THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2217 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Section 86(1)(b) & (f) along with other relevant provisions of the Electricity Act, 2003 seeking additional tariff on account of 'Change in Law' events and quantification of tariff escalation on account of increase in capital cost as claimed in the prayer of this Petition.

AND

IN THE MATTER OF

1. B & G Renewable Energy Private Ltd. (BGREPL),
New No. 25, Old No. 10, Sir Madhavan Nair Road,
Mahalingapuram, Nungambakkam, Chennai – 600034.

2. Nirgajini Hydel Project Pvt. Ltd. (NHPL),
New No. 25, Old No. 10, Sir Madhavan Nair Road,
Mahalingapuram, Nungambakkam, Chennai – 600034.

3. Salawa Hydel Project Pvt. Ltd. (SHPL),
New No. 25, Old No. 10, Sir Madhavan Nair Road,
Mahalingapuram, Nungambakkam, Chennai – 600034.

..... Petitioner(s)

Versus

1. Uttar Pradesh Power Corporation Ltd. (UPPCL),
Through its Managing Director,

Shakti Bhawan 14 – Ashok Marg, Lucknow – 226001.

2. **U.P. Rajya Vidut Utpadan Nigam Ltd. (UPRVUNL),**
   Formerly- U.P. Jal Vidyut Nigam Limited,
   Through its Managing Director,
   Shakti Bhawan 14 – Ashok Marg, Lucknow – 226001.

3. **Principal Secretary,**
   Irrigation Department, Govt. of Uttar Pradesh,
   Sachivalaya Annexe, Bapu Bhawan, Lucknow-226001

.....Respondent(s)

FOLLOWING WERE PRESENT

1. Sh. D.D. Chopra, Sr. Advocate, BGREPL
2. Sh. Shailesh Verma, Advocate, BGREPL
3. Ms. Chandini Bhatia, Advocate, BGREPL
4. Sh. Sanyam Agarwal, Advocate, BGREPL
5. Sh. Manish Dwivedi, S.E, UPPCL
6. Ms. Puja Priyadarshini, Advocate, UPPCL
7. Sh. Rishabh Bhardwaj, Advocate, UPPCL
8. Sh. Arvind Kumar, E.E, UPRVUNL
9. Sh. Brijesh Kumar, S.E, UPRVUNL
10. Sh. Divyanshu Bhatt, Advocate, UPRVUNL
11. Sh. Harsh Vardhan Shukla, Advocate, UPRVUNL

ORDER

(DATE OF HEARING: 08.07.2025)

1. The Petitioner(s) has filed this Petition for declaration of 'Change in Law' event on account of promulgation of GST law, discontinuation of MNRE's subsidy and introduction of mandate certification etc. and its compensation under Article 13 of the

PPA dated 01.02.2017 for its Nirgajini and Salawa hydel power projects. The prayers of the Petitioner, as stated in the Petition, are as follows:

a) Allow the present Petition.

b) Declare the implementation of the Goods and Services Tax regime, discontinuation of MNRE Subsidy and ISO 27001 certification mandate of certification as events of change in law under Article 13 of the PPAs, and

c) Declare the transfer of land after 70 (seventy) months from the date of execution of PPA as an event of 'change in law' under Article 13 of the PPAs, and

d) Determine or direct the Respondent No. 2 to determine a formula for tariff escalation arising out of 'change in law' under clause 13.2 of the PPAs, and

e) Allow the Petitioner to claim an additional tariff, on account of an increase in the capital cost of Rs. 260 Lacs per MW in case of Salawa and Rs. 450 Lacs per MW in case of Nirgajini, on the basis of the formula determined as per prayer (d) after taking into consideration the consequential increase of Rs. 5 Crore on each project arising out of the discontinuation of MNRE subsidy, and

f) Allow the Petitioner to claim an additional cost on account of 'change in law' event arising out of implementation of GST regime and for obtaining the ISO 27001 Certification as per CEA Regulations, 2019 and 2021, and/or

g) In the alternate, direct the parties to arbitration for the damages arising out of the transfer of land after seven years (approximately), and/or

h) Pass such other Orders that the Commission deems fit.

2. During the hearing today, Sr. Advocate Sh. D.D. Chopra, Counsel of Petitioner(s) submitted that instant matter pertains to declaration of 'Change in Law' events and quantification of tariff escalation on account of increase in capital cost for the Nirgajini and Salawa hydel power project due to 'Change in Law' events. Sh. D.D. Chopra further sought two weeks' time to furnish additional submissions regarding estimated tariff impacts of the same. Advocate of UPPCL sought six weeks' time to file its reply. Advocate of UPRVUNL also sought six weeks' time to file its reply.

3. The Commission notes that Petitioner(s) has also filed another Petition No. 2214/2025 regarding extension of SCOD for these hydel power projects. After hearing the parties, the Commission admits the Petition and allows Petitioner to file its additional submission within two weeks' time with a copy to the Respondent(s). Thereafter, Respondent(s) are granted five weeks' time to file their reply in the matter. Subsequently, Petitioner may file their rejoinder to the replies of the Respondent(s) within two weeks' time.

4. List the matter for next hearing on 16.09.2025.

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 23.07.2025

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