

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 191 OF 2019 &
IA NOS. 917, 1046 & 1099 of 2019**

Dated : 18th July, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

**Pinnacle Renewable Energy Pvt. Ltd.Appellant(s)
Versus
Uttar Pradesh Electricity Regulatory Commission & Ors.Respondent(s)**

Counsel for the Appellant(s) : Mr. Sourav Roy
Mr. Ruchir Ranjan Rai
Mr. Harsh Anand
Mr. Gaurav Majumdar

Counsel for the Respondent(s) : Mr. C.K.Rai
Mr. Sachin Dubey for R-1

Mr. Raghvender Singh, Sr. Adv.
Md. Altaf Mansoor for R-2

Mr. Puneet Chandra
Mr. Vinod Kr. Prajapati for R-4

ORDER

Subsequent to Order dated 22.05.2019, according to the Appellant, with ulterior motives and mala fide intention, they were intimated the following by the Chief Engineer (PPA), UPPCL:

"... the temporary power supply to the proposed project at its 33 KV Kanduni Sub Station is approved after due consideration with UP Power Corporation on the following terms and conditions:

1. *Messers Pinnacle Renewable India Pvt. Ltd will have to ensure the provision for ABT Compliant Meter, RTU Etc. by fulfilling the regulations related to the proposed metering.*
2. *Messers Pinnacle Renewable India Pvt. Ltd will have to give an undertaking to the effect that it will not raise any claim regarding Deemed Energy or otherwise, if there is any deficiency in solar production during the rostering period, as this project is at Discom Sub Station.*

It is further directed that you in furtherance of the Connection Agreement signed between you and Power Transmission Corporation Limited on 06.10.2016 please coordinate with the Competent Officer at Discom Level and obtain an estimate for construction of 33 KV line for power supply channel, so that the power supply from the 132 KV Biswa Sub Station be completed within one year from in furtherance of the connection agreement.”

According to the Appellant, some solar plants were exempted from policy of roster to enable evacuation of power from solar plants. Since the Appellant being 5 MW project, if such roster policy is applied to them, they would suffer financially and would not be able to comply with the directions of this Tribunal dated 22.05.2019.

Further, till 23.05.2019, Respondents did not whisper about this roster policy in any of the objections filed by them or during oral submissions. Subsequent to 22.05.2019 order, only on 23.05.2019 for the first time this was intimated to the Appellant is the stand of the Appellant.

Respondent – UPPCL contends that roster policy is in existence for more than two years including the period when interim directions were granted on 22.05.2019.

We fail to understand, if such roster scheme/policy was in existence, why they did not whisper about the same when the matter was heard and interim directions were granted. This is very strange and peculiar. We also note that the Officer of Respondent – UPPCL was in fact present when the matter was heard and interim directions were granted on earlier occasions.

We direct the concerned Officer who gave instructions to the counsel all through to place on record an affidavit explaining the lapses in not intimating such fact to the Tribunal. We also direct Respondent – UPPCL to place on record the roster policy along with their explanation how it is continued, at whose directions the concerned authority continues and how it is intimated to public from time to time. We also direct them to place on record as to which are the solar projects that are exempted from roster policy (both urban and rural).

List the matter on **23.07.2019**

(Ravindra Kumar Verma)
Technical Member

tpd/kt

(Justice Manjula Chellur)
Chairperson