



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 1809 of 2022

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Section 86(1)(b) of the Electricity Act, 2003 read with Regulation 18 & 19 of the UPERC (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 seeking waiver of RPO backlog till FY 2020-21 due to impact of COVID-19 pandemic.

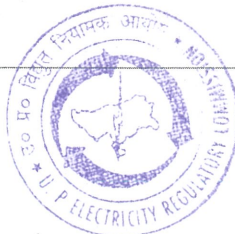
AND

IN THE MATTER OF

- 1. Uttar Pradesh Power Corporation Limited,**
(Through its Chief Engineer, PPA(Renewable)) Shakti Bhawan 14 Ashok Marg, Lucknow, Uttar Pradesh-226001.
- 2. Paschimanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) Victoria Park, Meerut, Uttar Pradesh - 250001.
- 3. Madhyanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler Colony, Lucknow, Uttar Pradesh - 226001.
- 4. Purvanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) DLW, Bhikharipur, Varanasi, Uttar Pradesh - 221004.
- 5. Dakshinanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) Urja Bhawan, 220 KV Sub Station, Bypass Road, Sikandra, Agra, Uttar Pradesh - 282007.
- 6. Kanpur Electricity Supply Company Ltd.,**
(Through its Managing Director) 14/71, Civil Lines, KESA House, Kanpur-208001.

..... Petitioner

by





THE FOLLOWING WERE PRESENT

1. Shri Manish Dwivedi, SE, PPA, UPPCL
2. Shri Vikash Gupta, EE, PPA, UPPCL
3. Shri C.P. Maurya, AE, PPA, UPPCL
4. Shri Abhishek Kumar, Advocate, Petitioner
5. Shri Nived VVN, Advocate, Petitioner

ORDER

(DATE OF HEARING: 10.12.2024)

1. The petition has been filed under Section 86(1)(b) of the Electricity Act, 2003, read with Regulations 18 and 19 of the Uttar Pradesh Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 seeking relief from the Hon'ble Commission, invoking its powers to relax under Regulation 18 and/or its miscellaneous powers under Regulation 19 of the UPERC RPO Regulations, 2010, to waive the Renewable Purchase Obligation (RPO) backlog up to the financial year 2020-21.
2. Counsel of the Petitioner submitted that an additional affidavit has also been filed on 03.10.2022 to place on record the amended memo of parties. Counsel of the Petitioner further submitted that, as per the provisional data considered in the Order dated 16.06.2021 in Petition No. 1565 of 2020, the shortfall till FY 2020-21 was determined to be 14,593.46 MUs. However, based on audited data available now, the shortfall has been recalculated which comes out to be 13,189.21 MUs.
3. It has also been submitted that the cancellation/termination of several PPAs and extensions of SCOD of various RE projects during the COVID-19 pandemic was a significant factor contributing to the backlog resulting in a slippage of 2,657 MUs for non-solar energy and 711 MUs for solar energy. Furthermore, the Plant Load Factor (PLF) of bagasse-based projects was exceptionally low during this period, thus exacerbating the shortfall.
4. The Petitioner submitted that the persistent carryforward of such substantial obligations will not resolve the issue and the accumulated shortfall will continue to

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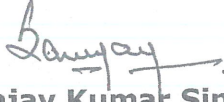


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compound annually, further complicating compliance. They further highlighted that the Covid-19 pandemic significantly impacted operational and compliance capabilities and the disruptions caused during this period were unprecedented.

5. The Commission observed that when UPPCL could avail the option of rollover of the obligations or buying RECs then why the Petitioner was so keen on seeking waiver of compliance. The Commission also directed the Petitioner to submit an affidavit mentioning the comprehensive details about the units (MUs) of RE power that were required to be purchased, units actually purchased, total slippage and the efforts undertaken to cover this slippage including purchase of RECs. The Commission further directed the petitioner to submit details of the bids initiated/ finalized during the relevant period, PPAs/bids cancelled, and the remedial measures undertaken to achieve 100% RPO compliance, duly supported by substantive evidence and detailed justifications within four weeks.
6. The next date of hearing is scheduled to be held on 23.01.2025.


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 24.12.2024



