



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2226/2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under Section 86(1)(b) of the Electricity Act, 2003, and Article 14 of the Power Purchase Agreement dated 12.11.2006 read with Supplementary Power Purchase Agreement dated 31.12.2009 executed between the parties and in compliance of this Hon'ble Commission's Order dated 13.06.2023 in Petition No. 1884 of 2022 for reimbursement of expenditure incurred towards transportation of fly ash during FY 2024-25 and according to the Notification No. S.O. 5481(E) dated 31.12.2021 issued by the Ministry of Environment, Forest & Climate Change, Government of India and the methodology prescribed by this Hon'ble Commission.

AND

IN THE MATTER OF

MEIL Anpara Energy Limited

H.No. C/02/P7, Sector C Pocket 2, Sushant Golf City, Lucknow-226030

..... Petitioner

VERSUS

1. U.P. Power Corporation Ltd. (UPPCL)

Shakti Bhawan, 14-Ashok Marg, Lucknow-226001

2. Paschimanchal Vidyut Vitran Nigam limited (PVVNL),

Urja Bhawan, Victoria Park, Meerut, U.P. – 250001

by





3. Purvanchal Vidyut Vitran Nigam Limited (PuVVNL),

DLW Bikharipur, Varanasi, Uttar Pradesh – 221004

4. Madhyanchal Vidyut Vitran Nigam Limited (MVVNL),

4A, Gokhale Marg, Block-I, Gokhale Vihar, Butler Colony, Lucknow – 226001

5. Dakshinanchal Vidyut Vitran Nigam Limited (DVVNL)

Urja Bhawan, Agra Mathura Bypass Road, Agra, Uttar Pradesh - 282007

..... Respondent(s)

THE FOLLOWING WERE PRESENT

1. Shri Sakya Singha Chaudhuri, Advocate, MEIL
2. Shri Rocky Pandey, Manager, MEIL
3. Ms. Puja Priyadarshini, Advocate, UPPCL
4. Shri Subrat Jain, Advocate, UPPCL
5. Shri Rishabh Bhardwaj, Advocate, UPPCL
6. Shri Jagnayak Singh, SE(PPA), UPPCL
7. Shri Gajendra Singh, EE(PPA), UPPCL
8. Shri Shubham Srivastav, AE(PPA), UPPCL

ORDER

(DATE OF HEARING: 16.09.2025)

1. During the hearing, Sh. Sakya Singha Chaudhuri, counsel for Petitioner, submitted that since the expenditure for the transportation of ash had already incurred during FY 2024-25, the Commission may grant interim relief amounting to 50% of the expenditure incurred. Ms. Puja Priyadarshini, counsel for Respondent, stated that Petitioner had filed its reply on the merit of the case. She further submitted that, based on the documents submitted by the Petitioner, it has transpired that the transportation of ash happened through MoU route rather than competitive bidding process and also that all related transactions were executed under expired contracts. She also submitted that the documents on record revealed that Petitioner was relying upon the same work orders that were demonstrated by Petitioner in Petition no. 2106 of 2024 in the matter of ash

by





transportation for FY 2023-24 thereby implying that same documentation cannot be accounted as the basis for claiming reimbursement of transportation costs for FY 2024-25, against which reimbursement claims had already been made in FY 2023-24.

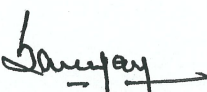
2. The Commission inquired about the specific efforts made by the Petitioner for FY 2024-25 in accordance with the methodology set out by the Commission in its Order dated 13.06.2023. In response, Sh. Sakya Singha Chaudhuri submitted that work orders for both for FY 2023-24 and FY 2024-25 were issued on a continuous basis, as and when the advertisement processes fructified. However, only the expenditure incurred during FY 2024-25 has been claimed in the current Petition and confirmed that there was no duplicity in claims for FY 2023-24 and FY 2024-25. He requested the Commission to allow the Petitioner to submit one-to-one correlation for each advertisement, tender process, contract/ work order issued, and the corresponding payment made to respective enterprises.
3. Sh. Sakya Singha Chaudhuri further submitted that the issue raised in the present Petition didn't pertain to adjudication of disputes between the parties but it was part of the tariff determination process under Section 86 (1)(b) of the Act. He referred to the Petition No. 2106 of 2024 and submitted that two issues were involved viz firstly whether the expenditure incurred towards fly ash transportation qualifies as a 'Change in Law' and second, the amount of relief. He pleaded that the change in law issue has already been settled by the Commission and now it was only verification of the process and claimed amount in Petition No. 2106 of 2024 and current Petition. Thus, the Commission may conduct a combined hearing in the matter.
4. In response to the Commission's specific query regarding the interim relief sought by the Petitioner, Ms. Puja Priyadarshini replied that Respondent was agreeable for the payment of the same amount i.e. Rs. 3,80,09,956, as previously decided by the Commission in its Order dated 18.08.2025 under Petition No. 2106 of 2024, on an interim basis. Accordingly, the Commission allowed the reimbursement of Rs. 3,80,09,956 to Petitioner for ash transportation costs for FY 2024-25, on an interim basis as agreed by the Respondent.





5. After hearing the submissions of both parties, the Commission observes that the matter in the present Petition and Petition No. 2106 of 2024 pertains to prudence check of the numbers arrived at through application of methodology outlined in its Order dated 13.06.2023 and verification of ash transportation costs. Hence the Commission decides to list the present Petition along with Petition No. 2106 of 2024 for a joint final hearing on 04.11.2025.
6. On the request of Petitioner, the Commission allows two weeks to Petitioner for filing its rejoinder along with mapping of each advertisement, tender process, contract/ work order issued, and the corresponding payment made to the respective enterprises during both FY 2023-24 and FY 2024-25.

List the present Petition along with Petition No. 2106 of 2024 for final hearing on 04.11.2025.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 03.10.2025