



**ORDER  
OF THE  
WEST BENGAL ELECTRICITY REGULATORY COMMISSION  
IN CASE NO. PPA- 55 / 11-12**

IN REGARD TO THE APPLICATION SUBMITTED BY WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (WBSSEDCL) FOR APPROVAL OF SECOND SUPPLEMENTARY AGREEMENT TO POWER PURCHASE AGREEMENT DATED 26.05.2010 (PRINCIPLAL AGREEMENT) EXECUTED BY AND BETWEEN HIMADRI SPECIALITY CHEMICAL LTD AND WBSSEDCL FOR A PERIOD OF 5 YEARS (UP TO 16.02.2026) IN TERMS OF REGULATION 7.4.1 OF THE WEST BENGAL ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS OF TARIFF) REGULATIONS, 2011, AS AMENDED.

**PRESENT:**

**SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON  
SRI PULAK KUMAR TEWARI, MEMBER**

**DATE: 25.07.2022**



In regard to the application submitted by West Bengal State Electricity Distribution Company Limited (WBSEDCL) for approval of the second supplementary agreement to power purchase agreement dated 26.05.2010 (Principal Agreement) executed by and between Himadri Speciality Chemical Ltd (Formerly known as Himadri Chemical & Industries Ltd) (HSCL) & WBSEDCL for a period of 5 years (up to 16.02.2026) in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended



### Facts in brief:

- 1.0 The West Bengal State Electricity Distribution Company Limited (WBSEDCL) submitted an application vide letter dated 02.08.2021 for approval of Supplementary Agreements to the Power Purchase Agreement dated 26.05.2010 executed by and between Himadri Speciality Chemical Ltd. (Formerly known as Himadri Chemical & Industries Ltd) (HSCL) & WBSEDCL for purchase of surplus power from 12 MW waste gas-based power plant of HSCL in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended. The Commission admitted the application in Case No. PPA – 55/11-12 (II).
- 2.0 The application of WBSEDCL inter-alia state the following:
  - 2.1 WBSEDCL had entered into a Power Purchase Agreement with M/s Himadri Speciality Chemical Ltd on 26.05.2010 for purchase of surplus power from 12 MW waste gas-based power plant of HSCL for an initial period of 5 years at a mutually agreed tariff which was approved by the Commission vide order dated 17.08.2010.
  - 2.2 On expiry of the Principal Agreement, WBSEDCL and HSCL entered into First Supplementary Agreement dated 03.01.2017 to extend the contract period up to 16.02.2021 which was revised by agreement dated 09.02.2017. The Commission vide its order dated 23.05.2017 directed WBSEDCL to cancel the agreement dated 03.01.2017 and modify some parts of the agreement dated 09.02.2017.
  - 2.3 Accordingly, in compliance to the direction of the Commission, WBSEDCL and HSCL has cancelled the agreement dated 03.01.2017 and entered into an Amended First Supplementary Agreement dated 11.02.2022 by modifying the agreement dated 09.02.2017. Further, both parties agreed to extend the contract period up to 16.02.2026 through a Second Supplementary Agreement dated 10.05.2022 with a capped price of Rs. 2.00 per kWh.
- 3.0 WBSEDCL, accordingly had published the gist of the amended 1<sup>st</sup> Supplementary Agreement and 2<sup>nd</sup> Supplementary Agreement in (i) the "Aajkaal", (ii) the "The Telegraph", (iii) the "Sanmarg" and (iv) the "Bartaman" on 17.06.2022 in inviting suggestions and