



Petition No.925 of 2013

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order : 10.07.2015

PRESENT:

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Smt. Meenakshi Singh, Member
3. Hon'ble Sri Indu Bhushan Pandey, Member

IN THE MATTER OF: Seeking stay of the impugned demand of the respondents vide letter dated 24.9.2013 and bills dated 1.11.2013 & 22.11.2013.

AND

IN THE MATTER OF

M/s Hindalco Industries Ltd.,
Works Office-Renukoot, Sonabhadra,
Registered Office-Century Bhawan,
Dr. Annie Besant Road, Mumbai.

----- **Petitioner**

1. UP Power Corporation Limited, (through its Managing Director), 7th Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow
2. Chief General Manager (PPA), UP Power Corporation Limited, , 4th Floor, Shakti Bhawan Ext., 14, Ashok Marg, Lucknow
3. The Managing Director, Purvanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Bhawan, P.O. Vidyut Nagar, DLW, Varanasi

----- **Respondent**

The following were present:

1. Sri Kamlesh Chandra E.E (Commercial), UPPCL
2. Sri Amarjeet Singh Rakhra, Advocate, UPPCL
3. Sri Shahid Rizvi, Advocate
4. Sri I. J. Joshi, Jt. President Hindalco
5. Sri Utkarsh Raghubanshi, A.G.M., Hindalco
6. Shri Ajit Kumar, Sr. G.M., Hindalco



Order
(Date of Hearing 16.06.2015)

1. The Commission, vide order dated 16.02.2015, enquired that whether there was any other dispute resolution mechanism such as arbitration as agreed between the parties? The Commission also directed UPPCL/Discoms to file a detailed counter having their submission on the issues of maintainability and arbitration with a copy to Hindalco who was to file detailed rejoinder subsequently. Further, vide order dated 15.5.2015 UPPCL was again directed to comply above.
2. UPPCL/PVVNL has submitted an affidavit dated 01.06.2015 that clause 23 of PPA clearly specifies the arbitration provision and requested the Hon'ble Commission to refer the case for arbitration under above provision.
3. Hindalco has submitted its reply on petition's objections on maintainability on 15.6.2015. The Petitioner has referred the Commission's jurisdiction under section 86(1)(b) and 86(1)(f) for dispute resolution between licensee and the generating company. The learned counsel of Hindalco Shri Shahid Rizvi, reiterated that the bills were raised to them only on the basis of CAG report.
4. Since, both the parties accepted during the hearing that the Power Purchase Agreement (PPA) had not been sent to the Commission for approval, the Commission enquired that why the PPA was not sent for approval under the provisions of clause 5, 27(2) and 28(5) of the CNCE Regulations, 2009 ? The Commission also enquired about the status of present agreement.
5. The Commission directed both the parties to make submissions on above.
6. The next date of hearing would be 5th August, 2015 at 15:00 Hrs.

(Indu Bhushan Pandey)
Member

(Meenakshi Singh)
Member

(Desh Deepak Verma)
Chairman

Place : Lucknow
Dated: 10.07.2015