



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Petition No. 2117 of 2024**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition under Sections 86(1)(b) & 86(1)(c) of the Electricity Act, 2003; Regulations 40 & 55 of UPERC (Conduct of Business) Regulations, 2019 and Regulations 6(i)(v), 7, 31(a)(iii) of UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019 read with all enabling regulatory and plenary powers of the Hon'ble UPERC seeking declaration of peak and off-peak hours for the purposes of banking and withdrawal of banked energy for the period from 01.04.2024 onwards.

**AND**

**IN THE MATTER OF**

- 1. Uttar Pradesh Power Corporation Limited,**  
(Through Chief Engineer (PPA)) Power Purchase Agreement Directorate, Shakti Bhawan  
14-Ashok Marg, Lucknow, Uttar Pradesh-226001.
- 2. Paschimanchal Vidyut Vitran Nigam Limited,**  
(Through its Managing Director) Victoria Park, Meerut, Uttar Pradesh – 250001.
- 3. Madhyanchal Vidyut Vitran Nigam Limited,**  
(Through its Managing Director) 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler  
Colony, Lucknow, Uttar Pradesh – 226001.
- 4. Purvanchal Vidyut Vitaran Nigam Limited,**  
(Through its Managing Director) DLW Bhikharipur, Varanasi, Uttar Pradesh – 221004.
- 5. Dakshinanchal Vidyut Vitran Nigam Limited,**  
(Through its Managing Director) Urja Bhawan, 220 KV Sub Station, Bypass Road,  
Sikandra, Agra, Uttar Pradesh - 282007.
- 6. Kanpur Electricity Supply Company Ltd.,**  
(Through its Managing Director) Kesa House, 14/71 Civil Lines, Kanpur-208001

.....Petitioners





**THE FOLLOWING WERE PRESENT**

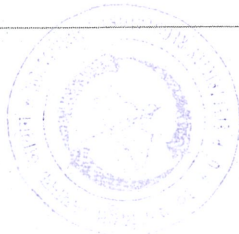
1. Shri Deepak Raizada, CE, UPPCL
2. Shri Abhishek Kumar, Advocate, Petitioners

**ORDER**

**(DATE OF HEARING: 05.11.2024)**

1. The Petition has been filed by Uttar Pradesh Power Corporation Limited (UPPCL) and the distribution licensees in the State of Uttar Pradesh seeking declaration of peak and off-peak hours for the purposes of banking and withdrawal of banked energy for the period from 01.04.2024 onwards.
2. It has been submitted that CRE Regulations 2019 were notified by the Commission on 25.07.2019. In terms of Regulation 1(ii), the CRE Regulations 2019 were reckoned to have come into effect from 01.04.2019 and remained in effect till 31.03.2024. Regulation 31(a)(iii) of the CRE Regulations, 2019 stated that withdrawal of banked electricity shall be allowed only as per time of the day (TOD) system i.e., withdrawal of electricity in peak/off-peak hours shall not be more than the power banked in that respective TOD slot.
3. It is further submitted that in the Order dated 15.07.2019 issued by Commission, it was decided that if the "*peak/ off-peak hours*" are not declared by Commission's Order or defined by the Uttar Pradesh State Load Despatch Centre, the hours defined under Tariff Order issued by the Commission shall be considered for the purposes of banking. Accordingly, till the time when clarity was given by the Commission on applicable peak and off-peak hours for the purposes of banking of power, the TOD slots as specified in the tariff order dated 29.07.2021 for HV-2 category were being considered for the purposes of banking and withdrawal of banked electricity.
4. The Petitioner has further submitted that by way of the Order dated 16.11.2021 in Petition No. 1761 of 2021 (AmpSolar Judgement), exercising powers under

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Regulation 7 of CRE Regulations, 2019 i.e., power to relax, Commission specified peak hours for banking as 18:00 Hrs to 00:00 Hrs i.e., 6 hours of a day and off-peak hours were declared to be 00:00 Hrs to 18:00 Hrs i.e., 18 hours of a day.

5. It has also been submitted that in terms of Regulation 1(ii) of the CRE Regulations, 2019, the control period of the Regulations ended on 31.03.2024. Pertinently, under the AmpSolar Judgment, the Commission explicitly declared banking peak & off-peak hours "for the purposes of CRE Regulations 2019". Therefore, the logical and legal sequitur is that with the lapse of CRE Regulations 2019 on 31.03.2024, the dispensation with respect to peak & off-peak hours has also lapsed.
6. It has further been submitted that the Commission issued an Order in Suo-moto Petition No. 69/SM/2024 on 07.05.2024 wherein, the Commission acknowledged that the five-year control period of the CRE Regulations, 2019 came to an end on 31.03.2024. The Commission, in the said Order, further observed that it is in the process of framing of draft regulations for control period 2024-29 and the same shall be notified with retrospective effect after undertaking due regulatory process.
7. The Petitioner has submitted that since the dispensation qua banking was not specifically extended by the Commission under the Suo Moto Order dated 17.05.2024, the present petition is being filed seeking a clarity/ declaration qua the applicable peak and off-peak slots for the purposes of banking from the period 01.04.2024 onwards. The petitioner has also placed on record the data pertaining to demand in the State of Uttar Pradesh experienced by UPPCL, on the basis of which they have proposed the following peak/ off-peak hours for summer and winter months for the purposes of banking and withdrawal of banked electricity –

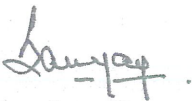
<i>Winter Peak</i>	<i>From 18:00 Hrs. Hrs to 24:00 Hrs for the months November to March</i>
<i>Summer Peak</i>	<i>19:00 Hrs to 03:00 Hrs in the months from April to October</i>

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8. It is further submitted that in the event that the Commission was to clarify or opine that the order dated 07.05.2024 in 69/SM/2024 (Suo-Moto) issued by the Commission has the effect of extending the applicability of all provisions under the CRE Regulations 2019, including banking, and not just the provisions related to billing and payment, the Commission is implored to exercise its Power to Relax under Regulation 7 of the CRE Regulations 2019 again to re-cast the peak and off-peak hours for the purposes of banking and withdrawal of banked electricity in tandem with the peak and off-peak hours experienced by UP DISCOMs qua their consumers.
9. The counsel for the Petitioner requested the Commission to grant some time to seek directions in the matter. The Commission granted the same.
10. The next date of hearing is scheduled for 07.01.2025.

  
(Sanjay Kumar Singh)  
Member



  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 14 .11.2024