



Petition No. 1892 of 2022
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order: 15.02.2023

PRESENT:

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

IN THE MATTER OF: Petition seeking approval of Amended PPA dated 13.10.2022 signed between M/s Dhampur Bio Organics Limited, Unit- Asmoli and U.P. Power Corporation Ltd. the change of the name of the Generating Company from M/s DSM Sugar, Asmoli (A Unit of The Dhampur Sugar Mills Ltd.) to M/s Dhampur Bio Organics Limited, Unit- Asmoli.

U.P. Power Corporation Ltd., (UPPCL)

(Through its Superintending Engineer, PPA-R),
14th Floor, Shakti Bhawan Extension, 14 – Ashok Marg, Lucknow.

Versus

..... **Petitioner**

M/s Dhampur Bio Organics Ltd., (DBOL)

Unit – Asmoli, Sugar Mills Compound, Village & Post – Asmoli,
Distt- Sambhal, U.P. -244304.

..... **Respondent**

The following were present:

1. Sh. Mahendra Singh, SE, UPPCL
2. Sh. Srijan Singh, AE, UPPCL
3. Sh. R.K. Upadhyay Sr. Manager, DBOL

ORDER

(Date of Hearing 21.02.2023)

1. The Petitioner, UPPCL by way of instant Petition is seeking approval of Amended PPA dated 13.10.2022 signed between M/s Dhampur Bio Organics Limited, Unit-Asmoli and UPPCL for the change in the name of the Generating Company from M/s DSM Sugar, Asmoli to M/s Dhampur Bio Organics Limited, Unit- Asmoli.
2. The Prayer of the Petitioner is as below:



- a) Allow the Petition accord.
- b) Accord approval to Amended PPA dated 13.10.2022, entered into between M/s Dhampur Bio Organics Ltd., Unit- Asmoli and UPPCL.
- c) Issue any other order or direction as it may deemed fit in the facts and circumstances stated in the Petition.

Brief of the Petition:

3. The submissions in the Petition are as under:

- a) Dhampur Bio Organics Limited is a Company incorporated under the Companies Act 1956, is engaged in the business of Sugar Manufacturing and other incidental businesses situated at Asmoli, Distt. -Sambhal.
- b) The following agreement has been signed between UPPCL (i.e., Procurer) and the firm (i.e., Seller):
 - ii) A PPA dated 12.01.2007 (signed pursuant to draft PPA dated 07.04.2006 approved vide UPERC Order dated 18.05.2006) was executed between M/s DSM Sugar, Asmoli (A Unit of Dhampur Sugar Mills Ltd.) and UPPCL for procurement of 30 MW energy from its 42MW Bagasse-based power plant situated at Asmoli, Dist.- Moradabad.
 - iii) A Supplementary PPA dated 23.05.2012 was for procurement of additional 10MW Bagasse-based energy from the firm's new turbine of 10MW. Subsequently, the contracted capacity under PPA dated 07.04.2006 was revised from 30MW to 40MW.
- c) DSM Sugar, Asmoli vide letter no. 10.05.2022 informed for change of name of Company in the PPA and other respective documents and requested UPPCL to take necessary steps to amend/modify PPA and other respective documents stating that "Hon'ble National Company Law Tribunal, Allahabad Bench (NCLT) vide its Order dated 27.04.2022 has approved the Scheme of Arrangement between Dhampur Sugar Mills Limited and Dhampur Bio Organics Limited and their respective shareholders and Creditors in CP (CAA) No. 03/ALD/2022 Connected with CA (CAA) No. 25/ALD/2021".
- d) Accordingly, an Amended PPA (APPA) has been signed on date 13.10.2022 incorporating the following mentioned conditions:
 - i. UPPCL has given its consent for the change of the name of the generating company from M/s DSM Sugar, Asmoli (A Unit of The Dhampur Sugar Mills Ltd.) to M/s Dhampur Bio Organics Limited, Unit- Asmoli.
 - ii. There should not be any financial implications on UPPCL.