



**Petition No. 1540/2019**  
**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**

**Date of Order: 30.08.2023**

**PRESENT:**

Hon'ble Shri Arvind Kumar, Chairman  
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)  
Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF:** Petition under section 86 (1) (b) and Section 86 (1) (f) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 03.12.2015 executed between M/s T A Greentech Private Limited (a Project Company formed by M/s Technical Associates Ltd.) and Uttar Pradesh Power Corporation Limited seeking approval of Change in Law events due to promulgation of GST Laws and Safeguard Duty.

**1. M/s T A Greentech Private Limited**

8<sup>th</sup> km, Faizabad Road, Vijaypur, Gomti Nagar, Lucknow-226010

**2. M/s Technical Associates Limited**

8th Km., Faizabad Road, Vijaypur, Gomti Nagar, Lucknow, U.P. – 226010

..... Petitioner

**Versus**

**1. Uttar Pradesh Power Corporation Limited (UPPCL),**

Shakti Bhawan, 14 Ashok Marg, Lucknow - 226001

**2. U.P. New & Renewable Energy Development Agency (UPNEDA),**

Vibhuti Khand, Gomti Nagar, Lucknow - 226010

..... Respondent (s)

The following were present:

1. Shri Deepak Raizada, C.E., UPPCL
2. Shri Mahendra Singh, S.E., UPPCL
3. Shri Vikash Gupta, EE, UPPCL
4. Shri Amarjeet Singh Rakhra, Advocate, UPPCL
5. Shri Devyanshu Sharma, Advocate, T.A Greentech Pvt. Ltd.
6. Shri Vinamr Agarwal, Director, T.A Greentech Pvt. Ltd.

**ORDER**  
**(Date of Hearing 22.08.2023)**

1. The Commission vide its earlier Order dated 01.08.2023 had allowed two weeks' time to the Petitioner to file its rejoinder to the UPPCL's reply dated 24.07.2023. The Petitioner has filed its reply dated 02.08.2023.






2. Ms. Puja Priyadarshini, Counsel of the Petitioner, has argued the matter in terms of PPA dated 03.12.2015, SPPA dated 04.04.2018 to establish Change in Law event namely, GST notification dated 12.04.2017 and SGD (safeguard duty) notification dated 30.07.2018. The Counsel further submitted that vide affidavit dated 30.07.21 and additional affidavit dated 20.04.23, the Petitioner has submitted details of additional burden of non-recurring expenditure of Rs. 1.46 Cr and Rs. 5.79 Cr on account of GST and SGD respectively.
3. The Counsel also submitted that scheduled COD of the project was 03.01.2017 and the Project was commissioned on 19.02.2019. She argued that UPNEDA had granted COD extension till 28.02.2019 in terms of the Commission's Order dated 12.02.218 in Petition No. 1110/2016 in the matter of tariff adoption and bunch of other Petitions in the matter of PPA termination by UPPCL. The Commission, after the Public hearing on 31.01.2018, vide its order dated 12.02.2018 had adopted tariff of Rs. 5.07/unit and allowed 5 months' time for Project commissioning subject to evacuation system readiness.
4. The Counsel also argued that module cost of Rs. 2.65 Cr/MW as considered by the Commission, was the lowest when compared with those considered by other Commissions and it was the choice left to the Petitioner to procure domestic or other countries' solar modules as per RFP document. The Counsel also submitted that the Order for Solar modules was placed on 5<sup>th</sup> July 2018.
5. Sh. Amarjeet Rakhra, UPPCL's Counsel, has argued that the Petitioner has not been prudent in terms of procuring solar modules from such countries where import duty etc. are not imposed and placing of Solar Modules order as late as 5<sup>th</sup> July 2018. Moreover, the Commission had accounted for taxes and degradation while adopting tariff of Rs. 5.07 per unit vide its aforesaid Order dated 12.02.2018 and even allowed return of bank guarantees to those opting to quit the Project.
6. Sh. Deepak Raizada, C.E., UPPCL, further placed before the Commission that out of the fifteen selected bidders, nine bidders completed the Project in time for whom tariff of Rs.7.02 per unit was adopted by the Commission. The other bidder, namely, Shasrdhara, which accepted the adopted tariff @5.07 per unit had signed the SPPA on 13.03.18 and procured solar modules domestically.

The Commission directed the parties to file their written submissions within two weeks and appropriate order would be passed thereafter.

  
(Sanjay Kumar Singh)  
Member

  
(Vinod Kumar Shrivastava)  
Member (Law)

  
(Arvind Kumar)  
Chairman

Place: Lucknow  
Dated: 30.08.2023

