**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 2367 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 u/s 86(1)(b) & (f) along with other relevant provisions of the Electricity Act 2003 and relevant provisions of the PPA seeking reimbursement of Excess Energy Charges paid to PPGCL along with carrying costs.

**AND**

**IN THE MATTER OF**

**Uttar Pradesh Power Corporation Limited,**

14- Ashok Marg, Shakti Bhawan, Lucknow 226001

**..... Petitioner**

**Versus**

**Prayagraj Power Generation Company Limited,**

P.O-Lohgara, Tehsil-Bara, Prayagraj, Uttar Pradesh - 212107

**.....Respondent**

**THE FOLLOWING WERE PRESENT**

1. Ms. Puja Priyadarshini, Advocate, UPPCL
2. Sh. Deeptanshu Chandak, Advocate, UPPCL
3. Ms. Kavita Singh, SE-Planning, UPPCL
4. Sh. Rajiv Kumar Srivastava, EE-Planning, UPPCL
5. Sh. Nishat Talwar, Advocate, PPGCL
6. Sh. Vipul Rawat, PPGCL
7. Shri Anurag Shukla, Head Commercial and Reg., PPGCL

## ORDER

## (DATE OF HEARING: 13.10.2026)

1. During the hearing, Sh. Venkatesh, the learned counsel for PPGCL, requested an adjournment of four weeks to file an Interlocutory Application (IA) / Affidavit for placing additional documents on record. The counsel submitted that, upon a review of the company's records dating back to 2015, following a corporate takeover, a Settlement Agreement executed between the parties was identified. The counsel argued that said Settlement Agreement has direct bearing on the present dispute and demonstrate a consensus between the parties regarding recoveries.

2. Ms. Puja Priyadarshini, the learned counsel for UPPCL, strongly opposed the request for adjournment, submitting that pleadings had been completed, including the filing of the rejoinder, and that the matter had previously been listed for final arguments in August, when also an adjournment had been sought.

3. The Commission enquired with PPGCL as to why this Settlement Agreement had not been placed on record along with the rejoinder. In response, Sh. Venkatesh submitted that the Settlement Agreement had been inadvertently omitted from the counter-affidavit. He, however, contended that no prejudice would be caused to the Petitioner by taking the said document on record, as the Petitioner would be granted an opportunity to file its response.

4. The Commission further enquired that whether any discussions or settlement negotiations were ongoing in relation to the dispute. In response, Ms. Puja Priyadarshini submitted that there were neither any instructions nor prior knowledge of the alleged 2015 Settlement Agreement. Invoking Order VIII Rule 1 of the Code of Civil Procedure (CPC), the learned counsel for the Petitioner submitted that no unpleaded document ought to be taken on record at this stage without a formal written application and without granting the Petitioner an opportunity to respond thereto.

5. After hearing the learned counsel for the parties, the Commission allows the Respondent four weeks' time to file an Interlocutory Application (IA) / Affidavit thereby placing the 2015 Settlement Agreement, quarterly reconciliation records, and the relevant supporting documents on record. PPGCL is directed to serve a copy

of the said application/affidavit, along with the accompanying documents, upon UPPCL. The Petitioner is granted a further period of four weeks thereafter to file its response.

List the matter for next hearing on 12.01.2027.

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

Place: Lucknow
Dated: 28 .10.2026