



Petition No. 1578 of 2020
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order: 20. 02.2023

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF Petition under Regulation 15 of UPERC (Terms and Conditions for Determination of Generation Tariff) Regulations, 2019 read with Section 61, Section 62 and Section 86 of Electricity Act, 2003 seeking approval of Multi Year Tariff for the Control Period FY 2019-20 to FY 2023-24.

Rosa Power Supply Company Ltd.

3rd Floor, South Wing, Reliance Centre,
Near Prabhat Colony, Off Western Express Highway,
Santacruz (East), Mumbai – 400055

..... **Petitioner**

Versus

Uttar Pradesh Power Corporation Limited,
(Through Chief Engineer, PPA)
Shakti Bhawan, 14 Ashok Marg,
Lucknow -226 001

..... **Respondent**

The following were present:

1. Shri Abhishek Kumar, Advocate, UPPCL
2. Shri Deepak Raizada, CE - PPA, UPPCL
3. Shri Sumeet Notani, AVP, RPSCL
4. Shri Siddharth Shekhawat, DGM, RPSCL
5. Shri Umesh Kundale, RPSCL
6. Shri Rama Shankar Awasthi, Consumer Representative
7. Shri Avdhesh Kumar Verma, Adhyaksha, UPRVUP

Order
(Date of Public Hearing: 14.02.2023)

1. During the last hearing, the Commission vide Admittance Order dated 20.12.2022 directed RPSCL to publish a Public Notice outlining the details of the Petition and decided to hold public hearing on 14.02.2022. RPSCL, in compliance to the Commission's direction, published public notice on 03.01.2023.

The matter came up for the hearing today.

2. Sh. Rama Shankar Awasthi submitted that RPSCL has not incorporated various earlier orders of the Commission in the instant Petition, therefore, the Commission is requested to incorporate the same and order. Further, with regard to additional



capitalisation against ash dyke, MoEF&CC has notified certain direction for the same, hence the Commission is requested to prudently allow the cost keeping in view the consumer interest. RoE @15% should be allowed as per the applicable Generation Tariff Regulations 2019. Interest on Working Capital allowed should be as per the actual coal stock instead of the normative specified in the Tariff Regulations.

3. Sh. Avdhesh Kumar Verma submitted that in response to the Commission 's deficiency note in the matter, RPSCL has not provided the logical reasoning against the claimed capitalisation amount and therefore, should be disallowed. RPSCL has not provided the details of gain from the fly ash used for construction and other activities and therefore, the cost towards the same should be disallowed. Further, the Commission is requested to allow tariff as per Generation Tariff Regulations, 2019.
4. Sh. Abhishek Kumar, Advocate of UPPCL submitted that additional capital expenditure should be allowed when actually incurred by the generator after prudence check. RPSCL has not provided supporting documents for the claim of funding additional capital expenditure through internal resources and therefore should not be permitted by the Commission. Further, instead of complying the MoEF&CC mandated norms to utilise legacy ash, expenditure claimed towards ash dyke height to store additional ash should not be allowed. Actual Interest on Loan should be allowed. RoE @15% should be allowed since this Commission while framing the Generation Tariff Regulations 2019 already rejected the incentive for early commissioning. Regarding statutory charges, RPSCL has not provided the requisite documents and therefore should not be allowed. Regarding rate of Interest on Working Capital, RPSCL has claimed different/higher than to be allowed considering prevailing SBI MCLR. RPSCL has not provided the coal data in terms of the Commission's direction during the last public hearing in the matter.
5. Sh. Sumeet Notani on behalf of the RPSCL submitted that they have already filed their rejoinder to the UPPCL's reply and would file their response to the comments of other stakeholders once the written submissions are filed.
6. After hearing the comments/suggestion of the stakeholders, the Commission allowed the stakeholders to file their written submission, if any, within ten days with a copy to RPSCL and RPSCL may file its response within one week thereafter.

Order Reserved.

(Vinod Kumar Srivastava)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 20.02.2023