



Petition No. 1681 of 2021
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW
Date of Order (30.12.2021)

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 u/s 86(1) (f) read with Section 60 of the Electricity Act, 2003, read with various regulations of UPERC on use/promotion of Renewable energy, against the Respondent for recovery of money, damages and other declaratory reliefs as regards the PPA dated 16.10.2014 between the Petitioner and Respondent.

Amity University Uttar Pradesh (AUUP),
Sector – 125, Noida, Uttar Pradesh.

----- Petitioner

Versus

IL& FS Energy Development Company Limited (IEDCL)
(Through its Managing Director/Board of Directors appointed by Central govt.)
3rd floor, Niryat Bhawan, Rao Tula Ram Marg,
Opp. Army Hospital Research & Referral, New Delhi-110057 -----Respondent

Following was present:

1. Sh. D. D. Chopra, Counsel, AUUP
2. Sh. Tanmaya Mehta, AUUP
3. Sh. Sarojanand Jha, Counsel, IEDCL
4. Sh. Rajan Chawla
5. Sh. Arun Chauhan
6. Sh. Aishwarya Pratap Singh
7. Sh. Ajai Vikram Singh

ORDER
(Date of Hearing 07.12.2021)

1. During the last hearing, the Commission vide order dated 07.10.2021 directed the Petitioner to share the copy of original petition to the Respondent. Further, the



Commission directed the Counsel of the Petitioner, Sh. D.D. Chopra to file its vakalatnama. The Petitioner has not shared the original petition but the amended petition. Sh. D.D. Chopra has not filed his vakalatnama in the matter.

The matter came up for hearing today.

2. During the hearing, Sh. D.D. Chopra, counsel of the Petitioner submitted that they have filed correction application before the Commission in the Order dated 07.10.2021. Further, Sh. Chopra submitted that in the said order the following correction is required:
 - a) At para 3 (ii), and 6, that the Petitioner's Solar Project has intervention with the grid.
 - b) At para 7, in the amended petition, there is no substantive variation from the original petition. In the amended petition, the prayers remain the same and the NPCL has been made party since the Petitioner's project is a grid connected within the NPCL jurisdiction area.
3. The Commission enquired the counsel of the Petitioner, whether they want hearing on original Petition with corrections or hearing on the amended petition. Sh. Chopra responded that they have made the corrections in the petitions by amending the original petition.
4. Sh. Sarojanand Jha, Counsel of the Respondent, IEDCL submitted that the Petitioner has not shared the copy of original petition, but the amended petition and therefore, they cannot find out the difference between both the petitions. Further, Sh. Jha requested the Commission to direct the Petitioner to share the copy of the original petition.
5. The Commission noted submissions of Petitioner's counsel. Further, the Commission has taken serious cognizance that Sh. D.D. Chopra has neither filed vakalatnama, nor shared copy of original petition despite the Commission's order dated 07.10.2021. Therefore, Sh. D.D. Chopra should file vakalatnama forthwith and serve a copy of the original petition to the Respondent.
6. The Commission also observed that there is no concept of corrected Petition. The Commission can't entertain two Petitions, one is petition and other is correct petition. The Petitioner is required to file an amended application describing the amendment sought with a copy to the Respondent and the Commission. In case the Commission allows the application, the Petitioner shall be required to amend the petition accordingly.



The matter will be listed on 03.03.2022 for hearing of amended application if filed by the Petitioner.

(Vinod Kumar Srivastava)
Member (Law)

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Date: 30 12.2021

