



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2016 of 2023

QUORUM

Hon'ble Shri Arvind Kumar, Chairman
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)
Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Sections 86(1)(b) and 86(1)(f) and other applicable provisions of the Electricity Act, 2003 read with Article 14 of the Power Purchase Agreement (PPA) dated 12.11.2006 read with Supplementary PPA dated 31.12.2009 executed between the parties for seeking a declaration that the Standard Operating Procedure at the Unloading end dated 24.06.2016 issued by the Ministry of Coal, Government of India read with MoP and CEA directives dated 20.05.2016 and 01.06.2016 respectively constitute a 'Change in Law' event impacting the costs of the Petitioner and consequential reliefs.

AND

IN THE MATTER OF

U.P. Power Corporation Ltd. (UPPCL),

(Through its Chief Engineer-PPA), 14th Floor, Shakti Bhawan Extn., 14-Ashok Marg,
Lucknow - 226001

..... Petitioner

VERSUS

Lanco Anpara Power Ltd. (LAPL),

(Through its Director), 411/9, Riverside Apartments, New Hyderabad,
Lucknow - 226007

..... Respondent

THE FOLLOWING WERE PRESENT

1. Shri M. Narasimha Murthy, Vice President, LAPL

by





2. Shri Haroon Aslam, SE, UPPCL
3. Shri Jagnayak Singh, SE, UPPCL
4. Shri Gajendra Singh, EE, UPPCL
5. Shri Shubham Srivastava, AE, UPPCL
6. Ms. Puja Priyadarshini, Advocate, UPPCL
7. Shri Kunal Kashyap, Advocate, UPPCL
8. Shri Karan Jaiswal, Advocate, LAPL
9. Shri Avijeet Lala, Advocate, LAPL

ORDER

(DATE OF HEARING: 09.04.2024)

1. The last hearing dated 07.03.2024 was adjourned by the Commission and the matter was listed for hearing today.
2. During the hearing, Ms. Puja Priyadarshini, Counsel of UPPCL submitted that matter has been argued from its side barring rebuttal, if any, and the respondent is to argue the matter today.
3. Sh. Abhijeet Lala, Counsel of Respondent submitted that the relevant point for measurement of GCV, under the PPA, is the mill bunker and the GCV was being measured at mill bunker only by QCI the third-party agency. The counsel also affirmed that the invoices were raised as per QCI lab report, however, UPPCL's Counsel negated this point. The respondent Counsel sought additional time to argue the matter. Due to paucity of time, the Commission decided to list the matter on a separate date.
4. Further, in order to focus the arguments, the Commission crystallises certain issues, which would enable it to reach at the root of the dispute for resolving it. Accordingly, the Commission directs the petitioner to submit a detailed note on following issues for the dispute period; i.e. January 2020 onwards:
 - a) Difference in GCV Value measured at mill bunker and that on 'as received'/unloading point basis.

by



8

m



- b) Month wise GCV Value as carried out by QCI Lab and Lanco's own Lab.
- c) Details of GCV measurement methodology justifying the reason for difference in GCV value in the two cases i.e., QCI Lab and Lanco's Lab report, if any.
- d) The GCV value used by the Petitioner for raising monthly adhoc/final invoices over the dispute period.

5. The above details should be furnished before the Commission with a copy to UPPCL for response, if any. UPPCL shall also explain the reasons for delay in raising the issue of GCV difference and also the reason why such delay is condonable in present dispute.

List the matter for next hearing on 02.05.2024.

(Sanjay Kumar Singh)
Member

(Vinod Kumar Srivastava)
Member (Law)

(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 10.4.2024



