



Petition No. 1632, 1633, 1634, 1635 and 1636 of 2020

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order: 25. 10.2021

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Kaushal Kishore Sharma, Member
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF

Petition under section 86 (1) (f) of the Electricity Act, 2003 and regulation 11 and regulation 12 of the Uttar Pradesh Electricity Regulatory Commission (terms and conditions of generation tariff) Regulations, 2019 read with the provisions of the Power Purchase Agreement dated 10.12.2010 and 15.06.2011.(Barkhera TPS)

AND

IN THE MATTER OF

Petition under section 86 (1) (f) of the Electricity Act, 2003 and regulation 11 and regulation 12 of the Uttar Pradesh Electricity Regulatory Commission (terms and conditions of generation tariff) Regulations, 2019 read with the provisions of the Power Purchase Agreement dated 10.12.2010 and 15.06.2011.(Maqsoodapur TPS)

AND

IN THE MATTER OF

Petition under section 86 (1) (f) of the Electricity Act, 2003 and regulation 11 and regulation 12 of the Uttar Pradesh Electricity Regulatory Commission (terms and conditions of generation tariff) Regulations, 2019 read with the provisions of the Power Purchase Agreement dated 10.12.2010 and 15.06.2011. (Utraula TPS)

AND

IN THE MATTER OF

Petition under section 86 (1) (f) of the Electricity Act, 2003 and regulation 11 and regulation 12 of the Uttar Pradesh Electricity Regulatory Commission (terms and conditions of generation tariff) Regulations, 2019 read with the provisions of the Power Purchase Agreement dated 10.12.2010 and 15.06.2011. (Khambarkhera TPS)



AND

IN THE MATTER OF

Petition under section 86 (1) (f) of the Electricity Act, 2003 and regulation 11 and regulation 12 of the Uttar Pradesh Electricity Regulatory Commission (terms and conditions of generation tariff) Regulations, 2019 read with the provisions of the Power Purchase Agreement dated 10.12.2010 and 15.06.2011. (Kundarki TPS)

M/s Bajaj Energy Limited
Bajaj Bhawan, Jamna Lal Bajaj Marg,
B-10-, Sector-3, Noida, Uttar Pradesh 201301.

..... **Petitioner**

Versus

1. Uttar Pradesh Power Corporation Limited
Through Managing Director,
Shakti Bhawan, 14- Ashok Marg, Lucknow
2. Purvanchal Vidyut Vitran Nigam Limited
Through Managing Director
132 KV substation, Bhikaripur, Vidyut Nagar, Varanasi
3. Paschimanchal Vidyut Vitran Nigam Limited
Through Managing Director
Victoria Park, Meerut
4. Madhyanchal Vidyut Vitran Nigam Limited
Through Managing Director
4-A, Gokhale Marg,
Lucknow
5. Dakshinanchal Vidyut Vitran Nigam Limited
Through Managing Director
Gailana Road, Agra

..... **Respondents**

The following were present:

1. Ms. Swapna Seshadri, Counsel, BEL
2. Shri Sanjeev Kumar Singh, BEL
3. Shri Amit Pandey, BEL
4. Shri Amit Mittal, BEL
5. Shri J.P.S Gangwar, C.E (PPA), UPPCL
6. Ms. Puja Priyadarshini, Counsel, UPPCL



ORDER
(Date of Hearing: 21.10.2021)

1. Bajaj Energy Limited (BEL) has set up 2×45 MW of coal fired Thermal Power Plants at different locations viz. Barkhera, Maqsoodapur, Utraula, Khambarkera, and Kundarkhi subsequent to Memorandum of Understanding (MoU) dated 22.04.2010 between Government of Uttar Pradesh and BEL under Government of Uttar Pradesh Energy Policy, 2009. The Petitioner and UPPCL entered into a Power Purchase Agreement dated 10.12.2010 and a Supplementary Power Purchase Agreement dated 15.06.2011 for purchase of 100% Saleable Energy from 10x45 MW Thermal Power Generating units by UPPCL.
2. The instant petition has been filed to claim fixed charges based on actual plant availability against the normative availability of 85% as detailed below:

S. No	Power Station	Energy loss of equivalent availability (MU)	Loss of Fixed Charges (Rs. in Cr.)	Actual Availability for FY 2019-20
1	Barkhera	195	18.28	71%
2	Maqsoodapur	184	24.67	66%
3	Utraula	236	24.61	67%
4	Khambarkhera	205	22.23	68%
5	Kundarki	197	22.01	68%

3. The Petitioner, BEL has filed the instant petitions seeking the following:
 - i). Consideration of NAPAF at actual instead of target availability of 85% or compensate the Petitioner for loss of Fixed Charges.
 - ii). Payment of the outstanding amount due to the Petitioner towards monthly bills raised and pending as on date.
 - iii). To establish the Payment Security Mechanism (Letter of Credit) and Collateral Arrangement (Escrow Account) as provided in the PPA.
 - iv). Grant of carrying cost/ interest based on UPERC (Terms and Conditions of Generation Tariff) Regulations, 2019 in accordance with law.
4. During the hearing, Ms. Puja Priyadarshini, Counsel of the UPPCL requested the Commission for a six-week time for filing of replies to all the five petitions.
5. Ms. Swapna Seshadri, Counsel of the Petitioner requested the Commission for three-week time for filing its rejoinders thereafter filing of replies by the Respondent.
6. After hearing the parties, the Commission directed the Petitioner to share the copy of the petition with the Respondents, if not shared already. The Commission granted six-week time to the Respondent to file its reply with a copy to the



Petitioner so that the Petitioner can file its rejoinder within three-week time thereafter.

List the matter on 11th January 2022.

(Vinod Kumar Srivastava)

Member

(Kaushal Kishore Sharma)

Member

(Raj Pratap Singh)

Chairman

Place: Lucknow

Dated: 25.10.2021