

**BIHAR ELECTRICITY REGULATORY COMMISSION
PATNA**

ORDER SHEET

Case No. : **06/2022**

Petitioner : **M/S Bihar Distillers & Bottlers (Pvt.) Ltd.**

Respondent : **BSPHCL, NBPDCCL & SBPDCL**

Subject : **Petition for execution of Power Purchase Agreement (PPA) for supply of 10.6 MW Co-Generation Biomass Power to BSPHCL.**

Date of Order	Order with Signature	Office notes as action taken on order
13-01-2023	<p style="text-align: center;"><u>Case No. 06/2022</u></p> <p>M/S Bihar Distillers & Bottlers (Pvt.) Ltd. (BDBPL) is represented by Shri. Piyush Ranjan (Advocate); BSPHCL is represented by Shri. Arun Kumar Sinha (Director/Tech), Shri Manoj Kumar (ESE/PMC); SBPDCL and NBPDCCL are represented by Shri. Kunal Tiwari (Assistant Standing Council).</p> <p>Further, petitioner BDBPL has filed instant petition for supply of at least up-to 8 MW of power to the BSPHCL, (SBPDCL/NBPDCCL) through BDBPL's existing transmission line. The fuel to be used in the plant is rice husk, rice straw and other Agro wastes.</p> <p>Further, during previous hearings, the petitioner BDBPL has informed Commission that he requested the BSPHCL to accord approval for procurement of surplus power up to 8 MW and executes Power Purchase Agreement (PPA) for twenty (20) years, at average power purchase cost (APPC).</p>	

Date of Order	Order with Signature	Office notes as action taken on order
	<p>However, in compliance of BERC order dated 06.09.2022, BSPHCL through letter dated 07.10.2022 has submitted its reply and the main excerpts of the said reply are as under:</p> <p>a) Without giving any comments upon quantum of petitioner's surplus power, it is to say that generator ability to supply any quantum of power to any buyer and/or existence of evacuation system from generating point do not establish right to sale of the generator to any buyer.</p> <p>For any sale, the ability of buyer for purchase is also a precondition. The generator and buyer both are required to enter into a mutually agreed and acceptable agreement to give into effect the sale-purchase arrangement.</p> <p>b) It is not fair on the part of the petitioner to identify BSPHCL (SBPDCL/NBPDCL) as perspective buyer without taking their consent.</p> <p>c) It is to submit that average power purchase cost keeps changing year after year and is of indicative nature consisting of average of cost of power from all available sources, be it Thermal/or Solar/or Wind/or Hydro or Bagasse including that from spot market. The generated power from ethanol plant is RE power and the average cost of RE power is much lesser than the APPC.</p> <p>d) Moreover, any purchase has to pass the test of requirement and justifiability of rates, BSPHCL has got sufficient tie up for meeting its requirement of power for the near future including that required for meeting RPO trajectory up to FY 2025-26.</p> <p>e) Hence, in the light of this, BSPHCL do not</p>	

Date of Order	Order with Signature	Office notes as action taken on order
	<p>require any additional power in its kitty at present as any additional purchase will result in surrender of even quantum of power with payment of fixed charges as per extant Regulations.</p> <p>Therefore, it will not be possible for BSPHCL to enter into any PPA with the petitioner for purchase of this surplus power.</p> <p>f) It is humbly submitted that procurement of surplus power of generator by BSPHCL should not be made a precondition for viability of their project. The petitioners are at liberty to sale the surplus power to any buyer to ensure viability of their project. BSPHCL do not owe any responsibility for making the petitioner able to run the project.</p> <p>Therefore, requested to reject the instant petition on the grounds already mentioned in above paragraphs.</p> <p>Further, during hearings Petitioner has requested Commission to direct the BSPHCL to execute the PPA of above said capacity, so that the petitioner may be able to complete the project at the earliest.</p> <p>Considering the facts and circumstances mentioned above, Commission does not approve the instant petition. However, gives liberty to approach the BSPHCL for their consent and file petition accordingly.</p> <p>The instant petition is disposed off.</p> <p style="text-align: center;"> Sd/- (S. C. Chaurasia) Member </p> <p style="text-align: center;"> Sd/- (Shishir Sinha) Chairman </p>	