



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 1431 of 2019

QUORUM

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 62 and 86(1)(a) of the Electricity Act, 2003 read with chapter 6 of the UPERC (Conduct of Business) Regulations, 2004 for approval of tariff of Lalitpur Super Thermal Power Station (3×660MW) for the period from the date of Commercial Operation of the Unit #1, Unit #2 and Unit #3 (i.e., 01.10.2015 to 31.03.2019 for 660MW Unit#1, form 14.10.2016 to 31.03.2019 for 660MW Unit#2, and from 23.12.2016 to 31.03.2019 for 660MW Unit#3.

AND

IN THE MATTER OF

Lalitpur Power Generation Co. Ltd. (LPGCL),

Corporate Office, Bajaj Bhawan, B10, Sector-3, Noida-201301

..... Petitioner

VERSUS

1. U.P. Power Corporation Ltd. (UPPCL)

(Through its managing Director),

Shakti Bhawan, 14-Ashok Marg, Lucknow-226001

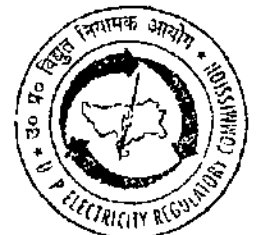
2. Paschimanchal Vidyut Vitran Nigam Ltd. (PVVNL),

(Through its managing Director),

Victoria Park, Meerut

3. Purvanchal Vidyut Vitran Nigam Ltd. (PuVVNL),

(Through its managing Director),



by

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DLW, Bhikaripur, Varanasi

4. Madhyanchal Vidyut Vitran Nigam Ltd. (MVVNL),
(Through its managing Director),
4-A, Gokhale Marg Lucknow.

5. Dakshinanchal Vidyut Vitran Nigam Ltd. (DVVNL),
(Through its managing Director),
Urja Bhawan, 220KV U.P. Sansthan Bypass Road, Agra

..... Respondents

FOLLOWING WERE PRESENT

1. Shri Akshat Jain, Advocate, LPGCL
2. Shri Amit Mittal, President, LPGCL
3. Shri Ketan Patil, G.M, LPGCL
4. Shri Amit Pandey, Manager, LPGCL
5. Shri Buddy Ranganadhan, Advocate, UPPCL
6. Ms. Chandini Ghatak, Advocate, UPPCL
7. Shri Haroon Aslan, S.E, UPPCL
8. Shri Gajendra Singh, E.E, UPPCL
9. Shri Subham Srivastava, A.E, UPPCL
10. Shri Divyanshu Bhatt, Advocate of Sh. Rama Shankar Awasthi

ORDER

(DATE OF HEARING: 22.02.2024)

1. The Commission vide its earlier order dated 10.03.2022 had approved the capital cost of Rs. 12727.45 Cr. for the LPGCL project and directed LPGCL to file amended Tariff Petition along with revised tariff forms. Thereafter, against the Commission's Order dated 10.03.2022, LPGCL filed Appeal No. 114/2022 before the Hon'ble APTEL. Hon'ble APTEL vide Order dated 19.10.2023 set aside the Impugned Order and remanded the matter to this Commission. On 24.01.2024, LPGCL has filed affidavit with documents in response to the Secretary, UPERC letter dated 17.11.2023 & 03.01.2024 for filing of requisite submissions in the matter.

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2. During the hearing, Sh. Akshat Jain, Counsel of LPGCL submitted that pursuant to the Commission's Order dated 10.03.2022, LPGCL filed an appeal being No. 114 of 2022 before the Hon'ble Tribunal however, Hon'ble Tribunal vide Order dated 19.10.2023 had remanded back the matter to this Commission for passing a composite order, after hearing all concerned parties.
3. The Commission observed that LPGCL has filed only a two-page submission, with documents having around 30,000 pages, without linking the voluminous documents and even mentioning the basis of cost considered for tariff filing, reasons for such choice, grievances against the Commission's Order dated 10.03.2022 with supporting arguments. The Commission was in fact gobsmacked seeing the submission and was not able to make any headway into such huge volume of documents. Further, the Commission observed that if LPGCL had to file a two-page submission along with 30,000 pages of photocopy than why did it take 3 months' time in coming before the Commission after the Order of the Hon'ble APTEL.
4. Sh. Jain responded that they would file the detail submissions considering grievances linking with the documents already filed on 24.01.2024 with in two weeks' time. Sh. Buddy Ranganadhan, Counsel of UPPCL sought four weeks' time to respond to the LPGCL's submissions. Sh. Divyanshu Bhatt who appeared on behalf of Sh. Rama Shankar Awasthi, a consumer representative who participated in public hearing held in this matter, also sought four weeks' time to respond after receiving the copy of submission.
5. The Commission directed LPGCL to file head-wise details distinguished in following manner:
 - (i) The initial amount claimed in the Petition No. 1431/2019 and disallowance by the Commission vide its Order dated 10.03.2022, and
 - (ii) Amount claimed now with justification collated from documents already submitted on 24.01.2024.
6. Accordingly, LPGCL is directed to file above details within two weeks' time with a copy to the Respondents and Sh. Rama Shankar Awasthi, who may file their reply

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within four weeks' time thereafter. LPGCL may file its rejoinder, within 2 weeks thereafter, if any.

List the matter for hearing on 14.05.2024.

(Sanjay Kumar Singh)

Member

(Vinod Kumar Srivastava)

Member (Law)

(Arvind Kumar)

Chairman

Place: Lucknow

Dated: 11.03.2024

