



Petition No. 1670 of 2021

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order (09.08.2021)

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:

Petition under Section 86 (1) (b) and Section 86 (1) (f) of the Electricity Act, 2003 read with Regulation 26 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 read with Clause 2 (5) of the UPERC (Terms and Conditions of Generation Tariff) Regulations 2019 for continuation of calculation of plant availability in terms of the JMR's and Final Power Purchase Agreement of Run of River without Pondage Vishnuprayag H.E.P. (400 MW) dated 16th January 2007 signed between Jaiprakash Power Ventures Limited and Uttar Pradesh Power Corporation Limited and in terms of the Order of this Hon'ble Commission dated 07.10.2008.

1. Jaiprakash Power Ventures Limited (JPVL),
JA House, 63 Basant Lok,
Vasant Vihar, New Delhi - 110057

----- **Petitioner**

1. Uttar Pradesh Power Corporation Limited (UPPCL),
Shakti Bhawan, 14 Ashok Marg, Lucknow-226001
2. Uttar Pradesh State Load Despatch Centre (UPSLDC),
Uttar Pradesh Power Transmission Corporation Limited,
Phase II, Vibhuti Khand, Lucknow- 226010

----- **Respondents**



Following were present:

1. Sh. B.K Saxena, Counsel, UPPCL
2. Sh. Deepak Raizada, CE-PPA, UPPCL
3. Sh. Executive Engineer, RAU
4. Sh. Ramanuj Kumar, Counsel, JPVL
5. Sh. Manpreet Lamba, Counsel, JPVL
6. Sh. Divyanshu Bhatt, Counsel, UPSLDC
7. Sh. Vivek Dixit, S.E (Open Access)
8. Sh. Joginder Pal, JPVL
9. Director, UPSLDC
10. Sh. Ashok Shukla

ORDER

(Date of Hearing 05.08.2021)

1. The Commission vide order dated 25.06.21 had directed UPSLDC to file its reply in the Petition. UPSLDC has filed its reply. UPPCL has already filed its reply dated 14.06.21.

The matter came up for hearing today.

2. During the hearing Sh. Joginder Pal, representative of the Petitioner requested the Commission to amend the present petition. He referred to the letter dated 26.07.2021 that the Petitioner would file a formal application seeking permission to amend the petition. Sh. Ramanuj Kumar, counsel of the Petitioner submitted that amending the petition is on account of new grounds and additional prayers.
3. The Commission informed the Petitioner that proposed amendments should be filed before the Commission to take a view whether proposed amendments covering facts/grounds/prayers were in the knowledge of Petitioner at the time of filing the instant petition so that the Commission may decide on allowing of amending the present petition. Alternatively, the Petitioner may formally withdraw the instant petition and file a fresh petition thereafter. The Counsel of the Petitioner, Sh. Ramanuj Kumar requested the Commission to withdraw the present petition and sought liberty to file a fresh petition.
4. The Commission asked the counsel of the Respondents for their objection on the request of the Petitioner. Sh. B.K Saxena and Sh. Divyanshu Bhatt respective counsel on behalf of UPPCL and UPSLDC responded that they have no objection to the withdrawal of the present petition.



5. After hearing the parties, the Commission allowed the request of the Petitioner to withdraw the present petition with liberty to file a fresh Petition. The Petitioner shall file a formal application in this regard within three days.

The matter stands disposed of in terms of direction contained above.

(Vinod Kumar Srivastava)
Member (Law)

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Date: 09.08.2021