THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2355 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)(e), 86(1)(i) and 86(1)(k), seeking appropriate directions and regulatory clarification in relation to the addition of energy storage to already commissioned renewable energy generating stations, and allied matters concerning connectivity, open access, grid operation and scheduling within the jurisdiction of this Ld. Commission.

AND

IN THE MATTER OF

1. **Fourth Partner Energy Private Limited**
   Having its registered office at: Fourth Partner House,
   Plot No. N 46, House No. 4-9-10,
   HMT Nagar, Hyderabad 500076

2. **Lalganj Power Private Limited**
   having its registered office at: 29, Hare Krishan Regency,
   Rampura Road, Sukhiya,
   Sanganer, Jaipur,
   Rajasthan - 302 011

3. **Fourth Partner Solar Power Private Limited**
   having its registered office at: Fourth Partner House,
   Plot No. N 46, House No. 4-9-10,
   HMT Nagar, Nacharam-500076

..... Petitioners

Versus

1. **Uttar Pradesh Power Corporation Limited**
   Shakti Bhawan, 14, Ashok Marg,

Lucknow, Uttar Pradesh – 226 001

2. **Uttar Pradesh Power Transmission Company Limited**
   Shakti Bhawan, 14, Ashok Marg,
   Lucknow, Uttar Pradesh – 226010
3. **Uttar Pradesh State Load Despatch Centre**
   Phase II, Vibhuti Khand, Lucknow,
   Uttar Pradesh – 226 010

..... Respondents

THE FOLLOWING WAS PRESENT:

1. Ms. Mazag Andrabi, Advocate, Petitioner
2. Sh. Aditya Kumar Singh, Advocate, UPPCL
3. Sh. Vinit Kumar, Advocate, UPPCL
4. Sh. Divyanshu Bhatt, Advocate, UPPTCL
5. Sh. Abhayaditya Singh, Advocate, UPPTCL
6. Sh. Shashwat Singh, Advocate, UPSLDC
7. Sh. Manish Dwivedi, CE (PPA), UPPCL
8. Sh. Anil Kumar, SE (PPA), UPPCL
9. Sh. Vijay Pratap Tiwari, EE (PPA), UPPCL
10. Sh. Alok Anand, SE (Comm), UPPTCL
11. Sh. Saurabh Yadav, AE, UPPTCL
12. Sh.Arth Sachan, AE (Operations), UPPTCL
13. Md. Juned, EE (RAU), UPSLDC
14. Sh. Vimlesh Kumar, JE (RAU), UPSLDC

ORDER

(DATE OF HEARING: 17.11.2026)

1. Ms. Mazag Andrabi, Learned Counsel appearing for the Petitioner, submitted that pursuant to the directions of the Commission in the last hearing, she had filed an affidavit explaining the cause of action behind the filing of the instant petition. She further submitted that she had also filed an application with STU/UPPTCL for connectivity in respect of the projects, which are under consideration. Accordingly, she requested that the matter be listed in December as by that time the connectivity application may be processed by STU/UPPTCL and then greater clarity may emerge.

She further submitted that in the intervening period if the issues get resolved, she will withdraw the Petition.

2. Sh. Divyanshu Bhatt, Learned Counsel for the Respondent No. 2, submitted that the Petitioner has recently approached the STU/UPPTCL by filing the connectivity application, which is presently under consideration. He submitted that the matter involves a first-of-its-kind case in the state, wherein BESS is proposed to be installed with an existing solar project. He further submitted that the STU would either allow the application or communicate a reasoned decision in case the same cannot be allowed.

   He further submitted that if the connectivity application is allowed, the grievance raised in the present Petition would not survive. However, if the application is rejected, a fresh cause of action would arise based on the reasons of rejection, whereupon the Petitioner may avail the appropriate remedy. Accordingly, he submitted that no cause of action exists at present and the Petition ought not to be kept pending merely while the connectivity application is under consideration.

   He also submitted that the application would be dealt with in accordance with the applicable legal and regulatory framework and would not be kept pending. He further submitted that, if any regulatory clarification is required during its consideration, STU/ UPPTCL would approach the Commission appropriately.

3. Sh. Aditya Kr. Singh, Learned Counsel appearing on behalf of Respondent No. 1, submitted that two issues concerning BESS have been identified, namely, its treatment under the DSM framework and whether installation of BESS with the existing solar project would constitute a material change. He further submitted that the existing DSM framework contains a specific formula applicable to solar projects and, if the project is to be treated as hybrid on account of addition of BESS, an amendment to the existing Regulations may be required. He submitted that any such amendment to the Regulations would have to be undertaken through a separate regulatory process.

4. Learned Counsel for the Petitioner, in response, submitted that the present Petition is not an adversarial petition under Section 86(1)(f) of the Electricity Act, 2003 rather it has been filed under Sections 86(1)(e), 86(1)(i) and 86(1)(k). Referring to Regulation 18 of the Connectivity Regulations, she submitted that the Petitioner can approach the Commission in case of an issue relating to connectivity.

She further submitted that the connectivity application was filed on 17.10.2026, whereafter UPPTCL raised certain queries on 10.11.2026, to which the Petitioner has already responded. She explained that the Petitioner proposes to set up a co-located BESS with an existing solar project, whereas the form available on the portal is designed for standalone BESS, due to which the Petitioner has faced difficulty in making the application and has sought necessary clarity from UPPTCL.

5. During the Course of hearing, the Commission also sought clarification from STU/ UPPTCL as to whether the connectivity application could be processed under the existing Regulations or whether any regulatory difficulty was being faced. The representative of UPPTCL submitted that the application has been received and is presently under examination and that its permissibility under the applicable Regulations would be determined upon completion of such examination.

6. The Commission observed that the connectivity application has been filed after the previous hearing and is presently under consideration of STU/UPPTCL. Therefore, the issue, if any, arising from the connectivity application is yet to crystallize and no cause of action exists at the moment for adjudication by the Commission.

   In view of the above, the Commission observed that the present Petition cannot be entertained at this stage in absence of an existing cause of action. The Commission further observed that the Petitioner may approach the Commission afresh upon crystallisation of a cause of action, if so required.

7. Learned Counsel for the Petitioner accordingly sought permission to withdraw the present Petition, with liberty to approach the Commission afresh, if required.

8. The Commission allows the request of the Petitioner to withdraw the present Petition, with liberty to approach the Commission afresh in accordance with law upon arising of a cause of action, with no fees. The Registry is directed to list such fresh Petition expeditiously, if filed.

9. Accordingly, the present Petition is dismissed as withdrawn.

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

Place: Lucknow
Dated: 18.11.2026