 to 18.02.2022.
7. UPSLDC vide affidavit dated 26.03.2022 has submitted that it has examined and verified the generation MRI data of Petitioner's Plant and 15-minute time block wise generation data for 18th Feb to 21st Feb 22 is as below:

| Highest Generation of the Day at Generator's end. | | | | |
|--|------------|-------------|---|----------------------------------|
| Date | Time Block | Time Desc | Total Generation as per MRI Data of Main SL Nos. (LT-0494-A) (in Kwh) | Total Generation in Peak (In MW) |
| 18.02.2022 | 52 | 12:45-13:00 | 12374.4 | 49.4976 |
| 20.02.2022 | 46 | 11:15-11:30 | 12259.2 | 49.0368 |
| 21.02.2022 | 53 | 13:00-13:15 | 12249.6 | 48.9984 |



8. The Commission vide order dated 27.07.2020 in Petition No. 1517/2019 (Amplus Green Power Private Limited vs. UPPCL and Others in have issued the procedure for declaration of COD of a solar generating plant under open access. The relevant extracts of the said order are as below:

"....13. COD is the date when generating plant has demonstrated the installed capacity as per the terms of the PPA in case of plants having PPA with Discom, because under Section 86(1)(b) of Electricity Act, 2003, power procurement of the Discom is approved by the Commission and same cannot be in variance with the approved PPA. In case of third party sale where there is no PPA or generator is selling the power at exchange, the installed capacity, for which the generator seeks COD, must be demonstrated. The same should not be an issue as there is historical data available with SLDC from the date of synchronization. Therefore, the Petitioner shall provide the generation data to the SLDC which shall be verified by SLDC from the data available with it and accordingly provide clearance for issuance of COD in accordance with the codes, practices and procedures and applicable Regulations and grant of connectivity. In view of intermittent generation from renewable energy projects, generating plant needs to demonstrate at least maintaining the peak corresponding to the installed capacity over one-time block of 15 minute for at least any three days within a continuous period of two weeks....."

9. From the UPSLDC verified date, it is clear that in terms of the Commission's order dated 20.07.2020 in Petition No. 1517/2019, that the Project is capable of **Peak generation of at least 49.0368 MW** over one time block of 15 minutes for at least three within a continuous period of two weeks.

Commission's View

10. Therefore, in pursuance to the documents placed on record and contention of Petitioner raised during the hearing, the Commission allows the Petitioner to declare partial COD of 49.0368 MW.

(Vinod Kumar Srivastava)

Member

(Kaushal Kishore Sharma)

Member

(Raj Pratap Singh)

Chairman

Place: Lucknow

Date: 07.08.2022