



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2406 of 2026

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

Petition under Section 86(1)(b) of the Electricity Act, 2003 read with Regulation 15 of the UPERC (Conduct of Business) Regulations, 2019 on behalf of Uttar Pradesh Power Corporation Limited for seeking approval of Supplementary Tripartite Power Supply & Banking Agreement dated 20.04.2026 for extension of the term of Tripartite Power Supply & Banking Agreement dated 26.10.2021, for 100% Banking of 60,000 KW Power from Captive Power Plant known as Renusagar Power Division of Hindalco situated at Renusagar District Sonbhadra, U.P.

AND

IN THE MATTER OF

Uttar Pradesh Power Corporation Ltd. (UPPCL),

14th Floor, Shakti Bhawan Extension, 14-Ashok Marg, Lucknow-226001

...Petitioner

VERSUS

1. Hindalco Industries Limited (HIL)

21st Floor, one unity center, Senapati Bapat Marg, Prabhadevi, Mumbai-400013

2. Purvanchal Vidyut Vitran Nigam Ltd (PuVVNL)

Purvanchal Vidyut Bhawan, P.O: Vidyut Nagar, Bhikharipur, DLW, Varanasi-221001

... Respondent(s)

FOLLOWING WERE PRESENT

1. Sh. Divyanshu Bhatt, Advocate, UPPCL





2. Sh. Vishal Kumar, Advocate, UPPCL
3. Sh. Shashwat Singh, Advocate, UPPCL
4. Sh. Manish Dwivedi, C.E- PPA, UPPCL
5. Sh. Anil Kumar, SE, UPPCL
6. Sh. V.P. Tiwari, EE, UPPCL
7. Sh. C.P. Maurya, AE, UPPCL
8. Sh. Vibhor Bhargava, Sr. GM, Hindalco Industries Ltd.
9. Sh. Ajay Chaturvedi, AGM, Hindalco Industries Ltd.

ORDER

(DATE OF HEARING: 17.09.2026)

1. The Petitioner, UPPCL, has filed the Petition for seeking approval of Supplementary Tripartite Power Supply & Banking Agreement dated 20.04.2026 for extension of the term of Tripartite Power Supply & Banking Agreement dated 26.10.2021 from Captive Power Plant known as Renusagar Power Division of Hindalco situated at Renusagar District Sonbhadra U.P. The prayers are as follows:
 - a) Admit the instant petition on record;
 - b) Grant its approval to the Supplementary Tripartite Power Supply & Banking Agreement dated 20.04.2026 executed between the Parties thereby permitting the extension of the Principal Tripartite Agreement from 01.04.2024 to 31.03.2029;
 - c) Approve applicability of UPERC (Captive and Renewable Energy) Regulations, 2024 to the said Agreement;
 - d) Pass any further order(s) as this Commission may deem fit in the facts and circumstances of the case.
2. During the hearing, Sh. Divyanshu Bhatt learned counsel appearing for the Petitioner submitted that the instant Petition had been filed for seeking approval of Supplementary Tripartite Power Supply & Banking Agreement dated 20.04.2026 for extension of the term of Tripartite Power Supply & Banking Agreement dated 26.10.2021.





3. The Commission observed that banking provisions were incorporated in the 'Supplementary Tripartite Power Supply & Banking Agreement' despite execution of a separate 'Banking Agreement' resulting in duplication and ambiguity regarding the governing contractual arrangement. In response to the Commission's query regarding execution date of Banking Agreement and category of generating plant in terms of the UPERC CRE Regulations 2024, Sh. Bhatt submitted that the Banking Agreement was executed on 31.01.2026 and that the generating station is a Non-RE Captive Co-generation Plant.
4. The Commission also observed a gross deficiency in the Banking Agreement dated 31.01.2026 that 'Annexure-A' forming part of the Banking Agreement classifies the generating station as an "RE-Captive Co-generation Plant", whereas the generating station is actually a "Non-RE Captive Co-generation Plant". Such incorrect classification has significant implications, as the banking provisions under the UPERC (Captive and Renewable Energy) Regulations, 2024 are different for RE and Non-RE captive generating stations.
5. The Commission while expressing its displeasure on the degage attitude of UPPCL officials observed that Banking Agreement is a critical document having substantial commercial and regulatory implications, therefore, requires careful scrutiny before execution. The incorrect classification of the generating station indicates lack of due diligence and proper verification of the document prior to its execution. The Commission further pointed out another inconsistency that the Petition, as originally filed, sought approval for 100% banking however, subsequently, the Petitioner filed an additional application stating that the banking arrangement would be governed by the provisions of the UPERC (Captive and Renewable Energy) Regulations, 2024 and not 100% banking.
6. The Petitioner acknowledged the deficiencies and tendered an apology before the Commission. In view of the above observations, the Commission directed following to the Petitioner:
 - (i) Execute a revised Banking Agreement in the format as approved by the Commission and available on the website of the Commission.

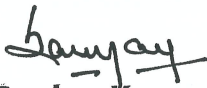




- (ii) Prepare and provide a 'Draft Model PPA' for Non-RE Plants to the Commission for examination so that the Model PPA document may be signed by the Parties; and
- (iii) Submit the executed PPA through Petition for approval of the Commission as per Regulation 7 of the UPERC CRE Regulations 2024.

The Petition is **dismissed** with directions as above.


(Griesh Kumar Vaish)
Member (Law)


(Sanjay Kumar Singh)
Member


(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 24.09.2026

