



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2016 of 2023

QUORUM

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 Sections 86(1)(b) and 86(1)(f) and other applicable provisions of the Electricity Act, 2003 read with Article 14 of the Power Purchase Agreement dated 12.11.2006 read with Supplementary Power Purchase Agreement dated 31.12.2009 executed between the parties for seeking a declaration that the Standard Operating Procedure at the Unloading End dated 24.06.2016 issued by the Ministry of Coal, Government of India read with MoP and CEA directives dated 20.05.2016 and 01.06.2016 respectively constitute a 'Change in Law' event impacting the costs of the Petitioner and consequential reliefs.

AND

IN THE MATTER OF

U.P Power Corporation Ltd. (UPPCL)

Through its Chief Engineer (PPA), 14th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow-226001

..... Petitioner

VERSUS

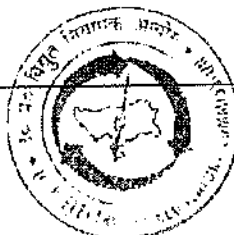
Lanco Anpara Power Ltd. (LAPL),

(Through its Director), 411/9, Riverside Apartments, New Hyderabad, Lucknow – 226007.

..... Respondent

THE FOLLOWING WERE PRESENT

1. Shri Deepak Raizada, C.E(PPA), UPPCL





2. Shri Harron Aslam, SE, UPPCL
3. Shri Gajendra Singh, EE(PPA), UPPCL
4. Shri Shubham Srivastava, AE, UPPCL
5. Ms Puja Priyadarshini, Advocate, UPPCL
6. Shri Kunal Kashyap, Advocate, UPPCL
7. Shri Sakya Singha Chauduri, Advocate, LAPL
8. Shri Karan Jaiswal, Advocate, LAPL


ORDER

(DATE OF HEARING: 19.12.2023)

1. The Commission vide its Order dated 10.11.23 had admitted the petition and allowed 4 weeks' time to Respondent to file its reply and 2 weeks thereafter to petitioner for filing rejoinder alongwith supporting documents regarding billing procedure, if any.
2. Shri Sakya Singh, Counsel of LAPL submitted that the Commission in its order dated 10.11.23 has observed that the present petition can not be taken as Change in Law (CIL). Therefore, he submitted that the petitioner may be directed to amend the petition. Ms Puja Priyadarshini, Counsel of UPPCL submitted that the order dated 10.11.23 also records her submission that the Commission might take it up as dispute petition.
3. The Commission observed that there is no definitive finding of Commission with regard to declaration of standard operating procedure dated 26.11.15, notified by Ministry of Coal, as a Change in Law. The order, if read holistically and harmoniously, suggests that the finding is at most an emblematic one.
4. Shri Singh counsel of LAPL requested for 4 weeks' time to file their reply in the matter.
5. The Commission allowed 4 weeks' time to LAPL and 3 weeks, thereafter, to UPPCL to file their rejoinder.

List the matter on 20.2.2024.


(Sanjay Kumar Singh)
Member


(Vinod Kumar Srivastava)
Member (Law)


(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 28.12.2023

