



Uttar Pradesh Electricity Regulatory Commission
Lucknow

Notification No.: UPERC / Secretary / Regulation / 2011-

Dated, th November, 2011

In exercise of powers conferred under Section 181 read with Section-61 of the Electricity Act, 2003, and all other powers enabling in this behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following amendments in Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions of Generation Tariff) Regulations, 2009 notified vide Notification no. UPERC/ Secy / Generation Regulation / 4100 Dated 31st March 2009, published in official gazette on 13.02.2010 (hereinafter referred to as “the Principal Regulations”), namely:

1. Short Title and commencement -

- (1) These Regulations shall be called Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions of Generation Tariff) (First Amendment) Regulations, 2009.
- (2) These Regulations shall remain in force upto 31.03.14.

2. The provisions of the principal Regulations notified on 13.02.2010 in official gazette are amended as hereunder:-

(1) Amendment to Appendix II of Principal Regulations:

Amendment to Appendix II - Depreciation Schedule, (p) (iii) has been added and shall be read as below:

Depreciation Schedule	Useful Life (Yrs.)	Rate	Depreciable Value
(p) (iii) I.T. equipments	6	15 %	90 %

(2) Amendment to Regulation 16 (i) of Principal Regulations:

Note – 2 of Regulation 16 (i) has been amended and shall be read as below:

“In case of non-availability of unit (s) due to Renovation and Modernization or deletion of capacity or deration of capacity, the effective capacity left after discounting capacity of such unit(s), shall be considered for the purpose of calculation of plant availability. The above provision shall apply in case of generating stations existing on 31.3.09.”

(3) Amendment to Regulation 16 (iii) of Principal Regulations:

Gross Station Heat Rate (GSHR) under Regulation 16 (iii) (a) has been amended and shall be read as below:

Coal – based thermal generating stations, other than those covered under clause (b) below:

	Upto 100 MW (Kcal/kwh)	
	Indian Coal	Imported Coal
GSHR (Projects executed PPA on or after 1.4.2009)	2900	2800

	200/210/250/300 MW (Kcal/kwh)		500 MW (Kcal/kwh)	
	Indian Coal	Imported Coal	Indian Coal	Imported Coal
During Stabilization period	2600	2500	2550	2450
Subsequent period	2500	2400	2450	2350

	660 MW (Kcal/kwh)			
	Indian Coal		Imported Coal	
Pressure Rating (kg/cm ²)	247	247	247	247
SHT/RHT (°C)	537/565	565/593	537/565	565/593
GSHR (Kcal/kwh)	2392	2329	2286	2226

Note 1-

For Generating Stations having executed PPA on or after 1.4.2009, where the boiler feed pumps are electrically operated, the GSHR shall be 40 kcal / kwh lower than the GSHR indicated above.

Note 2-

The GSHR shall be applicable as per actual subject to ceiling as indicated above.

Note 3-

In a situation when blended coal having an imported coal component is being used then the GSHR shall be calculated on the basis of actual ratio of blending of coal. However, for existing plants which are designed exclusively for Indian coal, the GSHR shall remain as provided on Indian coal under the Regulations.

(4) Amendment to Regulation 16 (v) of Principal Regulations:

Auxiliary Energy Consumption under Regulation 16(v)(a) has been amended as below:

Clause (ii) shall be read as **500 MW and above series**

and clause (iv) has been added which shall be read as

	With Cooling Tower	Without Cooling Tower
Upto 100 MW series	10%	9.5%

Note -

Under upto 100 MW series, the plants using CFBC technology shall be provided 1% more Auxiliary Energy Consumption than above.

(5) Amendment to Regulation 21 (iv) of Principal Regulations:

Operation and Maintenance Expenses under Regulation 21(iv)(a) has been amended and shall be read as below:

Coal-based generating stations except for those at (b) below:

(Rs. in lakh/MW)

Year	Upto 250 MW sets	300/330/350 MW sets	500 MW sets	600 MW & above sets
2009-10	18.20	16.00	13.00	11.70
2010-11	19.24	16.92	13.74	12.37
2011-12	20.34	17.88	14.53	13.08
2012-13	21.51	18.91	15.36	13.82
2013-14	22.74	19.99	16.24	14.62

(6) Amendment to Regulation 2 of Principal Regulations:

Regulation 2 (11) has been added as below:

The Generating Plant / Company shall abide by the provisions of the Act, Rules, Codes, Regulations, Orders and Directions of the appropriate Authority / Commission issued from time to time regarding generation and evacuation of electricity.

(7) Amendment to Regulation 4 of Principal Regulations:

Regulation 4 (3) has been added as below:

Under GoUP Energy Policy, 2009, tariff in respect of 50% of the generation on coal, during off-season by co-generating stations supplying to State Discoms (Procurers), shall be determined by the Commission through separate orders on application made by the Co-generators as per their terms and conditions of power purchase. The tariff shall be based on actual costs as incurred and submitted duly audited / certified by the statutory auditors and verified by the Procurers.

(8) Amendment to Regulation 5 of Principal Regulations:

(i) Regulation 5 (4) has been added as below:

Where application for determination of tariff of an existing or a new project has been filed before the Commission in accordance with clauses (1) and (2) of this regulation, the Commission may consider in its discretion to grant provisional tariff upto 95% of the annual fixed cost of the project claimed in the application subject to adjustment as per proviso to clause (3) of this regulation after the final tariff order has been issued:

Provided that recovery of capacity charge and energy charge, as the case may be, in respect of the existing or new project for which provisional tariff has been granted shall be made in accordance with the relevant provisions of these regulations.

(ii) Regulation 5 (5) has been added as below:

Truing up of Capital Expenditure and Tariff.

(i) The Commission shall carry out truing up exercise along with the tariff petition filed for the next tariff period, with respect to the capital expenditure including additional capital expenditure incurred up to 31.3.2014, as admitted by the Commission after prudence check at the time of truing up.

Provided that the generating company may in its discretion make an application before the Commission one more time prior to 2013-14 for revision of tariff.

(ii) The generating company shall make an application, as per Appendix I to these regulations, for carrying out truing up exercise in respect of the generating station a unit or block thereof by 31.10.2014;

(iii) The generating company shall submit for the purpose of truing up, details of capital expenditure and additional capital expenditure incurred

for the period from 1.4.2009 to 31.3.2014, duly audited and certified by the auditors;

(iv) Where after the truing up the tariff recovered exceeds the tariff approved by the Commission under these regulations the generating company shall refund to the beneficiaries, the excess amount so recovered along with simple interest at the rate equal to short-term Prime Lending Rate of State Bank of India as on 1st April of the respective year.

(v) Where after the truing up the tariff recovered is less than the tariff approved by the Commission under these regulations the generating company shall recover from the beneficiaries, the under-recovered amount along with simple interest at the rate equal to the short-term Prime Lending Rate of State Bank of India as on 1st April of the respective year.

(vi) The amount under-recovered or over-recovered, along with simple interest at the rate equal to the short-term Prime Lending Rate of State Bank of India as on 1st April of the respective year, shall be recovered or refunded by the generating company, in six equal monthly instalments starting within three months from the date of the tariff order issued by the Commission after the truing up exercise.

By Order of the Commission
Secretary