Petition No. 1626 of 2020

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

(Date of Order: 26 .03.2021)

PRESENT:

1. Hon'ble Sh. Raj Pratap Singh, Chairman
2. Hon'ble Sh. Kaushal Kishore Sharma, Member
3. Hon'ble Sh. Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF: Petition under Section 86(1)(e) of the Electricity Act, 2003 and UPERC (Conduct of Business) Rules, 2004 along with application of interim relief.

M/s Superior Industries Limited, (through its Managing Director), Rampur Road, Clutter Buck Ganj, Bareilly

--------- **Petitioner**

1. M/s U.P. Power Corporation Ltd. (through its Managing Director), Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow
2. M/s Madhyanchal Vidyut Vitran Nigam Ltd. (through its Managing Director), 4A, Gokhale Marg, Lucknow
3. M/s U.P. Power Corporation Ltd. (through its CE- Power Purchase Directorate), Shakti Bhawan Extn., 14 - Ashok Marg, Lucknow

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Following were present:

1. Sh. Deepak Raizada, CE, PPA-RE, UPPCL
2. Sh. Sitesh Mukharjee, Advocate, UPPCL
3. Sh. Karan Arora
4. Sh. Abhishek Kumar, Advocate, UPPCL
5. Sh. D.D. Chopra, Sr. Advocate, M/s Superior Industries Limited

ORDER

(Date of Hearing 23.03.2021)

1. The instant Petition is filed by M/s Superior Industries ltd. to allow export of 3.5 MW at tariff of Rs. 5.56/ unit till bidding process is not finalized from its 5MW biomass (rice husk based) in terms of PPA dated 13.02.2018.

2. The Prayers of the Petitioner are as below:

   a) allow the Petitioner to export surplus power to the Respondent in terms of PPA dated 13.02.2018 at the Rate of Rs. 5.56/kWh till the bidding process is not finalized by the Respondent, and

   b) direct Respondent No. 2 and 3 to schedule 3.5 MW Biomass based electricity from the Petitioner as per PPA dated 13.02.2018, and

   c) any other suitable order as deemed fit and proper under the facts and circumstances of the case may be passed by this learned Commission.

3. Sh. D.D. Chopra, Senior Counsel on behalf the Petitioner requested the Commission to grant 3 weeks' time to file his rejoinder as some few facts has emerged from the submission made by SLDC and the same need to be examined in detail. He requested to adjourn the matter and list it after 3 weeks.

4. Sh. Sitesh Mukharjee, Senior Counsel of UPPCL submitted that he has filed its counter affidavit and he has no objection to the adjournment sought by the Petitioner.

5. The Commission heard the parties and allowed the Petitioner to file its rejoinder within 3 weeks.

<u>The matter be listed on 29th April 2021 for next hearing.</u>

(Vinod Kumar Srivastava)	**(Kaushal Kishore Sharma)**	**(Raj Pratap Singh)**
Member	**Member**	**Chairman**

Place: Lucknow
Date: 28. 03.2021