



- (i) The parties acknowledge and confirm that post closure of transaction of the Solar Power Project from NTPC to NGEL as per the terms of the Business Transfer Agreement (BTA), all the rights & obligations of NTPC Ltd. under the PPA read with Supplementary PPA shall stand assigned to NGEL and NGEL shall fulfill the obligations of NTPC Ltd. as per the PPA read with Supplementary PPA. This assignment of rights to NGEL will not affect any previous liabilities/dues to/from the NTPC/UPPCL, as applicable.
- (ii) The name "NTPC" or "NTPC Limited" or "NTPC Ltd" wherever appears in the PPA shall stand substituted as "NGEL" for all intended purposes of the PPA read with Supplementary PPA.
- (iii) Under Clause 18.6.3 for "Notices", address shall be substituted as below:  
CEO, NGEL,  
Address: Core-7, SCOPE Complex, 7,  
Institutional Area, Lodi Road, New Delhi – 110003
- (iv) There shall be no financial implications on UPPCL on account of the transaction of the solar power project as per the terms of the BTA.
- (v) Consent provided exclusive to "NGEL", any new transferee is required to get consent from UPPCL as per the provisions of PPA as and when required.
- (vi) Any successor or permitted assignee is required to execute a new agreement on the same terms and conditions as per the provisions of the PPA.
- (vii) Consequent to the assignment, except for the amendments at cl. (ii) & (iii) above, the parties hereby acknowledge and confirm that all the terms and conditions contained in the PPA read with Supplementary PPA shall continue to apply as before for all intended purposes.

### Commission's View

5. During the hearing dated 21.11.2023, the Commission admitted the Petition. Further, on the hearing dated 09.01.2024, the Commission asked the Respondent-NGEL whether





they have any objection to the Supplementary PPA dated 16.01.2023 signed between NGEL, Unit- Bilhaur and UPPCL. Sh. Jitendra Kumar Malhotra on behalf of NGEL submitted that they have no objection to the aforesaid SPPA and requested the Commission to accord its approval.

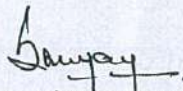
6. The Commission further asked Sh. Jitendra Kumar Malhotra to furnish an authorization letter authorizing him to put his views on behalf of NGEL. NGEL in compliance with the Commission's Order, on 10.01.2024 filed authorization letter, the relevant extract of which is reproduced as under:

*"This has in reference to petitions filed by UPPCL, Petition nos. 2021/2023 and 2022/2023 seeking approval of Supplementary PPA dated 16.01.2023 signed between NTPC Green Energy Limited, NTPC and UPPCL for sale and purchase of power from 85 MW and 140 MW Bilhaur Solar PV Projects respectively.*

*.....  
Hence, it is requested that supplementary PPAs as above, may please be approved by the Hon'ble Commission. Further, Shri Jitender Kumar Malhotra, Additional General Manager, NTPC Ltd. has been authorised to represent NTPC Green Energy Limited in the aforesaid Petitions at the Hon'ble Commission."*

7. In view of the above, the Commission approves the SPPA dated 16.01.2023 to the PPA dated 21.12.2018 read with APPA dated 11.02.2019 & 03.09.2019 for the change of name from NTPC Ltd. to NTPC Green Energy Limited 140MW Bilhaur SPP Unit in terms of conditions stipulated at Para 4 above.

The instant Petition stands disposed of accordingly.

  
(Sanjay Kumar Singh)  
Member

  
(Vinod Kumar Srivastava)  
Member (Law)

  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 09.02.2024

