



WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED

(A Govt. of West Bengal Enterprise)

Regd. Office: Vidyut Bhavan, Block-DJ, Sector-II, Bidhannagar, Kolkata-700091

CIN: U40109WB2007SGC113473, cecormont@gmail.com, www.wbsedcl.in

NOTICE

Gist of the application for approval the Power Purchase Agreement

1. WBSEDCL has submitted an application for approval of the First Supplementary Agreement and Second Supplementary Agreement to Power Purchase Agreement dated 11.12.2010 (Principal Agreement) executed by and between M/s Rashmi Cement Limited and West Bengal State Electricity Distribution Company Limited (WBSEDCL) for a period of 5 years each (from 10.01.2016 to 09.01.2021 and thereafter another five (5) years up to 09.01.2026) in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended. The application has been admitted by the Commission in Case No: PPA-84/16-17.
2. The application may be inspected at the office of the Commission at Plot No: AH/5 (2nd Floor & 4th Floor) Premises No: MAR 16-1111, Action Area – 1A, Newtown, Rajarhat, Kolkata – 700163 [Telephone No.: (033) 2962 3756 and FAX: (033) 2962 3757, e-mail: cp-wberc@gov.in] and certified copies of the application or part thereof may also be obtained from the office of the Commission following the procedures as laid down in West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 during office hours on all working days up to the last date of submitting suggestion and objections.
3. The application of WBSEDCL for approval of the power purchase agreement has been posted on the website of WBSEDCL at www.wbsedcl.in.
4. The objections and suggestions, if any, on the proposals contained in the application may be submitted at the office of the Commission mentioned above from 11 AM till 5 PM on all working days in twenty-one (21) days from the date of publication of this notice in the newspaper.
5. The gist has been published with the approval of the West Bengal Electricity Regulatory Commission.

Place: Salt Lake, Kolkata

(S. Mukhopadhyay)

Date: 29.04.2022

Chief Engineer (Regulation)

SL. NO. 1150 / 2021



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

BEFORE THE HONOURABLE WEST BENGAL
ELECTRICITY REGULATORY COMMISSION

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

Filing No. _____

Case No. _____



IN THE MATTER OF: Application for approval of the second supplementary agreement to Power Purchase Agreement dated 11.12.2010 (Principal Agreement) and subsequent first supplementary agreement dated 09.12.2016 executed by and between M/s. Rashmi Cement Limited & West Bengal State Electricity Distribution Company Limited (WBSEDCL) for a period of 5 years (upto 09/01/2026) in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended.

ATTESTED
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

Sudipta Mukhopadhyay
Chief Engineer (Regulation)
Regulation Department
WBSEDCL

06 AUG 2021

46221

NAME Suranjana Mukherjee
ADD. 27, K. S. Roy Road, Kol-1
27 JUL 2021
SURANJANA MUKHERJEE
Licensed Stamp Vendor
C. C. Chatterjee
27 & 3, K. S. Roy Road, Kol-1

27 JUL 2021
27 JUL 2021



THE DISTRICT REGISTRAR, WEST BENGAL, KOLKATA, has received the application of the applicant for the registration of the document dated 12.07.2021 (1st of August) and subsequent to the registration of the document dated 12.07.2021, the applicant has been directed to deposit the amount of Rs. 100/- (one hundred rupees) in the name of the District Registrar, West Bengal, Kolkata, and to produce the receipt of the deposit to the District Registrar, West Bengal, Kolkata, for the registration of the document dated 12.07.2021.

08 AUG 2021

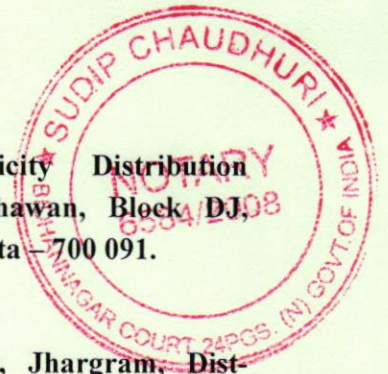
ATTESTED
S. CHAUDHURI
NOTARY
GOVT. OF INDIA
West Bengal
Kolkata

And

IN THE MATTER OF: West Bengal State Electricity Distribution
Company Limited, Vidyut Bhawan, Block DJ,
Sector – II, Bidhannagar, Kolkata – 700 091.

And


IN THE MATTER OF: M/s Rashmi Cement Limited, Jhargram, Dist-
Paschim Medinipur, West Bengal.



I, Sri Sudipta Mukhopadhyay, son of Late Deb Kumar Mukhopadhyay, aged 57 years residing at 2 Kundan Bye Lane, Liluah, Howrah – 711204 do solemnly affirm and say as follows:

1. I am the Chief Engineer (Regulation) of the West Bengal State Electricity Distribution Company Limited, petitioner in the above matter, and am duly authorized by the said petitioner to make this affidavit for and on its behalf.
2. The statements made in paragraphs 1 to 8 herein now shown to me and marked with the letter "A" are true to my knowledge and nothing material has been concealed from the statements so made.

Solemnly affirm at Kolkata on this 6th. day of August, 2021 that the contents of this affidavit are true to my knowledge, no part of it is false or nothing material has been concealed there from and misleading material included therein.

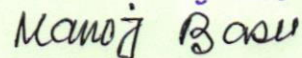

ATTESTED
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

06 AUG 2021



Chief Engineer (Regulation)
Regulation Department
WBSEDCL

Identified By Me



ADVOCATE

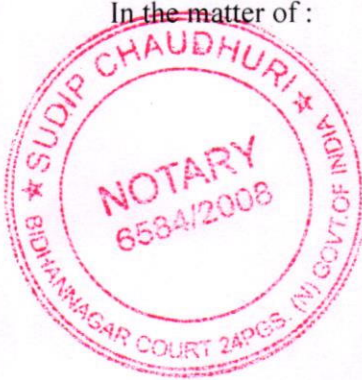
MANOJ BASU

Advocate
Enrolment No.-F-247/2006
Bidhan Nagar Court
Kolkata-700091

**BEFORE THE HON'BLE WEST BENGAL ELECTRICITY
REGULATORY COMMISSION**

Filing No. _____

Case No. _____



In the matter of :

Application for approval of the second supplementary agreement to Power Purchase Agreement dated 11.12.2010 (Principal Agreement) and subsequent first supplementary agreement dated 09.12.2016 executed by and between M/s. Rashmi Cement Limited & West Bengal State Electricity Distribution Company Limited (WBSEDCL) for a period of 5 years (upto 09/01/2026) in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended.

AND

In the matter of :

West Bengal State Electricity Distribution Company , Vidyut Bhawan, Block DJ, Sector – II, Bidhannagar, Kolkata – 700 091

AND

In the matter of :

M/s Rashmi Cement Limited, Jhargram, Dist-Paschim Medinipur, West Bengal.

MOST RESPECTFULLY SHEWETH:

1. The West Bengal State Electricity Distribution Company Limited, hereinafter referred to as "WBSEDCL" is a Distribution Licensee under Electricity Act, 2003 and engaged in the business of generation, distribution and supply of electricity.
2. M/s Rashmi Cement Limited, a Public Limited company within the meaning of the Companies Act, 1956 and having its Registered Office at Jhargram, Dist-Paschim Medinipur, West Bengal (hereinafter referred to as "RCL").
3. That RCL is the generating company having a waste gas based power plant of capacity 18.0 MW at at Jitusole, Jhargram, Dist. Paschim Medinipur, West Bengal. (hereinafter specifically referred to as 'RCL Generating station") owned and operated

Sudipta Mukhopadhyay

Chief Engineer (Regulation)
Regulation Department
WBSEDCL

by RCL as a captive Generating Plant on the basis of its generation plan and in pursuance to the definition of captive Generating Plant of The Electricity Rule, 2005.

4. WBSEDCL and Rashmi Cement Limited entered into a Power Purchase Agreement (in short 'Principal Agreement') on 11.12.2010 for purchase of surplus power by WBSEDCL from its 18 MW waste gas based power plant at Jitusole, Jhargram, Dist. Paschim Medinipur, West Bengal for a period of five years.
5. The above PPA was approved by Hon'ble West Bengal Electricity Regulatory Commission (herein after to be referred as 'Commission') on 13.01.2011
6. On expiry of Principal agreement, First Supplementary Agreement to the Principal agreement dated 11.12.2010 executed on 09.12.2016 by and between WBSEDCL and Rashmi Cement Limited to extend the contract period upto 09.01.2021.
7. That as per clause 16 of the Principal Agreement which was subsequently modified in clause no 2 of First Supplementary Agreement, both the parties agreed to extend the contract period further for a period of 5 years (upto 09/01/2026), on mutual consent of the parties, by executing the Second Supplementary Agreement on 28.06.2021. A copy of the executed Agreement is enclosed as **Annexure-I**.
8. The Board of Directors, WBSEDCL in its 96th meeting held on 25.03.2021 has accorded in principle approval for execution of Second Supplementary Agreement to the Principal Agreement dated 11.12.2010 and subsequent First Supplementary Agreement dated 09.12.2016. Extract of Minutes is enclosed as **Annexure-II**

PRAYER TO THE HON'BLE COMMISSION

The Petitioner humbly prays to the Hon'ble Commission to:

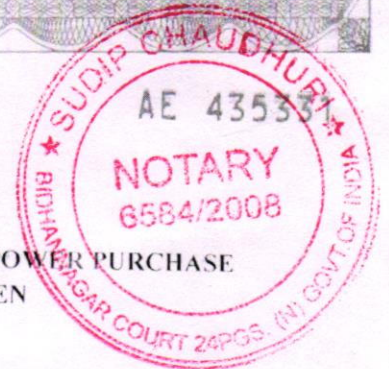
- (a) Approve the Second Supplementary agreement dated 28.06.2021 to the Power Purchase Agreement dated 11.12.2010 and First Supplementary Agreement dated 09.12.2016 for purchase of surplus power by WBSEDCL from M/s. Rashmi Cement Limited for a period of 5 years (upto 09/01/2026) in terms of regulation 7.4.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended.
- (b) Pass an order as the Hon'ble Commission may deem fit and proper keeping in mind the facts and circumstances of the case.

Sudipta Mukhopadhyay

Chief Engineer (Regulation)
Regulation Department
WBSEDCL



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL



SECOND SUPPLEMENTARY AGREEMENT TO THE POWER PURCHASE
AGREEMENT DATED 11.12.2010 BETWEEN
M/s RASHMI CEMENT LIMITED
AND
WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED

This Second Supplementary Agreement to the Power Purchase Agreement (PPA) as executed on 11.12.2010 (herein referred as Principal Agreement) and subsequent First Supplementary Agreement dated 09.12.2016 is herewith signed between M/s RASHMI CEMENT LIMITED, a Public Limited Company within the meaning of the Companies Act, 1956 and having its Registered Office at Jhargram, Dist. Paschim Medinipur, West Bengal hereinafter referred to as "RCL" (which expression shall, unless repugnant to the context or meaning thereof, include its successors and assigns) as the party of the First Part.

And

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED, a Govt. of West Bengal Enterprise, constituted under the Companies Act, 1956 having its Registered Office at Vidyut Bhavan, Block-DJ, Sector -II, Bidhannagar, Kolkata - 700091, hereinafter referred to as "WBSEDCL" (which expressions shall unless repugnant to the context or meaning thereof include its successors and assigns) as party of the Second Part.

"RCL" and "WBSEDCL" are herein referred to individually as a "Party" and collectively as the "Parties".

Sudipta Choudhury



Chief Engineer (Regulation)
Regulation Department
WBSEDCL

Uday Chand Kungilwar
UDAY CHAND KUNGILWAR
COMPANY SECRETARY
RASHMI CEMENT LIMITED
ACS - 25535



18001

15 MAY 2021

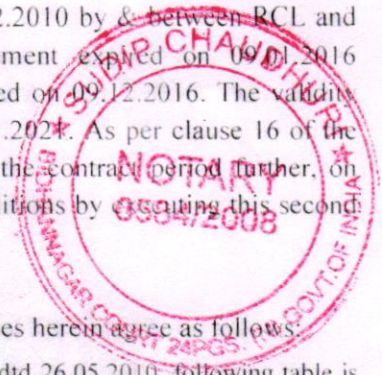
NO. DATE
SOLD TO Rashmi Cement Ltd.
OF 39, S.P. Sarani
RS. 100/- Kol-17.

JAYDEEP CHATTERJEE
16, INDIA EXCHANGE PLACE, KOL-1
GOVT. LICENSED STAMP VENDOR
L. NO 36/RS2016

15 MAY 2021



WHEREAS Principal Agreement was executed on 11.12.2010 by & between RCL and WBSEDCL. The validity period of Principal Agreement expired on 09.01.2016. Subsequently First Supplementary Agreement is executed on 09.12.2016. The validity of First Supplementary Agreement has expired on 09.01.2021. As per clause 16 of the Principal Agreement both the parties agreed to extend the contract period further, on mutual consent of the parties on following terms & conditions by executing this second Supplementary Agreement:



NOW THESE PRESENTS WITNESSETH and the parties herein agree as follows:

1. At the end of clause no. 2.1 of the Principle agreement dtd 26.05.2010, following table is inserted in the agreement as a tentative supply:-

A	Surplus Power (MW Approx.)	4.00
B	Month wise Quantum of Supply	
I	Days	30.00
II	Hr/Day	24.00
C= I*II*A	Total MWH in a Month (Approx.)	2,880.00
D	Time-wise quantum of supply (MW Approx.)	
III	Off-peak (MW/HR - Approx.)	4.00
IV	Peak(MW/HR Approx.)	4.00

2. After clause no. 6.4 of the Principle agreement dtd 26.05.2010 following clause shall be inserted

(6.5) Tariff shall be subject to cap price of ₹2.04/KWH (1/3rd ₹2.55/KWH and 2/3rd ₹1.78/KWH) which is claimed by RCL in the bill for the month of February, 2021

3. After clause no.17.vi) of the Principle agreement dtd 26.05.2010, following clause shall be inserted -

vii) This agreement can be terminated by WBSEDCL under the reasons mentioned below:

- (a) PPA shall be terminated automatically if supply is discontinued by RCL for more than one year for any reason(s) whatsoever.
- (b) PPA will be terminated on issuance of order of the Commission for termination of the agreement in case of any violation of grid discipline.

21. RPO compliance:

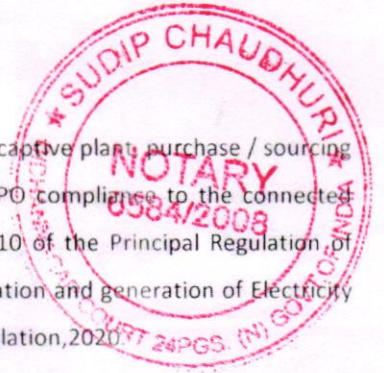
RCL has to comply the provisions of West Bengal Electricity Regulatory Commission (Co-generation and generation of Electricity from Renewable Source of Energy (First Amendment) Regulation, 2020. RCL requires to submit quarterly report containing actual



Chief Engineer (Regulation)
Regulation Department
WBSEDCL

UDAY CHAND KUNGILWAR
COMPANY SECRETARY
RASHMI CEMENT LIMITED
ACS - 25535

consumption, energy sourced through open access / from captive plants purchase / sourcing from renewable energy sources and solar & non-solar RPO compliance to the connected distribution licensee, i.e., WBSEDCL as per Regulation 3.10 of the Principal Regulation of West Bengal Electricity Regulatory Commission (Co-generation and generation of Electricity from Renewable Source of Energy (First Amendment) Regulation, 2020



22. MISCELLANEOUS PROVISION:

Any matter not covered by the Power Purchase Agreement will be governed by the Electricity Act' 2003 and relevant Regulations of WBERC

23. The parties have mutually agreed that the period of this second Supplementary Agreement is extended upto 09.01.2026 for five years from 09.01.2021 subject to approval of WBERC. The terms of the Power Purchase Agreement may still be further extended as per mutual consent of the parties.

All other terms and conditions of the Principal Agreement dated 11.12.2010 and first Supplementary Agreement dtd 09.12.2016 will remain unchanged.

This Second Supplementary Agreement will be part and parcel of the Principal Agreement dated 11.12.2010 and first Supplementary Agreement.

IN WITNESS WHEREOF the parties have executed these presents through their Authorised Representative on 28th June, 2021.

WITNESS

1.

(R. N. Sinha)
Addl. Chief Engineer
PT & P Cell

1.

Pankaj Kumar Yadav
31x Promotee
Shakespeare Saran
Kolkata - 700012

Santanu Sarkar
Chief Engineer
Power Trading & Procurement Cell
WBSEDCL

For and on behalf of
Rashmi Cement Limited

UDAY CHAND KUNGILWAR
COMPANY SECRETARY
RASHMI CEMENT LIMITED
ACS - 25535

Sudipta Mukherjee
Chief Engineer (Regulation)
Regulation Department
WBSEDCL

EXTRACTS FROM THE MINUTES OF THE 96TH MEETING OF BOARD OF DIRECTORS OF WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED HELD ON THURSDAY, 25TH MARCH, 2021

36. Approval for execution of Second Supplementary Agreement to the Power Purchase Agreement (PPA) (executed on 11th December, 2010) & First Supplementary Agreement (dated 09.12.2016) to be executed by and between Rashmi Cement Ltd. and West Bengal State Electricity Distribution Company Limited (WBSEDCL) for purchase of low cost surplus Power

Director (R&T) placed the details of the matter before the Board.

A Power Purchase Agreement was executed between M/S Rashmi Cement Limited and West Bengal State Electricity Distribution Company Ltd. on 11.12.2010 and subsequently, First Supplementary Agreement was executed on 09.12.2016. As per clause no. 16.3 of the WBERC, Second Supplementary Agreement was prepared to modify / add some clauses.

Advantages for purchasing this power are namely, Tariff would be subject to cap price of ₹2.04/KWH, there would be no transmission cost, low cost power and Medium term solution to reduce power shortage in the state. M/S Rashmi Cement Limited have given their consent on execution of Second Supplementary Agreement.

The Board discussed and observed that in view of Model Code of Conduct being enforced for West Bengal Legislative Assembly Elections, only In-principle approval may be accorded.

Thereafter the Board passed the following resolution:

“RESOLVED THAT In - Principle approval for execution of Second Supplementary Agreement to the Power Purchase Agreement (PPA) (as executed on 11th December, 2010) & First Supplementary Agreement dated 09.12.2016 by and between Rashmi Cement Ltd. and West Bengal State Electricity Distribution Company Limited (WBSEDCL) for purchase of low cost surplus Power of Rashmi Cement Ltd. by WBSEDCL for further period of 5years (extended upto 09.01.2026 for five years from 09.01.2021) as an energy efficient measure is hereby accorded by the Board.”

“RESOLVED FURTHER THAT Chairman and Managing Director of the Company be and is hereby authorized to accept any change/modification in the clauses of the second supplementary agreement as may be suggested by the WBERC.”

Certified to be true

Sudip Choudhury
Chief Engineer (Regulation)
Regulation Department
WBSEDCL

Aparna Biswas
(Aparna Biswas)
Company Secretary 22/04/21