



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 1816 of 2022

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 51 of the UPERC (Conduct of Business) Regulations, 2019 seeking limited review of the order dated 16.06.2021 in Petition No. 1565 of 2020 issued by this Hon'ble Commission.

AND

IN THE MATTER OF

1. **Uttar Pradesh Power Corporation Limited,**
(Through its Chief Engineer, PPA(Renewable)) 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) 14/71, Civil Lines, KESA House, Kanpur-208001.

..... Petitioner

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THE FOLLOWING WERE PRESENT

1. Shri Manish Dwivedi, SE, PPA, UPPCL
2. Shri Vikash Gupta, EE, PPA, UPPCL
3. Shri C.P. Maurya, AE, PPA, UPPCL
4. Shri Abhishek Kumar, Advocate, Petitioner
5. Shri Nived VVN, Advocate, Petitioner

ORDER

(DATE OF HEARING: 10.12.2024)

1. The petition has been filed under Section 94(1)(f) of the Electricity Act, 2003, read with Regulation 51 of the UPERC (Conduct of Business) Regulations, 2019, seeking review of the Commission's Order dated 16.06.2021 in Petition No. 1565 of 2020. The Petitioner specifically prays for a review to the extent of dispensing with the directions for depositing ₹5,875.31 crores towards the RPO requirement of FY 2021-22.
2. During the hearing, the counsel of the Petitioner acknowledged that the statutory timeframe for filing such a Review petition is 90 days; however, it has been filed after a lapse of six months. The counsel admitted to this delay and assured that an application for condonation of the delay would be submitted. In response to the explanation sought by the Commission, the counsel clarified that the delay arose due to the time required for internal deliberations and in evaluating and determining the appropriate legal remedies to be pursued.
3. The counsel for the Petitioner also submitted that while the matter fundamentally pertains to a review jurisdiction, nevertheless it also involves an inherent element of adjudication which might necessitate the requirement of a judicial member in the proceedings.
4. The counsel for the Petitioner further submitted that the direction to deposit ₹5,875.31 crores is not in consonance with the applicable Regulations. It was contended that the Commission, while exercising its regulatory powers under the

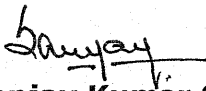
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relevant clause, has granted a dispensation that finds no basis within the framework of the Regulations.

5. The Commission directed the Petitioner to file condonation application stating specific reasons underlying the delay in filing the review petition, providing circumstances and factors that contributed to the inability to adhere to the prescribed limitation period rather than providing bald and prosaic justification of one line.
6. The next date of hearing is scheduled to be held on 23.01.2025.


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 24.12.2024

