

**COURT-I**

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)

**IA NO. 284 OF 2016 IN**  
**DFR NO. 1137 OF 2016**

**Dated: 3<sup>rd</sup> June, 2016**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson**  
**Hon'ble Mr. I.J. Kapoor, Technical Member**

**In the matter of:**

**Devishi Renewable Energy Pvt. Ltd. .... Appellant(s)**

**Versus**

**Uttarakhand Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant (s) : Mr. Anurag Sharma

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan  
Mr. Raghu Vamsy for R-1

Mr. Pradeep Misra for R.2

**ORDER**

**IA NO. 284 OF 2016**  
***(Appl. for leave to file the appeal)***

The appellant has challenged Order, dated 31.03.2016, passed by the Uttarakhand Electricity Regulatory Commission (**State Commission**) in Petition No. 13 of 2016. In this application, the Appellant has prayed that it may be granted leave to file the present appeal.

The Appellant is a Generating Company. It is owned and controlled by M/s ACME Solar Holding Private Limited, Gurgaon (**ACME**). ACME

also controls three other companies, namely, Eminent Solar Power Private Limited; Devishi Solar Power Private Limited and Sunworld Energy Private Limited. ACME was selected as a successful bidder pursuant to RFP issued by Respondent No.3 for procurement of power from Grid Connected Solar PV Project through tariff based competitive bidding process under Type - I of Uttrakhand Solar Power Policy, 2013. Pursuant to the issuance of letter of Award in favour of ACME on 01.12.2015, the Appellant company was incorporated to undertake the development of 12.5 MW solar power project as a Special Purpose Vehicle. Admittedly, ACME had participated in the proceedings before the State Commission.

The impugned order directs the Appellant and other developers that PPAs have to be signed on or before 10.04.2016 and that the solar power plants of the Appellant and other developers have to be commissioned on or before 31.10.2016.

It is the case of the Appellant that the only reasoning provided by the State Commission is that since the RPO of the State of Uttrakhand has to be fulfilled, the Appellant and other developers have to commission the power plants within a period of seven months, which is practically not possible. According to the Appellant, the impugned order adversely and negatively affects the rights of the Appellant. The Appellant, is therefore, an

aggrieved party within the meaning of Section 111 of the Electricity Act, 2003 (**the Act**).

We have heard learned counsel for the parties.

The Appellant is a Special Purpose Vehicle created by ACME, which had participated in the proceedings before the State Commission. The Appellant has been directed to commission its power plant within seven months, which according to the Appellant is not possible. It is, *inter alia*, the case of the Appellant that ground realities and practical difficulties are not considered by the State Commission. In the circumstances, we find substance in the contention of learned counsel for the Appellant that the Appellant is an aggrieved person within the meaning of Section 111 of the Act. We, therefore, grant leave to the Appellant to file the present appeal. However, we make it clear that we have not expressed any opinion on the merits of the case. The application is disposed of.

**DFR NO. 1137 OF 2016**

Registry is directed to number the appeal.

**Admit.** Issue notice. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Pradeep Misra takes notice on behalf of Respondent No.2 and they seek four weeks time to file reply. Notice be

issued to the other respondents returnable on 06.09.2016. Dasti, in addition, is permitted.

List the matter on 06.09.2016. In the meantime, learned counsel for the respondents may file reply on or before 04.07.2016 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 19.07.2016 after serving copy on the other side.

**(I.J. Kapoor)**  
**Technical Member**  
ts/dk

**(Justice Ranjana P. Desai)**  
**Chairperson**