

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION LUCKNOW

PETITION No.

In the matter of: Approval of Supplementary PPA for Bhognipur Phase-I Thermal Power Project (2x660 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 Himavat Power Private Limited**

397 , Udyog Vihar Phase-3 ,..... Respondent

Gurgaon-122016

The undersigned is presently posted as Ex. 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 25-08-10 was signed in between Promoter M/s Ianco Infrateck Ltd and GoUP for setting up 2x660 MW Thermal Project at Bhognipur in Distt.Kanpur Dehat. Subsequently as per the approval by UPERC vide its order dated 18-11-10, a Power Purchase Agreement for purchase of 90% power generated from this project was signed by UPPCL on behalf of DISCOM on 14-12-10
- 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 07-10-13 stated that they have complied with all the conditions of Cl. 3.1.2 of PPA excepting the coal linkage & financial closure. As the time extension permitted vide GoUP order dated 08-06-12 was expiring by 14-12-13, they may be allowed further time upto Dec 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 for another 18 months with the conditions stipulated therein . The Developer have accepted the conditions and have also agreed to the draft supplementary PPA which is enclosed herewith.
- 5- That, GoUP in its order dated 09-12-13 have laid one of the condition that counting of COD will be with effect from achieving financial closure or from the date of coal linkage whichever is earlier. However UPERC while permitting the first time extension have mentioned at para-7 (d) of order dated 03-11-14 that the start date or zero date shall mean the date indicated in the investment approval for commencement of implementation of project and where no date has been indicated, the date of investment approval shall be deemed to be start date or zero date. Considering that the provisions of GoUP order are subject to approval by the Hon'ble commission, the aforesaid condition as laid in GoUP order has not been incorporated in the proposed supplementary PPA.
- 6- That , due to extreme delay in submission of additional BG of 50% of Rs 33 Cr. on dated 11-01-15, it is requested that delay in filing the Petition may kindly be condoned.

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

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



BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION LUCKNOW

PETITION No.

In the matter of: Approval of Supplementary PPA for Bhognipur Phase-II Thermal Project (2x660 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 Lanco Anpara Power Limited**

397 , Udyog Vihar Phase-3 ,..... Respondent  
Gurgaon-122016

The undersigned is presently posted as Ex. 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 04-11-10 was signed in between Promoter M/s lanco Anpara Power Ltd and GoUP for setting up 2x660 MW Thermal Project at Bhognipur in Distt.Kanpur Dehat. Subsequently as per the approval by UPERC vide its order dated 18-11-10, a Power Purchase Agreement for purchase of 90% power generated from this project was signed by UPPCL on behalf of DISCOM on 14-12-10
- 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 07-10-13 stated that they have complied with all the conditions of Cl. 3.1.2 of PPA excepting the coal linkage & financial closure. As the time extension permitted vide GoUP order dated 08-06-12 was expiring by 14-12-13, they requested further time upto Dec 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 for another 18 months with the conditions stipulated therein . The Developer have accepted the conditions and have also agreed to the draft supplementary PPA which is enclosed herewith.
- 5- That, GoUP in its order dated 09-12-13 have laid one of the condition that counting of COD will be with effect from achieving financial closure or from the date of coal linkage whichever is earlier. However UPERC while permitting the first time extension have mentioned at para-7 (d) of order dated 03-11-14 that the start date or zero date shall mean the date indicated in the investment approval for commencement of implementation of project and where no date has been indicated, the date of investment approval shall be deemed to be start date or zero date. Considering that the provisions of GoUP order are subject to approval by the Hon'ble commission, the aforesaid condition as laid in GoUP order has not been incorporated in the proposed supplementary PPA.
- 6- That , due to extreme delay in submission of additional BG of 50% of Rs 33 Cr. on dated 11-01-15, it is requested that delay in filing the Petition may kindly be condoned.

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

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