



**Petition No. 1794 of 2021**  
**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

(Date of Order: 2.09.2022)

**PRESENT:**

Hon'ble Shri Raj Pratap Singh, Chairman  
Hon'ble Shri Kaushal Kishore Sharma, Member

**IN THE MATTER OF:** Petition under Regulation 28 (iv) of the UPERC (Terms and Conditions of Generation Tariff) Regulations, 2019 as amended from time to time and the PPA dated 26.09.2014, approved by this Commission vide its Order dated 20.04.2016 in Petition No. 971 of 2014 read with the Order dated 15.01.2016 along-with Addendum No.1 dated 04.09.2019 as well as the Order dated 06.05.2020 in Petition No. 1438 of 2019 for carrying out prudence check of the cost for procurement and use of Additional Coal on account of shortfall in supply of FSA Grade Coal in FY 2020-21 for supply of 187 MW Gross Contracted Capacity to NPCL from Unit 2 of 2 x 300 MW Coal based thermal generating station of DIL located at Tadali, Chandrapur in the State of Maharashtra.

**Dhariwal Infrastructure Limited (DIL)**  
CESC House, Chowringhee Square, Kolkata - 700 001

.....Petitioner

**Versus**

**Noida Power Company Limited (NPCL)**  
Electric Sub-Station, Knowledge Park - IV,  
Gautam Buddha Nagar, Greater Noida - 201 310

.....Respondent

The following were present:

1. Ms. Mandakini Ghosh, Advocate, DIL
2. Shri Saugato Majumdar, Manager, DIL
3. Shri Aveek Chatterjee, DGM, DIL
4. Ms. Divya Chaturvedi, Advocate, NPCL

**ORDER**  
**(Date of Hearing - 23.08.2022)**



1. The Petitioner, DIL has filed instant Petition for carrying out prudence check of the cost for procurement and use of Additional Coal on account of shortfall in supply of FSA Grade Coal in FY 2020-21.
2. The Petitioner has made the following prayers:
  - a) Admit the instant Petition for conducting prudence check towards cost of procurement and use of Additional Coal for FY 2020-21 in accordance with the directions of this Commission in its Order dated 06.05.2020 in Petition No. 1438 of 2019.
  - b) Approve the amount of ₹0.41 Crore along with adjustment of Debit/Credit note from Coal Companies for Additional Coal incurred towards cost of procurement and use of Additional Coal in FY 2020-21 by the Petitioner/DIL.
  - c) Direct the Respondent/NPCL to pay the amount of ₹0.04 Crore along with the applicable Carrying Cost till the date of actual payment made to the Petitioner/DIL on account of Revenue Gap towards procurement and use of Additional Coal for FY 2020-21.
  - d) Grant liberty to the Petitioner/DIL to approach this Hon'ble Commission for prudence check of the further revised claims for procurement and use of Additional Coal for FY 2020-21 as and when required on account of any future orders/directions issued by this Hon'ble Commission.
  - e) Condone any inadvertent omissions / errors / rounding-off differences / shortcomings and permit the Petitioner/DIL to add/alter this filing and make further submissions as may be required in future; and
  - f) Pass such other Order(s) as this Commission may deem fit and proper, keeping in view the facts and circumstances of the case.
3. During the Proceedings, Ms. Mandakini Ghosh, Advocate of DIL submitted that instant Petition has been filed as per dispensation given by this Commission in earlier order dated 06.05.2020. Further, Ms. Gosh stated that their total claim for FY 2020-21 was Rs. 97 lakhs and invoices for the same has been already raised.
4. Ms. Divya Chaturvedi, Advocate of NPCL requested the Commission to allow four weeks' time to file their reply in the instant matter.

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5. After hearing the parties, the Commission granted four weeks' time to NPCL to file their reply with a copy to DIL and DIL may file its rejoinder within two weeks' time, thereafter.

List the matter for next hearing on 13.10.2022.

**(Kaushal Kishore Sharma)**

**Member**

**(Raj Pratap Singh)**

**Chairman**

Place: Lucknow

Dated: 12.09.2022

