THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2353 of 2026

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition seeking exemption from payment of transmission, wheeling and banking charges and exemption from Time of Day restriction for utilisation of banked power for the power generated from the proposed Captive Generation Project intended to supply power to Petitioner's Integrated Photovoltaic (PV) Cell fabrication and Module manufacturing facility which is to be established in the state of Uttar Pradesh under Atmanirbhar policy 2020 and Uttar Pradesh Industrial Investment and Employment Promotion Policy, 2022 by invoking its general regulatory and inherent powers under section 86 (1)(e) of the Electricity Act, 2003, Regulation 20 (power to relax) of the Uttar Pradesh Electricity Regulatory Commission (Captive and Renewable Generating Plants) Regulations, 2024 and Regulation 57 (Inherent Powers of the Commission) of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 and other consequential relief(s).

AND

IN THE MATTER OF

M/s SAEL SOLAR P6 PRIVATE LIMITED,

(Through its authorized signatory) Floor No. 846/359, 847/359, 848/350, Patan, Kishangarh, Rajasthan - 305816. ....Petitioner

VERSUS

1. **Uttar Pradesh Power Corporation Ltd.,**
   (Through Chairman), Shakti Bhawan Extension, 14- Ashok Marg, Lucknow - 226001.
2. **Uttar Pradesh Power Transmission Corporation Ltd.,**
   (Through its Managing Director), Shakti Bhawan Extension, 14- Ashok Marg, Lucknow - 226001. ....Respondents

THE FOLLOWING WERE PRESENT

1. Shri Manish Dwivedi, CE, PPA, UPPCL
2. Shri Vikash Gupta, EE, PPA, UPPCL
3. Shri Divyanshu Bhatt, Advocate, UPPCL
4. Shri Abhyaditya Singh, Advocate, UPPCL
5. Shri Shailendra Kumar Singh, Advocate, SAEL
6. Shri Dheeraj Awasthi, Advocate, SAEL
7. Ms. Chandni Bhatia, Advocate, SAEL

ORDER

(DATE OF HEARING: 09.06.2026)

1. The present Petition has been filed by M/s SAEL Solar P6 Private Limited seeking reliefs in context of the power generated from the proposed Captive Generation Project to be established to provide power to Petitioner's Integrated Photovoltaic (PV) Cell Fabrication and Module manufacturing facility which is to be established in Uttar Pradesh under Atmanirbhar Bharat Policy 2020 and Uttar Pradesh Industrial Investment and Employment Promotion Policy, 2022, by invoking its general, regulatory and inherent powers under Section 86(1)(e) of the Electricity Act, 2003, Regulation 20 (Power to Relax) of the UPERC (Captive and Renewable Generating Plants) Regulations, 2024 and Regulation 57 (Inherent Powers) of the UPERC (Conduct of Business) Regulations, 2019.

2. The Petitioner submitted that it had been granted Letter of Comfort (LoC) dated 10.07.2025 by State of Uttar Pradesh to establish an Integrated Photovoltaic (PV) 05 GW Cell Fabrication and downstream 05 GW Module manufacturing facility in U.P, providing various incentives to the Petitioner.

3. During the previous hearing, the Commission had admitted the Petition and had granted three weeks' time to the Respondents for making their submission and two weeks thereafter to the Petitioner for filing the Rejoinder.

4. An affidavit dated 05.06.2026 has been filed by Respondent No. 1 UPPCL whereby it has submitted that the reliefs claimed in the Petition seek substantial departure from the express provisions of the CRE Regulations, 2024, the UPERC (Terms and Conditions for Open Access) Regulations, 2019 and that the Petitioner cannot seek, as a matter of right, individual exemptions from the operation of generally applicable Regulations merely on the basis of its commercial or business requirements.

5. UPPCL has also submitted that the grounds urged in the Petition primarily relate to commercial viability, competitiveness, reduction of operational costs and investment expectations and such considerations, though relevant from a business perspective, cannot by themselves constitute a valid basis for grant of exemptions from statutory charges or relaxation of uniformly applicable regulatory provisions.

6. UPPCL has further submitted that the customized incentive package granted by the State Government, after due consideration of the Petitioner's proposal, represents the extent of incentives considered appropriate under the applicable policy framework. Having denied the banking-related relaxations by the State Government, the Petitioner cannot now seek the very same benefits indirectly through invocation of the regulatory jurisdiction of this Commission.

7. UPPCL has further submitted that Uttar Pradesh Solar Energy Policy, 2022 itself provides only for 50% exemption in transmission and wheeling charges for eligible solar power projects and not 100% exemption as sought by the Petitioner.

8. UPPCL has further submitted that the 'Letter of Comfort' specifically permits establishment of a Renewable Energy Plant only up to 125% of the contracted demand of the manufacturing facility thus, the competent authority, after considering the Petitioner's proposal, consciously approved a defined capacity threshold and did not contemplate an unrestricted or unlimited generating capacity.

9. During the present hearing, the counsel for the Petitioner submitted that Respondent No. 2 has not yet filed its submission and also sought two weeks' time for filing Rejoinder to UPPCL's submission.

10. The Commission provides further two weeks' time to UPPTCL to file its reply and grants two weeks' time thereafter to the Petitioner for filing the Rejoinder.

11. The matter shall be scheduled for next hearing on 21.07.2026.

Sanjay

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 10 .06.2026