



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Petition No. 2372 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 filed under Section 17 of the Electricity Act, 2003 read with Regulation 5 and Regulation 10 of the UPERC (General Conditions of Distribution Licence) Regulations, 2004 and the Order dated 18.02.2026 of the Hon'ble Supreme Court of India in Miscellaneous Application No.2625/2023 in Writ Petition (Crl.) No.1061/1982 (Banwasi Seva Ashram v. The Secretary to the Government of U.P. & Ors.), for grant of approval/consent for transfer of Distribution Licence No.1 of 2011 dated 30.05.2011, from the NTPC Ltd. to the UPPCL/PuVVNL.

**AND**

**IN THE MATTER OF**

**NTPC Limited,**

Through its Deputy General Manager,  
NTPC Rihand, Beejpur,  
District Sonbhadra, Uttar Pradesh- 231223

**...Petitioner**

**VERSUS**

**1. U.P Power Corporation Limited**

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

**2. Purvanchal Vidyut Vitran Nigam Ltd.**

132 KV S/s Bhikari Vidyut Nagar,  
Varanasi, Uttar Pradesh-221004  
Through its Managing Director





### 3. Uttar Pradesh Power Transmission Corporation Limited

7<sup>th</sup> Floor, Shakti Bhawan, 14-Ashok Marg,  
Lucknow-226010, Uttar Pradesh  
Through its Managing Director

...Respondents

#### PRESENT AT THE HEARING

1. Ms. Sakie Jakharia, Advocate, NTPC
2. Sh. Tungesh, Advocate, NTPC
3. Sh. Manoj Ranjan, DGM, NTPC
4. Sh. Pradeep Kumar, DGM, NTPC
5. Sh. Savyasachi Saumitra, Advocate, UPPCL
6. A.K. Jaidi, Advocate, UPPCL
7. Sh. Manish Dwivedi, CE(PPA), UPPCL
8. Sh. Shadab Ahmad, SE(RAU), UPPCL
9. Sh. Prateek Kushwaha, EE (RAU), UPPCL
10. Sh. Radheshyam, EE(Com), PuVVNL

#### ORDER

(DATE OF HEARING: 23.07.2026)

1. The Commission, vide its earlier Order dated 18.05.2026, directed the Petitioner to implead UPPTCL as a party to the present proceedings and to serve copies of the Petition upon UPPCL, PuVVNL and UPPTCL. The Petitioner was also directed to comply with the requirements of Section 17 of the Electricity Act, 2003 by serving the requisite notices upon all concerned licensees. Further, UPPCL, PuVVNL and UPPTCL were directed to file their respective replies within four weeks, whereafter the Petitioner was granted two weeks to file its rejoinder, if any. The Commission also directed the parties to place on record a mutually agreed framework or arrangement governing the proposed transfer.
2. Pursuant to the aforesaid directions, the Petitioner has impleaded UPPTCL as a party to the present proceedings and has placed on record proof of service of notices under Section 17 of the Electricity Act, 2003 upon all concerned licensees.





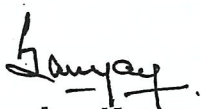
3. However, despite the specific direction of the Commission, no mutually agreed framework or arrangement governing the proposed transfer has been placed on record. On the contrary, in its reply to the notice issued by the Petitioner, PuVVNL, vide letter dated 24.06.2026, opposed the proposed transfer of the distribution licence. PuVVNL has, inter alia, responded that the existing distribution network is defective and unsuitable for takeover, and that the proposed financial estimate has neither been processed nor approved by the competent authority. Significantly, PuVVNL categorically stated that UPPCL/PuVVNL has not entered into any formal bilateral agreement or finalized arrangement with NTPC Limited regarding the specific modalities, liabilities or terms of the proposed asset and licence transfer and has accordingly contended that the proposed transfer under Section 17 of the Electricity Act, 2003 cannot be accepted.
4. During the hearing, the Commission expressed its displeasure at the contents and tenor of the communication submitted by PuVVNL, particularly in view of the proceedings before the Hon'ble Supreme Court. Sh Savyasachi Saumitra, learned counsel appearing for UPPCL, submitted that the communication earlier placed on record by PuVVNL may be disregarded and sought permission to file a fresh reply. He further submitted that an opportunity may be granted to place the correct position on record.
5. The Commission sought clarification regarding the arrangement referred to in the Hon'ble Supreme Court's Order, wherein it was observed that the parties had arrived at an agreement for the transfer of the distribution licence. The Commission noted that no such agreement or the terms and conditions thereof had been placed on record before it. Ms. Sakie Jakharia, learned counsel appearing for NTPC, submitted that the parties had held negotiations during the pendency of the proceedings before the Hon'ble Supreme Court and that the minutes of the meeting dated 13.06.2026, which had been annexed to the Petition and also placed before the Hon'ble Supreme Court, reflected the understanding arrived at between the parties. Upon being queried by the Commission, regarding the absence of signatures and particulars of the participants in the said minutes, learned counsel clarified that the document on record was only a translated copy





- and undertook to place on record a copy of the original signed Hindi version of the minutes of the meeting.
6. Learned counsel for UPPCL submitted that a fresh affidavit would be filed placing the correct factual position on record. It was further submitted that, in order to prepare a realistic estimate for the proposed transfer, a field survey would be required to assess the existing distribution infrastructure, consumer base and other ground realities, and accordingly sought six weeks' time for carrying out the survey and filing a revised estimate before the Commission. Learned counsel for NTPC, while submitting that the relevant data had already been placed on record, stated that NTPC had no objection to participating in the survey.
  7. The Commission emphasized that the stand to be taken before the Commission should remain consistent with the position adopted before the Hon'ble Supreme Court.
  8. After considering the submissions of the parties, the Commission directs as under:
    - a) PuVVNL/UPPCL shall undertake a joint survey of the distribution network along with the officials of NTPC and prepare a revised estimate taking into account the prevailing ground conditions.
    - b) The parties shall place on record the material evidencing the understanding/arrangement reached between them, including the terms and conditions governing the proposed transfer.
    - c) PuVVNL/UPPCL shall file the aforesaid affidavit along with the revised estimate within six weeks. NTPC may file its response, if any, within one week thereafter.
  9. List the matter for next hearing on 22.09.2026.

  
(Griesh Kumar Vaish)  
Member (Law)

  
(Sanjay Kumar Singh)  
Member

  
(Arvind Kumar)  
Chairman

Place: Lucknow

Dated: 29.07.2026

