



**Petition No.925 of 2013**

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

**Date of Order : 28.09.2015**

**PRESENT:**

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. 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.

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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, , 4<sup>th</sup> 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

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The following were present:

1. Sri Amarjeet Singh Rakhra, Advocate, UPPCL
2. Sri R.P. Prasad, S.E. (Com), UPPCL
3. Sri Shahid Rizvi, Advocate, Hindalco
4. Sri I. J. Joshi, Jt. President Hindalco
5. Sri Utkarsh Raghubanshi, A.G.M., Hindalco
6. Sri Ajit Kumar, Sr. G.M., Hindalco
7. Sri Santosh Gupta, DGM., Hindalco



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**Order**  
(Date of Hearing 14.08.2015)

1. The Commission had 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. UPPCL did not file detailed counter whereas Hindalco filed an application dated 13.8.2015 seeking stay of proceedings till final disposal of their other petition filed recently in which they have submitted PPA dated 13.07.2009 entered with UPPCL for approval of the Commission.
2. At the outset, the Commission desired to know the stand of parties on the issue of arbitration clause provided in the agreement as dispute resolution mechanism. UPPCL replied in favour of arbitration whereas the petitioner even though, not rejecting the arbitration mode, preferred that the Commission may decide the case under section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003.
3. The learned counsel of Hindalco Sri Shahid Rizvi submitted that the supply of power between the parties is continued till date. Sri Amarjeet Singh Rakhra, Advocate, UPPCL submitted that how the PPA dated 13.07.2009 which was not in line with then prevailing regulations may be approved by the Commission retrospectively?
4. The Commission decided to hear the arguments on approval of PPA dated 13.07.2009 before deciding other issues in this petition. Both the parties were directed to make submissions on above.
5. The Commission clubbed petition no. 1030 of 2015 filed for approval of PPA with this petition.
6. The next date of hearing shall be fixed separately.

(Indu Bhushan Pandey)  
Member

(Desh Deepak Verma)  
Chairman

Place : Lucknow  
Dated: 28.09.2015