



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2008 of 2023

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

In the matter of Petition under Section 86(1)(f) of the Electricity Act, 2003 read with Section 60 of the Electricity Act, 2003 and Regulation 31 (a) (ii) of the Uttar Pradesh Electricity Regulatory Commission (Captive and Renewable Energy Generating Plants) Regulations, 2019 for appropriate direction to Respondents to allow banking up to 100% of the energy generated and to account for and retrospectively settle the energy already injected by the Petitioner qua the captive users, however lost due to non-singing of banking agreements for 100%.

AND

IN THE MATTER OF

Amplus RJ Solar Private Limited.,

A-57, DDA Sheds, Okhla Industrial Area, Phase - II, New Delhi-110020

..... Petitioner

VERSUS

1. **Uttar Pradesh Power Corporation Limited,**

(Through its Managing Director) Shakti Bhawan 14 Ashok Marg, Lucknow, Uttar Pradesh-226001.

2. **Uttar Pradesh State Load Despatch Centre,**

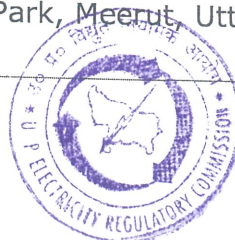
(Through its Director) Phase II, Vibhuti Khand, Lucknow, Uttar Pradesh – 226010.

3. **Paschimanchal Vidyut Vitran Nigam Limited,**

(Through its Managing Director) Victoria Park, Meerut, Uttar Pradesh – 250001.

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4. **Madhyanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler Colony, Lucknow, Uttar Pradesh – 226001.
5. **Dakshinanchal Vidyut Vitran Nigam Limited,**
(Through its Managing Director) Urja Bhawan, 220 KV Sub Station, Bypass Road, Sikandra, Agra, Uttar Pradesh - 282007.
6. **Purvanchal Vidyut Vitaran Nigam Limited,**
(Through its Managing Director) DLW Bhikharipur, Varanasi, Uttar Pradesh – 221004.
7. **Noida Power Company Limited,**
(Through its Director) Electric Sub-station, Knowledge Park – IV, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh – 201310.

..... Respondents

THE FOLLOWING WERE PRESENT

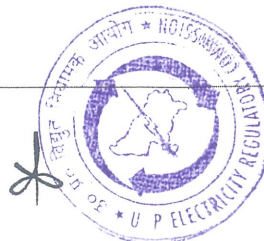
1. Shri Deepak Raizada, CE, UPPCL
2. Shri Suresh Chandra, SE, UPSLDC
3. Shri Badshah Hussain Rizvi, AE, UPSLDC
4. Shri Nitesh Tyagi, AGM, Amplus Solar Shakti Private Limited
5. Shri Sakya Singha Chaudhuri, Counsel, Petitioner
6. Ms Shreevidya Nargolkar, Advocate, Petitioner
7. Shri Abhishek Kumar, Advocate, UPPCL

ORDER

(DATE OF HEARING: 16.04.2024)

1. The Petitioner, Amplus RJ Solar Private Limited, is a Solar Power Developer and has set up a 40 MW ground mounted Captive Solar Power Project in Deoria, Uttar Pradesh. The Petitioner – Amplus RJ Solar Private Limited has filed the present petition seeking appropriate directions to Respondents to allow banking up to 100% of the energy generated and to account for and retrospectively settle the energy

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already injected by the Petitioner qua the captive users, however, lost on account of non-signing of banking agreements up to 100%.

2. During the hearing on 12.03.2024, the Commission had observed that an Order has been passed by the Commission in Petition No. 1994 of 2023, in the matter of Inox Air Products Pvt. Ltd. wherein, various issues related to banking and withdrawal of energy, similar to the present Petition, have been addressed. Then the counsel for the Petitioner had requested to grant some time to examine the details of the Inox Order. The counsel of Respondent also sought time, on the same ground, to make his submission. The Commission had granted two weeks time to both respondent and the petitioner to make their submissions. However, both Respondent as well as the Petitioner did not make any submissions.
3. On the date of present hearing i.e. 16.04.2024, the counsel for the Respondent submitted that the Government has recently issued a policy on Green Hydrogen wherein certain stipulations regarding banking have been provided, which will have direct implications on the CRE Regulations. According to him, these stipulations need to be studied before making a decision in the matter and therefore, requested to grant some time to evaluate.
4. The Commission is of the view that CRE Regulations, 2019 have been in place well before the Policy on Green Hydrogen issued by the Government. Moreover, the provision of this policy will only be applicable only if considered and adopted by the Commission at time of framing of new CRE Regulations. Accordingly, the Commission fails to appreciate why the green hydrogen policy is being linked with this matter by the Respondent. The Commission expressed its displeasure over the manner in which UPPCL is adopting a dilly-dallying approach by linking the Commission's Order with some extraneous issue.
5. The Commission enquired the Petitioner whether they have carried out any assessment of their banking requirement beyond 25% and in the light of dispensation approved by the Commission in Order dated 11.03.2024 in Petition No.

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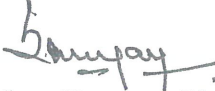
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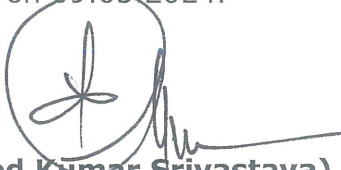


1994 of 2023. The Petitioner requested to grant some time to make submission in this regard. The Commission is also peeved over the fact that even the Petitioner does not have a clear idea of his banking requirement despite the time allowed for the assessment.

6. The Commission is of the view that once a dispensation has been approved, the same has to be complied with. The Commission had granted sufficient time to both the parties to examine the dispensation that has been approved for banking in its Order dated 11.03.2024 in Petition No. 1994 of 2023. Therefore, with the view that litigation in the matter is not unnecessarily prolonged, the Commission provides one last opportunity to both the Petitioner and the Respondent to make their submissions in light of the observations made in this Order.

7. List the matter for next hearing on 09.05.2024.


(Sanjay Kumar Singh)
Member


(Vinod Kumar Srivastava)
Member (Law)


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 19.04.2024

