

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Misc. Application No. 34 of 2025, 35 of 2025, 37 of 2025, 40 of 2025, 43 of 2025, 45 of 2025,
46 of 2025, 47 of 2025, 48 of 2025, 49 of 2025, 50 of 2025 and 53 of 2025

In the matter of:

Petition seeking review of the Commission's Order dated 27.03.2025, passed in the Suo-Moto proceedings regarding extension request for development and commissioning of Solar Power Plants allotted under "Tariff based Competitive Bidding Process" for Type-1 Projects under the Solar Energy Policy of Uttarakhand, 2013.

In the matter of:

1. M/s PPM Solar Energy Pvt. Ltd.
2. M/s AR Sun Tech.
3. M/s Pashupati Solar Energy Pvt. Ltd.
4. M/s Doon Valley Solar Power Pvt. Ltd.
5. Sh. Madan Singh Jeena.
6. M/s Dardour Technologies Pvt. Ltd.
7. M/s SRA Solar Energy Pvt. Ltd.
8. M/s Presky Technologies Pvt. Ltd.
9. M/s Harshit Solar Energy Pvt. Ltd.
10. M/s GCS Solar Energy Pvt. Ltd.
11. M/s Devendra & Sons Energy Pvt. Ltd.
12. M/s Dailyhunt Energy Pvt. Ltd. ... Petitioners

AND

In the matter of:

1. Uttarakhand Power Corporation Ltd. (UPCL)
2. Uttarakhand Renewable Energy Development Agency (UREDA) ... Respondents

CORAM

Shri M.L. Prasad
Shri Anurag Sharma

Chairman
Member (Law)

Date of Hearing: May 13, 2025, June 06, 2025 & June 17, 2025

Date of Order: July 21, 2025

The Order relates to the review Petitions dated 10.04.2025 filed by M/s Pashupati Solar Energy Pvt. Ltd and M/s PPM Solar Energy Pvt. Ltd., review Petition dated 15.04.2025 filed by M/s Doon Valley Solar Power Pvt. Ltd., review Petition dated 16.04.2025 filed by M/s A R Sun Tech, review Petition dated 26.04.2025 filed by Mr. Madan Singh Jeena, review Petitions dated 06.05.2025 filed by M/s Dardour Technologies Pvt. Ltd, M/s SRA Solar Energy Pvt. Ltd., M/s Presky Technologies Pvt. Ltd., M/s Harshit Solar Energy Pvt. Ltd., M/s GCS Solar Energy Pvt. Ltd., M/s Devendra & Sons Energy Pvt. Ltd. and review Petition dated 24.05.2025 filed by M/s Dailyhunt Energy Pvt. Ltd. seeking review of the Commission's Order dated 27.03.2025 passed in the Suo-moto proceedings in the matter of extension of Schedule Commercial Operation of the solar capacity allotted to the successful bidders under "*Tariff Based Competitive Bidding Process Under Type-I Project of Uttarakhand Solar Energy Policy-2013*" (hereinafter referred to as '200 MW Solar Scheme'). The present Petitions have been filed under Regulation 54(1) of UERC (Conduct of Business) Regulations, 2014 read with Section 86(1)(e) and Section 94(1) of the Electricity Act, 2003 (the Act). M/s Pashupati Solar energy Pvt. Ltd., and M/s PPM Solar Energy Pvt. Ltd. requested the Commission to grant an extension of the commissioning date of the Petitioners' solar power project upto March, 2026, considering the genuine difficulties faced in acquiring land in hilly terrain and the practical challenges of executing construction during the monsoon season whereas rest of the Petitioners have requested the Commission to allow extension till December, 2025. Apart from this request for extension, the Petitioners made common prayers which are as follows:

- a. Admit and allow the present Review Petition filed against the Order dated 27.03.2025.
- b. Review and recall the Order dated 27.03.2025, whereby the Letter of Award (LoA) issued to the Petitioner was directed to be cancelled.
- c. Pass such other and further orders as this Commission may deem just, fair and proper in the facts and circumstances of the case.

As the nature of the Petitions are similar, the Commission has decided to merge all the Petitions and pass a common order.

1. Background

1.1 Uttarakhand Renewable Energy Development Agency (hereinafter referred to as 'URED A') had invited bids for setting up Solar PV plants of cumulative capacity of 200 MW in the hilly region of Uttarakhand for procurement of power on long term basis by Uttarakhand Power Corporation Ltd. (hereinafter referred to as 'Distribution Licensee' or 'UPCL') through tariff based competitive bidding under Type-I category, i.e. *"Projects selected as per the competitive bidding process for selling power to Uttarakhand DISCOM, i.e. UPCL for meeting their RPO Obligations as specified by UERC from time to time"*, (200 MW Solar Scheme) of Uttarakhand Solar Energy Policy of Uttarakhand, 2013 (hereinafter referred to as 'Solar Policy, 2013'). Subsequently, based on the Petitions filed by URED A/developers from time to time, the Commission had extended the scheduled commissioning period from time to time, finally upto 15.11.2021 so as to be eligible for the tariff specified in the respective Power Purchase Agreements (PPAs). Further, it came to the notice of the Commission that URED A had been allowing time to the developers for completion of the projects upto 31.03.2024 which was subsequently extended upto 31.12.2024. The Commission vide its various letters enquired from URED A the basis of allowing extension to the developers. However, no satisfactory justification was submitted by URED A.

Subsequently, UERDA vide letter dated 10.01.2025 submitted that the developers were requesting further extension of Schedule Commercial Operation Date (SCoD) and, hence, it requested the Commission to give appropriate direction in this matter as it was found that there was no reasonable justification for further extending the SCoD. Accordingly, the Commission had directed URED A to submit the physical and financial status of those plants seeking extension duly substantiated by the documentary evidence, such as copy of invoices pertaining to equipment, bank loan agreement, geotagged photographs of the plants alongwith copy of work order. Considering all the relevant facts and circumstances, upon perusal of all the relevant documents and also the submissions made by the developers to URED A, comments received from UPCL and the provisions of Request for Proposal (RfP), the Commission vide Suo-moto Order dated 27.03.2025 directed URED A to cancel the LoA issued to such developers during the year 2019 in accordance with the relevant provisions of

the RfP.

- 1.2 Subsequently, review Petitions were filed by Mr. Madan Singh Jeena, M/s Pashupati Solar Energy Pvt. Ltd, M/s PPM Solar Energy Pvt. Ltd., M/s Doon Valley Solar Power Pvt. Ltd., M/s A R Sun Tech, M/s Dardour Technologies Pvt. Ltd, M/s SRA Solar Energy Pvt. Ltd., M/s Presky Technologies Pvt. Ltd., M/s Harshit Solar Energy Pvt. Ltd., M/s GCS Solar Energy Pvt. Ltd., M/s Devendra & Sons Energy Pvt. Ltd. and M/s Dailyhunt Energy Pvt. Ltd. (hereinafter referred to as “Petitioners”) seeking review of the Commission’s Order dated 27.03.2025 passed in the Suo-moto proceedings in the matter of extension of SCoD of the solar capacity allotted to the successful bidders under 200 MW Solar Scheme.

2. Petitioners’ submissions

- 2.1 M/s Pashupati Solar Energy Pvt. Ltd. through its review Petition submitted that it was allotted a solar capacity of 5 MW under 200 MW Solar Scheme vide LoA dated 08.07.2019 and as per the RfP the project was scheduled to be commissioned within 12 months from the date of issuance of LoA. However, the Commission on various occasions granted extension to the control period of the benchmark capital cost and the generic tariff to developers, inter alia, due to impact of COVID-19 upto 15.11.2021. The Petitioner submitted that UREDA vide its letter dated 30.05.2023 extended the timeline for commissioning of the project upto 31.03.2024 and subsequently further extended the same upto 31.12.2024. Despite engaging in continuous follow-ups and making every reasonable attempt, the efforts could not yield the desired outcome due to fragmented land holding. Subsequently, supplementary PPA was executed with UPCL on 28.03.2023 reflecting revised site details. However, the land could not be procured on the new location also. Thereafter, a new location was found and UPCL was requested on 23.11.2024 to issue TFR and execute supplementary PPA based on the new location. However, no response was received from UPCL. The lease deed for 50 Nalis of land was executed on 30.12.2024 even prior to the issuance of TFR for new location which remained pending with UPCL. The Petitioner submitted that in good faith and with a forward-looking approach, the Petitioner took the calculated risk of entering into the land lease deeds even before the issuance of the TFR. The Petitioner submitted that it had sought final extension from UREDA upto 31.03.2025, however, instead of allowing extension, UREDA sought directions from the Commission, and the Commission vide Suo-moto Order

dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.2 M/s PPM Solar Energy Pvt. Ltd. submitted that it was allotted a solar capacity of 5 MW under 200 MW Solar Scheme vide LoA dated 01.11.2019 and as per RfP the project was scheduled to be commissioned within 12 months from the date of issuance of LoA. However, the Commission on various occasions granted extension to the control period of the benchmark capital cost and the generic tariff to developers, inter alia, due to impact of COVID-19 upto 15.11.2021. The Petitioner was unable to procure the requisite land due to COVID-19 and consequent restrictions by Central/State Government. In anticipation of procuring land, a supplementary PPA was executed with UPCL on 28.03.2023. However, despite stringent efforts, the Petitioner was not able to accumulate the required land. Subsequently, a new site was finalized based on which a request was made to UPCL to issue TFR and execute a supplementary PPA. However, no response was received from UPCL. The lease deed for 50 Nalis of land was executed even prior to the issuance of TFR for new location which remained pending with UPCL. The Petitioner submitted that in good faith and with a forward-looking approach, the Petitioner took the calculated risk of entering into the land lease deeds even before the issuance of the TFR. The Petitioner submitted that it had sought final extension from UREDA upto 31.03.2025, however, instead of allowing extension, UREDA sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.
- 2.3 M/s AR Sun Tech vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 18.07.2019 and as per RfP the project was scheduled to be commissioned within 12 months from LoA date. The Petitioner submitted that the LoA was initially issued in favour of Mr. Ajay Bahuguna, one of the present partners of the firm. Further, the site initially identified was at a considerable distance from the main transmission line of UPCL, therefore, a new site was identified based on which TFR was applied and subsequently, a Supplementary PPA was executed with UPCL on 24.01.2020. However, the land could not be procured due to financial constraints. Subsequently, the Commission on various occasions granted extension to the control period of the benchmark capital cost and the generic tariff to developers, inter alia, due to impact of COVID-19 upto 15.11.2021. UREDA vide its letter dated 30.05.2023 extended the timeline for commissioning of the project upto 31.03.2024 and subsequently, further extended the same upto 31.12.2024. The

Petitioner submitted that the partnership firm which had previously faced significant delays in project implementation due to challenge in securing a mortgage, introduced a new partner in the firm and the Petitioner firm was constituted on 06.11.2024. The Petitioner submitted that immediately upon the formation of the company, an application was submitted before UREDA seeking approval for the allotted capacity in the name of the company. UREDA vide letter dated 26.11.2024 granted approval for the same. The Petitioner submitted that UPCL informed that no further technical feasibility was available at new location. Consequently, a new TFR was submitted to UPCL on 07.11.2024 after incorporation of the company which was approved by UPCL vide letter dated 05.12.2025. However, upon review, certain discrepancies were identified in the said TFR, therefore, revised TFR was issued on 10.12.2024. The Supplementary PPA was executed on 13.12.2024 based on the new location. The Petitioner submitted that it was left with a window of 2 weeks for commissioning of the project. Nevertheless, the Petitioner proceeded with the work in good faith and earnestness. However, during the period, government departments websites remained inaccessible for a considerable duration due to an attempted cyber-attack. The land lease deeds were executed on 12.12.2024 and 24.12.2024. Although, the agreements were finalised on 27.12.2024, the registration of the deeds was delayed due to operational constraints. The project company received the Single Window Clearance from the competent authorities on 16.01.2025. The Petitioner submitted that the company initiated the loan application after execution of the supplementary PPA, however, to facilitate the completion of the loan sanctioning process, an extension of the project timeline was necessitated. The Petitioner submitted that it had sought final extension from UREDA upto 31.03.2025, however, instead of allowing extension, UREDA sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.4 M/s Doon Valley Solar Power Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 1 MW under 200 MW Solar Scheme vide LoA dated 18.07.2019 and as per the RfP the project was scheduled to be commissioned within 12 months from the LoA. However, the Commission on various occasions granted extension to the control period of the benchmark capital cost and the generic tariff to the developers, inter alia, due to the impact of COVID-19 upto 15.11.2021. The Petitioner submitted that UREDA vide its letter dated 30.05.2023 extended the timeline for commissioning of the project upto 31.03.2024 and

subsequently further extended the same upto 31.12.2024. The Petitioner submitted that UREDA was informed vide letter dated 30.05.2022 that a project company had been duly incorporated in accordance with the terms of RfP and UREDA was requested to issue a letter to UPCL to transfer the PPA in the name of the project company. However, no response was received on the said communication for over two years. The Petitioner submitted that a reminder letter dated 27.07.2024 was sent to UREDA against which UREDA vide letter dated 26.11.2024 permitted the transfer of the PPA to the project company. The Petitioner submitted that despite engaging in continuous follow-ups and making every reasonable attempt, the efforts could not yield the desired outcome due to fragmented land holding at the proposed location. Accordingly, the Petitioner vide letter dated 28.08.2024 requested UPCL for TFR for new location. Based on the UREDA's letter dated 26.11.2024, UPCL executed a supplementary PPA with the project company on 13.12.2024. However, due to less time available for commissioning of the plant, i.e. upto 31.12.2024, the Petitioner requested UREDA vide letter dated 02.01.2025 for further extension upto 31.03.2025. The Petitioner submitted that in good faith and with a forward-looking approach, it took the calculated risk of entering into the land lease deeds on 18.02.2025 even before the issuance of the TFR. The Petitioner submitted that UREDA instead of allowing extension, sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.5 Mr. Madan Singh Jeena vide its review Petition submitted that it was allowed a solar capacity of 300 kW vide LoA dated 18.07.2019 and as per RfP, the project was scheduled to be commissioned within 12 months from the date of issuance of LoA. However, the Commission on various occasions granted extension of the control period of the benchmark capital cost and the generic tariff to developers, due to the impact of COVID-19 upto 15.11.2021. Due to financial & technical viability, the site for the development of allotted solar capacity as proposed in the LoA was changed. The Petitioner submitted that they were compelled to abandon a few sites owing to the non-cooperative attitude of the villagers. Subsequently, an EPC contractor was engaged and, thereafter, a land was finalized in Uttarkashi and TFR was finalized on 02.11.2024. However, by the time the TFR was sanctioned, approximately two months were only left (up to 31.12.2024, i.e. the final date extended by UREDA for commissioning of the plant) within which the Petitioner was

required to execute the lease deed, obtain necessary bank loan, and complete the construction and commissioning of the solar plant which could not have been completed within the limited timeframe available unless a reasonable extension was granted. Therefore, UREDA was requested to allow additional time till 31.03.2025 for extension of SCoD, however, instead of allowing extension, UREDA sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.6 M/s Dardour Technologies Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 18.07.2019 and as per RfP the project was scheduled to be commissioned within 12 months from LoA date. The Petitioner submitted that the location proposed in the LoA was village Dasau, however, some irregularities were discovered in the title documents, and hence, the land was abandoned. The Petitioner submitted that a PPA was executed on 28.07.2020 with new proposed location of solar plant as Village Uproli, Sahiya, Block- Kalsi, District- Dehradun. However, following the onset of COVID-19 pandemic, the landowners subsequently, withdrew their consent. Thereafter, M/s Presky Technology Pvt. Ltd. sub-leased its land in village Udpalta to the Petitioner and upon execution of sub-lease deed dated 22.08.2024, the Petitioner immediately commenced physical development of the site, including construction of the approach road, land development and MMS piling and casting. The Petitioner submitted that having encountered multiple impediments in its endeavour to establish the solar power plant, the Petitioner was optimistic about setting up Solar PV plant and, thus, requested UREDA for further extension, however, UREDA instead of granting extension, sought directions from the Commission.
- 2.7 M/s SRA Solar Energy Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 18.07.2019 and as per RfP the project was scheduled to be commissioned within 12 months from the LoA date. The Petitioner submitted that the location proposed in the LoA was village Dasau, however, some irregularities were discovered in the title documents, and hence, the land was abandoned. The Petitioner submitted that a PPA was executed on 30.07.2020 with a new location, i.e. Village Udpalta, Sahiya, Block- Kalsi, Dist. Dehradun. The Petitioner submitted that it faced a significant challenge due to the absence of an existing transmission mechanism. A 33 kV line was required to establish connectivity from the nearest substation. Construction of the said

transmission line took approximately one and half year which caused a substantial delay in the project commissioning. The Petitioner submitted that after execution of lease agreement, it applied for bank loan and simultaneously, commenced preliminary work on the said land. Further, the loan was sanctioned by Union Bank of India, however, despite the completion of formalities, the bank raised certain legal objection which were communicated to the Petitioner in timely manner and were only brought to the Petitioner's attention towards the end of sanction period. The Petitioner submitted that having encountered multiple impediments in its endeavour to establish the solar power plant, the Petitioner was optimistic about setting up Solar PV plant and, thus, requested UREDA for further extension, however, UREDA instead of granting extension, sought directions from the Commission. The Petitioner submitted that circumstances remained beyond the control as the Petitioner faced unforeseen challenges that impeded the timely progression of the project.

- 2.8 M/s Presky Technologies Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 400 kW vide LoA dated 18.07.2019 and as per the RfP the project was scheduled to be commissioned within 12 months from LoA date. The Petitioner submitted that the location proposed in the LoA was village Sainsa, Sahiya Tehsil- Chakrata, Dist. Dehradun, however, some of the villagers opposed the leasing of land and, therefore, the land was abandoned. Subsequently, a new location in village Udpalta, Chakrata was identified and the PPA was executed with UPCL for the same on 28.07.2020. Thereafter, lease deed was executed on 30.09.2020 for development of solar power plant in village Udpalta. The Petitioner submitted that it faced significant challenge due to the absence of an existing transmission network. A 33 kV line was required to establish connectivity from the nearest sub-station located at Sahiya. However, the construction of the transmission line took approximately one and a half year to complete. This infrastructure constraint caused a substantial delay in the installation and commissioning of the allotted capacity. The Petitioner submitted that having encountered multiple impediments in its endeavour to establish the solar power plant, the Petitioner was optimistic about setting up Solar PV plant and, thus, requested UREDA for further extension, however, UREDA instead of granting extension, sought directions from the Commission. The Petitioner submitted that the circumstances remained beyond the control as the Petitioner faced unforeseen challenges that impeded the timely progression of the project.

- 2.9 M/s Harsit Solar Energy Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 18.07.2019 and as per the RfP the project was scheduled to be commissioned within 12 months from the LoA date. The Petitioner submitted that the location proposed in the LoA was village Dasau, Chakrata, however, due to some legal issues, the land was abandoned. Thereafter, a new location in village Uproli, Sahiya, Chakrata was identified and, accordingly, the TFR was obtained, and lease deed was executed on 11.12.2020, however, the same site was also abandoned due to complex legal issues. The Petitioner submitted that it approached the bank and subsequently, received loan approval. The Petitioner submitted that despite the repeated challenges faced, the Petitioner shifted to a new location in village Kandari, Block Naugaon, District Uttarkashi and applied for the TFR for the said land. The Petitioner also submitted that it had requested UPCL for execution of supplementary PPA. However, instead of signing the supplementary PPA, UPCL opted to await for further extension of the deadline for setting up the allotted capacity. The Petitioner submitted that it had applied for bank loan and had commenced preliminary work on the said land with own resources and had successfully completed the land development work whereas design and engineering work was under progress. The Petitioner submitted that it had requested UREDA for further extension, however, UREDA instead of granting extension, sought directions from the Commission. The Petitioner submitted that circumstances remained beyond the control as the Petitioner faced unforeseen challenges that impeded the timely progression of the project.
- 2.10 M/s GCS Solar Energy Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 01.11.2019 and as per the RfP the project was scheduled to be commissioned within 12 months from the LoA date. The Petitioner submitted that the location proposed in the LoA was village Dasau, however, irregularities were discovered in the title documents, and, hence, the land was abandoned. The Petitioner submitted that the TFR was obtained for new location in village Uproli, Sahiya, Chakrata and the lease deed was duly executed, and construction work was commenced. However, the site also had to be abandoned due to complex legal issues. The Petitioner submitted that it shifted to a new location in village Kandari, Block Naugaon, Dist. Uttarkashi. The TFR for the said land was granted on 15.10.2024 by UPCL. The Petitioner submitted that it has executed lease deed and requested for supplementary PPA based on new location. However, instead of executing

supplementary PPA, UPCL opted to await a further extension of the deadline for setting up the plant. The Petitioner submitted that the lease deed was executed on 14.12.2022 and applied for bank loan and simultaneously commenced preliminary work on the said land. The Petitioner submitted that it continued the progress in the project using its own resources and successfully completed design, engineering work, HT Equipment foundation work, guard room construction and piling was under progress. The Petitioner submitted that it has also booked invertors, solar panels and transformer. The Petitioner submitted that it had sought final extension from UREDA, however, instead of allowing extension, UREDA sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.11 M/s Devendra & Sons Energy Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 01.11.2019 and as per the RfP, the project was scheduled to be commissioned within 12 months from the LoA date. The Petitioner submitted that the location proposed in the LoA was village Sahiya, Chakrata, however, irregularities were discovered in the title documents, and, hence, the land was abandoned. Thereafter, a new land was identified in Jhaknidhar, Tehri and the process of TFR for the said location was duly completed. However, the nearest transmission line was located at a considerable distance. The high cost of constructing the interconnection line rendered the project financially unviable and consequently, the site had to be abandoned as well. The Petitioner submitted that an alternate site was located in village Uproli, Sahiya, Chakrata and after obtaining the TFR for the new location, lease deed was executed on 11.12.2020. However, the said land was also abandoned due to complex legal issues. The Petitioner submitted that it shifted to a new location in village Kandari, Block Naugaon, Dist. Uttarkashi. TFR for the said land was granted on 15.10.2024. Subsequently, the Petitioner applied for bank loan and commenced preliminary work on the said land and successfully completed the design, engineering work, HT equipment foundation work, guard room construction and piling was under progress. The Petitioner submitted it has also booked inverter, Solar Panel and transformer. The Petitioner submitted that it had sought final extension from UREDA upto 31.03.2025, however, instead of allowing extension, UREDA sought directions from the Commission and the Commission vide Suo-moto Order dated 27.03.2025 ordered to cancel the LoA issued to the developers.

- 2.12 M/s Dailyhunt Energy Pvt. Ltd. vide its review Petition submitted that it was allotted a solar capacity of 500 kW vide LoA dated 18.10.2019 and as per RfP the project was scheduled to be commissioned within 12 months from the LoA date. The Petitioner submitted that the location proposed in the LoA was village Dasau, Chakarata, Dehradun, however, irregularities were discovered in the title documents, and, hence, the land was abandoned. Thereafter, a new land was identified in village Udpalta, Chakrata and PPA was executed with UPCL for the newly identified location on 30.07.2020. The Petitioner submitted that a 33 kV line was required to establish connectivity from the nearest substation. Construction of the said transmission line took approximately one and a half year which caused a substantial delay in the project commissioning. The Petitioner submitted that it was planning to pledge its property which was financed from NBFC by paying off the remaining outstanding amount. However, NBFC was unwilling to accept the foreclosure and consequently, refused to return the original title document. The Petitioner submitted that in the year 2024, banks began extending financial assistance for solar projects under CGTMSE scheme, which permitted loan to be granted without requiring mortgage of immovable property. The Petitioner submitted that it applied for the fresh loan with SBI and presently the application was pending with bank. The Petitioner submitted that it had requested UREDA to allow an extension, however, instead of granting extension, UREDA sought directions from the Commission. The Petitioner submitted that circumstances remained beyond its control as it had faced unforeseen challenges that impeded the timely progression of the project.
- 2.13 All the Petitioners submitted that the Commission sought information regarding successful developers from UREDA and based solely on the information so furnished, proceeded to pass the impugned order of cancelling the LoAs. It was further submitted that UREDA was neither in a position nor under a legal obligation to adequately represent the case of the Petitioners. The relevant facts and material evidence pertaining to the Petitioners' project were not placed before the Commission. The principles of natural justice required that an opportunity of hearing ought to have been afforded to the concerned developers prior to the passing of any adverse order, particularly an order involving cancellation of the LoAs. The impugned decision has been taken without giving the Petitioners an opportunity of being heard, despite the fact that significant time, effort, and financial investment has already been

made in furtherance of the project.

- 2.14 The Petitioners submitted that the rationale adopted by the Commission in cancelling the LoAs on the premise that the Solar Policy, 2013 has been repealed upon the enforcement of the Uttarakhand State Solar Policy, 2023 (hereinafter referred to as 'Solar Policy, 2023') fails to consider the broader policy objectives enshrined in the new Solar Policy itself. The Solar Policy, 2023 sets a target of 2500 MW. The projects awarded under the Scheme would meaningfully contribute to the attainment of these enhanced targets.
- 2.15 The Petitioners submitted that the Commission vide its Order dated 15.12.2019 while adjudicating upon the Petition concerning the revival of bids submitted by the unsuccessful bidders under the 200 MW Solar Scheme, clearly delineated the scope of its jurisdiction. The Commission's Order dated 15.12.2019 expressly confined its role to tariff determination and regulatory oversight, the Commission cannot now act contrary to its own findings and assume a role that lies exclusively with the executive authority namely, UREDA or the Government of Uttarakhand. The Petitioners submitted that the direction to cancel the LoAs which is an administrative function clearly falls outside the Commission's jurisdiction as acknowledged in Order dated 15.12.2019. The Commission in the past occasions has granted extensions on the condition that any delay beyond the dates set in respective extensions orders would attract the lower of the prevailing tariff for the relevant financial year or the tariff determined through competitive biddings/PPA.
- 2.16 The Petitioners have submitted that they had put in extensive and bona fide efforts to identify and secure suitable land for the establishment of the proposed project. However, due to legal irregularities, there was difficulty to secure appropriate land for development of solar PV plants. Further, delay in loan approval adversely affected the timely execution of the project.

3. Respondents' Comments

- 3.1 Copy of the Petitions were forwarded to UPCL and UREDA for comments. UREDA submitted that on the request of the developers, it allowed the extension of SCoD for completion of installation and commissioning of the allotted solar power plant by 31.12.2024 through letter dated 27.06.2024. Through the said letter, it was informed that lower of the tariff discovered through bid or determined by the Commission for the year of commissioning shall be applicable. Further, UREDA also submitted that UREDA vide its letter dated 28.12.2024 once

again informed the developers that the last date of commissioning of Solar PV plant is 31.12.2024 and no further extension shall be allowed.

UREDA submitted that all the developers were directed to submit the details of invoices pertaining to the equipment, loan agreement, Geotagged photograph of plant's location alongwith sales/lease documents and Copy of work order. UREDA submitted that none of the Petitioners submitted the complete information as requested.

UREDA also submitted that the successful developers were required to make a project company within 30 days from the date of issuance of LoA. Further, the allottees were granted time extension for formation of project company/firm and commissioning of the Solar Power plants from time to time. Details of the same are as follows:

S. No.	Last/Extended date for formation of Project Company	Last/extended date for commissioning of Solar Plant
1.	September 30, 2020	March 31, 2021
2.	April, 2021	August, 2021
3.	January 15, 2022	March 31, 2022
4.	June 01, 2022	September 30, 2022
5.	March 31, 2024	March 31, 2024
6.	October 31, 2024	December 31, 2024

UREDA submitted that the developers were given permission to form a project company vide letter dated 31.10.2024 subject to the condition that the allotted solar capacity has to be commissioned by 31.12.2024 and no time extension will be considered after the said date.

3.2 With regard to the review Petition filed by M/s Pashupati Solar Energy Pvt. Ltd., UREDA submitted that the Petitioner had requested UPCL for TFR and PPA vide its letter dated 23.11.2024. UREDA submitted that UREDA vide letter dated 27.06.2024 had allowed extension of SCoD for completion of installation and commissioning of the allotted solar power plant by 31.12.2024 whereas the Petitioner executed land lease deed on 30.12.2024 just one day before the expiry of the deadline for commissioning of the project.

3.3 With regard to review Petition filed by M/s PPM Solar Energy Pvt. Ltd., UREDA submitted that the last date of commissioning of the Solar power plant was 31.12.2024. UREDA also submitted that the lease documents submitted by the Petitioner pertained to another Petitioner, i.e. M/s Pashupati Solar Energy Pvt. Ltd. Further, no land lease/sales documents

have been submitted by the Petitioner executed on its name with the landowners. Further, it has not submitted geotagged and dated photographs of the Plant, work order for verification of progress of solar PV plant allotted to it.

- 3.4 With regard to review Petition filed by M/s AR Sun Tech, UREDA submitted that the Petitioner vide e-mail dated 21.11.2024 requested UREDA to inform UPCL about the formation of firm/project company so that the PPA could be executed. Accordingly, UREDA vide letter dated 26.11.2024 informed UPCL about the firm/project company and requested it to execute the PPA with the Petitioner. The last date of commissioning of the project was 31.12.2024 and the land lease deed was executed on 12.12.2024 and the PPA with UPCL was executed on 13.12.2024.
- 3.5 With regard to review Petition filed by M/s Doon Valley Solar Power Pvt. Ltd., UREDA submitted that the Petitioner had informed UREDA regarding incorporation of the project company through letter dated 30.05.2022, however, the same was received on 31.05.2022 by the concerned department. Subsequently, the Petitioner was directed to submit certain documents. However, the Petitioner failed to submit the details by the deadline, i.e. 01.06.2022 by which UPCL was to be informed regarding execution of PPA with project companies. UREDA also submitted that the Petitioner vide letter dated 11.10.2024 informed UREDA about the non-availability of land at the selected location and requested for extension of commissioning date. The Petitioner had executed land lease deed on 18.02.2025 after the deadline, i.e. 31.12.2024 for commissioning of the allotted capacity. UREDA also submitted that the Petitioner had requested for extension vide letter dated 11.10.2024 due to non-availability of land. Subsequently, UREDA had approved the project company vide letter dated 26.11.2024, however, the PPA was executed on 13.12.2024 from which it can be construed that delay in execution of PPA was the non-finalization of land and not the delay in approval of project company.
- 3.6 UREDA submitted that Mr. Madan Singh Jeena did not submit the copy of PPA based on the location specified in the TFR dated 02.11.2024. Further, he also did not submit the Loan Agreement, Lease/sales deed w.r.t. the solar capacity allotted to him.
- 3.7 With regard to the review Petition filed by M/s Dardour Technologies Pvt. Ltd. and M/s Presky Technologies Pvt. Ltd., UREDA submitted that the Petitioners were directed to submit

the invoices pertaining to equipment, bank loan agreement, geotagged photographs of the plant, copy of land lease/sales agreement, copy of agreement executed with vendors and copy of work order for examination of preparedness of the solar power plants allotted to them. UREDA submitted that the Petitioners had not submitted the loan documents and work order to UREDA. Further, the Petitioners had executed the PPA in July 2020 and lease deeds were executed in year 2020 itself. There was sufficient time for development of the solar power plant. The bank documents submitted by the Petitioners was issued by the Bank on 04.02.2025, i.e. after the deadline of 31.12.2024. Moreover, the letter of the bank is not a loan sanction letter but a general letter to the Petitioner.

3.8 With regard to the review Petition filed by M/s SRA Solar Energy Pvt. Ltd., UREDA submitted that the Petitioner was directed to submit the copy of the invoices pertaining to equipment, bank loan agreement, geotag location and dated photographs of the plant, copy of land lease/sales agreement, copy of agreement executed with vendors and copy of work order for examination of preparedness of the solar power plants allotted to it. In reply, the Petitioner failed to submit the copy of work order, invoices of equipment and bank documents. UREDA submitted that the Petitioner had executed the PPA in July 2020 and lease deed was executed in December 2022. The Petitioner has sufficient time for development of the solar PV plant. However, to substantiate the progress in development of Solar PV plant, the Petitioner has not submitted geotagged photographs. The bank document submitted by the Petitioner was issued by the Bank on 04.02.2025, i.e. after the deadline of 31.12.2024. Moreover, the letter of the bank is not a loan sanction letter but a general letter to the Petitioner.

3.9 With regard to the review Petition filed by M/s Harshit Solar Energy Pvt. Ltd., UREDA submitted that the Petitioner had not submitted EPC contract, Work Order, bank loan documents and geotagged photographs of the solar PV plant. UREDA also submitted that the Petitioner has mentioned that the bank has sanctioned the loan amount, however, no supporting document has been submitted.

3.10 With regard to the review Petition filed by M/s GCS Solar Energy Pvt. Ltd., UREDA submitted that the Petitioner had not submitted loan documents, Work Orders and lease documents. Further, UREDA submitted that the Petitioner has not submitted supplementary PPA based on the new location. Furthermore, the bank document submitted by the Petitioner was issued by the Bank on 04.02.2025, i.e. after the deadline of 31.12.2024. Moreover, the letter of the bank

is not a loan sanction letter but a general letter to the Petitioner.

3.11 With regard to the review Petition filed by M/s Devendra & Sons Energy Pvt. Ltd., UREDA submitted that the Petitioner had not submitted loan documents, Work Orders and lease documents to it. Further, UREDA submitted that the TFR for the new location was issued to the Petitioner on 15.10.2024 by UPCL and till date, the Petitioner neither has submitted lease/sale deed nor supplementary PPA, based on the new location. Further, the bank document submitted by the Petitioner was issued by the Bank on 04.02.2025, i.e. after the deadline of 31.12.2024. Moreover, the letter of the bank is not a loan sanction letter but a general letter to the Petitioner.

3.12 With regard to the review Petition filed by M/s Dailyhunt Energy Pvt. Ltd., UREDA submitted that the Petitioner had not submitted loan documents, geotagged photographs and work orders in support of development of solar PV plant allotted to the Petitioner. Further, UREDA submitted that lease deed was executed in January 2021 and there was sufficient time for development of Solar PV plant allotted to the Petitioner. Further, the bank document submitted by the Petitioner was issued by the Bank on 04.02.2025, i.e. after the deadline of 31.12.2024. Moreover, the letter of the bank is not a loan sanction letter but a general letter to the Petitioner.

3.13 UPCL submitted that the review Petitions have been filed under Section 86(1)(e), Section 94(1) of the Electricity Act 2003 and Regulation 54(1) of UERC (Conduct of Business) Regulations, 2014 for review of the Suo-moto Order dated 27.03.2025 of the Commission. UPCL submitted that the Commission taking the cognizance of continued requests for further time extensions, initiated Suo-moto proceedings in the matter. The Commission observed that UPCL had already fulfilled its RPO obligations upto FY 2023-24 and even for the ongoing FY 2024-25, UPCL's quarterly compliance reports indicated that the RPO requirements were being met. UPCL also submitted that the Commission vide its Suo-moto Order dated 27.03.2025 has observed that the original policy framework under which the 200 MW Solar Scheme was launched, i.e. Solar Policy, 2013 had already been repealed with the adoption of the State Solar Policy, 2023. UPCL also submitted that they make seek allocation under the Mukhyamantri Sour Swarozgar Yojna under which the applicable tariff being the generic tariff would be higher than the tariff under 200 MW Solar Scheme which will financially impact UPCL.

4. Commission's Views & Decisions

4.1 The Petitions have been filed under Section 86(1)(e) of the Act, read with Section 94(1) of the Act and Regulation 54(1) of UERC (Conduct of Business) Regulations, 2014.

Section 86(1)(e) of the Act specifies as follows:

“Section 86. (Functions of State Commission):- (1) The State Commission shall discharge the following functions, namely:

...

(e) Promote co-generation and generation of electricity from renewable source of energy by providing suitable measures for connectivity with grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of total consumption of electricity in the area of a distribution licensee”

Section 94(1) of the Act specifies as follows:

“Section 94. (Powers of Appropriate Commission): --- (1) The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

...”

Further, Regulation 54(1) of UERC (Conduct of Business) Regulations, 2014 specifies as follows:

“The Commission may on its own or on the application of any of the persons or parties concerned, within 60 days of the making of any decision, direction or Order, review such decisions, directions, Orders and pass such appropriate orders as the Commission thinks fit.”

4.2 The Commission conducted a hearing on the admissibility of the review Petitions filed by M/s Pashupati Solar Energy Pvt. Ltd, M/s PPM Solar Energy Pvt. Ltd., M/s AR Sun Tech, M/s Doon Valley Solar Power Pvt. Ltd. and Mr. Madan Singh Jeena on 13.05.2025. Further, review Petitions filed by M/s Dardour Technologies Pvt. Ltd., M/s SRA Energy Pvt. Ltd., M/s Presky Technologies Pvt. Ltd., M/s Harshit Solar Energy Pvt. Ltd., M/s GCS Solar Energy Pvt. Ltd. and M/s Devendra & Sons Energy Pvt. Ltd. were heard on admissibility on 06.06.2025 whereas review Petition filed by M/s Dailyhunt Energy Pvt. Ltd. was heard on admissibility on 17.06.2025 by the Commission. The Petitioners and the Respondents reiterated their

submissions before the Commission. The Commission heard the parties and carefully considered their written submissions.

- 4.3 With regard to the submissions of UPCL, the Commission expresses its strong disappointment on the comments made by it. UPCL being a distribution licensee and having vast experience in power sector, the Commission expected a detailed and substantive response. Instead, the submission was vague and lacked focus on the critical issues – namely, the grounds for review and the admissibility of the review Petition. Rather than addressing these core aspects, UPCL merely reiterated the background of the case, which the Commission is already well aware of. This approach falls short of the standards expected in such important proceedings.
- 4.4 With regard to disposal of the review Petition, the UERC (Conduct of Business) Regulations, 2014 states that if a review Petition is to be rejected, the same should be done within 30 days from the date of hearing and if the review Petition is admitted the same should be done within 90 days of hearing. Further, in case of delay in rejection of review Petition within 30 days, the reasons for the same should be recorded.

As discussed above, five numbers of review Petitions were heard on 13.05.2024. After hearing these five number of Petitions further, seven number of other Petitions also came up before the Commission, as stated above in this Order, due to similarity of nature of Petitions and issues involved it was necessary to hear and decide all these Petitions together in order to avoid miscarriage of justice. Therefore, the Commission decided to club all the review Petitions and issue a single Order after hearing the last review Petition filed by M/s Dailyhunt Energy Pvt. Ltd. on 17.06.2025.

- 4.5 Before considering the Petitioners' contentions of the case, it is necessary to see the scope of the power of the Commission for review of its order. Review of an order of the Commission can only be done if the Petitioner fulfils the grounds of review in accordance with the provisions of the Code of Civil Procedure, 1908. Section 114 of the Code of Civil Procedure (in short CPC) provides for a substantive power of review by a civil court and consequently by the appellate courts. Section 114 of the Code although does not prescribe any limitation on the power of the court but such limitations have been provided for in Order 47, Rule 1 of the CPC, as per the past practice, the Commission has been considering all the review petitions in light of the provisions of Section 114 read with Order 47 of CPC, 1908.

The grounds on which review can be sought are enumerated in Order 47, Rule 1 of CPC, which reads as under:

"1. Application for review of judgment

(1) Any person considering himself aggrieved:-

- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
- (b) by a decree or order from which no appeal is allowed, or*
- (c) by a decision on a reference from a Court of Small Causes,*
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the court which passed the decree or made the order.

Hence, the grounds for review provided are:-

- (i) discovery of new and important matter or evidence, or
- (ii) mistake or error apparent on the face of the record, or
- (iii) any other sufficient reason.

4.6 The law regarding scope of a review is no longer *res integra*, there are catena of judgements which reiterates laying down principles and scope according to which the power of review is to be exercised. It would be relevant to refer to few such judgements. The principles laid down by the Hon'ble Supreme Court in **Kamlesh Verma Vs. Mayawati & Ors (2013) (8) SCC** are being reproduced hereunder:

"20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable: (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him; (ii) Mistake or error apparent on the face of the record; (iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in Chhajju Ram v. Neki, AIR 1922 PC 112 and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius & Ors. (1955) 1 SCR 520, to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in Union of India v. Sandur

Manganese & Iron Ores Ltd. & Ors (2013) 2 SCR 1045.

20.2. *When the review will not be maintainable:*

- i. A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- ii. Minor mistakes of inconsequential import.*
- iii. Review proceedings cannot be equated with the original hearing of the case.*
- iv. Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*
- v. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.*
- vi. The mere possibility of two views on the subject cannot be a ground for review.*
- vii. The error apparent on the face of the record should not be an error which has to be fished out and searched.*
- viii. The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.*
- ix. Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."*

Similarly, in **Col. Avatar Singh Sekhon v. Union of India and Others (1980) Supp SSC 562**, the Hon'ble Supreme Court had observed that a review of an earlier order cannot be done unless the court is satisfied that the material error, which is manifest on the face of the order, would result in miscarriage of justice or undermine its soundness exists. Further, in the matter of *Lily Thomas & Ors. Vs Union of India & Ors. [(2000) 6 SCC 224]* the Hon'ble Supreme Court had observed that, "...Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence..."

XXX XXX XXX

"...Error apparent on the face of the proceedings is an error which is based on clear ignorance or disregard of the provisions of law. In T.C. Basappa v. T. Nagappa this Court held that such error is an error which is a patent error and not a mere wrong decision..."

Further, in the matter of **State Of Haryana And Ors. vs Mohinder Singh and Ors.** the Hon'ble Supreme Court relied upon the decision reported in *Parsion Devi and Ors. v. Sumitra Devi and Ors. (1997) 8 SCC 715*, wherein it has been observed as follows:-

- "9. Under Order 47 Rule 1 CPC a judgment may be open to review *inter alia* if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise".
10. Considered in the light of this settled position we find that Sharma, J. clearly overstepped the jurisdiction vested in the Court under Order 47 Rule 1 CPC. The observations of Sharma J. that "accordingly, the order in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunctions were provided" and as such the case was covered by Article 182 and not Article 181 cannot be said to fall within the scope of Order 47 Rule 1 CPC. There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction."

Hon'ble Supreme Court in Para 5 of the said judgment held as under:

"5. We have carefully considered the submissions of learned counsel appearing on either side. The division bench in the High Court, in our view, **completely overstepped the limits of its review jurisdiction and on the face of it appears to have proceeded as though it is a rehearing of the whole petition which had been earlier finally disposed of. It has often been reiterated that the scope available for a litigant invoking the powers of review is not one more chance for rehearing of the matter already finally disposed of. The course adopted in this case by the High Court appears to be really what has been held by this Court to be not permissible...**"

[Emphasis added]

4.7 None of the Petitioners in their respective Petitions have cited any error apparent or any other legally sustainable ground for filing the review Petition. The Petitioners have although only submitted the data that have already been submitted by them to UREDA. Still, the Petitioners have stated that the relevant facts and material evidence pertaining to the respective Petitioners' project were not placed before the Commission by UREDA.

4.8 While looking into the Petitioners' contentions, the Commission has to keep itself within the

bounds of the principles of review as mentioned above of this Order. It is clear from the nature of issues raised by the Petitioners in the review Petitions and also in their submissions, before the Commission during the course of the hearing, that the Petitioners are seeking review of the decision of the Commission whereby the request for allowing further extension was rejected and LoA of bidders who failed to develop and commission the solar capacity allotted to them under 200 MW Solar Scheme was cancelled. The Commission while passing the said Suo-moto Order have taken into consideration the submissions made by the Petitioners before UREDA w.r.t. physical progress of the Solar PV plants allotted to the Petitioners and other information and has given detailed reasons as to why the extension was refused. As the Review lies only for correcting patent error or discovery of new and important matter or evidence which could not be produced by the parties at the time of the earlier proceedings or mistake or error apparent on the face of the record.

- 4.9 All the Petitioners have referred towards the jurisdiction exercised by the Commission which according to them was contrary to the Commission's views expressed in the Order dated 15.12.2019 of the Commission wherein it was stated that the Commission's role was confined to tariff determination and regulatory oversight. The Petitioners submitted that direction to cancel the LoAs is an administrative function and it clearly falls outside the Commission's jurisdiction as acknowledged in Order dated 15.12.2019. The Commission in the past occasions has granted extensions on the condition that any delay beyond the dates set in respective extensions orders would attract the lower of the prevailing tariff for the relevant financial year or the tariff determined through competitive biddings/PPA.

The reliance upon the Order dated 15.11.2019 and submissions in this regard are totally erroneous. The said Order was passed in a Petition dated 26.09.2019 wherein the Petitioners had requested the Commission to consider the bids of the parties and award the project by issuing fresh LoAs. In that matter, under Type-I category of Solar Policy, 2013 UREDA had invited proposals for selection of Solar projects through competitive bidding based on the qualification criteria fixed by it wherein after analysing the provisions of RfP and submissions made by the parties, the Commission did not find any justified grounds for accepting the request of the Petitioners and passed the said Order wherein it was held as under:

"Further, RfP for the development of Solar PV plants under Type-I was approved by the GoUK vide

letter no. 232/1/2019-05/14/2009 dated 08.02.2019 subject to certain conditions. In such RfP(s), the role of the Commission is limited to the Regulations and tariff rates specified therein for renewable energy based power plants and approval or otherwise of the RfP comes under the purview of GoUK."

The Petitioners in the Petitions have referred to the said paragraph of the Order and have submitted as stated above. By mere, looking at the said paragraph, it has been made absolutely clear by using qualifying words "in such RfPs" clearly indicating that interfering in the bidding process does not come under the ambit of the Commission and the role of the Commission in such RfPs is limited to regulations and tariff rates specified therein for RE based power projects. Therefore, the submissions of the Petitioners and reliance upon the said paragraph is not only faulty but is totally unrelated and baseless.

- 4.10 All the Petitioners have submitted that principle of natural justice require that an opportunity of hearing ought to have been afforded to them prior to the decision of cancellation of LoA. Further, the Petitioners also submitted that cancellation of LoA has been carried out despite the fact that significant time, efforts and financial investments have already been made in furtherance of the projects due to the extensions allowed from time to time for the TFRs, execution of PPAs, registration of companies/firms etc.

In this regard, it is relevant to mention that the principle of natural justice is based on fundamental principles of fairness, reasonableness, and equity and to ensure that the decisions are made impartially. In light of this, it is worth mentioning that the Commission vide letter dated 10.02.2025 had directed UREDA to submit physical and financial status of solar PV plants duly substantiated by documentary evidence, such as copy of invoices pertaining to equipment, bank loan agreement, geo tagged location & dated photographs of the plants, copy of EPC contract and Work Order. Subsequently, based on the Commission's directions, UREDA vide letter 13.02.2025 addressed to the developers sought the said information, i.e. invoices pertaining to equipment, bank loan agreement, geotag location and dated photographs of the plant, copy of land lease/sales agreement, copy of agreement executed with vendors and copy of work order for examination of preparedness of the solar power plants allotted to them specifically mentioning that the said information has been sought by the Commission in the matter of extension of solar power plants beyond 31.12.2024.

The information submitted by the developers to UREDA in reply to the above-mentioned letter was forwarded to the Commission vide letter dated 22.02.2025 requesting to take an appropriate decision on extension of commissioning of Solar PV plants allotted to developers under 200 MW Solar Scheme. It is pertinent to mention that the proceedings were initiated based on the letter of UREDA & developers and no application or petition of any developer was pending still the opportunity to submit documents/ relevant information was provided to the developers through UREDA and based on the information/documents submitted by these developers to UREDA, the Commission took the decision in the matter. Moreover, in the review Petitions, no new fact was presented before the Commission by the developers.

- 4.11 The Petitioner further submitted that even if the Petitions do not strictly fall under the purview of Review, yet considering the facts and circumstances in the present cases, the Commission has ample power for advancement of justice and grant suitable relief to the Petitioners. They also emphasized that even though they were provided time extensions earlier, however, due to various uncertainties and difficulties the time provided to them was not sufficient for execution of the projects. The Petitioners on the basis of assurance and hope that further time extension will be given as no financial implication would arise, infact UPCL would get benefitted by lower tariff.

In the matter, it is pertinent to mention that none of the Petitioner has secured adequate land for development and commissioning of the solar PV plant against allotted capacity to respective Petitioner. Generally, for establishment of Solar PV plant having capacity of 1 MW, land of 4.00 to 5.00 acre is required, however, on the examination of the lease documents submitted by the Petitioners reveals that they have executed lease agreements for only a portion of the total land required for developing the solar power plant corresponding to their allotted capacity. Further, it is observed that lease deeds executed by M/s Pashupati Solar Energy Pvt. Ltd, M/s AR Sun Tech and M/s Doon Valley Solar Pvt. Ltd. were conditional and would take effect only after approval has been accorded for commissioning of the plants failing which the said lease deed would be considered cancelled. Furthermore, M/s PPM Solar Energy Pvt. Ltd. has submitted copy of the lease deeds executed by M/s Pashupati Solar Energy Pvt. Ltd. and no lease documents have been submitted by Mr. Madan Singh Jeena and M/s Harshit Solar Energy Pvt Ltd for new location.

M/s Doon Valley Solar Power Pvt. Ltd. has executed lease deeds on 18.02.2025 after the expiry of deadline provided by UREDA i.e. 31.12.2024 for commissioning of solar PV plant against the allotted capacity. Further, M/s GCS Solar Energy Pvt. Ltd. and M/s Devendra & Sons Energy Pvt. Ltd. instead of submitting lease documents for new location, submitted list of the khasra numbers of the land arranged for development of solar PV plants stating that the same has not been provided by Registrar office, Barkot. The list of land parcels provided by both the parties has one same parcel having khasra no. 5686. Further, M/s SRA Solar Energy Pvt. Ltd. has executed a lease deed on the same Khasra numbers, i.e. (3305, 3308, 3309 and 3310) mentioned in the lease deeds executed by M/s Dailyhunt Energy Pvt. Ltd.

- 4.12 The Petitioners have further stated that the Commission as well as UREDA in the past occasions, has granted extension on the condition that any delay beyond the dates set in the respective extension orders would attract lower of the prevailing tariff of relevant financial year and tariff determined through competitive bidding and that the Commission has failed to consider the broader policy objective enshrined in the new Solar Policy itself, i.e. achievement of solar capacity addition of approximately 2500 MW by December 2027. The project awarded under the scheme would meaningfully contribute to the attainment of these enhanced targets.

Such submissions do not fall under the grounds of review as stated above. They cannot by any stretch of imagination be considered as an error apparent on record. Further, mere submissions in isolation without referring to the facts are meaningless and such submissions are also not factually and legally correct. It is pertinent to mention that 200 MW Solar Scheme under Solar Policy, 2013 was launched by UREDA on the request of UPCL to meet its Renewable Purchase Obligation and extensions were allowed by the Commission on various occasions on account of COVID-19 pandemic, MoP notification and to meet the Renewable Purchase Obligation of the distribution license. Further, as discussed in the Suo-moto Order dated 27.03.2025, UPCL has already met its past RPO and is likely to meet its RPO for ensuing years from its tied up capacity with renewable energy based power plants. Furthermore, Uttarakhand Solar Energy Policy, 2013 has been repealed by new Uttarakhand State Solar Policy, 2023 wherein more categories have been specified under which Solar power plant can be developed. Therefore, the objection of the Petitioners that cancellation of LoA will interrupt

the achievement of solar target of 2500 MW is not tenable, the Solar policy of the State has no direct correlation with the bidding conducted by UREDA for present projects under Type-I category for fulfilling the RPO obligation, existing then, of the distribution licensee.

- 4.13 The instant matters are review Petitions; hence the proceedings are confined within the scope of review as stated above. It would not be legally permissible to rehear the matter by going into the merits of individual Petitions.
- 4.14 Hence, in light of the provisions of the statutes, the facts of the case, the submissions of the Petitioners and precedents set by the Hon'ble Supreme Court and the Hon'ble ATE, it is clear that the grounds stated by the Petitioners do not fall within the scope of review as laid down under the Code of Civil Procedure. The Petitioners have failed to demonstrate any error apparent on the face of record.
- 4.15 Hence, on the basis of the above discussion and laws, the instant Review Petitions brought before the Commission are liable to be rejected.
5. Ordered accordingly.

(Anurag Sharma)
Member (Law)

(M.L. Prasad)
Chairman