



**Petition No. 1845 of 2022**  
**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

**Date of Order: 17.05.2022**

**PRESENT:**

Hon'ble Shri Raj Pratap Singh, Chairman  
Hon'ble Shri Kaushal Kishore Sharma, Member  
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

**IN THE MATTER OF**

Petition under Section 63 of the Electricity Act, 2003 read with Clause 11.4 of the revised Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Non-Solar Renewable Power from July, 2022 to September, 2022 (already approved for May to June 2022 vide Order dated 12.04.2022 in Petition No. 1820 of 2022) by Noida Power Company Limited through Tariff based bidding process dated 30th March 2016 issued by Ministry of Power, for adoption of tariff for purchase of electricity.

Plot No. ESS, Knowledge Park - IV,  
Greater Noida - 201 310, Uttar Pradesh

..... **Petitioner**

The following were present:

1. Shri A K Arora, NPCL
2. Shri Sanket Srivastava, NPCL
3. Shri Sanjiv Goel, NPCL

**Order**

**(Date of Hearing: 12.05.2022)**

1. The Petitioner, Noida Power Company Limited ( "NPCL"), has filed the instant petition under Section 63 of the Electricity Act, 2003, in the matter of for purchase of power on DEEP Portal in accordance with the Revised Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process dated 30.03.2016 issued by the Ministry of Power, Government of India ("Short-Term bidding Guidelines"), for adoption of tariff and purchase of electricity from Non-Solar Renewable Power from July, 2022 to September, 2022 (already approved for May to June 2022 vide Order dated 12.04.2022 in Petition No. 1820 of 2022) approval of PPAs signed on 13.01.2022 & 18.01.2022 for providing reliable and stable power supply to its consumers at reasonable cost.
2. The Petitioner has prayed as follows:
  - a) Adopt the Tariff for the period from July, 2022 to September, 2022 also (already approved for May to June 2022 vide Order dated 12.04.2022 in Petition No. 1820 of 2022) as mentioned in **Table 1** in view of Section 63 of

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the Electricity Act, 2003 read with Clause 11.4 of the Short-Term Bidding Guidelines to enable the Petitioner to supply reliable power to its consumers at reasonable cost;

- b) Approve the Power Purchase Agreements executed on 13.01.2022 & 18.01.2022 for the remaining period of July 2022 to September, 2022;
- c) Condone inadvertent omissions/ errors/ rounding-off differences/ shortcomings, if any and permit the Petitioner to add/ alter this filing and make further submissions as may be required; and
- d) pass any other order(s) as this Hon'ble Commission may deem fit in the facts and circumstances of the case.

### **Background**

3. The Petitioner had conducted the bidding for May to September 2022 and filed Petition No. 1820/2022 for adoption of tariff and approval of PPAs for purchase of electricity. The Commission, Petition No. 1820/2022 vide order dated 12.04.2022 had adopted the tariff for May and June 2022 and approved the PPAs to this extent, keeping in view of, that July onwards hydro power would also be available in addition to other renewable sources viz; wind etc. which qualify for RPO. Therefore, NPCL should endeavour to explore procuring power of other sources of non-Solar power for July 22 to Sept 22 including bagasse power available within the state of U.P to optimize the cost. The relevant extracts of the Commission's Order dated 12.04.2022 is as below:

### **"Commission's View**

4. *In view of the recommendations of the NPCL internal committee and pursuance of the records available on record, the Commission, under Section 63 of the Electricity Act, 2003 read with Clause 11.4 of the Short-Term Bidding Guidelines, approves the tariff as discovered in the bidding by the Petitioner:*

SR. No.	Bidder Name (Source)	Period	Duration (Hrs.)	Quantum (MW)	Rate at CTU Periphery of Seller (Rs./kWh)*
1	M/s KEIPL (Power Department, Govt. of Sikkim)	01 <sup>st</sup> May 2022 to 31 <sup>st</sup> May 2022	00:00-07:00	25	5.20
			10:00-24:00	25	5.20
		01 <sup>st</sup> June 2022 to 30 <sup>th</sup> June 2022	00:00-07:00	25	5.20
			10:00-24:00	25	5.20

5. *The Commission accordingly approves the Power Purchase Agreement(s) dated 18.01.2022 between the Petitioner and M/s KEIPL for May and June 22.*
6. *Further, the Commission is of the view that July onwards hydro power would also be available in addition to other renewable sources viz; wind etc. which qualify for RPO. Therefore, NPCL should endeavour to explore procuring power of other sources of non-Solar power including bagasse power available within the state of U.P to optimize the cost for July 22 to Sept 22."*



4. As per the directions of the Commission, during the said hearing dated 24.03.2022 and 29.03.2022, the Petitioner floated a tender on 30.03.2022 on DEEP Portal for purchase of up to 50 MW Non-Solar Renewable Power from projects based on above sources from 01.07.2022 to 30.09.2022. A tender notice in this regard was also published in "The Indian Express" and "Financial Express" on 30.03.2022.
5. Thereafter, the authorized representative i.e., M/s PFC vide its email dated 06.04.2022 informed the Petitioner that it did not receive any response on the last date of bid submission i.e. 06.04.2022. The Petitioner vide its Letter dated 07.04.2022 submitted the outcome of the bidding process.
6. Therefore, the instant Petition has been filed for adoption of tariff and approval of PPAs for the remaining period of July to September 22.

### Record of Proceedings

7. The Commission held the hearing on 12.05.2022, wherein the Commission was apprised of the constraints of power supply position due to coal shortage and the suppliers insisting for Order of the Commission to schedule power for complete five months. The Commission also noted that the Petitioner has filed a Review Petition also in the matter. Sh. Sanket Srivastava, agreed to withdraw the Review Petition and submit a letter in this regard.

### Commission's View

8. The Rates discovered by Petitioner in the instant Bid under consideration for Non-Solar RE Power are as follows:

S. No.	Bidder Name (Source)	Period	Duration (Hrs.)	Quantum (MW)	Rate at CTU Periphery of Seller (Rs./kWh)*
1	M/s KEIPL (Power Department, Govt. of Sikkim)	01 <sup>st</sup> May 2022 to 31 <sup>st</sup> May 2022	00:00- 07:00	25	5.20
			10:00- 24:00	25	5.20
		01 <sup>st</sup> June 2022 to 30 <sup>th</sup> June 2022	00:00- 07:00	25	5.20
			10:00- 24:00	25	5.20
		01 <sup>st</sup> July 2022 to 31 <sup>st</sup> July 2022	00:00- 07:00	25	5.20
			10:00- 24:00	25	5.20



		01 <sup>st</sup> August 2022 to 31 <sup>st</sup> August 2022	00:00- 07:00	25	5.20
			10:00- 24:00	25	5.20
		01 <sup>st</sup> September 2022 to 30 <sup>th</sup> September 2022	00:00- 07:00	25	5.20
			10:00- 24:00	25	5.20
2	M/s APPCPL (Meghalaya Power Distribution Corporation Limited)	01 <sup>st</sup> July 2022 to 31 <sup>st</sup> July 2022	00:00- 07:00	25	5.10
			10:00- 24:00	25	5.10

\*Note: 1) The rates quoted by Bidders are at CTU Periphery of Seller i.e. interconnection of seller with CTU.

2) All Open Access charges & losses up to the Delivery Point i.e. intra-state transmission charges & losses, scheduling & operating charges along with application/consent fee of SLDC for the Seller's State shall be borne by the Bidder. All other charges & losses beyond the Delivery Point i.e. CTU/PGCIL transmission charges & losses, scheduling & operating charges of any intervening RLDC, application fee of NRLDC, consent fee of UPSLDC, scheduling & operating charges of UPSLDC along with U.P. State transmission charges & losses shall be borne by the Procurer/NPCL.

9. The Section 63 of Electricity Act, 2003 requires the Hon'ble Commission to adopt the tariff discovered through Competitive Bidding process in accordance with the Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process dated 30<sup>th</sup> March 2016 issued by Ministry of Power. The relevant provision of the Act is reproduced henceforth:

"Section 63- Determination of tariff by bidding process. Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government."

10. The Commission has already adopted the tariff for May and June 22 and approved the Power Purchase Agreement(s) dated 18.01.2022 between the Petitioner and M/s KEIPL for May and June 22. The Petitioner has complied with the directions of the Commission vide order dated 12.04.2022 and got no bids for purchase of up to 50 MW Non-Solar Renewable Power from 01.07.2022 to 30.09.2022.

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Therefore, in view of above, the Commission adopts the tariff for the balance period of July to September 22:

S. No.	Bidder Name (Source)	Period	Duration (Hrs.)	Quantum (MW)	Rate at CTU Periphery of Seller (Rs./kWh)*
		01 <sup>st</sup> July 2022 to 31 <sup>st</sup> July 2022	00:00-07:00	25	5.20
			10:00-24:00	25	5.20
		01 <sup>st</sup> August 2022 to 31 <sup>st</sup> August 2022	00:00-07:00	25	5.20
			10:00-24:00	25	5.20
		01 <sup>st</sup> September 2022 to 30 <sup>th</sup> September 2022	00:00-07:00	25	5.20
			10:00-24:00	25	5.20
2	M/s APPCPL (Meghalaya Power Distribution Corporation Limited)	01 <sup>st</sup> July 2022 to 31 <sup>st</sup> July 2022	00:00-07:00	25	5.10
			10:00-24:00	25	5.10

The Commission also approves the PPA dated 13.01.2022 & 18.01.2022 between the Petitioner M/s APPCPL & M/s KEIPL respectively for the remaining period of July to September 2022.

The Petition is accordingly disposed of.

(Vinod Kumar Srivastava)  
Member

(Kaushal Kishore Sharma)  
Member

(Raj Pratap Singh)  
Chairman

Place: Lucknow

Dated: 17.05.2022

