THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2399 of 2026

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

Hon'ble Shri Griesh Kumar Vaish, Member (Law)

IN THE MATTER OF

Petition under Sections 86(1)(K), 94 and other applicable provisions of the Electricity Act, 2003 read with Clause 9.5 and other applicable provisions of The Uttar Pradesh Electricity SUPPLY Code, 2005 read with Regulation 57 of the UPERC (Conduct of Business) Regulations, 2019, seeking clarification, interpretation and consequential directions regarding implementation of Clauses 4.6(e)(ii) and 4.8(f) of The Uttar Pradesh Electricity Supply Code, 2005 and operationalization of the 15% supervision scheme.

AND

IN THE MATTER OF

M/s Indus Towers Limited,

(Through its authorized signatory) Building No. 10, Tower-A, 4th Floor, DLF Cyber City, Gurugram 122 002. ....Petitioner

VERSUS

1. **Uttar Pradesh Power Corporation Limited,**
   (Through its Managing Director) Shakti Bhawan 14 Ashok Marg, Lucknow, Uttar Pradesh-226001.
2. **Madhyanchal Vidyut Vitran Nigam Limited,**
   (Through its Managing Director) 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler Colony, Lucknow, Uttar Pradesh – 226001.
3. **Purvanchal Vidyut Vitaran Nigam Limited,**
   (Through its Managing Director) DLW Bhikharipur, Varanasi, Uttar Pradesh – 221004.

4. **Paschimanchal Vidyut Vitran Nigam Limited**,
(Through its Managing Director) Victoria Park, Meerut, Uttar Pradesh – 250001.
5. **Dakshinanchal Vidyut Vitran Nigam Limited**,
(Through its Managing Director) Urja Bhawan, 220 KV Sub Station, Bypass Road, Sikandra, Agra, Uttar Pradesh - 282007.
6. **Kanpur Electricity Supply Company Limited (KESCO)**,
(Through its Managing Director) Kesa House, 14/71, Civil Lines, Kanpur, Uttar Pradesh – 208001
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 Mohd. Altaf Mansoor, Advocate, Petitioner

ORDER

(DATE OF HEARING: 28.07.2026)

1. The present Petition has been filed by the Petitioner being aggrieved by the non-implementation of Clauses 4.6(e)(ii) and 4.8(f) of the Electricity Supply Code, 2005, which provide for 15% Supervision Charges to the paid to the respective DISCOM in respect of LT electricity connections up to 50 kW, which have ceased to be implemented by the DISCOMS after the issuance of the Cost Data Book, 2025.

2. The Petitioner has submitted that it is a leading telecom company incorporated under the provisions of the Companies Act engaged in establishment, operation and maintenance of telecom tower infrastructure throughout the country, which necessarily requires timely grant of electricity connections and completion of associated infrastructure works.

3. The Petitioner has also submitted that Clause 4.6(e)(ii) of the Electricity Supply Code, 2005 specifically recognizes a situation where the infrastructure work is executed by

the developer, applicant or development authority and expressly provides that the licensee shall charge supervision charges upon the normative estimates specified in the Cost Data Book and in relation to LT loads upto 50 kW where supply is released on HT at the request of the consumer, 15% supervision charges are prescribed.

4. The Petitioner has further submitted that Clause 4.8(f) of the Electricity Supply Code, 2005 further independently recognizes and preserves the right of the applicant to undertake extension works through Licensed Electrical Contractors under supervision of the licensee upon payment of supervision charges prescribed under Clause 4.6 therefore, the conjoint reading of Clauses 4.6(e)(ii) and 4.8(f) leaves no manner of doubt that the Supply Code itself contemplates and authorizes execution of infrastructure works by the applicant under the supervision mechanism prescribed therein.

5. The Petitioner has averred that the Cost Data Book, 2019 operationalized the 15% Supervision Scheme and specifically recognized the mechanism under which applicants were permitted to execute infrastructure works themselves subject to payment of supervision charges and supervision by the concerned distribution licensee and the said scheme remained operational through the Jhatpat Portal for several years without any dispute or difficulty.

6. The Petitioner has stated that subsequently the Cost Data Book, 2025 was issued and brought into force with effect from 31.12.2025 and under Chapter 5B thereof, Note No. 7 came to be incorporated providing that in respect of non-PTW loads up to 50 kW, the infrastructure required for release of electricity connection shall be developed by the licensee thereby compelling LT electricity connections upto 50 kW to proceed only under the 100% Deposit Scheme. Aforesaid prescription is resulting in substantial delays in electrification of telecom tower infrastructure.

7. The Petitioner has further submitted that it is a well settled principle of law that Regulations made under powers derived from statute shall prevail over the

administrate instructions and thus, while Clauses 4.6(e)(ii) and 4.8(f) of the Electricity Supply Code continue to remain operative and enforceable and that the Cost Data Book, 2025 derives its authority from the Supply Code itself therefore, Cost data Book cannot be interpreted or implemented in a manner which nullifies or extinguishes substantive rights expressly recognized under the Supply Code.

8. The prayers made by the Petitioner are as follows:

   (i) Admit the present petition.
   (ii) Exercise its powers under Clause 9.5 of the U.P. Supply Code to give effect to Clauses 4.6(e)(ii) and 4.8(f) of the Uttar Pradesh Electricity Supply Code, 2005;
   (iii) Issue necessary directions for implementation of Clauses 4.6(e)(ii) and 4.8(f) of the Uttar Pradesh Electricity Supply Code, 2005 and remove all difficulties caused due to Clause 11 of the Cost Data Book, 2025;
   (iv) Clarify that the provisions of Clauses 4.6(e)(ii) and 4.8(f) of the Electricity Supply Code, 2005 shall supersede the provisions of the Cost Data Book 2025;
   (v) Direct the Respondents 1 to 7 to operationalize and implement the mechanism contemplated under Clauses 4.6(e)(ii) and 4.8(f) of the Electricity Supply Code, 2005;
   (vi) Direct restoration of the corresponding implementation mechanism including the relevant option on the Jhatpat Portal and other operational platforms maintained by the distribution licensees;

9. During the present hearing, the Commission observed that, considering the pre-specified connection charges provided in the Cost data book 2025, does the Petitioner actually feels that 15% supervision mechanism would save the time required for new connections, considering that calculation of the supervision charge itself would necessarily require preparation of estimate by the officials of the distribution licensee, which is a time consuming activity. However, the petitioner insisted on pursuing the Petition.

10. The Commission admits the Petition and directs the Petitioner to provide a copy of the Petition to the Respondents. The Commission grants four weeks' time to the Respondents to make submission and two weeks thereafter to the Petitioner for filing the rejoinder.

11. The matter shall be scheduled for next hearing on 17.09.2026.

Griesh Kumar Vaish	**(Sanjay Kumar Singh)**	**(Arvind Kumar)**
Member(Law)	**Member**	**Chairman**

Place: Lucknow

Dated: 30.07.2026