



Petition No. 1706/2021

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order: 17.06.2021

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Kaushal Kishore Sharma, Member
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF Petition under Section 86(1)(c) and 86(1)(k) of the Electricity Act, 2003 seeking directions to the Respondents and appropriate order(s) for grant of prayers sought by the present Petitioner.

1. AMP Solar Evolution Private Limited (AEPL).
309, 3rd Floor, Rectangle One, Behind Sheraton Hotel,
Saket, New Delhi - 110

..... **Petitioner**

Vs

1. Uttar Pradesh State Load Despatch Centre
Phase II, Vibhuti Khand, Lucknow
Uttar Pradesh - 226 010
2. Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14, Ashok Marg,
Lucknow, Uttar Pradesh - 226 001
3. Uttar Pradesh Power Transmission Company Limited
Shakti Bhawan, 14, Ashok Marg,
Lucknow, Uttar Pradesh - 226010

.....**Respondents**

The following were present:

1. Shri Aniket Prasoon, Counsel, AEPL
2. Ms. Akanksha Tanvi, Counsel, AEPL
3. Shri Deepak Raizada, CE (PPA), UPPCL
4. Executive Engineer, RAU
5. Director, SLDC
6. Shri Piyush Shukla, Counsel, UPSLDC
7. Shri Puneet Chandra, UPPTCL
8. Shri Pankaj Saxena



ORDER
(Date of Hearing 08.06.2021)

1. AMP Solar Evolution Private Limited (AEPL) has filed this Petition under section 86(1)(c) and 86(1)(k) of the Electricity Act, 2003 seeking directions to Respondents and appropriate order(s) for grant of prayers.
2. The Petitioner has sought the following prayers:
 - a) Admit the Petition,
 - b) Issue appropriate directions to the Respondent No.1 for allowing declaration of COD for part capacity, as and when demonstrated, of all the solar projects established by the Petitioner in the state of Uttar Pradesh,
 - c) Hold and declare that the order dated 24.02.2021 passed by this Ld. Commission in AMP Solar's case shall be made applicable universally to all solar projects in Uttar Pradesh, and
 - d) Pass any other order as this Hon'ble Commission may deem fit in the facts and circumstances of the present case and in the interest of justice.
3. Shri Aniket Prasoon, Counsel of the Petitioner submitted that AMPSolar Evolution Pvt. Ltd. proceeded to install Solar PV based seven power projects aggregating to 200 MW capacity in the state of Uttar Pradesh. The Counsel submitted that the Commission has prescribed procedure of COD declaration vide order dated 27.07.2020 in Petition no. 1517/2019. Subsequently, the Commission in the case of M/s Amp Solar Clean Power Ltd. has allowed part Commissioning of the Project and COD declaration thereof under the facts and circumstances of the case.
4. The Counsel further stated that by way of present Petition, it is seeking allowing declaration of COD for part Capacity as and when demonstrated for all the Solar Projects to be established by the Petitioner / Amp Solar (Parent company) in the state of Uttar Pradesh. He submitted that it has filed an affidavit dated 3.6.2021 to bring certain facts related to the instant Petition.
5. Sh. Puneet Chandra, representative of Respondent, UPPTCL submitted that it has not been served copy of Petition & affidavit filed by the Petitioner. UPSLDC representative also stated that copy of affidavit has not been served upon them. Sh. Deepak Raizada, UPPCL representative submitted that copy of Petition and affidavit has been received by them.



6. The Commission asked the counsel of the Petitioner to explain the difficulties being faced by the Petitioner in implementation of procedure in declaring the COD of its projects. The counsel of the Petitioner responded that due to varied irradiation owing to weather conditions, it is not able to comply with the procedure laid out by the Commission vide order dated 27.07.2020 in Petition no. 1517/2019 and has incurred business losses in one of the Project.
7. The Commission observed that the Regulatory process as defined through its Orders shall be followed whereas the Petitioner is frivolously attempting to circumvent the Regulatory process through adjudication process.
8. The Commission also observed that the Petition ought to have been filed under proper legal framework of the Electricity Act'03. The instant Petition has been filed under 86(1)(c) and 86(1)(k) of the Electricity Act'03; Section 86(1)(c) pertain to facilitation of intra state transmission and wheeling of electricity and Section 86(1)(k) pertain to discharge of residuary function.
9. All the Respondent parties requested the Commission two-week time to file their reply after receipt of Petition/affidavit copy. Sh. Prasoon agreed to the same and requested the Commission for fixing an early date in the matter.
10. After hearing the parties, the Commission directed the Petitioner to serve a copy of the Petition and the affidavit dated 03.06.2021 to the Respondents. The Commission allowed two-week time to the Respondents for filing of reply with a copy to the Petitioner for filing rejoinder, if any.

List the matter for next hearing on 29.06.2021.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow
Dated: 17.06.2021

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