



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 2203 of 2025**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Review Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 51 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2019, seeking partial review of the Order 09.12.2024 passed by this Hon'ble Commission in Petition No. 2108 of 2024: Dhariwal Infrastructure Limited vs. Noida Power Company Limited (in relation to prudence check of the cost for procurement and use of Additional Coal on account of shortfall in supply of FSA Grade Coal in FY 2023-24).

**AND**

**IN THE MATTER OF:**

**Noida Power Company Limited (NPCL),**

Electric Sub-station, Knowledge Park – IV, Greater Noida, Gautam Buddha Nagar,  
Uttar Pradesh – 201 310

**...Petitioner**

**VERSUS**

**Dhariwal Infrastructure Limited (DIL),**

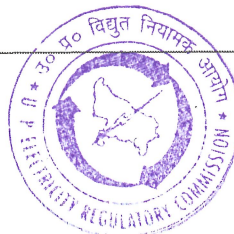
Registered Office: CESC House, Chowringhee Square  
Kolkata – 700001, West Bengal

**... Respondent**

**THE FOLLOWING WERE PRESENT**

1. Ms. Divya Chaturvedi, Advocate, NPCL
2. Ms. Srishti Rai, Advocate, NPCL
3. Ms. Shikha Ohri, Advocate, DIL
4. Shri Aveek Chatterjee, DGM, DIL
5. Shri Shubhayu Sanyal, Manager, DIL

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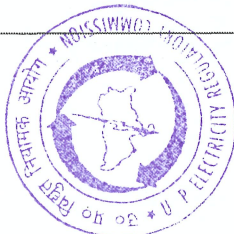


## ORDER

**(DATE OF HEARING: 20.05.2025)**

1. The review applicant (Noida Power Company Limited) has filed this Petition seeking partial review of the Commission's Order 09.12.2024 in Petition No. 2108 of 2024, which pertains to the prudence check of the cost for procurement and use of additional coal due to shortfall in supply of FSA Grade Coal in FY 2023-24 for supply of contracted capacity to NPCL from Unit 2 of Dhariwal Infrastructure Limited's Project.
2. The prayers of the review applicant are as follows:
  - a) Admit the present Review Petition;
  - b) Review, modify and rectify the Impugned Order dated 09.12.2024 passed in Petition No. 2108 of 2024, to the extent assailed herein above;
  - c) Continue to True-up the Respondent / DIL's claims towards Additional Coal on an annual basis, as per the practice followed for the Tariff Period FY 2019-24;  
or in the alternative  
  
Allow the Review Petitioner / NPCL to recover the amount paid towards the same along-with Fuel and Power Purchase Adjustment Surcharge, during its ARR/Tariff/Truing-up proceedings for the relevant year, when such payment has been made subject to final prudence check by the Commission, at the time of Truing-up at the end of the Tariff Period FY 2024-29; and
  - d) Pass such further or other order(s) as this Commission may deem fit in the facts and circumstances of the case.
3. During the hearing, Ms. Divya Chaturvedi, counsel for review applicant, submitted that as per the said Order under partial review, DIL can recover the cost on annual basis and truing up of the DIL's claim would be undertaken by the Commission at end of the control period. The counsel explaining the difficulty imposed to the review applicant stated that it would be only after the truing up for DIL's claim is done at

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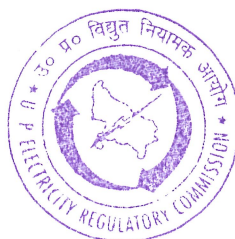


the end of control period, NPCL may recover its payment made to DIL towards the addl. coal procurement as part of their Aggregate Revenue Requirement (ARR). She further submitted that this would create financial gap, given that the payment by NPCL would be done on annual basis and recovery would happen after 5 years, resulting in carrying cost implications on the end consumers. Ms. Divya further requested the Commission to partially review the impugned order and proposed either to go back to the old mechanism of yearly true-up or NPCL could be allowed to recover the cost annually in its ARR subject to final prudence check at the time of truing up of DIL's claim at the end of the control period i.e. 2024-29.

4. Ms Shikha Ohri, counsel for review Respondent, submitted that DIL had no objections to the present review petition and going back to the old route. She further requested the Commission to consider allowance of 100% of the cost, against the 90% cost being allowed currently. The implication of allowing 100% of the cost to be recovered, would mean that there would be no carrying cost implications.
5. The Commission directed the Review Respondent to file a written submission in two weeks' time, and subsequently, the review applicant may file its rejoinder in one week, if required.

List the matter for next hearing on 17.06.2025.

**(Sanjay Kumar Singh)**  
**Member**



**(Arvind Kumar)**  
**Chairman**

Place: Lucknow

Dated: 06.06.2025

