

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

PETITION No.

In the matter of: Approval of Supplementary PPA for Lalitpur Thermal Power Project (3x660 MW) under clause -126 of UPERC (Conduct of Business) Regulation 2004.

In the matter of:

U.P Power Corporation Ltd

14–Ashok Marg

Lucknow.....

Petitioner

M/s Lalitpur Power Generation Co. Ltd.,

B-2/355 Vishal Khand-II, Gomti Nagar

Lucknow-226010

.....Respondent

The undersigned is presently posted as Chief Engineer, Power Purchase Agreement Directorate, U.P Power Corporation Limited, Shakti Bhawan , Lucknow and has been authorized to file the present petition.

It is most humbly prayed by the Petitioner :-

- 1- That , in compliance to the GoUP Energy Policy -2009 , a MOU dated 22-04-10 was signed in between Promoter M/s Bajaj Hindusthan Ltd and GoUP for setting up 3x660 MW Thermal Project at Lalitpur in Distt. Lalitpur. Subsequently consequent to the approval by UPERC vide its order dated 18-11-10, a Power Purchase Agreement for purchase of power generated from this project was signed by UPPCL on behalf of DISCOMS with the special purpose vehicle namely M/s Lalitpur Power Generation Company on 10-12-10
- 2- That , the Cl. No. (3.1.2) of the aforesaid PPA provides certain conditions which are required to be fulfilled by the Developer within 18 months from signing of PPA unless such completion is affected due to Procurers failure to comply with their obligations or by Force Majeure event or if any of the activities is specifically waived by the Procurers. This clause further provides at Cl (3.3.4) that any extension/ increase in time period shall lead equal increase in the period of Bank Guarantee and new scheduled COD will be decided with the approval of the Commission.
- 3- That, the developer vide their letter dated 11-11-13 (copy enclosed) stated that they have complied with all the conditions of Cl. 3.1.2 of PPA excepting the coal linkage. In light of Presidential Directive issued under Article 37 of the memorandum and Article of association of Coal India for implementing the CCEA decision taken on 21-06-13, they are hopeful for getting allocation of the coal as the same is virtually assured. As the time extension permitted vide GoUP order dated 08-06-12 is expiring by 10-12-13, they may be allowed further time upto 31-03-15 for fulfillment of condition subsequent as per Cl 3.1.2.
- 4- That , GoUP vide its order dated 09-12-13 (copy enclosed) have permitted the time extension upto 31-03-15 with the conditions stipulated therein in respect to Lalitpur Project. The Developer have accepted the above extension and have also agreed to the draft supplementary PPA which is enclosed herewith.
- 5- That , as per PPA the scheduled COD of Unit-1 is 52 months from Financial Closure and the remaining units to come at the interval of 6-6.months. But as may kindly be seen from Progress Report (copy enclosed) the project execution at Lalitpur is being done very fast and presently the Developer have invested about more than Rs. 7000 cr. on this project.

In view of the forgoing paragraphs, the Commission is requested to approve the supplementary PPA and /or otherwise pass the appropriate directions so that the same may be finally signed with the Company.

(S.P. Pandey)
Chief Engineer (PPA)

VERIFICATION

I, the above deponent, do hereby verify that the contents of this affidavit are true to my knowledge and belief, no part of it is false and nothing material has been concealed.

Signed and verified this _____

(S.P. Pandey)
Chief Engineer (PPA)