



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2182 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition, under section 86(1)(b) of the Electricity Act, 2003 seeking approval of procurement of 1843.68 MW power from the Ghatampur TPS (3 x 660 MW) as per the allocation done by the Ministry of Power by way of letter dated 12.12.2024.

AND

IN THE MATTER OF

Uttar Pradesh Power Corporation Limited (UPCL),

Shakti Bhawan Extension, 14 – Ashok Marg, Lucknow - 226001

..... Petitioner

Neyveli Uttar Pradesh Power Limited (NUPPL)

KH 419, G.N. Extension, Gomti Nagar, Lucknow- 226010

..... Respondent

THE FOLLOWING WERE PRESENT

1. Ms. Puja Priyadarshini, Advocate, UPPCL
2. Sh. Deeptanshu Chandak, Advocate, UPPCL
3. Sh. S.C. Joshi, SE, UPPCL
4. Sh. M. Mariappan, DG, NUPPL
5. Sh. Dharmveer, AGM, NUPPL

by.





ORDER

(DATE OF HEARING: 25.03.2025)

1. The Petitioner, UPPCL, has filed the instant Petition under Section 86(1)(b) of the Electricity Act, 2003 seeking approval for off taking 1843.68 MW power from the 3X660 MW Ghatampur Thermal Power Station as per the change in allocation of power to the state of UP by the Ministry of Power (MoP) vide its letter dated 12.12.2024. The prayers of the Petitioner are as follows:
 - (i) Admit the present petition;
 - (ii) Approve the procurement of 1843.68 MW of power from Ghatampur TPS by UPPCL as per the allocation made by the Ministry of Power on 12.12.2024;
 - (iii) Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter the present pleading/petition as may be required;
 - (iv) Issue such other/further order(s) as may be required in the interest of justice.

Brief facts as stated in Petition:

2. On 31.12.2010, UPPCL signed a Power Purchase Agreement ("PPA") with NLC & UPRVUNL for setting up of and supply of power from the Ghatampur TPS to be owned and operated by a special purpose vehicle i.e., a joint venture company formed between NLC & UPRVUNL. Subsequently, to capture the changed name of the Seller consequent to formation of the joint venture company (i.e., NUPPL), a Deed of Amendment ("DoA") was signed between NLC and UPPCL on 03.05.2024.
3. On 04.12.2012, the MoP approved the allocation of 1279 MW out of 1980 MW of power from the Ghatampur TPS to UPPCL. In furtherance of this allocation by MoP, by way of Order dated 09.07.2019 in Petition 1478 of 2019, this Commission approved the procurement of 1279 MW of power from the Ghatampur TPS.
4. Thereafter, by way of letter dated 02.01.2020, MoP revised the earlier allotment of power and allocated 1843.68 MW of power from the Ghatampur TPS to State of UP and has left 136.32 MW of the generating station's capacity as unallocated.

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5. Further, vide letter dated 15.02.2023, MoP has again revised the allocation of the 1980 MW of power from Ghatampur TPS. As per the revised allocation, 1487.28 MW was allocated to the State of UP and 492.72 to the State of Assam.
6. By way of Petition no. 1561 of 2020, UPPCL had approached the Commission for the approval of procurement of power from the Ghatampur TPS as per the allocation by MoP. By way of order dated 31.10.2023, this Commission approved the PPA and the quantum of power purchase as 1487.28 MW with specific directions that for any change in the allocated capacity to UPPCL by the Ministry of Power, UPPCL shall approach this Commission for approval.
7. On 09.12.2024, UPPCL received a letter from NUPPL that Unit-1 of the Ghatampur TPS has successfully completed the trial run and was issued the certificate to this effect from UP SLDC on 07.12.2024. Further, NUPPL apprised UPPCL that Unit-1 of Ghatampur TPS is to be declared for Commercial Operation (COD) from 00:00 hrs. on 12.12.2024.
8. On 12.12.2024, MoP informed Principal Secretary (Energy), GoUP that while allocation of 1487.28 MW was done by MoP, such allotment was subject to actual transfer of 20% equity shareholding to Govt. of Assam from the share of UPRVUNL in NUPPL. Since the actual transfer of equity has not yet taken place and trial run of Unit-1 (660 MW) has been successfully completed on 07.12.2024, thus, the power allocation done by MoP vide earlier letter dated 02.01.2020 shall continue till actual transfer of 20% equity shareholding to Govt. of Assam from the share of UPRVUNL in NUPPL is complete. Thus, in effect, by way of the letter dated 12.12.2024, the MoP has revised the allocation of power to 1843.68 MW for the State of UP as per the following breakup:

Share from Ghatampur TPS		Capacity (MW)	Capacity (MW)
Share of Uttar Pradesh	Home State (10%)	198	1843.68
	As per equity shareholding of UPRVUNL (49%)	873.18	
	As per Allocation formula from power as per NLC equity share	226.78	
	Share of unwilling states given to UP	545.72	
Unallocated (15% of NLC equity share (51%) in NUPPL)		136.32	136.32
Total			1980.00

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9. In response, on 16.12.2024, UPPCL apprised the MoP that it was obligated to approach the Commission for approval of the 1843.68 MW now allocated to it and accordingly would file a petition in this regard.
10. Hence, in terms of the specific directions of this Commission vide Order dated 31.10.2023 in Petition no. 1561 of 2020, the present petition has been filed for approval of procurement of 1843.68 MW of power allocated to the State of UP by MoP in terms of the letter dated 12.12.2024.

Record of Proceedings:

11. During the hearing on 11.03.2024, Ms. Puja Priyadarshini, counsel of UPPCL submitted that MoP vide letter dated 12.12.2024 informed that allocation of 1487.28 MW was subject to actual transfer of 20% equity shareholding to Govt. of Assam from the share of UPRVUNL in NUPPL. Subsequently, MoP revised the allocation of power to State of UP upto 1843.68 MW till actual transfer of 20% equity shareholding to Govt. of Assam from the share of UPRVUNL in NUPPL. The Commission sought clarification from NUPPL regarding scheduling of power under PPA to UPPCL and Framework for transfer of share to be transferred by the Assam Govt. along with expected timelines.
12. In response, NUPPL vide affidavit dated 20.03.2025 filed their written submission on the issues raised by the Commission, wherein it was stated that based on the revised MoP order dated 12.12.2024, UPSLDC, effective from 14.12.2024, was currently scheduling 93.11% (based on percentage allocated for UPPCL and the remainder for other beneficiaries) of 660 MW from the first unit of GTPP to UPPCL as reflected in UPSLDC's Monthly Energy Account Statement dated 11.03.2025. NRPC, vide its letter dated 21.12.2024, allocated the unallocated 6.88% power to six different state Discoms. The allocation details including UPPCL, as a percentage of 660 MW, are as follows:

State	Firm Share (%)	Unallocated Share (%)
Chandigarh	0.00	0.50
Himanchal Pradesh	0.00	1.10
Jammu & Kashmir	0.00	2.29
Rajasthan	0.00	1.46
Uttar Pradesh	93.11	0.00
Uttarakhand	0.00	1.38

by



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13.The Commission during the hearing on 25.03.2025 enquired regarding the scheduling of power under PPA to UPPCL and progress on the equity transfer to which NUPPL reiterated its submissions made in written submission dated 20.03.2025 and additionally submitted that UPRVUNL was under process of equity valuation and the initial exercise had been completed, however, amount finalization would take some more time as intimated by UPRVUNL.

Commission's View:

14.The Commission notes that NRPC has allocated 93.11% of Unit-1 as per MoP allocation vide letter dated 12.12.2024. The commission's approval of 1487.28 MW covers Unit-1 & Unit-2 but not Unit-3 which is scheduled to be commissioned in Dec' 25. Therefore, the Commission approves the revised quantum of 93.11% of the project capacity of 1980 MW to UPPCL as per the allocation made by MoP vide letter dated 12.12.2024 and directs to the parties to apprise the Commission well before the commissioning of Unit -3, scheduled in Dec' 2025, with the status of 20% equity transfer by Government of Assam and further revision of power allocated, if any.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 11.04.2025

