



**Petition No. 1899 of 2022**  
**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

(Date of Order: 10.05.2023)

**PRESENT:**

Hon'ble Shri Raj Pratap Singh, Chairman  
Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF:** Seeking approval of Amended Power Purchase Agreement dated 01.10.2022 signed between M/s SAEL Agri Commodities Limited and U.P. Power Corporation Ltd. for transfer of 15 MW Biomass Power Project at Village-Fatheullapur, Distt. - Gazipur, Uttar Pradesh ("Project") owned by SAEL Limited (formerly known as Sukhbir Agro Energy Limited) to SAEL Agri Commodities Limited.

**U.P. Power Corporation Ltd. (UPPCL),**  
(Through Superintending Engineer-PPA),  
14<sup>th</sup> Floor, Shakti Bhawan Extension, 14 - Ashok Marg, Lucknow.

..... Petitioner

**Versus**

**M/s SAEL Ltd.**  
Faridkot Road, Guruharsahai, Distt. Ferozepur, Punjab -152022.

.....Respondent

The following were present:

1. Shri Deepak Raizada, C.E(PPA), UPPCL
2. Shri Mahendra Singh, S.E (PPA), UPPCL
3. Shri Putan Prasad, Manager (Liaison), SAEL Ltd.

**ORDER**  
**(Date of Hearing - 25.04.2023)**

1. The Petitioner, UPPL, has filed this Petition seeking approval of Supplementary PPA dated 01.10.2022 between M/s SAEL Agri Commodities Ltd. and UPPCL for transfer of 15MW Biomass-based Power Project at Village-Fatheullapur, Distt. - Gazipur, owned by SAEL Limited, to SAEL Agri Commodities Limited.
2. The Prayers of the Petitioner are as follows:
  - a) Allow the Petition.





- b) Accord approval to Amended PPA dated 01.10.2022, entered between M/s SAEL Agri Commodities Limited and U.P. Power Corporation Limited.
- c) Issue any other order or direction as it may deemed fit in the facts and circumstances stated in the Petition.

**Brief of the case:**

3. UPPCL in the Petition has mainly submitted as under:

- a) A PPA dated 29.07.2006 was executed between UPPCL and Sukhbir Agro Energy Limited for purchase of Biomass-based power from generating plant of 15 MW capacity (13 MW during season and 15 MW during off season) situated at Village Fatheullapur, Distt-Ghazipur, Uttar Pradesh. Amended PPA dated 29.10.2021 was executed between SAEL Ltd. and UPPCL for change of name from Sukhbir Agro Energy Limited to SAEL Ltd.
- b) M/s SAEL Ltd. vide letter no. SAEL/2022/UPPCL/15MW dated 13.04.2022 sought UPPCL's permission for transfer 15 MW Biomass Power Project at Village-Fatheullapur, Distt. - Gazipur, Uttar Pradesh, owned by SAEL Ltd., to SAEL Agri Commodities Limited, as a part of its internal re-organisation. Accordingly, an Amended PPA has been signed on 01.10.2022 incorporating the following mentioned conditions:
  - i) UPPCL has given its consent for the change of the name of the generating company from M/s SAEL Ltd to M/s SAEL Agri Commodities Limited.
  - ii) There should not be any financial implications on UPPCL.
  - iii) The consent provided by UPPCL shall be exclusive to "M/s SAEL Agri Commodities Limited" only. Any new transferee/beneficiary is required to get consent from UPPCL as per the provisions of PPA as and when required.
  - iv) Any successor or permitted assignee is required to execute a new/supplementary/amended agreement on the same terms and conditions as per the provisions of the PPA.
  - v) All obligations of the generating company shall be discharged as mentioned in the PPA and APPA. The change in the name of the generating company shall in no way amount to the dilution, amendment, or alteration of any of the existing or future obligations of the generating company.
  - vi) This Amended PPA shall be subject to the approval of the UPERC.