



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2120 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 Wire Industries Ltd.,

(Through its Director), Plot No. B-3, Site-II, Loni Road, 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 2700 KW and is involved in making of Electrode Welding Rods. The Petitioner is also

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availing Open Access (upto 2.3 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	15726.900	11976.307	3750.593
2022-23	16643.850	5697.097	10946.753

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 11,762 MWh and 5,112.2 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 11,976.307 MWh and 5,697.097 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.
10. The Commission finds that although both the submissions made by the Petitioner do not corroborate, one thing is certain that RPO is still pending. The Commission

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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, it is important to mention the Conduct of the Counsel representing the petitioner i.e. Shri Vishal Dixit (Registration No. 129/90), R/o 210, IInd Floor, Vinay Palace, Ashok Marg, Lucknow. The facts, as we proceed to adumbrate, would graphically reveal how he created gross indiscipline in the proceeding before the Commission, without any remote remorse, with intention to harass the Statutory Body. It is the sad and unfortunate factual score that happened in the proceedings before the Commission in the matter of M/s Bansal Wire Industries Limited and M/s Bansal High Carbon Private Limited in Petition Numbers 2120/2024, 2121/2024, 2122/2024 and 2123/2024 relating to Renewable Purchase Obligation (RPO) on 29th April 2025, and, we painfully recount –

"when the petitioner's Counsel Shri Vishal Dixit was told by the Commission that the Megawatt and MVA readings at SLDC end and in the consumer's bill are not explainable or are not demonstrating consistent or coherent correlation and hence whether he would like to explain the same or if he so desires, he can call any technical person from the petitioner's organisation to throw some light on it, Shri Dixit started to shout, in an unsavoury manner saying that this

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Commission is unnecessarily dragging the matter and asking irrelevant questions. When Shri Dixit was asked by the Bench to tone down his voice and speak in a civil manner, he vociferously caterwauled that what to talk about the Commission, he speaks in the same pitch, voice and language before even the seven Judges Bench of Hon'ble High Court (Hon'ble added by this Commission but not uttered by him). Subsequent to it, when he was told that this was not the manner in which he should address the Bench, he retaliated by saying that this Commission cannot do anything against him irrespective of his conduct and if the Commission feels it can refer the matter related to his behaviour before the Hon'ble High Court (Hon'ble added by this Commission but not uttered by him) for drawing out a contempt proceeding against him for which he is least worried and he knows that this Commission does not have any power to act against him in any manner. Feeling sad about the developments, when the Commission said that now it is closing the proceeding of the case at hand, he shouted back saying that you may do whatever you want, and it hardly affects him. During this entire course, one young lawyer, also present in the Court for a different matter, tried to request him for behaving properly, he was snubbed by Shri Dixit saying that he should go and sit and let him handle the proceeding in the manner he deems fit and not tell him what he should or should not do"

13. It is apparent from the above that in face of a genuine question asked by the Commission, he suddenly burst into loud voice and resorted to gross contemptuous misbehaviour using intemperate language thereby obstructing the administration of justice and causing hindrance in the judicial dispensation. In this context, it requires mention that an advocate in his professional as well as personal life, has to be a paragon of perfection, a model of excellence to be emulated by one and all. Nothing is more destructive of public confidence in the administration of justice than incivility, rudeness or disrespectful conduct on the part of a counsel towards the court. Browbeating the Court, undermining or tending to undermine people's confidence in administration of justice and being grossly disrespectful to Court tantamount to criminal contempt. The behaviour of the Counsel before the Commission projects and frescoes a scenario, which is not only disturbing but has the potentiality to create a stir compelling one to ponder in a perturbed state that how someone who is

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required to maintain a quintessential civility, not only in Court but in other walks of life also, can shred all the threads of courtesy and grace to be shown to a Court. In fact, the deplorable action on the part of Shri Vishal Dixit calls for Contempt Proceedings against him under the relevant provisions of the Contempt of Courts Act, 1971. However, this Commission is aware of the fact that contempt is a weapon like *Brahmasatra* to be used sparingly to remain effective.

14. A legal practitioner is bound to conduct himself in a manner befitting the high and honourable profession to whose privileges he has been admitted; and if he departs from the high standards which that profession has set for itself and demands of him in professional matters, he is liable to disciplinary action. Abusing the process of court is a serious misconduct. The intemperate behaviour and outbursts of Shri Vishal Dixit, *prima facie*, renders him unworthy to remain a member of the honourable profession to which he has been admitted, and unfit to be entrusted with the responsible duties that an advocate is called upon to perform under Section 35 (1) of the Advocates Act, 1961.

15. By virtue of Sections 94 and 95 of the Electricity Act, 2003, the Commission, for all intents and purposes, enjoys the status of a court. Thus, the powers of the State Commission to issue any order against professional misconduct are in tandem with a that of Civil Court. The conduct and behaviour of Shri Vishal Dixit before the Commission was atrocious and unpardonable. Proceedings inside the courts are always expected to be held in a dignified and orderly manner. A person who committed contempt of court cannot have the unreserved right to continue to appear and plead and conduct cases in the courts without any qualm or remorse. No judicial system in a democratic society can work satisfactorily unless it is supported by a Bar that enjoys the unqualified trust and confidence of the people, that shares the aspirations, hopes and the ideals of the people. In fact, in catena of judgements, the Hon'ble Apex Court has observed that the members of legal profession are required to maintain exemplary conduct in and outside of the Court.

16. Legal profession being the most important component of justice delivery system, regulatory bodies like this Commission must continue to perform their regulatory

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and adjudicatory function without any fear or favour and hence, should not be seen to be wanting in taking prompt action against any malpractice. They cannot simply abdicate their role and responsibility in maintaining decorum, decency, discipline and behavioural propriety within their precincts. Shri Vishal Dixit has, thus, flagrantly violated the provisions of Section 95 of the Electricity Act, 2003, (Proceedings before Commission), and Regulation 54 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2019.

17. This Commission has always had the inclination that any action against a recalcitrant should not be merely punitive but should be correctional as well. At the same time, a message has to go throughout the eco-system that professional delinquency would not be taken lightly. This Commission, therefore, proposes to show-cause Shri Vishal Dixit, Advocate, through this order, to explain as to why he should not be debarred from practising/appearing before this Commission for a period of 3 years in view of his contumacious behaviour during the proceeding before the Commission on 29th April 2025. He is called upon to explain, by 31st May 2025, why the proposed actions should not be taken against him. Shri Vishal Dixit may note that if no explanation is received from him within the stipulated period, or if his explanation is not to the satisfaction of this Commission, proposed action will be taken apart from any other action, as deemed fit, including but not limited to referring the professional misconduct of the advocate to the State Bar Council for any appropriate action, as deemed fit by the State Bar Council. Shri Vishal Dixit is restrained from appearing before this Commission till 31st May 2025 or till a final decision is taken on the show cause being issued through this order, whichever is later


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 02.05.2025

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