

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION LUCKNOW**

PETITION No.

In the matter of: Approval of Supplementary PPA for Barabanki Thermal Power Project (250 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 Trishakti Power Private Limited**

2/496 Vijay Khand, Gomti Nagar,

Lucknow .....

Respondent

The undersigned is presently posted as 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 14-12-10 was signed in between Promoter M/s Pareikh Alluminex Ltd and GoUP for setting up 250 MW Thermal Project at Farukhabad . Subsequently as per the approval by UPERC vide its order dated 18-11-10, a Power Purchase Agreement for purchase of 100% power generated from this project was signed by UPPCL on behalf of DISCOM on 01-01-11.
- 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 Procurer's 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 as per the request of **M/s Pareikh Alluminex Ltd** for change of the project location from Farukhabad to Barabanki and for extension of the above period to fulfill the conditions subsequent, GoUP vide order dated 8-6-12 have accorded permission on change of location and the extension of time limit for a further period of 18 months or as requested by the seller (whichever is lesser) with the condition that additional IDC on account of above extension shall not be admissible to the seller.
- 4- That subsequently, the extension for fulfillment of condition subsequent under Article 3.1 was again requested by the developer mainly on the ground that important conditions like MOEF clearance and coal linkage for the project has not been granted.
- 5- GoUP vide its order dated 09-12-13( copy at Annexure-1) giving last chance have accorded permission on extension of time limit for a further period of 18 months or as requested by the seller (whichever is lesser) with the conditions given therein.
- 6- That subsequent to the above G.O , the Developer was requested vide this office letter No. 660 dated 13-12-13 to convey their acceptance on the conditions and submit the extension of original BG as well as the additional BG . The draft supplementary PPA was also offered to them for their acceptance on 21-02-14 . The developer while accepted the conditions stipulated in GO dated 09-12-13 but did not submit the extension of original BG as well as the additional BG. They requested the extension of time for submission of BGs upto 15-04-14 which was allowed to them by GOUP letter No. 360 dated 27-03-14 . Even then , the developer kept on delaying the submission of BGs. Now they have submitted 50 % additional BG

amounting to Rs 6.25 Crore on 09-06-14. They have also submitted the extension of original Bank Guarantee ( Rs 12.5 Cr.) vide their letter dated 19-06-14. In light of these facts the commission is requested to condone the delay in filing the Petition which has occurred absolutely because of non submission of required BG.s by the developer.

- 7- A draft Supplementary PPA containing the mutually agreed conditions as per GOUP order dated 09-12-13 is enclosed at Annexure -2 for UPERC approval.

In view of the forgoing 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.

Enclosure: As above .

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