



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 2115 of 2024**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman  
Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition under section 86(1)(f) and 86(1)(e) of the Electricity Act, 2003 and Regulation 31 (a)(ii) of the Uttar Pradesh Electricity Regulatory commission (Captive and Renewable Energy Generating Plants) Regulation, 2019 for appropriate direction(s) to the Respondents to allow banking up to 100% of the energy generated.

**AND**

**IN THE MATTER OF**

**Avaada Indsolar Private Ltd.,**

C-11, Sector 65, Gautam Buddha Nagar, Noida, Uttar Pradesh-201301.

..... Petitioner

**VERSUS**

**1. Uttar Pradesh Power Corporation Limited,**

(Through its Managing Director) Shakti Bhawan 14 Ashok Marg, Lucknow, Uttar Pradesh-226001.

**2. Dakshinanchal Vidyut Vitran Nigam Limited,**

(Through its Managing Director) Urja Bhawan, 220 KV Sub Station, Bypass Road, Sikandra, Agra, Uttar Pradesh - 282007.

**3. Madhyanchal Vidyut Vitran Nigam Limited,**

(Through its Managing Director) 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler Colony, Lucknow, Uttar Pradesh - 226001.

**4. Paschimanchal Vidyut Vitran Nigam Limited,**

(Through its Managing Director) Urja bhawan, Victoria Park, Meerut, Uttar Pradesh-250001.

**5. Purvanchal Vidyut Vitaran Nigam Limited,**

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- (Through its Managing Director) DLW Bhikharipur, Varanasi, Uttar Pradesh – 221004.
6. **Kanpur Electricity Supply Company Ltd.,**  
(Through its Managing Director) Kesa House, 14/71 Civil Lines, Kanpur-208001.
7. **Uttar Pradesh State Load Despatch Centre,**  
(Through its Director) Phase II, Vibhuti Khand, Lucknow, Uttar Pradesh – 226010.

..... Respondents

**THE FOLLOWING WERE PRESENT**

1. Shri Deepak Raizada, CE, UPPCL
2. Shri S.D. Mishra, EE, RAU-II, UPSLDC
3. Shri Aditya Kumar Singh, Advocate, UPPCL
4. Shri Vishal Binod, Advocate, Petitioner
5. Shri Sagnik Maitra, Advocate, Petitioner

**ORDER**

**(DATE OF HEARING: 05.11.2024)**

1. Avaada Indsolar Private Limited has filed the Petition seeking directions to UPPCL for execution of Banking Agreement(s) with AIPL for banking up to 100% of the energy generated from its 70 MW captive solar power plant at Village Alona, District Banda, Uttar Pradesh, and for payment of compensation for any energy lapsed on account of UPPCL's delay in executing the Banking Agreement(s).
2. It has been submitted that the Project was commissioned on 03.02.2024 and for off-taking power from the project the captive users of the Project have obtained Long Term Open Access ("LTOA") from UPPTCL for transmission and wheeling of power generated by the Project.
3. It has been further submitted that the Petitioner addressed a letter dated 05.04.2024 to UPPCL, apprising them regarding the power offtake arrangements of two of its Captive Users, namely SEPL and Crosslays, and requested UPPCL to execute Banking and Wheeling Agreements so as to facilitate commencement of

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supply of power to the said Captive Users. In response to their aforesaid request, UPPCL vide its letter dated 10.04.2024 shared a draft banking agreement to be executed with the Petitioner. In the said letter, UPPCL stated that any banking of energy would be subject to a maximum ceiling of 25% of the energy injected in respect of a LTOA Customer during a 15-minute time block.

4. It has also been submitted that in addition to the overall cap of 25%, UPPCL has further sought to curtail the banking facility available to the Petitioner under the CRE Regulations by applying such cap on each standard time block. It is submitted that such additional restriction unilaterally applied by UPPCL is manifestly illegal and alien to the provisions of the CRE Regulations. Accordingly, it has been requested by the Petitioner to direct UPPCL that such computation of banked energy should not be done on time block basis rather it should be carried out strictly in accordance with the procedure set out under the CRE Regulations.
5. Accordingly, it has been prayed that in the interim, UPPCL may be directed to execute appropriate banking agreement for allowing 100% banking for the Petitioner's project for supply to each of its captive users, subject to the final outcome of the present Petition. The prayer has also been made to direct the Respondents to provide compensation along with appropriate interest to the Petitioner for any units injected into the grid by the project for drawl by its captive users, which lapsed on account of lack of banking facility to be provided by the said Respondents.
6. The Commission enquired from the counsel for the Petitioner if they were aware of the Order dated 30.08.2024, in the matter of M/s Inox (Appeal No.308 of 2024 in the Petition No. 1994 of 2023) wherein, Hon'ble APTEL had set aside the Order dated 11.03.2024 observing that it requires an agreement between the RE generating plant and the distribution licensee for banking of power upto 100%, and it is impermissible either for the generator or for the Commission to insist on the distribution licensee banking such quantum of energy to which it has not agreed to. Hon'ble APTEL had further observed that as long as Regulation 31(a)(ii) of the 2019

by.

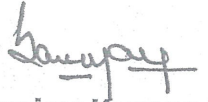


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Regulations remains in force, UPPCL cannot be forced to bank energy beyond the quantum for which it has agreed to.

7. The Counsel for the Petitioner requested the Commission to grant some time to seek directions in the matter. The Commission granted the same and directed to list the matter as fresh on admission.
8. The next date of hearing is scheduled on 17.12.2024.

  
(Sanjay Kumar Singh)  
Member



  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 14.11.2024