



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2051 of 2023

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Sections 61 and 86(1)(e) of the Electricity Act, 2003 seeking declaration that the solar power plants commissioned under the Uttar Pradesh Solar Policy 2017 and Solar Policy 2022 are entitled for 100% banking of energy generated, for the entire useful life of the project.

AND

IN THE MATTER OF

- 1. Amplus Green Power Private Limited, A-57, DDA Sheds, Okhla Industrial Area, Phase II, New Delhi – 1100020.**
- 2. Amplus RJ Solar Private Limited, A-57, DDA Sheds, Okhla Industrial Area, Phase II, New Delhi – 1100020.**
- 3. Amplus Solar Shakti Private Limited, A-57, DDA Sheds, Okhla Industrial Area, Phase II, New Delhi – 1100020.**

..... Petitioners

VERSUS

- 1. U.P Power Corporation Ltd. (UPPCL),**
(Through its managing Director), Shakti Bhawan, 14-Ashok Marg, Lucknow-226001
- 2. Uttar Pradesh State Load Despatch Centre,**
(Through its Director), Phase II, Vibhuti Khand, Lucknow, Uttar Pradesh – 226010
- 3. Purvanchal Vidyut Vitran Nigam Limited,**
(Through its managing Director), DLW Bhikharipur, Varanasi, Uttar Pradesh – 221004.

by

[Signature]



[Signature]



4. **Paschimanchal Vidyut Vitran Nigam Limited,**
(Through its managing Director), Urja Bhawan, Victoria Park, Meerut, Uttar Pradesh – 250001.
5. **Madhyanchal Vidyut Vitran Nigam Limited,**
(Through its managing Director), 4A, Gokhale Marg, Block I, Gokhale Vihar, Butler Colony, Lucknow, Uttar Pradesh – 226001.
6. **Dakshinanchal Vidyut Vitran Nigam Limited,**
(Through its managing Director), Urja Bhawan, 220 KV Sub Station, Bypass Road, Sikandra, Agra Uttar Pradesh – 282007.
7. **Noida Power Company Limited,**
(Through its managing Director & CEO), Electric Sub-Station, Knowledge Park IV, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh - 201310
8. **Uttar Pradesh New & Renewable Energy Development Agency,**
(Through its Director), Vibhuti Khand, Gomti Nagar Lucknow, Uttar Pradesh - 226010

..... Respondents

THE FOLLOWING WERE PRESENT

1. Shri Abhishek Kumar, Advocate, UPPCL
2. Shri Nived Veerapaneni, Advocate, UPPCL
3. Shri Karan Arora, Advocate, UPPCL
4. Shri Gaurav Dudeja, Advocate, Amplus

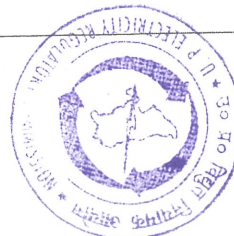
ORDER

(DATE OF HEARING: 04.04.2024)

1. The Petitioners are solar power developers, having set up their solar power plants in the State of Uttar Pradesh. Petitioner No. 1, Amplus Green Power Private Limited ("AGPPL"), is a solar power developer and has set up a 50 MW ground mounted Captive Solar Power Project in Mirzapur, UP. Petitioner No. 2, Amplus RJ Solar Private Limited ("ARJSPL"), is a solar power developer and has set up a 40 MW ground mounted Captive Solar Power Project in Deoria, UP. Similarly Petitioner No. 3, Amplus Solar Shakti Private

by

✱

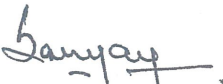



h



Limited ("ASSPL"), is a solar power developer and is setting up a 50 MW ground mounted Captive Solar Power Project in Jhansi, UP.

2. The prayer has been made to declare that the solar power plants of the Petitioners are entitled to 100% banking, in terms of the UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019, for the entire useful life of the project.
3. The Commission vide Order dated 07.02.2024 had admitted the Petition and had directed the Petitioner to provide a copy of the Petition to the respondents. The Commission also directed the Respondents to file its counter affidavit within six-week time. Thereafter, two-week time was granted to the Petitioner to file the rejoinder.
4. During the hearing on 04.04.2024, Shri Abhishek Kumar, counsel for UPPCL submitted that as per the prayer made by the Petitioner two concerns have been raised-firstly, request for 100% banking and secondly, the applicability of this provision for the entire life of the project. He further submitted that in light of the Commission's Order dated 11.03.2024 in Petition No. 1994 of 2023, the Petitioner should have approached the Respondent first. Moreover, quantum of banking, as addressed by the Commission in the said Order dated 11.03.2024, is already settled. Therefore, the prayer is infructuous to this extent and the petition is not maintainable. However, no counter affidavit has been filed by the Respondent.
5. The Commission provides one last opportunity to the Respondent to file its counter affidavit within three weeks' time on the maintainability as well as merits of the Petition. Thereafter, two-week time is granted to the Petitioner to file the rejoinder.
6. List the matter for next hearing on 16.05.2024.


(Sanjay Kumar Singh)
Member


(Vinod Kumar Srivastava)
Member (Law)


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 16 .04.2024

