



**Petition No. 1573 of 2020**

**BEFORE**

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

**PRESENT:**

1. Hon'ble Sh. Raj Pratap Singh, Chairman
2. Hon'ble Sh. Kaushal Kishore Sharma, Member
3. Hon'ble Sh. Vinod Kumar Srivastava, Member (Law)

**IN THE MATTER OF:** Seeking transfer of project site to petitioner, restrain UPPCL from encashing Bank Guarantee deposited by petitioner and extension of project timelines including COD.

M/s B & G Renewable Energy Pvt. Ltd.,  
New No. 25, Old No. 10, Sir Madhavan Nair Road,  
Mahalingapuram, Nungambakkam,  
Chennai – 600034

----- Petitioner

1. UP Power Corporation Ltd.,  
(through its Managing Director),  
7<sup>th</sup> Floor, Shakti Bhawan Extn.,  
14-Ashok Marg,  
Lucknow
2. UP Jal Vidyut Nigam Ltd.,  
(through its Managing Director)  
Shakti Bhawan, 14-Ashok Marg,  
Lucknow
3. Principal Secretary,  
UP Govt. (Irrigation Department)  
Sachivalaya Annexe, Bapu Bhawan,  
Lucknow

-----Respondents





Following were present:

1. Sh. Deepak Raizada, RE-PPA, UPPCL
2. Sh. Pankaj Saxena, EE, UPJVNL
3. Sh. Akshaya Kumar Pradhan
4. Sh. Shubham Arya
5. Sh. Amarjeet Singh Rakhra, Advocate
6. Sh. D.D. Chopra, Advocate for the petitioner

**ORDER**

**(Date of Hearing 21.07.2020)**

1. The Counsel of the petitioner submitted that UPJVNL vide reply dated 20-07-2020 has mentioned that *"UP irrigation Department has now indicated the availability of land as identified by the developer with regard to nirgajini project and salawa project. Whereas for Chitaura project, it has been stated that the total of 6.681 hectare area as against 9.224 hectare area as identified by the petitioner is available and for the balance the petitioner has been requested for joint survey with irrigation Department so that alternative area can be identified."* He further submitted that the joint survey will take certain time for identification of the land which may further delay the COD. Therefore, the petitioner requested for the return of Bank Guarantee (BG), which may be again submitted once the land is transferred to the petitioner by UPJVNL.
2. The Commission asked the respondents that if the land is not available for setting up the project and the Petitioner is not interested to setup the project, then the BG may be returned to the Petitioner.
3. The Counsel of UPJVNL (Respondent no.2) submitted that the Respondent No. 2 was only to assist the developer by providing administrative support as per the provisions of the state policy and is not the owner of the land. Therefore, it can only facilitate for the land transfer which is under the control of the UP-irrigation department. The





Counsel of UPJVNL further submitted that matter may be discussed in a joint meeting between the Petitioner and Respondents to reach at amicable resolution. The Counsel of the Respondent therefore requested the Commission that BG may not be returned to the Petitioner.

4. The Counsel of UPPCL also suggested that the Petitioner and respondents should sit across the table and jointly reach at any amicable solution.
5. The Commission considered the request of the parties and directed that the Petitioner and Respondents to discuss all the issues jointly in a meeting for amicable resolution and outcome shall be placed on record of the Commission within 15 days .

**The matter is listed on 24th of August 2020.**

(Vinod Kumar Srivastava)  
Member (Law)

(Kaushal Kishore Sharma)  
Member

(Raj Pratap Singh)  
Chairman

**Place:** Lucknow

**Date:** 24.07.2020