THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

<u>Petition No. 2349 of 2026</u>

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 section 86 of the Electricity Act, 2003 read with Article 16.3 of the Transmission Service Agreement, dated 06.04.2018, seeking payment of Transmission Charges along with Late Payment Surcharge.

AND

IN THE MATTER OF

Ghatampur Transmission Limited
Through its authorised signatory
Adani Corporate House, Shantigram, Near Vaishno Devi Circle,
S. G. Highway, Khodiyar, Ahmedabad-382421.

.... Petitioner

VERSUS

1. **Uttar Pradesh Power Corporation Limited**

   Through its Managing Director

   Shakti Bhawan 14 Ashok Marg, Lucknow, Uttar Pradesh- 226001.

2. **Neyveli Uttar Pradesh Power Limited**

   Through its Chief Executive Officer

   Project Liaison Office, 6/42, Vipul Khand, Gomti Nagar,

   Lucknow, Uttar Pradesh – 226010.

3. **Paschimanchal Vidyut Vitran Nigam Limited**

Through its Managing Director

Hydel Colony, Victoria Park, Meerut, Uttar Pradesh – 250001.

4. **Madhyanchal Vidyut Vitran Nigam Limited**

   Through its Managing Director

   4A, Gokhale Marg, Lucknow, Uttar Pradesh – 226001.

5. **Purvanchal Vidyut Vitran Nigam Limited**

   Through its Managing Director

   Vidyut Nagar, Bhikharipur, P.O. DLW, Varanasi,

   Uttar Pradesh – 221010.

6. **Dakshinanchal Vidyut Vitran Nigam Limited**

   Through its Managing Director

   Urja Bhawan, NH-2 (Agra-Delhi Bypass Road),

   Sikandra, Agra, Uttar Pradesh – 282002.

...Respondents

THE FOLLOWING WERE PRESENT

1. Sh. Sourav Roy, Advocate, Petitioner
2. Sh. Anshu Deshpande, Advocate, Petitioner
3. Sh. Abhishek Kumar, Advocate, UPPCL
4. Sh. Nived Veerapaneni, Advocate, UPPCL
5. Ms. Pragya Pushkar, Advocate, NUPPL
6. Sh. Rajiv Singh, EE, UPPCL
7. Sh. Sandeep Srivastava, Dy. Manager, Adani

ORDER

(DATE OF HEARING: 30.07.2026)

1. Shri Abhishek Kumar, learned Counsel appearing on behalf of UPPCL, advanced his submissions on the first issue relating to liability for payment of

transmission charges for the period from 24.09.2024 to 11.12.2024. In support of his submissions, he placed reliance upon the Judgment dated 15.09.2025 passed by the Hon'ble APTEL in *TANGEDCO & Moxie Power Generation Ltd. v. CERC & Ors.* in Appeal Nos. 206 and 332 of 2017. Learned Counsel submitted that the Hon'ble APTEL had examined the meaning and scope of the expression "put to use" in the context of a transmission system developed for evacuation of power from the Coastal Energen (now Moxie Power) generating station through the associated transmission network. He submitted that the Hon'ble APTEL recognized that mere completion or energisation of a transmission element is not sufficient and that the asset must achieve its intended purpose and beneficial use.

Further, he submitted that the Hon'ble APTEL held that liability of the LTTCs could not arise merely on account of commissioning of a transmission element when the intended use of the transmission system had not been achieved and the beneficiaries had not derived the contemplated benefit from such asset. Relying upon the said judgment, learned Counsel contended that in the present case also, the Petitioner may be entitled to transmission charges for the *transmission system constructed by it; however, liability cannot be shifted to* the LTTCs unless the transmission system is put to its intended and beneficial use.

2. Shri Sourav Roy, learned Counsel appearing on behalf of the Petitioner, thereafter, advanced his submissions on the second issue concerning Late Payment Surcharge (LPS), withholding of Rs. 44.40 Crore towards alleged Liquidated Damages and the consequential claims arising therefrom. In response thereto, Shri Abhishek Kumar, learned Counsel appearing on behalf of UPPCL, also made his oral submissions and reiterated the stand taken by UPPCL in its Reply.

3. During the course of hearing, the Commission raised a query to the learned Counsels appearing for the Petitioner and the Respondents as to how the expression "put to use" should be interpreted, viz, the "Scope of Work" under the TSA or with reference to the "Purpose" of construction of the transmission system under the TSA. Which essentially means that, the term "put to use" has to be interpreted in juxtaposition with the "Scope" and with the "Purpose" of the transmission system on the bedrock of the TSA.

4. The Commission directs the Petitioner and Respondents to file their written submissions, along with the relevant contractual provisions and judicial precedents relied upon during the course of hearing, and to also respond to the query raised by the Commission regarding the interpretation of the expression 'put to use'.

5. Accordingly, the Commission reserves the matter for Order, subject to filing of written submissions by the parties.

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

Place: Lucknow

Dated: 04.08.2026