



Petition No. 1803 of 2021

BEFORE

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

(Date of Order: 08.06.2022)

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Kaushal Kishore Sharma, Member
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF Petition under Section 86(f) of the Electricity Act, 2003
read with Regulation 57 of the UPERC (Conduct of Business
Regulations, 2019).

Rosa Power Supply Company Limited (RPSCL)

19, Walchand Hirachand Marg,
Ballard Estate, Mumbai - 400001

.....Petitioner

Versus

Uttar Pradesh Power Corporation Limited (UPPCL)

7th Floor, Shakti Bhawan Extnn,
14 Ashok Marg, Lucknow - 226001

.....Respondent

The following were present:

1. Shri. Deepak Raizada, CE-PPA, UPPCL
2. Shri Abhishek Kumar, Advocate, UPPCL
3. Shri. Nived Veerapaneni, Advocate, UPPCL
4. Shri. Venkatesh, Counsel, RPSCL
5. Shri Suhael Buttan, Counsel, RPSCL
6. Shri. Sumeet Notani, AVP, RPSCL
7. Shri. Siddharth Shekhar, DGM, RPSCL

ORDER

(Date of Hearing - 12.05.2022)

1. Pursuant to last hearing dated 29.03.2022, the Commission vide Order dated 07.04.2022 directed the Petitioner as a last opportunity to file an affidavit



affirming that the claims of Rs. 471 Crore as on 14.12.2021 are considering 45 days of overdue period. The Commission further directed both the Petitioner and Respondent to duly reconcile and submit the signed statement of overdue outstanding as on 14.12.2021 categorising those beyond 30 days and those beyond 45 days within a period of 15 days.

The matter came up for hearing today.

2. During the Proceedings, Shri. Venkatesh, Counsel for the Petitioner apprised the Commission that UPPCL vide E-mail dated 11.05.2022 has asked the Petitioner to provide the signed statement of Account (Ledger) of UPPCL in RSPCL Books of Account to reconcile the overdue outstanding as on 14.12.2021. The Petitioner vide Letter dated 10.05.2022 have informed that it would be able to submit the Audited Accounts only after the approval of by BoD of RSPCL which is yet to happen, however, the Petitioner has apprised UPPCL that the net outstanding as on 14.12.2021 is Rs. 640 Crores and that beyond 45 days is Rs. 246 Crores. The Counsel further requested the Commission to grant interim payment to run the plant, the coal stock being available for only two days.
3. Shri. Abhishek Kumar, Counsel for UPPCL, submitted that vide affidavit dated 25.03.2022, the overdue outstanding as on 14.12.21 has been submitted to be Rs. 186.18 Crs. Further, vide letter dated 12.04.22 and reminder dated 06.05.2022 UPPCL requested the Petitioner to depute its representative for reconciliation. However, the Petitioner vide its letter dated 10.05.22, even before UPPCL email dated 11.05.22, has submitted the net outstanding of Rs. 640 Crs as on 14.12.2021. The Counsel further submitted that the outstanding amount being projected by RSPCL is incorrect and requested the Commission one weeks' time to submit the details of overdue outstanding amount.
4. UPPCL vide affidavit dated 13.05.222 has placed on record that the outstanding amount due to RPSCL as on 14.12.21 works out to Rs. 210.41 Crs.
5. After hearing both the parties, the Commission opined that under the present situation of demand & supply and coal shortage impending higher cost imported coal purchase, it is necessary to make the plant run and supply electricity to the State's consumers.
6. The Petitioner has, in interim, prayed for payment of Rs. 371.53 Crs out of outstanding of Rs. 471 Crs as on 14.12.2021. UPPCL has admitted that overdue outstanding against RPSCL is Rs. 186.18 Crs whereas as per RPSCL it is Rs.



246 Crs as on 14.12.2021. Further, as per UPPCL, total outstanding against RPSCL is Rs. 210.41 Crs whereas as per RPSCL it is Rs. 640 Crs as on 14.12.2021. The Commission, in view of present situation of demand and coal shortage, has decided to allow interim payment of Rs. 300 Crs against overdue admitted outstanding as on 14.12.2021 to the Petitioner within 15 days of this order. This interim payment shall be subject to adjustment based on the final order in the matter.

7. The Commission directs RPSCL to make conscious efforts to prepare a statement of difference in outstanding as per them and UPPCL as on 14.12.2021 within two weeks' time of this order.

List the matter for next hearing on 28th June 2022.

(Vinod Kumar Srivastava)
Member (Law)

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 08.06.2022

