



Petition No 1303 of 2018

BEFORE

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

PRESENT:

- 1. Hon'ble Sri. S. K. Agarwal, Chairman**
- 2. Hon'ble Sri. K. K. Sharma, Member**

IN THE MATTER OF: Application for recovery of difference in Energy Charges paid by
UPPCL

AND

IN THE MATTER OF:

Alaknanda Hydro Power Company Limited (AHPCL)
156-159, Paigah House, SP Road,
Secunderabad – 500003

Petitioner

AND

UP Power Corporation Limited,
(through its CMD),
7th Floor, Shakti Bhawan,
14 Ashok Marg, Lucknow

Respondent

The following were present:

1. Sri. P. V. Prasana Reddy, CEO, AHPCL
2. Sri Krishna Ram, AHPCL
3. Sri. M. Sodekar, DGM, AHPCL
4. Sri T. V. Bhaskar, Advocate, AHPCL
5. Sri D. Niranjana Reddy, Sr. VP, AHPCL
6. Sri T. Srinivas Reddy, GM, AHPCL
7. Sri. E. Chandan, DGM, AHPCL
8. Sri. Dileep Tripathi, Manager, AHPCL
9. Sri S. P. Pandey, Advisor, AHPCL
10. Sri CA Manish Garg, Consultant, UPPCL
11. Sri. Rajiv Srivastava, Advocate, UPPCL
12. Sri Saurabh, Consultant, UPPCL

Order

(Date of Hearing: 12.06.2018)

1. In compliance to the direction of the Commission vide order dated 01.05.2018, UPPCL has filed its counter to the Petition on 04.05.2018, wherein UPPCL has submitted as follows:
 - i. An application needs to be filed for approval of revised energy charge as per Regulation 51(viii)(a) for the following years.
 - ii. AHPCL has raised supplementary invoice without making any application before the Commission for approval of Revised Energy Charge, which is against the provisions of the Regulations.
 - iii. UPPCL has denied payment towards the difference in Energy Charge raised by AHPCL as the same has not been approved by the Commission.
 - iv. AHPCL is required to submit the data of average actual inflows for FY 2015-16 and FY 2016-17 certified by CEA / CWC, rainfall data for the year FY 2015-16 and FY 2016-17 reported by Indian Meteorological Department for the district in which the plant is situated and for adjoining districts, Planned and forced machine outage data certified by CEA / NRLDC and its correlation with energy generation, substantiating its claim of shortfall in energy was for the reasons beyond the control of the generating station in line with the CERC orders in Petition nos 251/MP/2015 and 139/MP/2016.
 - v. Requested the Commission to provide strict timeline to Petitioner to get revised Design Energy verified from CEA.
2. AHPCL filed its rejoinder on 14.05.2018 wherein the Petitioner has submitted the following:
 - i. Design Energy of 1550 MU was approved by the Commission during the approval of Provisional Tariff, hence the Petitioner has followed the law by submitting the supplementary invoices to UPPCL claiming payment of differential energy charge amounts on account of shortfall in recovery of energy charge in FY 2015-16 and FY 2016-17.
 - ii. AHPCL has submitted the data on loss of generation on account of Forced outages and system constraints, actual generation vis-à-vis Design Energy and due to low water inflows during FY 2015-16 and FY 2016-17.
 - iii. AHPCL has submitted the data of river water inflow data available with it for FY 2015-16 and FY 2016-17, wherein Petitioner has also submitted the data of water inflows obtained from CWC for FY 2015-16 for computation of Design



Energy by CEA. AHPCL has also submitted the meteorological data of rainfall of Rudraprayag and chamoli district.

- iv. AHPCL has submitted that the CERC judgments are not applicable in present case as the procedure prescribed in those judgments has already been followed by this Commission.
 - v. AHPCL has submitted that the directions of the Commission vide order dated 19.06.2017 does not pertain to the present Petition.
3. During the hearing, UPPCL filed reply to the rejoinder of AHPCL refuting the claims of the Petitioner. UPPCL reiterated that AHPCL has not followed the procedure provided in Regulations for claiming the differential energy charge. UPPCL further submitted that the CWC in its letter to AHPCL has noted that the data submitted by AHPCL with regards to water inflow is inconsistent with past data.
 4. The Commission after hearing both the parties inquired from AHPCL about the time required to get the approval of Design Energy from CEA. AHPCL replied that they will try to complete the process for approval of revised Design Energy from CEA within 1 month.
 5. Meanwhile the Commission directed AHPCL to submit the computation of Design Energy for FY 2015-16 based on data verified by CWC and also submit the CWC verified data of water flow as considered while fixing the original design energy . Further the Commission directed to get revised Design Energy approved and certified by CEA at the earliest and submit to the Commission.
 6. Next date of hearing shall be intimated separately to the parties on submission of the above data.

(K. K. Sharma)
Member

(S. K. Agarwal)
Chairman

Place: Lucknow

Dated: 14.06.2018