



**Petition No. 1898 of 2022**

**BEFORE**

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Date of Order: 26.09.2023**

**PRESENT:**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF:** Petition under Section 61 (a), 61(h), 62, 64 read with 86(1) (a), (e) & (f) of the Electricity Act, 2003 for exercise of the regulatory powers of this Commission to frame a methodology for co-firing of biomass pellets and recovery of its costs in the variable charges / ECR.

**Lalitpur Power Generation Company Ltd. (LPGCL),**

Bajaj Bhawan, Jamnalal Bajaj Marg, B-10, Sector-3, NOIDA-201301.

..... **Petitioner**

**Versus**

**U.P. Power Corporation Ltd. (UPPCL),**

(Through Managing Director),

7<sup>th</sup> Floor, Shakti Bhawan Extension, 14 – Ashok Marg, Lucknow.

..... **Respondent**

The following were present:

1. Sh. Deepak Raizada, C.E.-PPA, UPPCL
2. Sh. Haroon Aslam, S.E., UPPCL
3. Sh. Shubham Srivastava, A.E., UPPCL
4. Sh. Karan Arora, Advocate, UPPCL
5. Ms. Subham Mudgil, Advocate, UPPCL
6. Sh. Abhishek Kumar, Advocate, UPPCL
7. Sh. Nived Veerapaneni, Advocate, UPPCL
8. Sh. Siteesh Mukherjee, Counsel, UPPCL
9. Sh. Ketan Patil, GM, LPGCL
10. Sh. Shailabh Gupta, LPGCL
11. Sh. Amit Kumar Pandey, Manager (Legal), LPGCL
12. Sh. Utkarsh Singh, Advocate, LPGCL
13. Ms. Swapna Seshadri, Counsel, LPGCL

**ORDER**

**(Date of Hearing 25.07.2023)**

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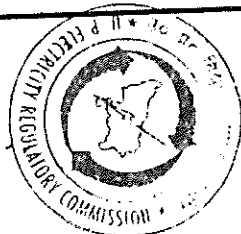
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1. Lalitpur Power Generation Company Ltd. (LPGCL) and UPPCL have executed PPA dated 10.12.2010 and SPPA dated 15.06.2011 for purchase of 100% Energy from 3x660 MW TPP of LPGCL. The COD of the power station is 23.12.2016. LPGCL has filed this Petition Under Section 61(a), 61(h), 62, 64 read with 86(1) (a), (e) & (f) of the Electricity Act, 2003 for exercise of the regulatory powers of this Commission to frame a Methodology for co-firing of biomass pellets and recovery of its costs in the variable charges /ECR.
2. The Petitioner has prayed the following:
  - a) Admit the Petition.
  - b) Approve the use of Biomass pellets along with coal as per norms stipulated in Biomass Policy and as amended from time to time.
  - c) Approve the procurement of Biomass Pellets as per terms and conditions of Model Contract issued by MOP and deviations sought in the present Petition.
  - d) Recognise the Additional Capital Expenditure to be incurred by LPGCL for Bio-mass co-firing under Regulation 20 of UPERC Tariff Regulations 2019.
  - e) Recognise the requirement of additional capital expenditure and additional operational expenditure on account of Biomass co-firing and grant liberty to LPGCL approach this Commission with a petition to seek in-principle approval of Additional Capital Expenditure & Operational Expenditure based on Report of independent technical consultant to comply with the Revised Biomass Policy of the MoP.
  - f) Specify a methodology for estimation of electricity generated from biomass co-fired coal based thermal power plants in such a manner that such methodology computes the cost of fuel including the cost of co-firing biomass pellets.
  - g) Specify a methodology for recovery of cost incurred towards Biomass co-firing on monthly basis as an additional Energy Charge rate determined on the basis of the Draft methodology proposed by LPGCL.
  - h) Reserve the liberty of LPGCL to approach this Commission in case any impact of Biomass co-firing on performance parameters of generating station.
  - i) Approve the deviation in terms and conditions of model contract for procurement of Biomass.











- j) Grant any other suitable and effective relief to LPGCL as this Commission may deem just and proper under facts and pressing circumstances of the case.
- k) Permit the Petitioner to add/alter this filing and make further submissions as may be required by the Commission.
- l) Pass such further and other orders as this Commission deems just and proper in nature and circumstances of the present case.

**Brief facts as stated in Petition:**

3. The Ministry of Power (hereinafter referred to as the "MoP"), on 08.10.2021 issued a revised policy for biomass utilization for power generation through co-firing in coal-based power plant (hereinafter referred to as the "Biomass Policy") with following directions:
  - a. The policy for co-firing of Biomass would be in force for 25 years or till the useful life of the thermal power plant, whichever is earlier.
  - b. The coal based power plants shall on annual basis mandatorily use 5% blend of Biomass pellets with coal.
  - c. The minimum contract period for procurement of Biomass pellets by Generating Company shall be for 7 years.
  - d. The increase in cost because of co-firing of Biomass pellets for projects set up u/s 62 of the Act, shall be pass through in Energy Charge Rate ("ECR").
  - e. Such additional impact on ECR shall not be considered in deciding Merit Order Despatch ("MOD") of the power plant.
  - f. Distribution Licensees can meet their Renewable Purchase Obligation ("RPO") by buying such generation of co-firing.
4. LPGCL by its letter dated 06.01.2022 requested UPPCL and requested for its consent for co-firing biomass at its Generating Station. Further, by a letter dated 30.03.2022, LPGCL informed UPPCL of floating enquiries for smaller quantities of biomass for a trial run and sought the consent of UPPCL for procurement of the biomass pellets at the rates discovered. LPGCL also stated that the energy charges / ECR would be claimed by it after accounting for the price of the biomass pellets and as per the UPERC Tariff Regulations, 2019. On 30.04.2022, UPPCL responded to the above letter and stated that any operational expenditure incurred by a generator can be claimed as per the UPERC Tariff Regulations, 2019 subject to prudence check. On 11.07.2022, UPPCL informed that UPERC

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Tariff Regulations, 2019 do not provide for any methodology regarding computation of ex bus energy generation for biomass co-firing or the manner of claim of such cost except for the definition on "landed fuel cost". In the absence of such computation methodology, UPPCL advised LPGCL to approach this Commission to seek a clarification and also a detailed methodology to be adopted in the estimation of electricity generated from biomass.

5. As per Section 61(a) of the Act, this Commission shall be guided by the principles and methodologies specified by Central Electricity Regulatory Commission ("CERC") in their Regulations and Orders. CERC in the Order dated 18.02.2020 in Suo Motu Petition No. 12/SM/20, has prescribed a clear methodology for estimation of electricity generated from biomass in biomass co-fired thermal power plants and taking cognizance of the above, Punjab State Electricity Regulatory Commission vide its Order dated 24.09.2021 in Petition No. 23 of 2021, adopted the methodology stipulated by CERC.
6. LPGCL, regarding the procurement and management of Biomass, has submitted as under:
  - (a) LPGCL intends to purchase Biomass pellets as per terms and conditions stipulated in Model Contract, draft of which has been issued by MoP on 02.03.2022.
  - (b) LPGCL prefers to move forward with the contract period of three (3) years, for reasons of certainty and regularization of supply of Biomass, which can be further extendable till seven (7) years.
  - (c) LPGCL requests the Commission to approve deviation(s) in order to have streamlined supply of Biomass with least cost approach.
  - (d) The Commission may consider allowing cost of Biomass after accounting for loss on account of storage or on procurement basis as an alternative approach.
7. LPGCL has proposed to undertake the following process for procurement and supply of Biomass Pellets:
  - a. Notice Inviting Tender (NIT) and bid documents will be prepared based on conditions stipulated in model contract and deviations approved by this Commission.
  - b. The selection of bidder will be done after following the process of competitive bidding and Letter of Intent will be issued to selected bidder.

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- c. LPGCL will approach this Commission through separate Petition for approval of contract and price for Biomass supply for such period, if required.
8. The Biomass Policy of the MoP is a direction / order of a statutory authority and covered by Regulation 20 (2) (i). As a result of implementing the Biomass Policy of MoP, LPGCL contemplates that it would have to incur Additional Capitalization, viz., Biomass pellet handling & Feeding system, construction of storage facilities, any retrofitting, or modifications in existing equipments or system for enabling co-firing of Biomass, etc. Also, the implementation of Biomass Policy would require incurring additional operating expenditure on account of repairs and maintenance activities for the Biomass pellet handling system, sampling charges, increase in working capital requirement and its interest, etc., the same would also have to be considered by this Commission.
9. LPGCL is in the process of engaging a technical consultant for undertaking technical feasibility and craves leave to approach this Commission through separate Petition for in-principal approval of Additional Capitalization and related operational expenditure to be incurred by it on account of Biomass co-firing.
10. LPGCL has also proposed a Draft Methodology which provides for the process of procurement and firing of the biomass pellets as well to capture its cost in the ECR on a monthly basis.

**Record of Proceedings:**

11. The Commission, during the hearing on 23.03.23 allowed the Petitioner to file additional submission covering the aspect of (i) MoP notification is a Policy and mandatory and (ii) implementing agency of MoP notification. The Commission also directed UPPCL to file its reply. LPGCL filed its addl. submission dated 05.04.2023. The Commission, during hearing on 20.04.23 allowed further two-week time to UPPCL to file reply with a copy to LPGCL to file rejoinder, if any. UPPCL filed its reply dated 19.05.23. The Commission, during next hearing on 23.05.23, allowed further two-week time for LPGCL to file rejoinder as requested. LPGCL filed its rejoinder on 18.07.23. The Commission heard the arguments of both the parties on 25<sup>th</sup> July 23 and reserved the Order in the matter. LPGCL and UPPCL have made further submissions dated 26.07.23 and 28.07.23 respectively.

**LPGCL additional submission dated 05.04.23.**

12. The current proceedings are not those which can consider a challenge to such a question that MOP notification is a Policy and mandatory, since the same would form part of judicial review of administrative action/policies, which can only be

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before the Writ courts and not before this Commission which is a creature of the Electricity Act.

13. The power of the Central Government to issue policies, schemes etc. has to be traced back to Article 73 of the Constitution of India. These policies are an implementation of the executive functions of the Govt. of India and as long as there is no legislation governing the field or by which the function has been entrusted to any statutory authority, the Union Govt. would continue to exercise the powers vested in it under Article 73 read with Article 162 of the Constitution.

14. Even UPPCL has accepted the binding nature of the policy on LPGCL, however, has expressed its difficulty in paying the additional variable charges to LPGCL in the absence of a clear mechanism either in the PPA or in the Tariff Regulations.

15. MoP has already set up the National Mission on use of Biomass in coal based TPP (SAMARTH) with an aim to expand biomass co-firing in TPP across all the states in the country.

16. UPPCB and MoP are continuously following up with LPGCL for compliance of the policy. In this regard UPPCB vide letter dated 21.12.2022 and CEA vide letter dated 17.01.2023 have sought an action taken report from LPGCL.

**UPPCL reply dated 19.05.23.**

17. On 08.10.2021, to further support the energy transition in the country and to achieve the target of cleaner energy sources, MoP issued the Revised Policy for Bio-mass Utilisation for Power Generation through Co-firing in Coal based Power Plants (Revised Bio-mass Policy) which would provide the necessary direction in achieving the desired goals.

18. On 02.12.2021, the MoP whilst referring to the Revised Bio-mass Policy, mentioned that despite the Mission Directorate asking all the generating companies for regular update of biomass co-firing data and for nomination of nodal officer from plant/utility, only a few of the GENCOs including Reliance (Rosa), Goenka Group (Haldia, Dhariwal, Budge) etc. have nominated the Nodal Officers. Further, MoP requested all other plants/utilities to nominate the Nodal Officer and communicate the same to bio-mass Mission at the earliest. The Petitioner, even before nominating a Nodal Officer, has filed the present Petition seeking untenable reliefs which have no basis or logic.

19. The request made by the Petitioner for pass through of biomass fuel cost in ECR cannot be considered, without there being any methodology for the same under the extant regulations being UPERC Tariff Regulations 2019.

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20. On 20.03.2023, the AQM (Air Quality Management) Commission issued a press release wherein it reiterated that co-firing of bio-mass pellets with coal is mandatory for the 11 TPPs within range of 300 kms from NCR.
21. The criteria of assessment of exemption claims have been specified under the CEA's Guidelines under para-V which inter alia includes technical feasibility study, technical constraints for enabling co-firing while ensuring safety of the plant, Sourcing & supply chain constraints etc. LPGCL has not taken any steps towards claiming the said exemption.
22. This Commission is required to analyze the need to incur any additional capital or operational expenditure on account of co-firing of biomass with coal and also that no unnecessary cost is passed onto the consumers by reason of the said co-firing. In case, this Commission opines that additional capital as well as normative expenditure shall be incurred by the Petitioner owing to co-firing of bio-mass pellets with coal, the same can only be approved for recovery by this Commission on actuals, because the UPERC Tariff Regulations 2019 does not provide for any in-principal approval of additional capital expenditure.
23. The Petitioner cannot be allowed to seek liberty to approach this Commission, in case of any impact of co-firing reliefs sought by the Petitioner, without any technical analysis of performance of parameters of the Project whilst not engaging the technical consultant to analyse said impact in a timely manner.
24. This Commission may be pleased to devise an appropriate methodology for computation of electricity generated from co-firing of bio-mass pellets with coal in TPP disregarding the methodology proposed by the Petitioner which admittedly has not been verified by any expert body or technical analyst. In the alternative, this Commission may adopt the methodology devised by the CERC as has been done by the various other SERCs. Additionally, methodology for co-firing should be permitted only after LPGCL demonstrates that it is not eligible for exemption as provided under the Guidelines.

**LGCL rejoinder dated 18.07.2023.**

25. The directives of MoP in Biomass Policy are mandatory for all Thermal Generating Stations including LPGCL and not optional.
26. UPPCB's letter dated 21.12.2022 and CEA letter dated 17.01.2023 have sought an action taken report from LPGCL on the utilization of the biomass as per the policy. Therefore, in so far as LPGCL is concerned, it cannot take the position that it is not required to comply with the Biomass Policy.

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27. Regulation 28 of the UPERC Tariff Regulations, 2019 provides for the formula for Variable Charges / ECR and for the computation of energy charges. The definition of landed Fuel cost, under Regulation 3(35) recognizes cost of Biomass pellets in case of co-firing as fuel cost. However, no clarity is provided in the computation of Energy Charges in the case of Biomass Pellets co-firing. Moreover, Regulation 43(4) of the CERC Tariff Regulations, 2019 specifies that Energy Charge Rate shall be worked out considering consumption of Biomass based on blending ratio.
28. The referred Clause V of CEA Guidelines is in nature of the 'relaxation' that the TPP can avail to avoid the mandatory usage of the firing of the Biomass. However, this does not put a mandate on the TPP to avail the said exemption first and then on being declared ineligible, they can approach the State Commission. Further, Clause V of the CEA Guidelines is not applicable to the present Petition as LPGCL is not seeking any exemption for co-firing, in fact, LPGCL is willing to comply with Biomass Policy.
29. The Techno feasibility report and the impact on the ECR will be submitted by the LPGCL at the later stage, liberty to the same has also been sought in the present Petition. LPGCL has sought specific deviation in Model Contract considering the price uncertainty and lack of development of Biomass pellet supply chain.
30. LPGCL contemplates to incur additional Capitalization, viz., Biomass pellet handling & Feeding system, construction of storage facilities, any retrofitting or modifications in existing equipment or system for enabling co-firing of Biomass, etc.

#### **Commission's Analysis and decision**

The Commission has first analyzed the background of policy for biomass utilization for power generation through co-firing in coal-based power plants.

31. On 17.11.2017, the Ministry of Power ("**MoP**"), Government of India issued an office memorandum titled as "*Policy for Bio-mass Utilisation for Power Generation through Co-firing in Pulverised Coal Fired Boilers*" ("**Bio-mass Policy**") introducing the concept of blending of coal with bio-mass pellets and advised all the power plants/utilities, public or private located in India, **excluding coal units having ball and tube mill** to endeavour to use 5-10 % blend of bio-mass pellets made primarily of agro residue along with coal **after assessing the technical feasibility viz. safety aspects etc.**
32. Central Electricity Authority ("**CEA**") vide its letter dated 24.11.2017 bearing ref. no. CEA/TETD-TT/2017/M-25/1137-1251 informed all stakeholders including Principal Secretary (Energy) of Government of Uttar Pradesh and functionaries of

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- various thermal power generating stations to endeavor use 5-10% blend of bio-mass pellets made, primarily, of agro residue along with coal **after assessing the technical feasibility, viz. safety aspects etc.** CEA also issued '**Technical Specification for Agro Residue Based Biomass pellets (Non- Torrefied/ Torrefied) for Co- Firing in Coal Based Thermal Power Plants**' dated 15.09.2018 that covers various relevant aspects and requirements of agro residue-based bio-mass pellets (non- torrefied/ torrefied) to be supplied to a coal based thermal power plant for co-firing in the boilers along with coal, including the palletization and torrefaction process and other technical aspects viz; the associated technology, acceptance range of key technical parameters, adjustment for variation in key technical factors etc.
33. Subsequently, the Ministry of Law and Justice, Government of India vide Notification No. CG-DL-E-13082021-228982 dated 13.08.2021 notified the **Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 ("CAQM Act")** for better co-ordination, research, identification, and resolution of problems surrounding the air quality index in the NCR and adjoining areas.
34. The AQM Commission, in view of, compelling need to control air pollution from burning of paddy straw, **on 17.09.2021, issued Direction No. 42, directing coal based thermal power plants situated in a radius of 300 km of Delhi** to: (i) initiate immediate steps to co-fire bio-mass based pellets, Torrefied Pellets/Briquettes (with focus on paddy straw) with coal (up to 5-10%) in the power plants through a continuous and uninterrupted supply chain; and (ii) take all-necessary steps to ensure that co-firing of bio-mass pellets in thermal power plants begins without any delay. **The said Direction No. 42 contained a list of thermal power plants situated within 300 km radius of Delhi NCR for which co-firing of bio-mass pellets with coal was mandatory.**
35. MoP vide its letter bearing no. NBM/MD/21-22/03 **dated 23.09.2021 issued a model Standard Operating Procedure for bio-mass pellets cofiring** in PF Boilers ("**Model SOP**"), whereby various parameters in handling, storage and blending of pellets have been explained, **for thermal power producers to prepare site specific standard operating procedure.**
36. The minutes of meeting held by the Hon'ble Minister of Power and New and Renewable Energy, dated 17.09.21, which was attended by various officials including the Chief Secretary, Government of Uttar Pradesh, were issued by MoP vide its office memorandum dated 28.09.2021 bearing no. 11/86/2017-Th. II (Part-V). It was decided that **Central Pollution Control Board and the AQM Commission would impose penalties for those plants that do not comply**

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**with the mandate to compulsorily use bio-mass pellets in thermal power plants.** For plants located within a 300 KM area from the NCR, penalty was stipulated to be higher as compared to rest of the country.

37. The Ministry of Power, on 08.10.2021, in furtherance to policy dated 17.12.2017, advising all coal based TPPs to use biomass for power generation after assessing technical feasibility except those having bowl & tube mill, has issued a revised policy, to further promote use of biomass pellets in coal based thermal power plants, with modifications specifying percentage use and type of bio-mass pellets to be used for different combinations viz, bowl mills, bowl & race mills and ball & tube mills. Relevant extracts from the Biomass Policy are as below:

"3. .... The modifications in the above Policy are under:

- (i) All coal based thermal power plants of power generation utilities with bowl mill, shall on annual basis mandatorily use 5 per cent blend of biomass pellets made, primarily, of agro residue along with coal with effect from one year of the date of issue of this guideline. The obligation shall increase to 7 percent with effect from two years after the date of issue of this order and thereafter.
- (ii) All coal based thermal power plants generation utilities with ball & race mill, shall on annual basis mandatorily use 5% blend of biomass pellets (torrefied only) made, primarily, of agro residue along with coal. This is to be complied within one year starting from this order. Two years from the date of issue of this order and thereafter the obligation will increase to 7 percent.
- (iii) All coal based thermal power plants of power generation utilities with ball & tube mills, shall on annual basis mandatorily use 5 % blend of torrefied biomass pellets with volatile content below 22% primarily made of agro residue along with coal. This is to be complied within one year.
- (iv) Generating Utilities having certain units under Reserve Shutdown or not being dispatched due to MOD (Merit Order Despatch) consideration would ensure to increase the percentage of co-firing up to 10 % in their other operating units/ plants (5% in plants having ball and tube mills).
- (v) Any power plants seeking exemption / relaxation from co-firing may be considered on case to case basis, based on recommendations of CEA. A committee headed by Chief Engineer (TE&D), CEA, including representatives from NTPC, BHEL, CPRI, Ministry of Agriculture and Mission Directorate shall examine the request of power plants for their exemption/ relaxation from mandatory co-firing of biomass, as mentioned at para (i) to (iv) above.

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- (vi) *The policy of co-firing of biomass would be in force for 25 years or till the useful life of the thermal power plant whichever is earlier. The minimum percentage of biomass for co-firing will be reviewed from time to time.*
- (vii) *The minimum contract period for procurement of biomass pellets by generating utilities shall be for 7 years so as to avoid delay in awarding contracts by generating companies every year and also to build up long terms supply chain. There may be provision of firm price of biomass pellets for the first year of the contract and yearly rate variation from second year onwards where rates can vary as per terms and conditions of the contact. In order to enable its implementation, model RfP and contract shall be issued by MOP by 15.11.2021 for adhering to by all generating utilities. However, the ongoing process of contracting for biomass co-firing by generating utilities shall not be affected till issue of Model Contract.*
- (viii) Provisions related to tariff determination and scheduling shall be as given below:**
- a) For projects set up under Section 62 of the Electricity Act 2003, the increase in cost due to co-firing of biomass pellets shall be pass through in Energy Charge Rate (ECR).**
- b) For projects set up under Section 63 of the Electricity Act 2003, the increase in ECR due to biomass co-firing can be claimed under Change in Law provisions.**
- c) Such additional impact on ECR shall not be considered in deciding Merit Order Despatch (MOD) of the power plant.**
- d) Obligated Entities such as Discoms can meet their Renewable Purchase Obligations (RPO) by buying such generation of co-firing."**

38. The Petitioner, during the hearing on 25th July 2023, has confirmed that its plant has bowl mill and clause 3(i) shall be applicable to the Petitioner. Further, following deviations have been suggested by the Petitioner in the Model Contract for the reason of price uncertainty and lack of development of Biomass pellet supply chain:

- i. The period of contract for supply of bio-mass be reduced to 3 years from 7 years extendable upto 7 years;
- ii. Allowance of cost of bio-mass on procurement basis as an alternative basis or allowance of recovery of alleged loss owing to deterioration of quality/quantity of the procured bio-mass owing to weather conditions;

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iii. Allowance of procurement of bio-mass by following process of competitive bidding.

39. LPGCL contemplates to incur additional Capitalization, viz., Biomass pellet handling & Feeding system, construction of storage facilities, any retrofitting or modifications in existing equipment or system for enabling co-firing of Biomass, etc. The Petitioner has also estimated that the implementation of Biomass Policy would require to incur additional operating expenditure on account of repairs and maintenance activities for the Biomass pellet handling system, sampling charges, increase in working capital requirement and its interest, etc.
40. LPGCL is already in the process of engaging a technical consultant for undertaking technical feasibility and craves leave to approach this Commission through separate Petition for in-principal approval of Additional Capitalization and related operational expenditure to be incurred by it on account of Biomass co-firing.
41. For Compliance to Bio -mass Policy dated 08.10.2021, in terms of *mandatorily use of 5 per cent blend of biomass pellets along with coal with effect from one year of the date of issue of this guideline*, Coal based thermal power plants, as a prerequisite, are required to assess useful economic life of plant, technical feasibility with any additional capital / operation expenditure required, if any, and technical constraints for enabling co-firing while ensuring safety aspects.
42. Coal based thermal power plants, as a prerequisite, are also required to assess procurement of Agro residue-based Bio-mass pellets in line with technical specification issued by CEA, sourcing, and supply chain constraints against Model Contract document issued by MoP, frame site specific standard operating procedure (SOP) in line with standard SOP issued by MoP etc.
43. Subsequent to the assessment of above aspects, the plant can approach CEA as per *Guidelines/procedure prescribed for examining the request of the power plants for seeking exemption/relaxation from bio-mass co-firing*, in case of exemption/ relaxation required.
44. LPGCL shall undertake the technical feasibility study in terms of Bio-mass Policy as stated above. The cost of the study shall be borne by UPPCL, as had been accepted by Shri Siteesh Mukherjee, Counsel of UPPCL, during the hearing on 25.07.2023. Although, subsequent written submission dated 28.07.2023 controverts this fact, the same cannot be allowed in view of his unambiguous stand on the matter during the hearing before the Commission.

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45. The Commission, upon submission of aforesaid details by the Petitioner, may devise a methodology for determination of ECR using bio-mass co-firing, accounting of energy generated of bio-mass co-firing for the purpose of RPO benefit. Further, any methodology, if required, for claiming additional capital / operational expenditure etc. may also be devised by the Commission.

**Commission's View:**

46. In view of the above, the Petitioner is directed to share the technical feasibility study report with UPPCL for their comments and approach this Commission through a separate Petition with the report and comments of UPPCL along with consequential impact on ECR within six months.

The Petition is disposed of accordingly.

  
(Sanjay Kumar Singh)  
Member

  
(Vinod Kumar Srivastava)  
Member (Law)

  
(Arvind Kumar)  
Chairman

Place: Lucknow  
Dated: 26.09.2023

