



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2266 of 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) and Section 86(1)(f) of the Electricity Act, 2003 read with PPA dated 10.12.2010 seeking directions to UPPCL for payment of Late Payment Surcharge on the invoices raised by Lalitpur Power Generation Company Limited in accordance with applicable Regulations and position of law settled by the Hon'ble Appellate Tribunal for Electricity and the Hon'ble Supreme Court.

AND

IN THE MATTER OF

Lalitpur Power Generation Company Limited (LPGCL),

TC - 13, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh

..... Petitioner

VERSUS

Uttar Pradesh Power Corporation Ltd. (UPPCL)

Shakti Bhawan, 14-Ashok Marg, Lucknow-226001

..... Respondent

FOLLOWING WERE PRESENT

1. Sh. Amit Mittal, President, BEPL
2. Sh. Ketan Patil, AVP, BEPL
3. Sh. Akshat Jain, Advocate, BEPL
4. Sh. Amit Kapur, Advocate, BEPL
5. Sh. Avdesh Mandloi, Advocate, BEPL
6. Sh. Amit Kumar Pandey, Senior Manager, BEPL
7. Sh. Nitish Gupta, Advocate, UPPCL
8. Ms. Nipun Sharma, Advocate, UPPCL
9. Sh. Shubham Srivastava, AE-PPA, UPPCL
10. Sh. Gajendra Singh, EE-PPA, UPPCL



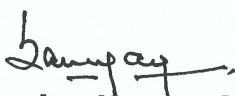


ORDER

(DATE OF HEARING: 16.10.2025)

1. The Petitioner (LPGCL) has filed the instant Petition under Section 86(1)(b) and Section 86(1)(f) of the Electricity Act, 2003 read with PPA dated 10.12.2010, seeking directions to the Respondent (UPPCL), for payment of Late Payment Surcharge (LPS) on the invoices raised by the Petitioner. The Petitioner has contended that such payment was due in accordance with applicable Regulations and position of law settled by the APTEL and the Hon'ble Supreme Court. The prayers of the Petitioner are as follows:
 - a) Admit the present Petition;
 - b) Direct UPPCL to pay Rs. 213,63,71,649/- towards the Late Payment Surcharge computed for the period from 21.06.2014 to 30.09.2024 as per LPGCL's invoice dated 15.10.2024 in terms of the Article 11.3.4 and Article 1.2.14 of the PPA, and the applicable Tariff Regulations along with carrying cost upto the date of actual payment of such amount;
 - c) Declare that Late Payment Surcharge payable by UPPCL on LPGCL's outstanding amounts has to be paid as per position of law settled by the Tribunal and the Hon'ble Supreme Court for the future monthly invoices; and
 - d) Pass any other order as the Commission deems fit and proper in the facts and circumstances of the case.
2. During the hearing, Sh. Nitish Gupta, counsel for UPPCL, requested the Commission for allowing four weeks to file their reply both on maintainability and merit.
3. The Commission accepts the Respondent's request and allows four weeks to the Respondent to file its reply both on maintainability as well as on merit, and three weeks thereafter to the Petitioner for filing their rejoinder.

List the matter on 08.01.2026.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow
Dated: 28.10.2025