



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Petition No. 2183 of 2025**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition under Section 63 and 86(1)(b) & (e) of the Electricity Act, 2003 for adoption of tariff and approval of PPA for Long-Term procurement of 300MW ISTS connected Wind-Solar Hybrid Power Project under Tariff Based Competitive Bidding for meeting Renewable Purchase Obligation (RPO) as per applicable regulations, which has been discovered through a transparent process by way of a competitive bidding conducted in terms of the Guidelines for Tariff Based Competitive Bidding Process (TBCB) for procurement of Power from Grid Connected Wind Solar Hybrid Projects dated 21.08.2023 issued by Ministry of Power.

**AND**

**IN THE MATTER OF**

**Noida Power Company Ltd. (NPCL),**

Plot No. ESS, Knowledge Park – IV,

Greater Noida – 201310 Uttar Pradesh

..... Petitioner

**Versus**

**1. M/s. Purvah Green Power Pvt. Ltd. (PGPPL),**

6<sup>th</sup> Floor, MGF Corporate Park, Saket, New Delhi-110017

**2. Deshraj Solar Energy Pvt. Ltd. (DSEPL),**

6<sup>th</sup> Floor, MGF Corporate Park, Saket, New Delhi-110017

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Respondent(s)

**FOLLOWING WERE PRESENT**

1. Sh. Parinay Deep Shah, Advocate, PGPPL

by



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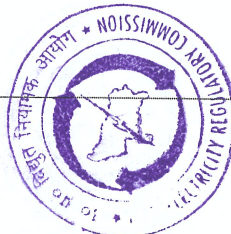


2. Sh. Sanket Srivastava, Head (Power Purchase), NPCL
3. Sh. Buddy A. Ranganathan, Sr. Advocate, NPCL (Attendance not marked)
4. Ms. Srishti Rai, Advocate, NPCL
5. Sh. Abhishek Anand, AM-Legal, NPCL
6. Sh. Rama Shanker Awasthi, Consumer

### ORDER

(DATE OF HEARING: 22.04.2025)

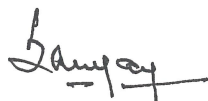
1. The Commission adjourned the last hearing dated 27.03.2025 on NPCL' request. NPCL & PGPPL have filed their respective reply to the impleadment application of Sh. Rama Shankar Awasthi on 25.03.2025. NPCL has also filed its affidavit in compliance to the Commission's direction vide its Order dated 03.03.2025. On 21.04.2025, Sh. Rama Shankar Awasthi filed its consolidated rejoinder to the replies of NPCL & PGPPL.
2. During the hearing today, Sh. Buddy A. Ranganathan, Counsel of NPCL objected to the impleadment of Sh. Rama Shankar Awasthi stating that the present proceedings were being conducted under Section 63 and 86 of the Electricity Act, 2003, wherein public consultation was not provided for. He further added that under CPC Order 1 Rule 10, for a party to be required to be joined to a proceeding (i) there must be some relief against such party in relation to the questions involved in the proceedings; and (ii) the presence of such a party must be necessary for an effective adjudication of the matter. However, the submissions of Sh. Rama Shankar Awasthi did not satisfy the said principle of CPC.
3. The Commission queried that the Commission has framed its (Conduct of Business) Regulations, 2019 (CBR, 2019), which need to be referred to in the first place as it provides for a complete mechanism for conduct of proceedings before the Commission. Regulation 9(a) of the CBR, 2019 clearly stipulates that "the Commission may also permit any individual to participate in the proceedings provided the Commission finds that his/her participation will be a value addition to the proceeding". Sh. Ranganathan responded that impleadment under consideration was on an application and not Suo-moto, therefore, the guiding principle in such a scenario was whether the hearing of such a party was essential for value addition in the matter.





4. Sh. Parinay Deep Shah, Advocate of PGPPL also objected to the impleadment of Sh. Rama Shankar Awasthi and referred to the Hon'ble Supreme Court Judgement in Aayana Case and argued that the scope of hearing or impleading Sh. Awasthi, in the instant matter involving Section 63 of the Electricity Act'03, was quite narrow unless he produces evidential documents or pleadings before the Commission.
5. Sh. Rama Shankar Awasthi submitted that being a consumer of NPCL, he was a necessary and proper party as it would be impacted by the tariff discovered in the matter. Therefore, Sh. Awasthi requested the Commission for impleadment through an application as there was no other way he could have placed his submissions in the proceedings. Shri Awasthi stated that since the present power procurement arrangement was within the group companies hence it smacked foul. Regarding ~~to~~ this, the Commission observed that procurement of power by a distribution utility from its group companies was not barred unless it was proved that the transparent process has been compromised. Sh. Awasthi, in response, submitted that NPCL could procure power from its group company but the procurement process must be transparent, therefore, his examination of the procurement process by getting access to the petition documents could lead to value addition in the matter. Sh. Awasthi sought two weeks' time for his submissions after inspecting petition records.
6. After hearing the parties, the Commission allowed Sh. Rama Shankar Awasthi to file its submissions on or before 06.05.2025, with a copy to the parties with specific observation that impleadment of Shri Awasthi would solely depend on whether his submission adds value in determining that the bidding process failed on account of transparency or he could demonstrate that the bidding process had been carried out de hors or in departure from the guidelines issued by the Central Government for the purposes of section 63 of EA,03 .

List the matter for next hearing on 08.05.2025.

  
(Sanjay Kumar Singh)  
Member

  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 25.04.2025

