



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2208 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under 86(1)(a) and (b) of the Electricity Act, 2003 read with Regulation 15 of the UPERC (Conduct of Business) Regulations, 2019 on behalf of UPPCL seeking approval of the Power Sale Agreement (PSA) dated 27.11.2024 entered into with NHPC Limited for purchase of 1280 MW capacity of Firm and Despatchable Renewable Energy (FDRE).

AND

IN THE MATTER OF

Uttar Pradesh Power Corporation Ltd. (UPPCL),

Through Superintending Engineer- PPA,

Shakti Bhawan, 14-Ashok Marg, Lucknow-226001.

..... Petitioner

Versus

National Hydroelectric Power Corporation Ltd. (NHPC),

Sector H, LDA Colony, Lucknow, Uttar Pradesh 226012

.....Respondent

FOLLOWING WERE PRESENT

1. Sh. Manish Dwivedi, SE, UPPCL
2. Sh. Divyanshu Bhatt, Advocate, UPPCL
3. Sh. Harish Vardhan Shukla, Advocate, UPPCL
4. Sh. Rajiv Shankar Dwivedi, Advocate, NHPC

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ORDER

(DATE OF HEARING: 08.07.2025)

1. The Petitioner, Uttar Pradesh Power Corporation Ltd. (hereinafter referred to as UPPCL), has filed this Petition seeking approval of PSA dated 27.11.2024 executed with NHPC for procurement of 1280MW FDRE under Tariff Based Competitive Bidding (TBCB) Process. The prayers of the Petitioner are as follows:
 - a) Take the instant Petition on record.
 - b) Approve the PSA dated 27.11.2024 between the Petitioner and the Respondent.
 - c) Approve the overall power procurement of 1280MW of Renewable Energy by UPPCL through NHPC in accordance with the MoP Guidelines.
 - d) Pass any further Order(s) as this Commission may deem fit in the facts and circumstances of the case.

Brief Facts as stated in the Petition.

2. UPPCL has mainly submitted the following:
 - a) National Hydroelectric Power Corporation Ltd. (hereinafter referred to as NHPC), as the Renewable Energy Implementing Agency (REIA), invited bids for the establishment of Inter-State Transmission System (ISTS) connected Firm and Dispatchable Renewable Energy Power projects under TBCB process. The selected Renewable Energy Power Generators (RE-PGs) entered into Power Purchase Agreements (PPA) at the tariff determined in the competitive bid process, and the Discom(s) entered into Power Sale Agreement (PSA) with NHPC serving as an intermediary procurer.
 - b) NIT for 'Request for Selection (RfS) for ISTS Grid Connected Firm & Dispatchable Renewable Energy Power Projects of 1500MW to be set up anywhere in India was issued vide Tender ID: 2023_NHPC_773818_1 dated 30.09.2023. Bids for Tariff Based Bidding for 25 years were invited on International Competitive Bidding basis in Single Stage- Two Envelope Bidding process followed by Reverse Auction among shortlisted bidders.

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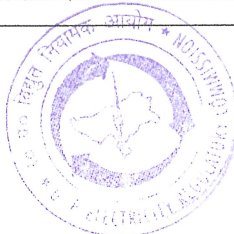
- c) The Central Public Procurement (CPP) e-procurement portal received the NIT & Tender Document on 30.09.2023 and the online submission deadline was 13.11.2023. In accordance with NHPC's current policy rules, NIT was also posted on the organization's website and featured in an international newspaper, however, the deadlines for the online bid submission and opening were extended to 22.12.2023 and 26.12.2023 respectively. Eight online bids were received on CPP portal till the last date of bid submission. The evaluation of submitted bids was done by Tender Evaluation Committee (TEC) constituted by NHPC management and eight bidders were found to be technically successful.
- d) Financial bids were opened on 16.02.2024 in presence of TEC and as per final recommendation of TEC, eight bidders were declared successful for participating in e-Reverse Auction stage of bidding. Out of 1500MW Capacity of bid, 1400MW capacity was allotted to bidders in e-Reverse Auction and the Letter of Award (LoA) were issued to 6 RE-PGs on 11.03.2024. Reverse Auction of bidding was conducted on 22.02.2024 and the following bidders remained successful:

S. No.	Name of RE-PG	Allocated Capacity (MW)	Tariff (Rs/kWh)	Location (State)
1.	BN Hybrid Power-1 Pvt. Ltd.	120	4.55	Rajasthan
2.	Hero Solar Energy Pvt. Ltd.	100	4.63	Karnataka
3.	Solarcraft Power India 20 Pvt. Ltd.	50	4.63	Karnataka
4.	Juniper Green Energy Pvt. Ltd.	200	4.64	Rajasthan
5.	Renew Wind Energy (AP FIVE) Pvt. Ltd.	250	4.64	Rajasthan/ Gujarat/ Madhya Pradesh / Maharashtra
6.	ACME Cleantech Solutions Pvt. Ltd.	680	4.64	Karnataka/ Gujarat/Rajasthan
	Total	1400		

- e) NHPC approached States/Discom(s) for providing "In-principle" consent for procurement of 1400MW power through NHPC as REIA. UPPCL had provided its consent for purchase of 1280MW power vide its letter dated 01.10.2024. On 27.11.2024, PSA was executed between NHPC and UPPCL for purchase of 1280MW power. The relevant details of the PPAs have been reproduced below:

RE-PGs	Capacity (MW)	Date of PPA	Tariff* (Rs/kWh)
Clean Renewable Energy AP ONE Pvt. Ltd.	100	24.12.2024	4.70

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Solarcraft Power India 20 Pvt. Ltd.	50	26.12.2024	4.70
Juniper Green Energy Pvt. Ltd.	200	24.12.2024	4.71
Renew Wind Energy (AP Five) Pvt. Ltd.	250	26.12.2024	4.71
ACME Venus Urja Pvt. Ltd.	400	24.01.2025	4.71
ACME Hybrid Urja Pvt. Ltd.	280	24.01.2025	4.71

* Including Trading Margin of 7 paise/kWh

- f) The procurement of Renewable Energy from RE-PGs in the instant case is also an endeavour of UPPCL to fulfil its RPO targets for promoting green energy and optimising the cost of power purchase, which is for the benefit of consumers of Uttar Pradesh. The MoP had issued a notification dated 20.10.2023 vide which the MoP had mandated the power distribution companies (i.e., Discoms) to prepare a RPO roadmap and it was further stated that the RPO targets on Discoms for FY 2024-25 shall be 29.91%. Further, MoP, vide said notification dated 20.10.2023, has given the new RPO trajectory from FY 2024-25 to FY 2029-30 as tabulated below:

Year	Wind RPO	Hydro RPO	Other RE	Distributed RE	Total
2024-25	0.67%	0.38%	27.35%	1.50%	29.91%
2025-26	1.45%	1.22%	28.24%	2.10%	33.01%
2026-27	1.97%	1.34%	29.94%	2.70%	35.95%
2027-28	2.45%	1.42%	31.64%	3.30%	38.81%
2028-29	2.95%	1.42%	33.10%	3.90%	41.36%
2029-30	3.48%	1.33%	34.02%	4.50%	43.33%

- g) MoP through the aforesaid notification has provided the criteria to meet the RPO against each category, however, 100% fungibility has been provided between Wind, Hydro, and Other Renewable sources under the notification. The criteria have been outlined below:
- Wind: shall be met from the Wind Power Projects commissioned after 31.03.2024.
 - Hydro: shall be met only from Hydro Power Projects (including Pump Storage and Small Hydro Projects) commissioned after 31.03.2024.
 - Distributed RE: shall be met only from energy generated from RE projects that are less than 10MW in size.
 - Other RPO: can be met by energy produced from any RE projects other than specified under Wind, Hydro, and Distributed Energy and shall comprise energy

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from all WPPs and Hydro Power Projects (including Pump Storage and Small Hydro Projects), including free power, commissioned before the 01.04.2024.

- h) Guideline No. 6 of the aforesaid MoP Notification dated 20.10.2023 provides that any shortfall in meeting RPO targets will be treated as non-compliance and penalty will be imposed for each unit of shortfall in meeting the energy consumption norms as per the amended Energy Conservation Act, 2001. As per Section 12(3) of the Conservation Act, for non-compliance of the directions a penalty shall be levied from the Discoms, which shall not exceed Rs. 10 Lakh for each failure. The MNRE, vide its letter dated 01.02.2024, had further notified that additional penalty would also be levied to the tune Rs. 3.72 per unit for each unit of shortfall in meeting RE consumption norms.
- i) The capacity required to be contracted by UPPCL to meet the RPO targets has been showcased below:

Capacity (MW) to be contracted in respective Year to meet RPO (With Fungibility)										
Category/FY	2023 -24	2024 -25	2025 -26	2026 -27	2027 -28	2028 -29	2029 -30	2030 -31	2031 -32	Total (MW)
Solar	3,000	2,000	2,000	1,000	500	-	-	-	-	8,500
Wind	-	2,500	2,500	1,500	1000	-	-	-	-	7,500
Hydro	-	4,000	1,500	1,500	500	-	-	-	-	7,500
Cumulative	3,000	8,500	6,000	4,000	2,000	-	-	-	-	23,500

- j) NHPC had filed Petition No. 88/AT/2025 before Central Electricity Regulatory Commission (hereinafter referred to as CERC) under Section 63 of the Electricity Act, 2003 for Tariff Adoption of 1400MW FDRE power discovered through TBCB process as per the Ministry of Power (MoP) Guidelines dated 09.06.2023 and its amendments thereof. UPPCL was impleaded as a Respondent and it duly participated in the proceedings of said Petition No. 88/AT/2025.

Records of Proceedings:

3. During the hearing dated 20.05.2025, on specific query of the Commission regarding status of tariff adoption Petition filed before CERC, Sh. Divyanshu Bhatt, Counsel of UPPCL, responded that matter had been reserved for Order during the hearing dated 02.04.2025, but the final Order was yet to come. Sh. Rajiv Shankar Dvivedi, Advocate of NHPC submitted that final Order of CERC would be placed on record by an additional affidavit and requested the Commission to reserve the instant matter for Order. The

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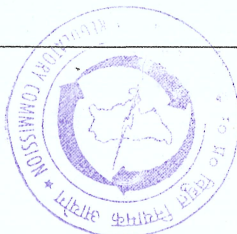
Commission observed that tariff adoption by the CREC would be necessary before reserving the instant matter for Order. The Commission also directed NHPC to furnish copy of NHPC letter dated 06.05.2024 and Bid Conformity Certificate with respect to the MoP Guidelines dated 09.06.2023.

4. On 11.06.2025, UPPCL filed copy of the CERC's Order dated 30.05.2025 in Petition No. 88/AT/2025. On 27.06.2025, NHPC file its additional submission in compliance to the Commission's Order dated 27.05.2025. On the hearing dated 08.07.2025, Counsel of NHPC submitted that requisite details were placed on record in compliance with the Commission's Order dated 27.05.2025 and NHPC had no objections to the approval of the PSA dated 27.11.2024. On specific query of the Commission regarding PPAs signing with different companies than successful bidders, Counsel of UPPCL responded that under the RfP provisions, bidding companies could form their SPVs for signing PPA. In case of Renew, the bidding was done by Renew Solar Power Pvt. Ltd. and PPA was signed with Renew Wind Energy (AP Five) Pvt. Ltd. likewise PPA was signed with Juniper Green Light Ten Pvt. Ltd. for Juniper Green Energy Pvt. Ltd. He further submitted that there has been typographical error while mentioning names of SPV and bidding companies in the case of Renew and Juniper in the Petition. Also, the PPA date of Solarcraft Power India 20 Pvt. Ltd. was actually 18.12.2024 and not 26.12.2024. After hearing the parties, the Commission reserved Order in the matter.

Analysis & Decision

5. UPPCL, by way of instant Petition, is seeking approval for procurement of 1280MW FDRE Power under TBCB process on long-term basis of 25 years along with approval of PSA dated 27.11.2024 executed with NHPC. UPPCL has submitted that this FDRE power procurement would facilitate meeting its power demand as well as compliance to RPO targets.
6. CERC, vide its Order dated 30.05.2025 in Petition No. 88/AT/2025, has adopted the individual tariff for the Renewable Energy Power Generators with total capacity of 1400MW from which 1280 MW power would be supplied to UPPCL. The relevant extract of the quantum of power executed under the PSA by UPPCL as observed in the aforementioned Order dated 30.05.2025 are as follows:

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"41. In view of the aforesaid discussions, it emerges that the selection of the successful bidders has been made, and the tariff of the Solar Power Projects has been discovered by the Petitioner, NHPC, through a transparent process of competitive bidding in accordance with the Guidelines issued by the Ministry of Power, Government of India. Therefore, in terms of Section 63 of the Act, the Commission adopts the individual tariff for the ISTS Grid connected for the 1400 MW Firm & Dispatchable Power Renewable Energy (FDRE) Power Projects coupled with Energy Storage System, as agreed to by the following successful bidders, subject to the Petitioner tying of the awarded capacity under the PPAs and PSAs:

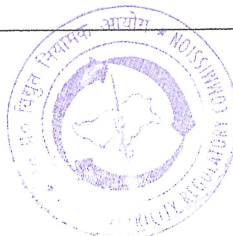
S. No.	Name of RE-PG	Allocated Capacity (MW)	Tariff (Rs/kWh)
1	BN Hybrid Power-1 Private Limited	120	4.55
2	Hero Solar Energy Private Limited	100	4.63
3	Solarcraft Power India 20 Private Limited	50	4.63
4	Juniper Green Energy Private Limited	200	4.64
5	Renew Solar Power Private Limited	250	4.64
6	ACME Cleantech Solutions Private limited	680	4.64
	Total	1400	

46.In the present case, awarded capacity is tied up with the UPPCL and NDMC Delhi, and accordingly, the trading margin shall be as per the provisions of the PSAs to be entered into between NHPC and the distribution licensees and with due regard to the provisions of the PSM in the Guidelines/PPA, and be subject to the provisions of the Trading Licence Regulations. Further, in case of failure by NHPC to provide an escrow arrangement or irrevocable, unconditional, and revolving letter of credit to the solar power generators, the trading margin shall not exceed Rs.0.02/kWh Order in Petition No 88/AT/2025 specified in Regulation 8(1)(d) and Regulation 8(1)(f) of the Trading Licence Regulations."

7. The details of the PPAs under the PSA dated 27.11.2024 executed between UPPCL and NHPC for procurement of 1280MW FDRE power with Energy Storage System are tabulated as under:

Sl. No.	RE-PGs	Date of PPA	Capacity (MW)	Declared Annual CUF (%)	Tariff* (Rs/kWh)
1	Clean Renewable Energy AP One Pvt. Ltd.	24.12.2024	100	78	4.70
2	Solarcraft Power India 20 Pvt. Ltd.	18.12.2024	50	62	4.70
3	Juniper Green Light.Ten Pvt. Ltd.	24.12.2024	200	70	4.71
4	Renew Wind Energy (AP Five) Pvt. Ltd.	26.12.2024	250	75	4.71
5	ACME Venus Urja Pvt. Ltd.	24.01.2025	400	48	4.71
6	ACME Hybrid Urja Pvt. Ltd.	24.01.2025	280	48	4.71
	Total		1280		

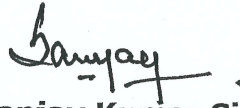
*Including trading margin of 7 paise/kWh.





8. In view of above, the Commission approves the FDRE power procurement of 1280 MW at the individual tariff as per table at para 7 above in terms of CERC Order dated 30.05.2025 in Petition No. 88/AT/2025. However, in case of failure by NHPC to provide an Escrow arrangement or irrevocable, unconditional revolving letter of credit to the Renewable Energy Power Generators (RE-PGs), trading margin shall be limited to Rs.0.02/kWh in terms of Regulation 8 of the CERC (Trading license) Regulations, 2020. The Commission also approves the PSA dated 27.11.2024 executed between UPPCL & NHPC.

The Petition stands disposed of in terms of above.


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 24.07.2025

