



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 1110/2016**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Adoption of tariffs discovered through Tariff Based Competitive Bidding Process as per the bidding procedure specified by Ministry of New & Renewable Energy (MNRE), Govt. of India for procurement of 215MW Solar Power.

**AND**

**IN THE MATTER OF**

**1. U.P. Power Corporation Ltd. (UPPCL),**

Shakti Bhawan, 14-Ashok Marg, Lucknow - 226001

**2. U.P. New & Renewable Energy Development Agency (UPNEDA),**

Vibhuti Khand, Gomti Nagar, Lucknow-226010

..... Petitioner(s)

**VERSUS**

**1. Essel Infraprojects Ltd. (EIL),**

513/A, 5<sup>th</sup> Floor, Kohinoor City, Kirol Road,  
LBL Marg, Kurla (W), Mumbai - 400070

**2. Surana Telecom & Power Ltd. (STPL),**

5<sup>th</sup> Floor, Surya Tower,  
SP Road, Secunderabad - 500003

**3. Sudhakar Infratech Pvt. Ltd. (SIPL),**

Plot No. 3-6-661, Flat No. 301, Sai Sandya Apartment,  
Street No. 9, Himayath Nagar, Hyderabad - 500029

*by*



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4. **Lohia Developers (India) Pvt. Ltd. (LDIPL),**  
S-569, 2<sup>nd</sup> Floor, Greater Kailash-II, New Delhi – 110048
5. **Ferromar Shipping Pvt. Ltd. (FSPL),**  
Anand Bhavan, Old Station Road, Margoa, Goa – 403601.
6. **Technical Associates Ltd. (TAL),**  
8<sup>th</sup> KM, Faizabad Road, Vijaypur, Gomti Nagar, Lucknow – 226010
7. **Sahasradhara Energy Pvt. Ltd. (SEPL),**  
New No. 25, Old No 10, Sir Madhavan Nair Road,  
Mahalingapuram, Nungambakkam, Chennai -600034
8. **Pinnacle Jackson,**  
T-15, 2<sup>nd</sup> Floor, Green Park Main, New Delhi – 110016
9. **Adani Green Energy (Uttar Pradesh) Ltd. (AGEUPL),**  
Achalraj Opp. Mayor Bungalow, Lal Gardan, Ahmedabad – 380006
10. **Avadh Rubber Prop Madras Elastomers Ltd. (ARPMEL),**  
B-13, Industrial Area, Opp. Amausi Aerodrome, Lucknow – 226008
11. **Salasar Green Energy Pvt. Ltd. (SGEPL),**  
(A Project company formed by M/s N.P. Agro (India) Industries Ltd.),  
253, Madhowari Behind Madhu Ice Factory, Bareilly – 243005
12. **Sukhbir Agro Energy Ltd. (SAEL),**  
Asset No. 11, 3<sup>rd</sup> Floor, Tower-A, World Mark-1, Aerocity, New Delhi – 110037.
13. **PSPN Synergy Pvt. Ltd. (PSPN),**  
(A Project company formed by M/s Shree Radhey Radhey Ispat Pvt. Ltd.),  
122/235, SA, Plot No. 17, Fazalganj, Kanpur – 208012
14. **Sh. Rama Shankar Awasthi,**  
301, Surbhi Deluxe Apartments, 6/7 Dalibagh, Lucknow - 226001

..... Respondent(s)

by .



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### **FOLLOWING WERE PRESENT**

1. Shri Sashwat Dubey, Advocate, SAEL
2. Shri Aakash Prasad, Advocate, TAL & ARPMEL
3. Shri Himanshu Singh, Advocate, TAL & ARPMEL
4. Shri Divyanshu Bhatt, Advocate, UPNEDA
5. Shri Sashwat Singh, Advocate, UPNEDA
6. Shri Harshvardhan Shukla, Advocate, UPNEDA
7. Shri Narendra Singh, SPO-II, UPNEDA
8. Shri Rama Shankar Awasthi
9. Md. Altaf Mansoor, Advocate, UPPCL
10. Shri Tanay Chaudhary, Advocate, UPPCL
11. Shri Deepak Raizada, C.E(PPA), UPPCL
12. Shri C.P. Maurya, AE, UPPCL
13. Shri Vipin Mishra, TAL
14. Shri Abhishek Srivastava, Avadh Rail Infra
15. Shri Dinesh Kumar Upadhyay, T.A Greentech Pvt. Ltd.
16. Shri Saurabh Pathak, Head-Legal, LDIPL

### **ORDER**

**(DATE OF HEARING: 24.10.2024)**

1. The parties, aggrieved by the Commission's Order dated 21.11.2017 in the instant Petition, filed Appeal No. 37 of 2018, 88 of 2018, 102 of 2018, 129 of 2018, & 302 of 2018 before the Hon'ble Appellant Tribunal for Electricity (*hereafter referred as APTEL*). Hon'ble APTEL vide its judgment dated 05.08.2024 in the said Appeal(s) has set aside the Commission's Order dated 21.11.2017 and remanded back the matter to this Commission. The relevant extract of the said judgment dated 05.08.2024 is reproduced as under:

*"The impugned order dated 21.11.2017 is set aside, and Petition No. 1110 of 2016 is remanded to the UPERC for its consideration afresh in accordance with law, and in the light of the observations made by us in this order."*

2. During the hearing today, Counsel of UPPCL submitted that aggrieved by Hon'ble APTEL's judgment dated 05.08.2024, some of the Solar Power Developer (i.e., Sukhbir

by





Agro, PSPN Synergy, Adani Green Energy) have filed Special Leave Petition before the Hon'ble Supreme Court of India and the same are under scrutiny before the Hon'ble Supreme Court.

3. The Commission finds that considering Hon'ble APTEL's judgment dated 05.08.2024, Solar Project Developers would have to demonstrate the "duress" element in signing the amended PPA @ tariff of Rs. 7.02 per unit. On specific query of the Commission regarding solar power project timelines, Sh. Rama Shankar Awasthi responded that most of the project were commissioned before the impugned Order dated 21.11.2017; however, Avadh Rubber Prop Madras Elastomers Ltd. has still not started the project as of now.
4. The Commission directed the parties to file their respective affidavits detailing the issues raised before the Hon'ble Supreme Court of India vis-à-vis issues at hand in the remand process which were raised to instant Petition. Further, Solar Project Developers are also directed to submit activity wise milestones, timelines of various activities involved in their respective power project commissioning viz land details, procurement of Solar panels, power evacuation arrangement and supply of power to UPPCL.

The Commission directed to list the matter on 12.12.2024.

**(Sanjay Kumar Singh)**  
Member



**(Arvind Kumar)**  
Chairman

Place: Lucknow

Dated: 05.11.2024