



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**Petition No. 2184 of 2025**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Petition filed under section 86(1)(f) of the Electricity Act, 2003 read with Regulation 22 And 57 of the UPERC (Conduct of Business) Regulations, 2019 for appropriate directions to the respondents to pay monthly transmission charges to the Petitioner in accordance with the Transmission Service Agreement dated 27.12.2011 and consequential relief.

**AND**

**IN THE MATTER OF**

**Western U.P. Power Transmission Company Limited**

Having its registered office at: 400/220/33kV Substation, Indirapuram,  
Opposite Vivekanand School, Ghaziabad – 201014  
(Through its Authorised Signatory – Mr. T Ashok Reddy)

..... Petitioner

**VERSUS**

**1. Paschimanchal Vidyut Vitran Nigam Limited**

Through its Managing Director, Having its registered office at:

Victoria Park, Meerut, Uttar Pradesh – 250001

**2. Dakshinanchal Vidyut Vitran Nigam Limited**

Through its Director, Having its registered office at:

Urja Bhavan Agra - Delhi, Bypass Road, Sikandra, Agra,

Uttar Pradesh – 282007



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**3. Purvanchal Vidyut Vitran Nigam Limited**

Through its Director, Having its registered office at:

DLW Bhikharipur, Varanasi, Uttar Pradesh - 221004

**4. Madhyanchal Vidyut Vitran Nigam Limited**

Through its Director, Having its registered office at:

4A, Gokhale Marg, Block I, Gokhale Vihar,

Butler Colony, Lucknow, Uttar Pradesh – 226001

**5. Uttar Pradesh Power Transmission Corporation Limited**

Through its Director, Having its registered office at: Shakti Bhawan,

14- Ashok Marg, Lucknow, Uttar Pradesh-226001

**6. Uttar Pradesh Power Corporation Limited**

Through its Director, Having its registered office at:

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

..... Respondents

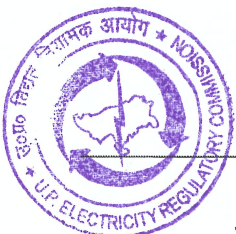
**THE FOLLOWING WAS PRESENT**

1. Sh. Sakya Singha Chaudhuri, Advocate, Petitioner
2. Ms. Shreya Duby, Advocate, Petitioner
3. Sh. Abhishek Kumar, Advocate, UPPCL
4. Md. Altaf Mansoor, Advocate, UPPTCL
5. Sh. Tanay Chaudhary, Advocate, UPPTCL
6. Sh. Rocky Pandey, Manager, WUPPTCL
7. Sh. Rakesh Kumar, SE, UPPTCL
8. Sh. Rajiv Singh, EE, UPPCL
9. Sh. Shetanshu Yadav, EE, UPPTCL

**ORDER**

**(DATE OF HEARING: 30.10.2025)**

1. Sh. Sakya Singha Chaudhuri, Counsel appearing for the Petitioner, submitted that in another Petition filed in the past by the Petitioner, the Commission had disallowed force majeure and SCOD was not extended. Further, he submitted that although the principal issue in the main petition concerned whether the



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payment obligations were to commence from the actual COD, the original SCOD, or the revised SCOD, however, considering the financial hardship faced by the Petitioner, he was pressing the prayer under the Interim Application, which confined to seeking payment from the revised SCODs pending final adjudication of the main petition.

Subsequently, he informed that both UPPCL and UPPTCL, in their own submissions, had admitted that transmission charges were payable from the revised SCODs and not from the original SCOD. However, payments are currently being made by considering the original SCOD as the first contract year. In view of the Commission's earlier order and the revised SCODs (31.03.2015, 31.08.2015, and 31.08.2016 for Lots I, II, and III respectively), the tariff payment schedule shall be allowed to commence from these revised SCODs till the decision on original petition is pending. He accordingly prayed that the Commission might direct release of the differential amount arising from such incorrect reckoning, pending final adjudication of the main petition.

2. Sh. Abhishek Kumar, Counsel, appearing for UPPCL submitted the matter pertains to Section 86(1)(f) of the Electricity Act, 2003, and that the Petitioner's submission is erroneous and that it had never been UPPCL's stand that transmission charges are payable from the revised SCOD. He referred to UPPTCL's letter dated 25.11.2023, issued in response to the Petitioner's letter dated 18.10.2023, and submitted that the said letter had been selectively quoted by the Petitioner. He submitted the relevant clauses of the TSA and the Secondary TSA (STSA) clearly provided that the tariff stream commenced from the COD year as per tariff stream in Schedule 6 of TSA and payable for 35 years from SCOD only.
3. He further submitted that the Petitioner's claim in IA, in effect, sought a mandatory injunction directing payment despite serious disputes on contractual interpretation and admissibility of claim in original petition itself. He submitted that the Petitioner's force majeure claims had already been conclusively rejected in earlier proceedings, and no extension of SCOD to COD & thereby relief for tariff shifting had been granted either by the Commission or by the Government. Hence, the present interim prayer is not maintainable.
4. Sh. Altaf Manssor, Counsel, appearing for UPPTCL submitted that although the Government had approved the change in SCOD, no corresponding tariff shifting

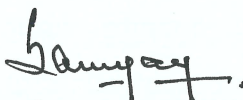


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- was allowed, and this distinction was expressly recorded. Therefore, the payments are to be made from the actual COD and not from the revised SCOD.
5. The Counsel for UPPCL, supporting the submission of UPPTCL, added that there is no categorical decision of the Commission directing tariff commencement from the revised SCOD. If such an order existed, there would have been no occasion for the Petitioner to file the present Interim Application. The Petitioner is, therefore, attempting to construct a case based on selective interpretation of earlier correspondence.
  6. Upon query from the Commission regarding whether any explicit extension of SCOD had been approved, the Petitioner stated that the first extension was allowed and recorded through a Supplementary TSA executed pursuant to the Commission's earlier order. The Respondents maintained that while the Government and the Commission had approved revised SCODs, no corresponding tariff shifting had been approved.
  7. The Commission observed that since the matter is adjudicatory in nature and has been filed under Section 86(1)(f) of the Electricity Act, 2003, it is mandatory to have presence of Member (Law) in the quorum. In this regard, Hon'ble Supreme Court vide its judgement dated. 12.04.2018 in Civil Appeal No. 14697 of 2015, has laid down the ratio that in any adjudicatory issue covered under Section 86 (1) (f) of Electricity Act, 2003 , it is mandatory that there should be a person of law as a Member of the Commission.
  8. In view of above, and owing to vacancy in the position of Member (Law), the Commission directs to keep the matter in abeyance and list the matter subsequent to appointment of the Member (Law). The Petitioner and the Respondents are directed to file written submissions, if any, within one week.

  
(Sanjay Kumar Singh)  
Member



  
(Arvind Kumar)  
Chairman

Place: Lucknow  
Dated: 18.11.2025