



Petition No. 1200 of 2017

Before

**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

IN THE MATTER OF: Petition under Section 62 and Section 86(l)(a) of the Electricity Act, 2003 for determination of Final Tariff and Approval of Capital Cost for Anpara D Thermal Power Plant comprising of Unit 1 and Unit 2 of 500 MW each.

Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (UPRVUNL)

Shakti Bhawan, 14-Ashok Marg, Lucknow.

.....Petitioner

Vs

1. Uttar Pradesh Power Corporation Limited (UPPCL)

Shakti Bhawan, 14-Ashok Marg, Lucknow

2. Madhyanchal Vidyut Vitran Nigam Ltd.

4-A, Gokhale Marg, Lucknow - 226001

3. Poorvanchal Vidyut Vitran Nigam Ltd.

Poorvanchal Vidyut Bhawan, P. O. Diesel Locomotive Works, Varanasi - 221004

4. Paschimanchal Vidyut Vitran Nigam Ltd.

Victoria Park, Meerut-250001

5. Dakshinachal Vidyut Vitran Nigam Ltd.

Urja Bhawan, Mathura bypass Road, Agra - 282007

6. Kanpur Electricity Supply Co. Ltd.

KESA House, 14/71, Civil Lines, Kanpur - 208001

7. Noida Power Company Limited,

Plot No. ESS, Knowledge Part-IV, Greater Noida-201310

.....Respondent(s)

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The following were present:

1. Shri D.K. Sharma, CE (Commercial), UPRVUNL
2. Shri Hari Shyam, SE (Commercial), UPRVUNL
3. Shri Ravi Shankar, SE, UPRVUNL
4. Shri S.K. Gupta, SE, UPRVUNL
5. Shri Ashish Goswami, EE, UPRVUNL
6. Shri Abhishek Srivastava, EE, UPRVUNL
7. Shri Raj Kumar Verma, AE (Commercial), UPRVUNL
8. Smt. Mansi Agarwal, Advocate, UPRVUNL
9. Shri Shailendra Tewari, Consultant, UPRVUNL
10. Shri Desh Deepak Verma, Consultant, UPRVUNL
11. Shri Deepak Raizada, CE-PPA, UPPCL
12. Shri Jagnayak Singh, SE-PPA, UPPCL
13. Shri Gajendra Singh, EE PPA, UPPCL
14. Shri Tushar Mathur, Advocate, UPPCL
15. Smt. Nikita Choukse, Advocate, UPPCL

ORDER

(Date of Hearing: 07.01.2025)

1. During the hearing, Ms. Mansi Agarwal, Counsel for UPRVUNL apprised the Commission about their response on the queries raised by the Commission vide its ROP Order dated 12.11.2024:
 - i. Regarding the Law & Order problems, Ms. Agarwal submitted that 800 displaced individuals were supposed to be employed by various working agencies including BHEL on contractual basis. However, BHEL's reluctance to fulfil its obligation of deploying displaced persons led to labour unrest and protest for rehabilitation, which resulted in no work force entering the Anpara D site. The Commission observed that there was no proper rehabilitation scheme at the planning stage and the efforts of UPRVUNL to mitigate the problem evidently were not satisfactory as per records. The Commission further observed that UPRVUNL reported the labour unrest

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issue to the appropriate local authorities after three months in July 2011. **Therefore, UPRVUNL is directed to submit evidential documents including communications to the local authorities prior to July 2011.**

- ii. Regarding the issue of shortage of aggregates due to closure of Dalla Mines, Ms. Agarwal submitted that UPRVUNL reached out to competent authority in June 2012 requesting immediate interventions to resolve the issue. The Commission observed that UPRVUNL's claimed period of delay of 11 months due to aggregate issue was not justified as they started efforts only from June 2012 that too only after BHEL informed the same. **Therefore, UPRVUNL is directed to submit evidential documents including communications to the competent authorities prior to June 2012 to substantiate efforts of the petitioner to resolve the issue.**
- iii. Regarding the issue of removal of NTPC Transmission Tower foundation, Ms. Agarwal submitted that drawings of transmission tower foundations were not available. Further, Shri Sanjay Gupta, representative of UPRVUNL, submitted that the size of foundations was not uniform and not comparable to normal transmission tower foundations. The Commission observed that this prima facie appeared to be a planning failure on the part of UPRVUNL. UPRVUNL completely failed to envisage complexity of issue during planning stage itself. **Therefore, UPRVUNL is directed to submit evidential documents to demonstrate its efforts during the planning stage.**
- iv. Regarding the issue of fire instance in the storage yard of BHEL, the Commission enquired UPRVUNL regarding the impact of fire incidence on the progress of commissioning of Unit-7. In response, Ms. Agarwal submitted that fire damaged the critical components required for the commissioning of Unit-7. **UPRVUNL is directed to submit internal communications/ correspondences with BHEL regarding expediting the procurement of mandatory (damaged) items required for commissioning of Unit-7 to justify delay of six months in commissioning of Unit -7.**
- v. Regarding the issue of delay in construction of Chimney, the Commission was not satisfied with the unwarranted delay of 18 months vis a vis original schedule and observed that it was planning failure on the part of UPRVUNL.

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2. Subsequently, Ms. Nikita Choukse, Counsel for UPPCL mainly submitted as follows:

- i. Costs towards CSR program was not allowed by the Commission in its previous orders and UPRVUNL should adjust liquidated damages recovered from BHEL in their final capex.
- ii. With regards to delay in removal of Transmission Tower foundation, Ms. Choukse submitted that the issue of unavailability of drawings of transmission tower foundations was between UPRVUNL and BHEL, therefore its impact should not be passed on to the consumers.
- iii. UPRVUNL has not submitted any details about timelines and tendering process regarding procurement of those items, which were damaged in fire incidence in the storage yard of BHEL.
- iv. Regarding the chimney issue, the counsel submitted that the insurance amount claimed by BHEL should be submitted by UPRVUNL.

3. In view of the above submissions and averments, the UPRVUNL is directed to furnish its response with supporting documents within one week.

List the matter for next hearing on 12.02.2025.


(Sanjay Kumar Singh)
Member



Place: Lucknow

Dated 27.01.2025