



**Petition No. 2023 of 2023**  
**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

**Date of Order: 10.11.2023**

**PRESENT:**

Hon'ble Shri Arvind Kumar, Chairman  
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)  
Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition under Section 86 (1)(b) & (e) and other applicable provisions of the Electricity Act, 2003 read along with Regulation 7 of the UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019 for seeking approval of procurement of power by UPPCL from establishment of 40 MW Solar PV Project on cost plus basis at Ayodhya in the state of Uttar Pradesh.

1. **U.P. New & Renewable Energy Development Agency (UPNEDA),**  
(Through its Director), Vibhuti Khand, Gomti Nagar, Lucknow - 226010
2. **U.P. Power Corporation Ltd., (UPPCL)**  
(Through its Superintending Engineer, PPA-R),  
14<sup>th</sup> Floor, Shakti Bhawan Extension, 14 - Ashok Marg, Lucknow.

..... Petitioner

AND

**NTPC Green Energy Ltd**

NTPC Bhawan, Core-7, Scope Complex,7  
Institutional Area, Lodhi Road, New Delhi -110003

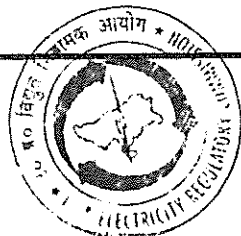
..... Respondent

The following were present:

1. Sh. Deepak Raizada, CE, UPPCL
2. Sh. Narendra Singh, SPO, UPNEDA
3. Ms. Namrata Kalra, Advisor, UPNEDA
4. Sh. Sunit Kumar, AGM, NTPC
5. Sh. Amit Kumar AGM, NTPC

**ORDER**  
**(Date of Hearing 09.11.2023)**

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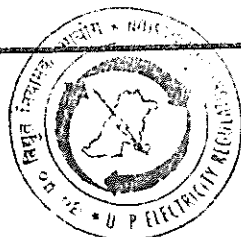
1. UPPCL & UPNEDA has filed this petition for relaxation to provision under schedule 2(e)(ii) of UPERC CRE Regulations,2019 and allow UPPCL to execute requisite PPA with NTPC Green Energy Ltd. for procurement of power from 40 MW solar PV project at District Ayodhya in State of UP. Further, it has also been prayed to allow UPPCL to submit PPA for approval of this Commission after tariff is determined by CERC.

**2. The Petitioner(s) have prayed as follows:**

- a. Take the Petition on record.
- b. Issue necessary Orders to relax the provision under Schedule – II (E) (ii) of the UPERC (CRE) Regulations,2019, and allow UPPCL to execute the requisite Power Purchase Agreement with NTPC Green Energy Limited for procurement of power from the 40 MW Solar PV Project at District- Ayodhya in the State of Uttar Pradesh.
- c. To allow UPPCL to submit the Power Purchase Agreement for approval of this Hon'ble Commission after the Tariff has been approved by the Hon'ble CERC.
- d. Condone any inadvertent omissions/errors/shortcoming.
- e. Pass any such further orders as the Hon'ble Commission may deem fit in the facts and circumstances of the case.

**3. Background submitted by Petitioner:**


- i. GOUP has decided to develop Ayodhya city as solar city and decided to establish 40 MW Solar power project in Ayodhya city to be established through NTPC Green Energy Ltd.
- ii. NTPC Green Energy Ltd. is setting up build, own, operate & maintain (BOOM) solar projects in many States to meet the target of 500 GW renewable capacity by 2030, the target set by MNRE. NTPC Green Energy Ltd. has set up 225 MW ground mounted utility scale project and 20 MW floating solar power project in State and has signed MoU for investment of Rs.10,000 Cr. during Global Summit -2023.
- iii. The energy produced from 40 MW project will be purchased by UPPCL at tariff fixed by CERC as per Section 79(a) of EA,2003 on cost plus basis for a period of 25 years.





4. UPNEDA has also filed additional submission dated 20.10.2023 stating that:
- In Solar Policy-2022, the solar city has been defined as a city where 10% reduction in total projected demand of conventional energy, at the end of 5 years, is achieved through installation of renewable energy system and energy efficiency measures.
  - Initially, as per availability of land (GoUP has made available 165.10 Acre land on banks of Saryu River), 40 MW solar project is proposed for developing the city as solar city and further projects will be established on availability of land.
  - It has been estimated that due to topography of land, there will be less participation in bid process for competitive bidding and will take about 4 months. Therefore, to avoid time loss in developing Ayodhya as Solar city it is proposed to award this 40 MW project to cost plus basis to NTPC Green Energy Ltd.
5. Ms. Namrata Kalra, Advisor, UPNEDA submitted that the GoUP has decided to develop Ayodhya as Solar City as per U.P. Solar Policy, 2022. As per availability of land, a 40 MW solar project was proposed to be developed by NTPC Green Energy Limited on cost plus and on the basis of Build Own Operate and Maintain (BOOM). Accordingly, prayer has been made for relaxation to the provision under schedule 2(e)(ii) of UPERC CRE Regulation, 2019.
6. The Commission observed that "Modalities of Tariff Determination Regulations, 2022" has been issued by the Commission vide notification dated 28.02.2023. These Regulations mandate that all power procurement under long term & medium term is to be done through competitive bidding with the prior approval of the Commission except for those under Regulation 3 of the Modalities of Tariff Regulation, 2022. Accordingly, the Petitioner was required to amend the prayer. The Commission also observed that demand projection for the next 5 years of Ayodhya City need to be placed on record to set the roadmap for developing it as a solar city in terms of U.P. Solar Policy 2022.
7. The Petition shall be listed for admission thereafter.

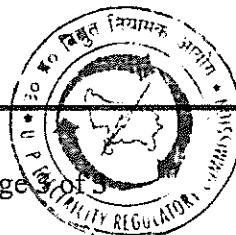
  
(Sanjay Kumar Singh)  
Member

  
(Vinod Kumar Srivastava)  
Member (Law)

  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 10.11.2023



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