



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2281 of 2025

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

Review Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 51 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 and Order XLVII Rule 1 of the Code of Civil Procedure, 1908 seeking Review of order dated 05.05.2025 passed in Petition No.2098 of 2024.

AND

IN THE MATTER OF

Uttar Pradesh Power Corporation Limited

Shakti Bhawan, 14 Ashok Marg,

Lucknow – 226001, Uttar Pradesh

Through its Chairman

..... Review Petitioner

VERSUS

1. Meerut Shamli Power Transmission Limited

2nd Floor, Niryat Bhawan,

Rao Tularam Marg, Vasant Vihar,

Opposite Army Hospital & Referral,





New Delhi – 110057

Through its Authorized Representative

2. REC Power Development and Consultancy Limited

Core 4, SCOPE Complex,

7, Lodhi Road, New Delhi – 110003

Through its Chief Executive Officer

3. Dakshinanchal Vidyut Vitran Nigam Limited

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

Sikandra, Agra – 282007, Uttar Pradesh

Through its Managing Director

4. Kanpur Electricity Supply Company Limited

Headquarters, KESA House,

14/71, Civil Lines,

Kanpur – 209601, Uttar Pradesh

Through its Managing Director

5. Paschimanchal Vidyut Vitran Nigam Limited

Urja Bhawan, Victoria Park,

Meerut – 250001, Uttar Pradesh

Through its Managing Director

6. Madhyanchal Vidyut Vitran Nigam Limited

Head Office, 4-A Gokhale Marg,

Lucknow – 226001, Uttar Pradesh

Through its Managing Director

7. Purvanchal Vidyut Vitran Nigam Limited

Vidyut Nagar, Bhikharipur,

P.O. – DLW, Varanasi – 221010, Uttar Pradesh

Through its Managing Director.





8. Uttar Pradesh Power Transmission Corporation Limited

Through its Chairman

Shakti Bhawan, 14-Ashok Marg,

Lucknow - 226 001

..... Respondents

THE FOLLOWING WERE PRESENT

1. Ms. Nikita Choukse, Advocate, UPPCL
2. Sh. Shubham Saklani, Advocate, UPPCL
3. Sh. Aryan Sarawgi, Advocate, MSPTL
4. Sh. Abhishek Bansal, Advocate, REC
5. Sh. Divyanshu Bhatt, Advocate, UPPTCL
6. Sh. Abhayaditya Singh, Advocate, UPPTCL
7. Sh. Prakhar Shukla, Advocate, UPPTCL
8. Sh. Sanjay Kumar Chaurasia, SE (PPA), UPPCL
9. Sh. Rajiv Singh, EE, UPPCL
10. Sh. A.K. Prabhakar, EE, UPPTCL

ORDER

(DATE OF HEARING: 22.09.2026)

1. Sh. Nikita Choukse, Learned Counsel for the Review Petitioner, submitted that the principal issue raised in the present Review Petition is that the reliefs granted in the impugned Order dated 05.05.2025 passed in Petition No. 2098 of 2024 travel beyond the prayers and pleadings on record. She submitted that the said Petition was confined to the issue of tariff adoption; however, the Commission, while passing the final order, adjudicated upon and granted relief in relation to issues concerning additional Contract Performance Guarantee (CPG) and





Condonation of delay, which, according to her, were neither part of the original pleadings nor argued during the final hearing held on 27.02.2025.

2. She further submitted that during the final hearing, she had specifically sought clarification as to whether the Commission would confine its consideration to tariff adoption alone or also examine other issues. According to her, the Commission had indicated that the matter would be considered only with respect to tariff adoption. However, to her surprise, the final order dealt with issues relating to additional CPG and delay and granted consequential reliefs thereon. She therefore contended that the impugned order warrants review as the reliefs granted were beyond the scope of the pleadings.
3. She further submitted that the claims relating to exemption from additional CPG and condonation of delay were introduced by the petitioner in Petition No. 2098 of 2024 through its rejoinder filed shortly before the final hearing and that objections to the same had been raised by her on the date of hearing itself.
4. She also submitted that although the Commission, in the impugned order, upheld the authority of the Bid Process Coordinator (BPC) to extend timelines vide letter dated 06.04.2024, the issue remained whether such extension was permissible under the terms of the Contract Agreement. She contended that, under the Contract Agreement, extension of timelines could be granted only when the delay was attributable to the BPC and after undertaking a day-to-day analysis of the delay. According to her, despite expressing reservations regarding the extension in the impugned order, the Commission ultimately upheld its validity.
5. Further, she referred to the observations contained in the impugned order wherein it was mentioned that it would be unduly burdensome and inequitable to impose additional CPG on the Transmission Licensee. In this regard, she submitted that mere commercial hardship or financial inconvenience cannot constitute a ground for avoiding contractual obligations. In support of her contention she placed reliance on the judgment of the Hon'ble Supreme Court in *Energy Watchdog v. Central Electricity Regulatory Commission & Ors.*, (2017) 14 SCC 80.





6. On query by the Commission whether a prayer for condonation of delay existed in Petition No. 2098 of 2024, Learned Counsel for the Review Petitioner submitted that although such a prayer was included in the petition, there were no pleadings or submissions in support of said prayer either in the petition or the accompanying pleadings.
7. On being called upon by the Commission, Sh. Aryan Sarawgi, Learned Counsel for Respondent No. 1, submitted that the prayer for condonation of delay was always part of the original petition and that the same had been further elaborated in the rejoinder.
8. Sh. Abhishek Bansal Learned counsel for Respondent No.2 and Sh. Divyanshu Bhatt, Counsel for Respondent No. 8, similarly submitted that the prayer for condonation of delay existed in the original petition itself and that the relief granted in the final order flowed from the said prayer.
9. In response, Learned Counsel for the Review Petitioner submitted that no prayer seeking exemption from payment of additional CPG formed part of the main petition and that such relief was introduced only through the rejoinder. She contended that the scope of a petition cannot be expanded by way of a rejoinder. She further submitted that the prayer relating to condonation of delay of 37 days pertained only to determination of the effective date of the project, including execution of TSA and submission of Bank Guarantees etc., whereas the subsequent delay related to filing the tariff adoption Petition and exemption from submission of additional CPG, which was an altogether a different issue. According to her, both these issues were subsequently combined through the rejoinder and relied upon for grant of relief in the impugned order.
10. During hearing, the Commission observed that the issues raised in the Review Petition involved extensive references to pleadings, documents and submissions forming part of the record. To facilitate proper adjudication of the matter, the Commission directed the Review Petitioner to file detailed written note setting out all submissions, the alleged error apparent on the face of the record and the grounds on which review has been sought, within one (01) week. A copy of the



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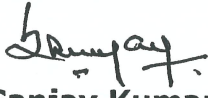
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same shall be served upon the Respondents. The Respondents may file their respective written notes within one (01) week thereafter.

11. The matter is next listed for hearing on 17.11.2026


(Griesh Kumar Vaish)
Member (Law)


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 09.10.2026

