



Petition No. 967 & 968 of 2014 and 1016 of 2015

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order : 14.07.2015

PRESENT:

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Smt. Meenakshi Singh, Member
3. Hon'ble Sri Indu Bhushan Pandey, Member

IN THE MATTER OF: Truing up of tariff for 600 MW Rosa Thermal Power Plant Phase-I.

Fixation of tariff for 600 MW Rosa Thermal Power Plant Phase-II.

Fixation of Tariff for 4x300 MW Rosa Thermal Power Plant for Phase I & Phase II for the Second Control period (FY 2014- 2015 to FY 2018-19)

M/s Rosa Power Supply Company Limited
Administrative Block,
Hardoi Road, P.O. Rosar Kothi, Tehsil Sadar
Distt. Shahjahanpur. U.P. - 240401.

Local Office-
Rosa Power Supply Company Ltd.
520, F Block, Kasmanda House,
2 Park Road, Hazratganj,
Lucknow – 226001

----- **Petitioner**

AND

1. UP Power Corporation Limited
(through its Chairman)
7th Floor, Shakti Bhawan
14- Ashok Marg, Lucknow.
2. Chief Engineer (PPA)
UP Power Corporation Limited
14th Floor, Shakti Bhawan Ext.
14 Ashok Marg, Lucknow

----- **Respondent**



The following were present:

1. Shri V.P. Srivastava, C.E. (PPA), UPPCL
2. Shri R. Bhatnagar, S.E. (PPA), UPPCL
3. Shri Haroon Aslam , EE (PPA), UPPCL
4. Shri Rajeev Srivastava, Advocate, UPPCL
5. Shri Manish Garg, Advocate, UPPCL
6. Shri A.K. Singh , S.E. Commercial (MVVNL)
7. Shri Vibhav Agarwal, Director, RPSCL
8. Shri Sumeet Notani, DGM, RPSCL
9. Shri Himanshu Agarwal, Sr. Manager, RPSCL
10. Shri Ambuj Shukla, Manager, RPSCL
11. Shri Avadesh Kumar Verma, Chairman, UPRVUP
12. Shri Ramashankar Awasthi, Consumer
13. Shri Ravi, Consumer
14. Shri Manish Kumar, Consumer
15. Shri Ashok Srivastava, Consumer
16. Shri Muhammad Salim, Consumer

ORDER

(Date of Public Hearing 08th July, 2015)

1. The Commission observed vide order dated 5.6.2015 as follows:

“ The Commission admits the petitions subject to submission of all the information within 7 days and as per direction of the Commission to the satisfaction of the Commission, in replies to deficiency notes raised by the Commission.

RPSCL shall publish the Public Notice within 3 days from the date of this order detailing the salient information and facts of the petitions along with their website address, in at least two daily statewide circulated newspapers (One English and One Hindi) for two successive days inviting views / comments / suggestions / objections / representations (to be submitted to the Commission with a copy to RPSCL) within 15 days from the date of publication of the Public Notice(s) from all stakeholders and public at large. The Public Notice should also contain the yearwise revenue requirement and per unit fixed cost. RPSCL shall put all details on its internet website with intimation to the Commission, in PDF format before publication of



public notice, showing detailed computations, the application made to the Commission along with all filings, information, particulars and documents.

The Commission reserves the right to seek any further information / clarifications as deemed necessary during the processing of these Petitions.”

2. The copy of report of Expert Committee on capital cost of Rosa project was sent to UPPCL and GoUP on September 05, 2014 and copy of supplementary report on February 24, 2015 for their comments. Since no comment was received even after laps of about eight months, vide order dated 15.5.2015, on request of UPPCL, the Commission allowed one months more time to file their comments on capital cost.
3. In compliance to the Commission's order dated 5.6.2015, RPSCL issued Public Notice on June 10, 2015 in Hindustan Times and on June 11, 2015 in Rashtriya Sahara requesting views, comments, suggestion, objections and representations from the stakeholders within 15 days.
4. UPPCL vide its letter dated June 15, 2015 submitted that Board of Director of UPPCL in its meeting held on June 03, 2015 decided to constitute a high power committee consisting of MD UPPCL, Director (Finance) UPPCL, Director (Commercial) UPPCL for thoroughly reviewing the report of the expert committee. UPPCL has requested the Commission for time of 6 months for submission of its recommendation / comments on the report of Expert Committee on the capital cost. However, UPPCL has also made detailed written submission dated July 07, 2016 in the petitions filed by RPSCL without taking a view on capital cost.
5. Mr Avadhesh Kumar Verma, Chairman, UPRVUP, vide letter dated 25.6.2015 informed to the Commission that the petitions were not directly accessible on the website of Reliance Power Limited and public had to provide information to access the petitions. In this regard a letter on 26.6.2015 was sent to RPSCL by UPERC that a transparent arrangement should be made for making the documents available to all. RPSCL vide letter dated 3.7.2015 informed that the arrangements on their website were as per their company policy in the interest of IT security and to prevent any misuse and hacking of the website.
6. During the hearing it was further pointed out that no change was made by RPSCL on its website and the documents were yet not in downloadable form. RPSCL reiterated

its written argument and technical constraints. Then Shri A. K. Verma , UPRVUP requested the Commission to get all the subject petitions uploaded on the UPERC's website so that it can be made accessible and downloadable to all. Shri Verma also requested that the Commission may also consider to put the report of the Expert Committee on website. To bring in transparency and considering the security constraints of the petitioner and not to waste any further time, as an exception in this case, the Commission decided that the copies of the petition nos. 967 of 2014, 968 of 2014 and 1016 of 2015 shall be posted on UPERC's website in the section of what's new under heading of RPSCL Tariff Petitions in PDF format.

7. Shri A. K. Verma , UPRVUP further requested the Commission to fix another date for public hearing to enable submission of views, comments, objections, suggestions on the petition. Hence, to facilitate submissions from all, the Commission decided that the next Public Hearing shall be held on 11th August, 2015 at 11:30 Hrs. in the office of the Commission and till then the copies of the petition shall remain posted on UPERC's website. However, the submission would be invited upto 30th July 2015 only. Shri Verma further briefed on the issues of PPA v/s Regulations, deemed energy, high capital cost in comparison to similar project in Haryana, UPPCL's early reply on capital cost, Chinese make plants / equipments and CAG audit of generating companies.
8. Mr Manish Kumar, Mr Muhammad Salim, Mr Ashok Srivastava, consumer representatives submitted that the delay in finalization of tariff should not burden the consumer. They also forwarded their concern about 24 Hrs. supply and CSR activities in neighboring areas.
9. Mr Ramashankar Awasthi submitted his objections on the petitions of the RPSCL. He also submitted that the earlier objections on commercial date of operations and deemed energy etc. filed with respect to the Commission's earlier order dated March 28, 2011 should also be considered in these petitions. He further submitted the issues of PPA v/s Regulations and also that the petitions on the website of Reliance Power Limited cannot be downloaded and it was very difficult to refer back to different pages of the petitions.
10. RPSCL contested the request of UPPCL for extension of time to submit comment on Expert Committee Report on the capital cost and submitted that UPPCL has already



been given enough time extension and almost eight-nine months have lapsed. RPSCL requested the Commission that no fresh time extension should be given to UPPCL as it delays the entire process of determination of tariff / truing up. RPSCL further submitted that the UPPCL was simply directed to offer point wise comment on the Expert Committee report which should not take so much time. It was also reminded that the last time extension for submission of the Comments on Expert Committee Report on capital cost was given only on request of UPPCL with the condition that it was the last opportunity given to them to submit the comments on the same.

11. In view of above, the Commission considered that although enough time has been provided to UPPCL to file their reply on expert committee report but they have again requested for 6 months time which is not justified in such an important issue. However, considering their plea, last opportunity is given to UPPCL to submit their comments by August 10, 2015 with the condition that non-submission may amount to disallowance of impact while truing up the costs of supplies from RPSCL in the ARR of discoms. It may also be mentioned that truing up upto FY 2012-13 has already been done for all the discoms.
12. RPSCL requested for 15 days time for submission of its replies on the objections raised by UPPCL, Sri R S Awasthi and Sri A K Verma on their petitions which was granted by the Commission.
13. The Commission directed to put soft copies of the petitions in downloadable PDF format on the website of the UPERC which shall remain available to all stakeholders / public till the date of next public hearing.
14. The date of next public hearing shall be August 11, 2015 at 11.30 A.M.

(Indu Bhushan Pandey)
Member

(Meenakshi Singh)
Member

(Desh Deepak Verma)
Chairman

Place: Lucknow
Dated: 14.07.2015