



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2135 of 2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Section 86 of the Electricity Act, 2003, read with Article 16.3 of the transmission service agreement, dated 15.10.2018, seeking payment of late payment surcharge.

AND

IN THE MATTER OF

Obra-C Badaun Transmission Limited

Through its Authorised Signatory

Adani Corporate House, Shantigram, Near Vaishno Devi Circle,

S.G. Highway, Khodiyar, Ahmedabad, Gujarat- 382421.

..... Petitioner

VERSUS

1. Uttar Pradesh Power Corporation Limited

Through Its Managing Director,

11th Floor, Shakti Bhawan Extension,

14 Ashok Marg, Lucknow, Uttar Pradesh-226001.

2. Paschimanchal Vidyut Vitran Nigam Limited

Through Its Managing Director,

Urja Bhawan, Victoria Park, Meerut,

Uttar Pradesh-250001.

3. Madhyanchal Vidyut Vitran Nigam Limited

Through Its Managing Director,

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4-A, Gokhale Marg, Lucknow,
Uttar Pradesh-226001

4. **Purvanchal Vidyut Vitran Nigam Limited**

Through Its Managing Director,
Vidyut Nagar, DLW Bhikharipur, Varanasi,
Uttar Pradesh-221010.

5. **Dakshinanchal Vidyut Vitran Nigam Limited**

Through Its Managing Director,
Vidyut Bhawan, Nh-2 (Agra-Delhi Bypass Road), Sikandra,
Uttar Pradesh-282007.

6. **Kanpur Electricity Supply Company Limited**

Through Its Managing Director,
Headquarter, Kesa House, 14/71, Civil Lines,
Kanpur, Uttar Pradesh-208001.

7. **Uttar Pradesh State Load Despatch Centre**

Through Its Managing Director
Phase II, Vibhuti Khand,
Lucknow, Uttar Pradesh-226010

..... Respondents

THE FOLLOWING WAS PRESENT

1. Sh. Sourav Roy, Advocate, OCBTL
2. Sh. Nived Veerapaneni, Advocate, UPPCL
3. Sh. Deepak Raizada, CE-PPA, UPPCL
4. Sh. Rajiv Singh, EE, UPPCL



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ORDER

(DATE OF HEARING: 24.12.2024)

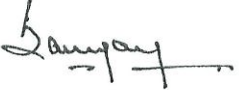
1. Sh. Sourav Ray, Counsel, on behalf of the Petitioner submitted that instant Petition has filed under Section 86 of the Electricity Act, 2003, read with Article 16.3 of the transmission service agreement, dated 15.10.2018, seeking payment of late payment surcharge. The Prayers of the Petitioner are as below:
 - a. Admit the Petition;
 - b. Hold and declare that the Petitioner is entitled to payment of LPS amount till the date of payment towards delay in making payment of Monthly Transmission Charges for period from April 2021 to November 2021 by the Respondent No.1 as per Article 10.8.1 of the TSA, and grant such an amount to the Petitioner;
 - c. Direct the Respondent No. 1 to make payment of LPS amount till the date of payment to the Petitioner;
 - d. Direct the Respondent No. 1 to refund the unlawfully deducted rebate in view of outstanding transmission charges as per Article 10.6.4 & Article 10.7.
 - e. Direct the Respondent No. 1 to establish the Letter of Credit in favour of the Petitioner as per Article 10.11.1.
 - f. Pass such other order(s) and / or direction(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.
2. Further, he submitted that the Petitioner entered in to Transmission Service Agreement on 15.10.2018 with Respondents Nos 2 to 6 for establishing transmission system for "Evacuation of power from Obra-C (2x660 MW) Thermal Power Project & Construction of 400 kV GIS Substation Badaun with associated Transmission Lines". Petitioner declared deemed COD of Element-2 to 8 of Lot-1 on 09.04.2021. However, Commission had extended the SCOD of LOT-1 vide order dated 03.10.2022, in Petition No. 1824 of 2022 titled as Obra-C Badaun Transmission Limited v. UPPCL & Ors. ("Order dated 03.10.2022") without levying any LD and had upheld that:
 - a. Element-1 of LOT-1 stood Deemed Commissioned on 30.04.2021.
 - b. Element-2 to 8 of LOT-1 stood Commissioned on 16.04.2021

by





3. He also submitted that on 01.12.2021, Respondent No. 2 issued a formal letter confirming the Deemed Commercial Operation Date (COD) for Elements 2 to 8 of Lot 1 of the Project as 16.04.2021. Subsequent to this acknowledgment, the Petitioner proceeded to issue invoices for recovery of Monthly transmission charges for the period April 2021 to November 2021, totaling eight months. Despite the same, payment for the aforementioned invoices delayed due to non-submission of the Availability Certificates.
4. He further submitted that the Petitioner has consistently provided Monthly Availability Data to the Uttar Pradesh State Load Dispatch Center (UPSLDC); however, the UPSLDC issued the Certificates on 11.01.2022.
5. Sh. Nived Veerapaneni, Counsel on behalf of the UPPCL and LTTC's requested Commission to grant six weeks' time to file his reply and the Petitioner's Counsel also requested the commission to grant two weeks to file his rejoinder.
6. The Commission directed Respondents to file their reply within six weeks and thereafter Petitioner may file its rejoinder within two weeks, if any.
7. The matter is listed for the next hearing on 27.02.2025.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 16.01.2025