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

**Petition No.1227/2017, 1173/2017 & 1174 of 2017**

**PRESENT:**

Hon'ble Sri Suresh Kumar Agarwal, Chairman

IN THE MATTER OF : To set aside the impugned termination notice dated 24.6.2017  
as well as show cause notice dated 10.08.2017

**Petitioner:**

M/s U.M. Power Pvt Ltd.  
806, Devika Tower,  
6-Nehru Place  
New Delhi 110 019

**Respondents:**

U.P. Power Corporation Ltd.  
Shakti Bhawan,  
14, Ashok Marg,  
Lucknow-226 001 (U.P.)  
Through its Managing Director

**In the Presence of**

1. Shri V.P. Srivastava, C.E., UPPCL
2. Shri Rajiv Srivastava, Advocate, UPPCL
3. Shri Naeem Khan, E.E, UPPCL
4. Shri Dharm Ratna Bandhu, A.E., UPPCL
5. Shri Sanjay Verma, S.E., UPPCL,
6. Shri R.B. Singh, CEO, U.M. Power

**ORDER**  
**(Date of hearing 13.10.2017)**

M/s U.M. Power Pvt Ltd. has filed petition no.1227/2017. This petition was heard on 08.09.2017 but nobody was present on that date from the petitioner's side. On 13.10.2017 the Petitioner's representative Sri R.B. Singh alongwith the Advocate of the Petitioner Sri Dhruv Mathur were present.

2. The Petitioner has filed their submission on 28.09.2017. In the submission the petitioner has mentioned that to find an amicable solution to the entire dispute they have proposed UPPCL and the State Government that they will withdraw the present petition and would not lay any claim against UPPCL relating to the project in question subject to UPPCL/State Government releasing/ensuring the release of the Bank Guarantee and further subject to the Petitioner being permitted by the concerned authorities to utilize the land allotted to it by the State Government in respect of the project for any other industrial purpose or activity.

3. They have also mentioned that the Petitioner has already submitted to UPPCL an undertaking in view of the aforesaid proposal made by them. They have mentioned that if UPPCL agrees to the conditions subject to which the undertaking has been given by the Petitioner, the Commission may be pleased to declare the PPA in question as void for the reasons stated in the Petition. In the hearing the representative of UPPCL informed the Commission that the undertaking given by the Petitioner is conditional therefore not acceptable. However the representative of UPPCL mentioned that they do not have any objection in helping the Petitioner in getting the permission for change of land use by the concerned department of the State Government. Since permitting the change of land use is not in their jurisdiction, therefore, they can not undertake any such obligations. UPPCL informed that if M/s UM Power Pvt. Ltd. is agreeable to withdraw their pending petition and submit an undertaking as per the prescribed format then their request for returning the Bank Guarantee would be considered as done in other cases. Initially the Petitioner representative was little hesitant in accepting the proposal of the UPPCL but later, during the course of hearing they agreed to submit an undertaking in the prescribed format and also to withdraw their petition for which they have already made a request to the Commission.

4. The Commission directs that after the Petitioner submits an unconditional undertaking in the prescribed format of UPPCL their Bank Guarantee should be returned back to them. However, if the Petitioner makes a request to UPPCL and the State Government for change in land use the same may be considered by the State Government



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sympathetically because due to unforeseen conditions petitioners' funds are blocked in the land procured for setting up of the project. The State Government should consider the request of the Petitioner as per the applicable rules and take a decision in the matter at the earliest possible to mitigate the financial loss to the Petitioner.

5. The Commission permits the withdrawal of Petition No. 1227/2017. The PPA dated 31.12.2010 would stand terminated and Petition No.1173 & 1174 of 2017 stands disposed of.

(Suresh Kumar Agarwal)  
Chairman

Place: Lucknow  
Dated:....10.2017