THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2106/2024 along with I.A. No. 1/2025

And Petition No. 2226/2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition filed under Section 86(1)(b) of the Electricity Act, 2003, and Article 14 of the PPA dated 12.11.2006 read with SPPA dated 31.12.2009 executed between the parties and in compliance of the 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 2022-23 and FY 2023-24 according to the Notification No. S.O. 5481(E) dated 31.12.2021 issued by the Ministry of Environment, Forest & Climate Change, GoI and the methodology prescribed by the Commission.

AND

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

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, Gokhle V har, Butler Colony, Lucknow – 226001

5. **Dakshinanchal Vidyut Vitran Nigam Limited (DVVNL)**

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

..... Respondents

THE FOLLOWING WERE PRESENT

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

ORDER

(DATE OF HEARING: 04.11.2025)

1. During the hearing, Ms. Puja Priyadarshini, counsel for Respondent, submitted that due to the delayed filing of the rejoinder, UPPCL could not get sufficient time to review the documents, however, prima facie, it appeared that MEIL had altered the documents that were already part of the record. She submitted that there were serious concerns on its admissibility as initial evidence could not be altered under the guise of the rejoinder. Ms. Priyadarshini pointed out certain discrepancies like expiry date and inclusion of loading charge in the work order of OM Construction filed by MEIL in Petition No. 2106/2024 and Petition No. 2226/2025. She requested for permission to file a reply on the admissibility of the rejoinder.

2. Further, Ms. Puja Priyadarshini submitted that as per MoEF&CC Notification of 2021 and its subsequent amendments, certain transportation expenditure claimed by MEIL, particularly towards filling of low-lying areas, were not reimbursable. She referenced the observations of the Hon'ble Member (Technical) of CERC in a similar case and submitted that expenditure towards private industries, such as cement industry, were not reimbursable under the Notification 2021.

3. Ms. Puja Priyadarshini also submitted that during the previous hearing, counsel for Petitioner had argued that the current exercise involved only a compliance check. However, she pointed out that the original Order in Petition no. 1884 of 2022 does not speak about the areas of utilisation. Therefore, she asserted that the presence of the Hon'ble Member (Law) may be required for the interpretation of the Notification 2021.

4. After hearing the submissions of UPPCL's counsel, the Commission noted that UPPCL had raised following four issues:
    a. Insufficient time to review the rejoinder
    b. Discrepancies in the work orders
    c. CERC order regarding disallowing certain transportation expenditure
    d. Presence of Hon'ble Member (Law) for adjudication

5. The Commission allows four weeks to Respondent for filing its replies with respect to above issues and thereafter two weeks for the Petitioner to file its response.

List the matter on 06.01.2026.

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 21.11.2025