



BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Petition No.1157/2016, 1171/2017, 1194/2017, 1120/2017, 1225/2017 & 1223/2017

PRESENT:

Hon'ble Sri Suresh Kumar Agarwal, Chairman

IN THE MATTER OF: To set aside the impugned notice dated 24.07.2017 issued by
UPPCL

Petitioners:

1. M/s Sahasradhara Energy Pvt. Ltd.
New No.25, Old No.10, Sir Madhavan Nair Road,
Mahalingapuram, Nungambakkam,
Chennai-600034
2. M/s Pinnacle Renewable Energy Pvt. Ltd.
T-15, 2nd Floor, Green Park Main
New Delhi – 110 016, India
3. M/s Adani Green Energy (Uttar Pradesh) Ltd.
Achalraj Opp. Mayor Bunglow,
Lal Garden
Ahmedabad-380 006
4. M/s Technical Associates Ltd./T.A. Greentech Pvt. Ltd.
5. M/s Avadh Rubber Prop Madras Elastomer Ltd.
B-12, Industrial Area, Amausi, Opp. Amausi Aerodrome,
Lucknow-226 008
6. M/s Sudhakara Infratech Private Limited
Metro Residency 304,
Raj Bhavan Road,
Hyderabad-500 082



Respondents:

1. U.P. Power Corporation Ltd.
Shakti Bhawan,
14, Ashok Marg,
Lucknow-226 001 (U.P.)
Through its Managing Director
2. Uttar Pradesh New & Renewable Energy Development Agency
Through its Director,
Vibhuti Khand, Gomti Nagar Lucknow
Lucknow

ORDER **(Date of hearing 13.10.2017)**

U.P. Power Corporation Limited (UPPCL) had issued a pre termination notice on 24.07.2017 to the above named six petitioners on the ground that their projects could not be commissioned within the time allowed in the PPA. Against the pre termination notice, the above named six petitioners had filed petitions before this Hon'ble Commission for quashing the pre termination notice. This matter was heard last on 26.09.2017 and the Commission had asked UPPCL and UPNEDA to submit the stand taken by the Government on the tariff.

2. UPNEDA has submitted their reply on 03.10.2017 in reference to the petition no. 1110 of 2016 which is regarding adoption of tariff for third phase of bidding. In their submission, UPNEDA has intimated that the Empowered Committee has recommended tariff of Rs.7.02 per unit for those bidders whose projects have been commissioned and to whom no pre termination notice has been issued by UPPCL.

3. Regarding above named six petitioners who have been issued the pre termination notice, they have intimated that the Empowered Committee has taken a decision that non commissioned projects are not entitled even for L-1 tariff (Rs.7.02 per unit) and decision regarding tariff adoption may be deferred in the light of pre termination notice by UPPCL.



This decision has not been conveyed to any of the bidder whose tariff adoption is pending before the Commission. The Commission informed the representatives of the above named petitioners about the reply of UPNEDA.

4. The Advocate of M/s Pinnacle Renewable Energy Pvt. Ltd. Mr. Saurav Roy argued that UPPCL has completed the process of negotiation with them and they have agreed to the tariff of Rs.7.02 per unit. Therefore their tariff should be approved at Rs.7.02 per unit. Mr. Roy also informed about the progress of their project. Sri DD Chopra, Advocate representing M/s Adani Green Energy (Uttar Pradesh) Ltd. and M/s M/s Sahastradhara Energy Private Limited pleaded that in case of adoption of tariff under section 63 of Electricity Act 2003, the Commission has to see the procedural aspects and should adopt the tariff discovered in the bidding if the guidelines are followed. It was explained that the Commission had issued the directives regarding revisiting the tariff proposed for adoption and UPPCL/UPNEDA are carrying out this exercise as per the direction of the Commission. It was also explained that the Commission has the powers to examine the reasonableness of the rates in view of the Government of India guidelines for competitive bidding.

5. Sri Dhruv Mathur, Advocate representing M/s Technical Associates Ltd./T.A. Greentech Pvt. Ltd., M/s Avadh Rubber Prop Madras Elastomer Ltd. and M/s Sudhakara Infratech Private Limited stressed that his clients have made substantial investments in the projects and UPPCL has already completed the negotiation process, therefore decision on tariff adoption should be taken at the earliest.

6. Sri V.P. Srivastava, Chief Engineer, PPA, UPPCL pleaded that clause No.13.3.1 of PPA has the provision for consultation period of 60 days after the pre termination notice and during this period they have discussed the issue of implementation of the project and tariff with the aforesaid petitioners. He also emphasized that the cost of solar modules has gone down substantially therefore, they would like to submit their new tariff proposal after a decision in the matter.

7. After hearing the arguments of both sides the Commission directed UPPCL and UPNEDA to convey their decision regarding the above named six petitioners within 15 days with a copy to the above named six petitioners. The above named six petitioners would submit their rejoinder in another 15 days time after which the matter will be considered by the Commission after giving proper notices of hearing to the concerned parties. The Commission also directed that UPPCL and UPNEDA will not take any unilateral action without the concurrence of the Commission regarding above named six petitioners.



8. The next date of hearing will be intimated after the above compliance.

(Suresh Kumar Agarwal)
Chairman

Place: Lucknow
Dated:.....10.2017