THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2426 of 2026

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

Hon'ble Shri Griesh Kumar Vaish, Member (Law)

IN THE MATTER OF

Petition under Section 86(1)(b) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 12.11.2006 with its subsequent amendments seeking declaration of Change in Law and consequential compensation for additional expenditures.

AND

IN THE MATTER OF

Rosa Power Supply Company Ltd. (RPSCL)

..... Petitioner

VERSUS

U.P. Power Corporation Ltd. (UPPCL)

..... Respondent

FOLLOWING WERE PRESENT

1. Shri Jai Dhanani, Advocate, RPSCL
2. Shri Sumeet Notani, AVP, RPSCL
3. Shri Siddhant Shekhawat, GM, RPSCL
4. Ms. Nipun Sharma, Advocate, UPPCL
5. Shri Devansh Pundir, Advocate, UPPCL
6. Shri Manish Dwivedi, C.E.-PPA, UPPCL
7. Shri Anil Kumar, SE-PPA, UPPCL
8. Shri Dharm Ratna, AE, UPPCL

ORDER

(DATE OF HEARING: 27.10.2026)

1. The Petitioner, Rosa Power Supply Company Ltd. (RPSCL), has filed the present Petition seeking a declaration that the Comprehensive Policy of Biomass Co-firing dated 07.11.2025, issued by the Ministry of Power, Government of India (MoP), constitutes a *Change in Law* under the Power Purchase Agreement (PPA) dated 12.11.2006 with the amendments thereto and that the consequential expenditure incurred and/or to be incurred by RPSCL towards implementation of the mandatory biomass co-firing requirement is recoverable under the said PPA.

2. The Petitioner has prayed the following:

   a) Admit and allow the present Petition;

   b) Recognise that letter dated 23.10.2025 directing Rosa TPP directing initiation of Biomass Co-firing and submission of Action Plan and the Comprehensive Policy dated 07.11.2025 issued by the Ministry of Power constitutes a "*Change in Law*" within the meaning of Section 12.19 of the PPA;

   c) Allow RPSCL recovery of the entire additional capital expenditure and additional operational and maintenance expenditure already incurred by RPSCL for compliance with the mandatory biomass co-firing requirement arising pursuant to the Comprehensive Policy dated 07.11.2025, in terms of Sections 12.22 and 12.23 of the PPA;

   d) Allow RSPCL to seek recovery of the entire additional capital expenditure and additional operational, maintenance expenditure. consequential compensation and any incidental Environmental Compensation imposed by CAQM in complying with the Comprehensive Policy to be incurred, so as to restore RSPCL to the same economic position;

   e) Pass such other or further order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

3. During the hearing, the learned counsel appearing on behalf of the Petitioner put forward his case and submitted that RPSCL had shared the Technical Feasibility Report (TFR) with UPPCL three months prior, seeking its views thereon, however, UPPCL had not furnished any comments to date. The learned counsel appearing appearing on behalf

of the Respondent prayed the Commission for four weeks' time to submit its reply to the Petition.

4. The Commission admits the Petition and allows four weeks' time to the Respondent for filing its reply and one week thereafter to the Petitioner for filing its rejoinder.

   List the matter on 15.12.2026 for next hearing.

(Griesh Kumar Vaish)	(Sanjay Kumar Singh)	(Arvind Kumar)
Member (Law)	**Member**	**Chairman**

Place: Lucknow

Dated: 29 .10.2026