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

**Petition No.: 1193 / 2017**

**Present:**

- 1 Shri Suresh Kumar Agarwal, Chairman
- 2 Shri Kaushal Kishore Sharma, Member

**IN THE MATTER OF:**

Agricultural tariff for Solid Waste Management Project being setup in state of U.P. under promotional benefit in line with the Hon'ble Supreme Court & MoUD (Ministry of Urban Development) Directives.

AND

**Petitioner**

M/s Ecogreen Energy Pvt. Ltd., 603-607, ILD Trade Centre, Sec-47 Sohna Road, Gurugram, Haryana- 122018.

**Respondent:**

1. Chief Secretary, Urban Development Dept., Govt. of U.P., Babu Bhawan, Vidhan Sabha Marg, Lucknow-226001.
2. Principal Secretary, Energy Dept., Govt. of U.P., Babu Bhawan, Vidhan Sabha Marg, Lucknow-226001.
3. Secretary, Energy Dept., Govt. of U.P., Babu Bhawan, Vidhan Sabha Marg, Lucknow-226001.
4. The Chairman, U. P. Power Corporation Ltd., 7<sup>th</sup> Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.
5. The Managing Director, U. P. Power Corporation Ltd., 7<sup>th</sup> Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow – 226001.
6. The Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4-A, Gokhale Marg, Lucknow - 226001.
7. The Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan, 220KV Sub-Station Mathura bypass Road, Agra - 282007.
8. The Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut - 250001.



9. Managing Director, Poorvanchal Vidyut Vitran Nigam Ltd., Bhikharipur, 132KV Sub-Station, Poorvanchal Vidyut Bhawan, P.O. Diesel Locomotive Works, Varanasi - 221004.
10. The Managing Director, Kanpur Electricity Supply Company Ltd., KESA House, 14/71, Civil Lines, Kanpur - 208001.
11. MD & CEO, Noida Power Company Ltd., Commercial Complex, H-Block, Alpha-II Sector, Greater Noida City.
12. The Director, (Commercial), UPPCL, Shakti Bhawan, 14 Ashok Marg, Lucknow-226001
13. The Chief Engineer, RAU, U. P. Power Corporation Ltd., 15th Floor, Shakti Bhawan Extension, 14, Ashok Marg, Lucknow - 226001.

The following were present:

1. Shri S.A. Rizvi, EE- RAU
2. Shri S.K. Nirmal, EE- RAU, UPCL
3. Shri Shashi Kant Verma, AE (T) / RAU
4. Shri Rajiv Srivastava, Advocate, UPPCL
5. Shri Vikrant Sharma, Manager, M/s Ecogreen Energy Pvt. Ltd.

### **ORDER**

**(Hearing- April 4, 2018)**

M/s Ecogreen Energy Pvt. Ltd. has filed a Petition under Section 86(1)(a) of the Electricity Act, 2003 for a direction to apply agricultural tariff to Solid Waste Management Project being setup in state of U.P. as per directions of the Hon'ble Supreme Court.

2. The instant petition has been filed by M/s Ecogreen Energy pvt. Ltd. which is a Solid Waste Management Company engaged in the business of solid waste management. The Company has been awarded a new project under solid waste management programme in U.P.

3. The Petitioner has come before the Commission in reference to an order of the Hon'ble Supreme Court in the matter of Civil Writ Petition no.888/1996 in which Hon'ble Supreme Court, on the basis of recommendations of an Inter Ministerial Task Force on Integrated Plant Nutrient Management, Hon'ble Supreme Court, vide its order dated 1.9.2006 has directed the Government to implement the recommendations of the Inter-Ministerial Task Force on Integrated Plant Nutrient Management. The Ministry of Urban Development, Govt of India vide its order dated 16 May 2007 has recommended to all the



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State Governments to implement the Task Force recommendations as per the Hon'ble Supreme Court directives.

4. In this case UPPCL vide its letter dated 12.6.17 has submitted the following:-

- i) No direction has been issued by the GoUP in the above matter and further, GoUP has to adopt the recommendation of the Task Force as a policy matter.
- ii) It was submitted that Petitioner has not approached to the GoUP for redressal of its grievance with respect to the subsidized power to MSW plants.
- iii) It was further submitted that the power to provide subsidized electricity is the sole prerogative of the State Govt. And it can provide subsidized power to the consumer or class of consumer and the same is provided under Section 65 (Provision of Subsidy by State Government) of the Electricity Act, 2003.

5. After hearing the arguments of both the parties the Commission is of the view that the Petitioner should approach the Department of Urban Development and Department of Energy, GoUP for implementation of the directives of the Hon'ble Supreme Court as the Hon'ble Supreme Court has directed the Govt of India which in turn has directed the State Governments to implement the directives of the Hon'ble Supreme Court. The Commission further directs that if the petitioner approaches the State of Uttar Pradesh the appropriate decision should be taken in the matter.

6. The matter is disposed of accordingly.

( K.K. Sharma )  
Member

(Suresh Kumar Agarwal)  
Chairman

Place: Lucknow

Dated:04.04.2018