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**BEFORE**  
**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**  
**LUCKNOW**  
**Petition No.1239/2017**

**PRESENT:**

Hon'ble Sri Suresh Kumar Agarwal, Chairman

IN THE MATTER OF : Application for Interim Relief

**Petitioners:**

M/s Usher Eco Power Ltd.,  
Plant at 630, Vill-Dautana, NH-2,  
Delhi-Agra Highway,  
Tehsil-Chhata,  
Distt-Mathura (U.P.)

**Respondents:**

1. The Chairman,  
U.P. Power Corporation Ltd.  
Shakti Bhawan,  
14, Ashok Marg,  
Lucknow-226 001 (U.P.)
2. Director,  
State Load Dispatch Centre,  
Shakti Bhawan, 14 Ashok Marg,  
Lucknow-226 001
3. Chief Engineer (PPA) UP Power Corporation Limited,  
14<sup>th</sup> Floor, Shakti Bhawan Ext.  
14-Ashok Marg, Lucknow

**In the presence of:**

1. Sri Rahul Srivastava, Advocate, UPSLDC
2. Sri Vikas Agarwal, Manager, Usher Eco Power Ltd.
3. Sri DD Chopra, Advocate

4. Sri Lalit Chaturvedi, Usher Eco Power Ltd.
5. Sri Rajiv Srivastava, Advocate, UPPCL
6. Sri V.K. Asthana, CE, PPA
7. Sri M.K. Gupta, EE, SLDC
8. Sri C.K. Shukla, CE, SLDC
9. Sri Piyush Shukla, SE, SLDC
10. Sri S.C. Gautam, EE, SLDC
11. Sri Avni Srivastava, AE, SLDC
12. Sri Vijay Raj Singh, Ee, UPPCL

**ORDER**  
**(Date of hearing 23.01.2018)**

The case was last heard on 19.12.2017 in which the Commission had directed UPPCL to file their final reply in the matter and had also directed UPPCL to make the payment of bills of the generator for the period prior to 1<sup>st</sup> July 2017.

2. The matter was heard again on 23 January 2018. In the hearing the Petitioner intimated that UPPCL has made the payment of bills upto June 2017 @ Rs.5.97 per unit as against the rate of Rs.6.54 admissible as per the PPA. The representative of UPPCL informed that earlier the Petitioner had given its consent on payment @ Rs.5.97 per unit, therefore, the payment has been made accordingly. But the Petitioner intimated that after December 2016 they did not give any consent to accept the payment @ Rs.5.97 per unit and for period beyond December 2016 the payment is to be made @ Rs.6.54.

3. The Commission directed UPPCL that if the Petitioner has not been given any consent to accept the rate @ Rs.5.97 per unit then the payment upto June 2017 should be made at the rate admissible as per PPA.

4. UPPCL did not file their final reply to justify the rate of Rs.5.56 per unit proposed by them to all the generators whose rates are more than Rs.5.56 as per the PPA. UPPCL intimated that in the earlier hearing the Commission had allowed the Petitioner to run their plant for one month and accept the payment @ Rs.5.56 per unit provisionally subject to final decision in the matter. But the Petitioner has not run the plant. The Petitioner intimated that their plant was under maintenance therefore they could not run the plant as discussed in the earlier hearing. UPPCL informed that they will submit their reply in the matter in next 15 days time. In the meantime if the Petitioner wants they can run the plant for one month and accept the provisional tariff of Rs.5.56 per unit for this period subject to final decision of the Commission in this matter.



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5. The Commission directed UPPCL to submit their final reply in the matter in next 15 days time failing which the Commission will pass the appropriate order on the petition.

5. The matter shall be listed for hearing on 23 February, 2018.

(Suresh Kumar Agarwal)  
Chairman

Place: Lucknow  
Dated: 31.01.2018