



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Petition No. 2402 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 62 read with Section 86(1)(a) and other applicable provisions of the Electricity Act, 2003, read with Regulation 15 of the UPERC (Conduct of Business) Regulations, 2019, read with Regulation 17 and other applicable regulations of the UPERC (Captive and Renewable Energy Generating Plants) Regulations 2024, read with Order dated 05.05.2026 passed by this Commission in Petition No. 2373 of 2026 titled M/s SPAARK Bresson WTE Private Ltd. vs UPPCL and read with the relevant provisions of the CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2024 for inter alia seeking approval of provisional tariff from the second year onwards for the supply of 21MW power from 24.70MW Municipal Solid Waste based Waste-To-Energy Plant at Kuberpur, Agra, Uttar Pradesh.

AND

IN THE MATTER OF

M/s Spaark Bresson WTE Private Ltd. (SBWPL),

(Through its Director),

GF 50, Block V, Eros Garden, Charmwood Village, Faridabad, Haryana- 121009

...Petitioner

VERSUS

Uttar Pradesh Power Corporation Limited (UPPCL),

(Through its Managing Director)

14th Floor, Shakti Bhawan Extension, 14-Ashok Marg, Lucknow-226001

...Respondent

FOLLOWING WERE PRESENT

1. Sh. Sitesh Mukherjee, Senior Advocate, SBWPL





2. Sh. Surya Gupta, Advocate, SBWPL
3. Sh. Vaibhav Sharma, Advocate, SBWPL
4. Sh. Punit Agrawal, SBWPL
5. Sh. Sandeep Kumar, SBWPL
6. Sh. Apoorva Misra, Advocate, UPPCL
7. Sh. Anil Kumar, SE (PPA), UPPCL
8. Sh. Vikash Gupta, EE (PPA), UPPCL
9. Sh. Srijan Singh, AE, UPPCL

ORDER

(DATE OF HEARING: 03.09.2026)

1. The Petitioner, SBWPL filed this Petition for approval of provisional tariff from the second year onwards for the supply of 21MW power to UPPCL from its 24.70MW Municipal Solid Waste Based Waste-To-Energy Plant to be established at Kuberpur, Agra. The prayers of the Petitioner are as follows:
 - a) Determine and approve the provisional tariff from the Second Year of the eventual COD, subject to COD approval.
 - b) Permit inclusion of the cost of power evacuation infrastructure towards determination of the Provisional Tariff.
 - c) Approve the date of commissioning as April, 2027.
 - d) Allow the Petitioner to submit additional information as may be required by the Commission; and
 - e) Pass any other Orders as this Commission may deem fit and proper considering the facts and circumstances of the present case.
2. During the hearing, the Commission sought copy of Detailed Project Report (DPR) in terms of the Order dated 05.05.2026, to which Sr. Advocate Sh. Sitesh Mukherjee, learned counsel of SBWPL responded that Techno-Economic Viability Report (TEVR) had been filed with the Petition and the DPRs would be filed shortly in the matter. The Commission observed that TEVR and the DPR are two distinct documents and hence DPR would be required for prudence check of the power project. Sh. Sitesh Mukherjee,

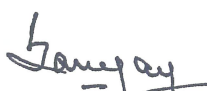




learned Counsel, submitted that the present Petition is for provisional tariff determination and to fill the gap an additional affidavit, in the matter would be filed as directed by the Commission.

3. The learned Counsel also submitted that SBWPL have invested approx. Rs. 190 Crores as equity and around 60% of the Project has been completed and the expected COD is April 2027. He also argued that SBWPL had been facing difficulty in obtaining finance from SBI Bank/lenders, because of no clarity on the applicable tariff and lack of approval of PPA. Learned Counsel further submitted that in terms of CREC RE Tariff Regulations, the levellised tariff worked out to be Rs. 11 per kWh.
4. The Commission observed that power from the WTE Project would be procured under the National Tariff policy and the tariff would be determined for the WTE project, which will be project specific on a case-to-case basis after prudence check of the actual cost incurred. The Commission further observed that the first-year tariff at Rs. 6.90/kWh was already fixed and as an interim arrangement, the same tariff could be considered on provisional basis for the subsequent years till actual COD of the project in order to facilitate financing of Project by the lenders. After achieving the COD, the Petitioner can expeditiously file its Petition for determination of applicable tariff from second year onwards based on audited accounts and expenditure incurred as on COD.
5. The learned Counsel of the Petitioner requested the Commission for amending the prayer and filing necessary affidavit in this regard. The learned Counsel of UPPCL sought four weeks' time for filing its reply. Having heard the matter, the Commission admits the Petition and grants one week time to the Petitioner to file its affidavit. UPPCL may file its reply within four weeks.
6. List the matter for next hearing on 15.10.2026.


(Griesh Kumar Vaish)
Member (Law)


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 23.09.2026

