



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2123 of 2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Regulation 5.4 of U.P. Electricity Regulatory Commission (Promotion of Green Energy Through Renewable Purchase Obligation) Regulations, 2010 including their time to time Amendment in the Above Regulations.

AND

IN THE MATTER OF

M/s Bansal High Carbons Pvt. Ltd.,

(Through its Director), 123/125, Anand Industrial Estate, Mohan Nagar, Ghaziabad

..... Petitioner

THE FOLLOWING WERE PRESENT

1. Shri Rakesh Kumar Suman, EE, UPSLDC
2. Shri Vishal Dixit, Advocate, Petitioner
3. Shri Salman Shah, Advocate, Petitioner

ORDER

1. The petition has been filed under Regulation 5.4 of U.P. Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 with the request to permit the Petitioner to carry forward the deficit in meeting the Renewable Purchase Obligations for F.Y. 2021-22 & 2022-23.
2. It has been submitted that the Petitioner's company is a limited company, and its plant is situated at Loni Road, Modi Nagar, Ghaziabad and having its electricity connection under the jurisdiction of PVVNL, Meerut with a Contracted load of 3150 KVA and is involved in making of Electrode Welding Rods. The Petitioner is also

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availing Open Access (upto 3.15 MW) through Power Exchange or from other Open Access source.

3. It has also been submitted that the Petitioner could not fulfill its Renewable Purchase Obligations for F.Y.2021-22 and F.Y.2022-23. During F.Y.2021-22, the petitioner could not comply with the condition of RPO on account of stay order by Hon'ble APTEL, in appeal No.118 of 2020 read with Appeal No.113 of 2020, on trading of non-solar or solar RECs on exchange platform. In F.Y.2022-23, the concerned employee of the company who was looking after the affairs of REC's left the job of the company but did not surrender the complete charge or full information to the new incoming employee of the company. The promoters of the company were under the impression that there is still a stay order on trading of RECs and therefore, they assumed that RECs were not available on the exchange platform. It has been further submitted that there is no shortfall in purchase of RECs for the F.Y.2023-24.
4. The Petitioner has requested to permit him to carry forward the deficit in meeting the Renewable Purchase Obligations for F.Y.2021-22 & F.Y.2022-23 and allow him to purchase RECs. However, no verified data in respect of the energy purchased from Open Access was submitted with the Petition.
5. In its Order dated 26.11.2024, the Commission had decided to implead SLDC in the matter. SLDC was also directed to verify the statement submitted by the Petitioner and to provide their input, if any, in the matter. The Petitioner was also directed to submit the data for FY 2023-24 and to establish correlation of energy consumption with the RPO targets furnished by the Petitioner. UPSLDC, vide its submission dated 21.02.2025, has verified the open access energy of the Petitioner for FY 2021-22, FY 2022-23 and FY 2023-24.
6. In its Order dated 12.03.2025, the Commission had directed the Petitioner to get the consumption for FY 2021-22, FY 2022-23 and FY 2023-24 verified from the licensee and demonstrate how the energy procured through open access is adjusted in the bills. However, the Petitioner failed to provide the verified data from the Licensee.





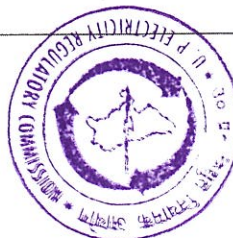
7. In the Order dated 28.03.2025 the Commission directed the Petitioner to provide the year wise details in the format given by the Commission along with the bills issued by the Transmission and Distribution licensees for the year FY 2021-22 and FY 2022-23.
8. A written submission dated 24.04.2025 has been made by the Petitioner vide which data for the year FY 2021-22 and FY 2022-23 has been provided as below:

Financial Year	Total Energy consumption as per consumer meter (in MWh)	Total Energy purchased from Open Access (in MWh)	Total Energy purchased from the Discom (in MWh)
2021-22	18,016.500	14,735.219	3,281.281
2022-23	19,146.300	7,446.422	11,699.878

Commission's Analysis & Decision

9. As per the submission dated 27.11.2024 made by the Petitioner SLDC had verified that the Petitioner had purchased 14,386.84 MWh and 6,566.98 MWh in FY 2021-22 and FY 2022-23 respectively. In submission dated 24.04.2025 it has been shown by the Petitioner that total energy purchased from Open Access in FY 2021-22 and FY 2022-23 was 14,735.219 MWh and 7,446.422 MWh respectively. From the Perusal of the monthly bills submitted by the Petitioner vide its submission dated 24.04.2025, it can be seen that the values for the total energy purchased from Open Access in FY 2021-22 and FY 2022-23 were actually MVAh and not MWh. Inconsistent data, as filed in submissions, constrained the Commission from taking a firm view and the Commission had to dig deeper in various hearings to ascertain the actual obligations as the initial petition was bereft of any data corroborating the prayer in petition. Right from the first hearing it appeared as if the petitioner was in a hurry to get the relief without satisfying the Commission about the backup data corroborating to such relief. The petitioner will do well not to count the chicken before they hatch.

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10. The Commission finds that although both the submissions made by the Petitioner do not corroborate, one thing is certain that RPO obligation is still pending. The Commission therefore allows the prayer and directs the Petitioner to purchase REC as per the obligations, in the interim, based on the verified data submitted by SLDC, as per UPERC (Promotion of Green Energy through Renewable Purchase Obligation) (First Amendment) Regulations, 2019 within three months. The Petitioner is also directed to submit compliance on affidavit on the number of REC's that are purchased and the Open Access energy for which RPO has been fulfilled. The Commission may impose penalty for delay in approaching the Commission in the matter which shall be decided subsequently.

11. The Distribution Licensee is directed to verify and confirm the details that have been provided by the Petitioner, as shown in para 8 of this Order, and energy purchase from Open Access as verified by SLDC detailed in para 9 of this Order and submit report to the Commission on the discrepancies observed in the data within 6 weeks. Based on the report submitted by the distribution licensee, the Commission shall take further call in the matter.

12. Before parting with the order, the Commission would also like to express itself on the misconduct of Shri Vishal Dixit, the counsel of the Petitioner during the proceedings on 29th April 2025. As Petition Nos. 2120 of 2024, 2121 of 2024, 2122 of 2024 and 2123 of 2024 were taken up simultaneously in the hearing on 29th April 2025 since the matter involved in all the four Petitions was same/ similar hence observation of the Commission on conduct of Shri Vishal Dixit as contained in Order on Petition No. 2120 of 2024 from para 12 to 17 will be squarely applicable in this case also.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 02.05.2025