**Before**

# UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

**Misc. Application Nos. 56 to 58 of 2026**

**In the matter of:**

Petition seeking protection of the applicable tariff of Rs. 4.64 per unit for the Petitioner's 200 kW Solar Power Project under the Mukhyamantri Saur Swarojgar Yojana, on account of delay in furnishing technical feasibility and Letter of Award which consequently rendered the Petitioner unable to avail the approved tariff within the prescribed timeline.

**In the matter of:**

1. Mrs. Upasana Saxena
2. Mr. Kuldeep Singh
3. Mrs. Divya Khanna … Petitioners

**AND**

**In the matter of:**

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

**CORAM**

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| **Shri M.L. Prasad** | **Chairman** |
| **Shri Anurag Sharma** | **Member (Law)** |
| **Shri Prabhat Kishor Dimri** | **Member (Technical)** |

**Date of Hearing: September 29, 2026**

**Date of Order: October 23, 2026**

This Order relates to the three Petitions filed by Mrs. Upasana Saxena, Mr. Kuldeep Singh and Mrs. Divya Khanna (hereinafter after collectively referred to as "Petitioners") seeking protection of the applicable tariff of Rs. 4.64 per unit for the respective Petitioner's 200 kW Solar

Power Project under the Mukhyamantri Saur Swarojgar Yojana, on account of delay in furnishing technical feasibility and Letter of Award (LoA) which consequently rendered the Petitioner unable to avail the approved tariff within the prescribed timeline.

In all the three Petitions, the Petitioners were represented by the same counsel and have sought substantially similar reliefs. Considering the convenience of the parties and the fact that all the Petitions involve common issues and are substantially identical in nature, the Commission has decided to club the matters and dispose of all the three Petitions by way of this common Order.

## 1. Background

1.1. Uttarakhand Renewable Energy Development Agency (UREDA), Department of Renewable Energy, Govt. of Uttarakhand is the State Nodal Agency (SNA) of Ministry of New and Renewable Agency, Govt. of India for deployment of renewable energy and State Designated Agency (SDA) of Bureau of Energy (BEE), Govt. of India for implementation of various energy conservation activities and programs in the State of Uttarakhand.

1.2. Govt. of Uttarakhand vide notification no. 697/I-1/2021/03/02/2020-TC dated 25.09.2020, and subsequent notification no.72/I-1/2021/03/02/2020-TC dated 25.01.2021, launched a scheme namely Mukhyamantri Saur Swarojgar Yojana, (hereinafter referred as 'MSSY' or "the Scheme") for self-employment through Solar Farming. UREDA was designated as the nodal agency for implementation of the scheme. Under MSSY Scheme 10,000 small solar power plants of 20/25 kW were originally proposed to be allotted, out of which a total 150 no. of solar power plant having capacity 20/25 kW (cumulative capacity approx. 3.5 MW) were installed/commissioned till March, 2023.

1.3. Subsequently, the Govt. of Uttarakhand vide its notification no. 569/I/05/14/2009TC (E41794) dated 13.04.2023 issued Uttarakhand State Solar Policy 2023 (hereinafter referred to as "Solar Policy, 2023"). The solar power projects proposed to be setup under this Policy had been categorized under 5 types. Under the Type-V projects, projects were to be set up on private land for selling power to DISCOM (UPCL) for meeting its RPO obligation as specified by UERC from time to time. The deployments carried out under MSSY are considered under this category. Under this type, small size grid-connected solar power plants of capacity above 50 kW and upto 200 kW were to be allowed. As per Solar Policy, 2023, Solar Power Plants to be installed, under Type-V, in the State of Uttarakhand shall be

eligible for incentives, including the benefits provided to MSME industries from time to time. As per the policy, the power generated under the Type V category projects shall be purchased by the DISCOM on prefixed tariff determined by the UERC from time to time. Solar Plants set up under this category V are exempt from competitive bidding process.

1.4. Subsequently, UREDA filed a Petition before the Commission seeking to allow approximate cumulative capacity of 246.5 MW to be allotted to eligible applicants against ground mounted solar power plants having capacity size of 20/25/50/100/ 200 kW under the Mukhyamantri Saur Swarojgar Yojna at prefixed tariff of Rs. 4.49/kWh or as per the gross generic tariff for Solar PV plants decided by the Commission for FY 2023-24 whichever is higher and subsequently fix such gross tariff for a tariff period of three years.

1.5. In the matter, the Commission, vide its Order dated 16.08.2023, held as under:

> *"… Based on the above discussion and taking cognizance of the provisions specified under MSSY Scheme w.r.t. applicability of Tariff, the Commission observes that the proposal of the Petitioner for fixation of higher of the gross generic tariff of Rs. 4.49/kWh applicable for FY 2022-23 or gross generic tariff to be determined for FY 2023-24 does not hold any merit. The GoUk vide its notification dated 13.03.2023 amended the MSSY Scheme so as to allot solar power plants of capacity 50/100/200 kW in addition to solar plants of 20/25 kW capacity. Hence,* ***the levelised generic tariff specified by the Commission for Solar PV Plants for FY 2023-24 of Rs. 4.64/kWh shall be applicable till three years, i.e. till 31st March, 2026 for projects to be allotted under MSSY Scheme so as to address the concern of the proposed generators/investors regarding change in tariff in case of any slight delay due to force majeure conditions and also to prevent any delay on their part in expectation of higher tariffs in future. Thereafter, tariff as applicable for the year of commissioning shall be applicable.*** *UREDA is also advised to ensure that the allottees of the projects commission their projects within the timelines and also render full support to them to ensure timely commissioning of the projects."*
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> ***(Emphasis added)***

1.6. Accordingly, in terms of the said Order, the levelised generic tariff of Rs. 4.64/kWh was applicable up to 31.03.2026 for projects allotted under MSSY, and thereafter the tariff applicable for the year of commissioning was to apply.

1.7. Mr. Kuldeep Singh, Mrs. Upasana Saxena and Mrs. Divya Khanna applied for solar power plants under MSSY on 28.06.2024, 10.07.2024 and 12.07.2024 respectively. Subsequently, UREDA issued Letter of Award (LoA) to the Petitioners against their respective application

on 21.02.2026 stating that the Petitioners shall be eligible for a tariff of Rs. 4.64/kWh, if the solar plant gets commissioned by 31.03.2026 in accordance with the Commission's Order dated 16.08.2026. However, if the plant is commissioned after 31.03.2026, lower of the rate specified in Power Purchase Agreement (PPA) and determined for solar plants as per the Commission for the year of commissioning of plant shall be applicable.

## 2. Petitioners' Submissions

2.1. The Petitioners have filed separate Petitions seeking protection of the tariff of Rs. 4.64 per unit for the respective Petitioner's 200 kW Solar Power Project under the MSSY. The Petitions are stated to be filed on account of delay in furnishing technical feasibility and the Letter of Award, which, according to the Petitioners, rendered them unable to avail the approved tariff within the prescribed timeline.

2.2. The Petitioners submitted that the Petitions have been filed under the following provisions of the Electricity Act, 2003:

(a) Section 86(1)(a), under which the Commission is vested with the power to determine tariff for generation, supply, transmission and wheeling of electricity;

(b) Section 86(1)(e) requires the promotion of co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid; and

(c) Section 86(1)(f) under which the Commission is vested with the power to adjudicate upon disputes between generating companies and licensees.

2.3. It is submitted that Mr. Kuldeep Singh, Mrs. Upasana Saxena and Mrs. Divya Khanna applied for solar power plants under MSSY on 28.06.2024, 10.07.2024 and 12.07.2024 respectively for 200 kW Solar PV plant capacity in Village Baheda, Patti Panelsyu, District Pauri Garhwal.

2.4. The Petitioners submitted that the technical feasibility for evacuation of power from their projects was granted by UPCL vide Technical Feasibility Report (TFR) dated 06.03.2025. According to the Petitioners, the TFR stipulated that an 11/33 kV evacuation line was to be provided by UPCL and tapped to an already existing 33 kV feeder for the purpose of connectivity.

2.5. The Petitioners have submitted that, despite the issuance of the TFR on 06.03.2025, the LoA was not issued to them for a considerable period thereafter. According to the Petitioners, this resulted in undue delay in the processing and implementation of their projects under the MSSY.

2.6. The Petitioners further submitted that, after a considerable period had elapsed since the TFR, an objection was raised with respect to the technical feasibility already granted, instead of the LoA being issued. In this regard, the Petitioners relied upon a letter dated 19.09.2025 issued by the then Executive Engineer, UPCL, Pauri Garhwal, which, as per the Petitions, was addressed to the Chief Development Officer, Pauri Garhwal and the Project Officer, UREDA, Pauri Garhwal. According to the Petitioners, the said letter stated that:

(a) the 33 kV feeder through which power from the proposed solar power plants was to be evacuated required upgradation, and the plants could not be connected to the grid until such upgradation was carried out; and

(b) until the upgradation of the said 33 kV line was completed, the LoA in favor of the Petitioners may not be issued.

2.7. The Petitioners have contended that they were thereby prevented from receiving the LoA. According to them, this was on account of an objection subsequently raised by the Respondents regarding the adequacy of the very evacuation infrastructure in respect of which feasibility had already been granted on 06.03.2025.

2.8. The Petitioners have submitted that grievances were thereafter raised on the Chief Minister's Complaint Portal against the letter dated 19.09.2025 whereby an objection had been raised against the TFR already issued in favor of the Petitioners. It was submitted that such objections would adversely affect the Petitioners' seniority, particularly since the Scheme operates on a first-come, first serve basis. The Petitioners further pointed that UPCL had already examined the feasibility of evacuation and had issued a clear TFR in their favor and, therefore, raising an objection subsequently was contrary to the applicable norms and would unfairly prejudice the Petitioners' position.

2.9. The Petitioners submitted that in the said complaint it was also mentioned that even assuming any upgradation of the existing 33 kV line was required, the same could be undertaken by UPCL subsequently, particularly as the LoAs had not yet been distributed.

Further, even after issuance of the LoA, it would have taken approximately one year to complete the project, which, according to them, would provide sufficient time to UPCL to complete the upgradation without adversely affecting the implementation of their project or position under the Scheme.

2.10. The Petitioners submitted that in the first response to their complaint, furnished by the Executive Engineer, UPCL, Pauri Garhwal on 03.10.2025, it was stated that the tender for capacity enhancement of the transformer had already been published and the process was underway, and it was accordingly requested that the complaint be treated as resolved and closed. The Petitioners further submitted that thereafter, in the reply dated 09.10.2025, the Executive Engineer took a completely opposite and contrary stand stating as follows:

> *"It is informed that the total capacity of the solar plants to be set up by the complainant (in cluster form) is 9.3 MW. At present, the total capacity of the installed solar plants and the issued/proposed TFRs on the said 33 kV electric line has reached about 23 MW. This is far more than the capacity of the installed electrical conductor. As per rules, a load exceeding the conductor's capacity cannot be allowed to flow, so the electrical wires need to be replaced. This work is estimated to involve very heavy expenditure. A proposal has been made to upgrade the line, at an estimated cost running into crores. In a situation where the solar applicants have not yet received their LOAs, it does not appear appropriate to incur such expenditure merely on the possibility that solar plants will be set up at that location. You are therefore requested to kindly force-close the said complaint and issue the necessary directions."*

2.11. The Petitioners submitted that, on account of the delay that had already occurred in the issuance of the LoA, coupled with the subsequent objection raised by UPCL against the TFR already issued, they were constrained to make several representations and complaints before various authorities and on different grievance-redressal platforms, seeking issuance of the LoA and resolution of the issue. Despite the same, according to the Petitioners, the LoAs were issued to them only on 21.02.2026.

2.12. The Petitioners submitted that within three days of the issuance of the LoA, each of them executed a PPA with UPCL on 24.02.2026. The Petitioners further submitted that the LoA contained a condition stipulating that the MSSY tariff of Rs. 4.64 per unit would be applicable only if the Solar Photovoltaic Power Plant was commissioned on or before 31.03.2026, in accordance with the Commission's Order dated 16.08.2023. According to the

Petitioners, the LoA further stipulated that, if the plant was commissioned after 31.03.2026, the applicable tariff would be the tariff determined by the Commission for the year of commissioning, where such tariff was lower than the tariff agreed under the PPA; and if the tariff so determined was higher, the tariff agreed under the PPA would continue to apply. The Petitioners have submitted that the said condition was subsequently reflected in the PPA.

2.13. The Petitioners submitted that, by virtue of the aforesaid condition, they were left with a mere 38 days from the date of issuance of the LoA to establish and commission the Solar Photovoltaic Power Plant in order to avail the tariff of Rs. 4.64 per unit. According to the Petitioners, the said period was wholly inadequate and it was practically impossible to complete the remaining statutory, technical, construction, procurement and commissioning requirements within it.

2.14. The Petitioners submitted that they, along with other similarly affected stakeholders, had raised their concerns before the Commission regarding the protection and preservation of the MSSY tariff of Rs. 4.64 per unit, in view of the circumstances that had resulted in delays in the issuance of the LoAs. The Petitioners further submitted that the Commission, vide its Order dated 04.06.2026, passed in the proceedings concerning the review of benchmark capital cost, inter alia, for Solar PV projects, observed that the stakeholders' submissions concerning the MSSY tariff required separate adjudication in the context of the provisions, objectives and implementation framework of the MSSY. The Commission further observed that the said issues fell outside the limited scope of the tariff determination proceedings then under consideration and would be dealt with separately, in accordance with law, the applicable regulatory principles and the provisions of the Scheme.

2.15. The Petitioners further submitted that, on 05.08.2026, they, along with other stakeholders facing the same issue, submitted a representation before the Commission, in which, they sought protection of the tariff of Rs. 4.64 per unit applicable under the MSSY and apprised the Commission of the facts stated in the Petitions.

2.16. The Petitioners have submitted that, as per the terms of the LoA and the PPA, read with the Commission's Order dated 16.08.2023, the tariff of Rs. 4.64 per unit would not be available if the plant is commissioned after 31.03.2026, and the project would then be

governed by the tariff prevailing thereafter. The Petitioners contended that the delay in grant of the LoA is purely attributable to the Respondents, and that this delay is the cause of the impossible and impractical time period available under the LoA and the PPA for availing the tariff of Rs. 4.64 per unit. According to the Petitioners, the delay was entirely beyond their control and is not attributable to any act or omission on their part.

2.17. The Petitioners submitted that they cannot be deprived of the MSSY tariff of Rs. 4.64 per unit for failure to commission the projects by 31.03.2026, when the LoA itself was issued only on 21.02.2026. The resulting period of 38 days was wholly inadequate and practically incapable of accommodating the statutory, technical, financial, procurement, construction, electrical connectivity and commissioning activities required for establishment of a solar plant.

2.18. According to the Petitioners, under the applicable provisions of the MSSY, the LoA was required to be issued by UREDA within 15 days of receipt of the TFR. Contrary to this prescribed timeline, the LoA was issued only on 21.02.2026, i.e. approximately eleven months after issuance of the TFR. The Petitioners have contended that the delay is wholly attributable to UREDA and is in clear deviation from the Scheme timeline. They stated that they had already completed the technical-feasibility stage and were awaiting the LoA, and that no delay is attributable to them in reaching the LoA stage.

2.19. The Petitioners submitted that the Respondents cannot rely upon the commissioning deadline of 31.03.2026 while simultaneously ignoring the timline prescribed under the very Scheme under which the projects were being processed. According to the Petitioners, had the LoA been issued within 15 days of the TFR, they would have received it in or around March 2025 and would have had sufficient time to complete the requisite activities well before 31.03.2026.

2.20. The Petitioners further submitted that it would be manifestly unjust and inequitable to permit the Respondents to first disregard the 15-day period for issuance of the LoA and thereafter deny the tariff benefit on the ground that the projects were not commissioned by the cut-off date. The Respondents cannot take advantage of their own failure, nor insist upon strict compliance with a commissioning deadline that, according to the Petitioners, became practically impossible to meet solely because of the Respondents' delay. Denial of

the tariff would amount to penalising the Petitioners for a delay not caused by them.

2.21. The Petitioners submitted that once UPCL had examined the evacuation arrangement and granted technical feasibility, they were entitled to proceed on the legitimate basis that the identified arrangement was technically feasible and capable of implementation in accordance with the TFR. The Petitioners have contended that the objection dated 19.09.2025 is inconsistent with and contrary to the TFR, particularly as no intervening act or omission on their part is alleged to have altered the technical circumstances existing on the date of the TFR.

2.22. Legitimate expectation: The Petitioners submitted that upon submission of their applications and issuance of the TFR, the Petitioners acquired a legitimate expectation that their applications would be processed in accordance with the MSSY and that the LoA would be issued within a reasonable period, subject to fulfilment of the applicable conditions.

2.23. The Petitioner submitted that the Commission, in exercise of its regulatory jurisdiction and in furtherance of the objectives of the MSSY, may issue appropriate directions to protect the tariff where the failure to meet the commissioning deadline is attributable to circumstances beyond the Petitioner's control. According to the Petitioners, the facts warrant a direction that their projects be permitted to avail the tariff of Rs. 4.64 per unit notwithstanding commissioning after 31.03.2026, subject to fulfilment of all other applicable requirements under the Scheme, the LoA and the PPA.

2.24. In view of the above, each Petitioner has prayed that the Commission may be pleased to:

(a) admit and allow the Petition;

(b) pass an order directing that the Petitioner is entitled to the benefit of the MSSY tariff of Rs. 4.64 per unit, as determined by the Commission vide its Order dated 16.08.2023, notwithstanding that the Petitioner's Solar Photovoltaic Power Project could not be commissioned on or before 31.03.2026, since, according to the Petitioner, the inability to commission the project within the said date was occasioned by circumstances wholly beyond the Petitioner's control and was directly attributable to the delay and acts/omissions of the Respondents; and

(c) pass such other and further orders as the Commission may deem just, fair and proper in the facts and circumstances of the case.

(d) By way of interim relief, the Petitioners have prayed that the Commission may pass such other order(s) and/or direction(s) as it may deem fit and proper in the interest of justice, keeping in view the facts and circumstances of the case.

## 3. Respondents' Submission

3.1. The Commission forwarded the copies of the Petitions to the Respondents namely, UPCL and UREDA to submit their comments in the matter. UREDA and UPCL submitted their comments on 18.09.2026 and 25.09.2026. As the submissions made by the parties in all three replies are, in substance, identical or substantially similar, they are recorded together hereunder.

### A. UPCL's submissions

3.2. UPCL submitted that Clause 23 ("Disputes and Arbitration") of the respective PPAs executed between the parties prescribes a complete, self-contained and mandatory mechanism for resolution of disputes between the parties, as a condition precedent to either party approaching the Commission.

3.3. UPCL submitted that the Petitions proceed on the premise that the TFR dated 06.03.2025 constituted unconditional clearance for evacuation of the proposed solar generation and that the subsequent communication dated 19.09.2025 contradicted the technical feasibility already granted. UPCL contended that this understanding overlooked the technical background, including the existing network configuration, aggregate proposed solar capacity, required network augmentation, existing solar connections, and the practical and financial implications of the proposed arrangement. UPCL further submitted that the revised connectivity arrangement was examined in the context of the proposal submitted by the EPC contractor of the Petitioners, M/s Mittal Machines Pvt. Ltd., to make capacity available on the 33 kV Ghandiyal Feeder by shifting/interchanging the existing solar plants connected thereto to the 33 kV Mastkhal Feeder.

3.4. UPCL submitted that at all material stages it acted in accordance with the technical requirements of the distribution system and communicated the relevant technical

position to the concerned authorities, and that there was neither any deliberate withholding of information nor any intention to cause delay in implementation of the Petitioner's project.

3.5. UPCL submitted that each Petitioner had submitted an online application under the MSSY for installation of solar power plants in village Baheda, Patti Panelsyu, District Pauri Garhwal, and that, in respect of the applications, the technical feasibility for evacuation of the proposed generation was examined by the concerned division of UPCL.

3.6. UPCL submitted that, at the initial stage, the proposed connectivity was examined at the 33/11 kV Tairi (Dandanagaraj) sub-station level through the existing 11 kV Behdakhal feeder, and that the technical feasibility report at that stage specifically recorded that the existing 3.15 MVA power transformer at the said sub-station required enhancement up to 10 MVA for accommodating the proposed generation. UPCL, therefore, submitted that the initial technical feasibility itself was not an unconditional declaration and was expressly subject to power transformer capacity enhancement at the 33/11 kV sub-station.

3.7. UPCL submitted that, subsequently, upon a request made by the developer, M/s Mittal Machines Pvt. Ltd., vide letter dated 08.11.2024 addressed to the Director (Operations), UPCL, seeking feasibility for connectivity at the 33 kV voltage level, the matter was examined afresh in the context of the proposed 33 kV connectivity arrangement. UPCL submitted that, pursuant to the said request and in compliance with the directions issued by the Office of the Director (Operations) vide letter dated 23.11.2024, which were issued in light of the Order dated 16.08.2023 passed by the Commission and Regulation 43 of the UERC (Renewable Energy) Regulations, 2023 pertaining to evacuation of power, the revised technical feasibility at the 33 kV level was examined.

3.8. UPCL further submitted that M/s Mittal Machines Pvt. Ltd., vide its letter dated 01.02.2025 addressed to the Superintending Engineer, Srinagar, UPCL, proposed that the existing solar plants at Rautelasain be connected/interchanged to the 33 kV Mastkhal Feeder, thereby making available capacity on the 33 kV Ghandiyal Feeder for accommodating the proposed MSSY solar plants. According to UPCL, the said proposal was considered while examining the revised technical feasibility and the corresponding

network arrangement, and the revised TFR dated 06.03.2025 recorded the proposed 33 kV connectivity arrangement, the existing feeder configuration, the existing and proposed solar generation, and the additional works/arrangements required for accommodating the proposed MSSY projects.

3.9. UPCL submitted that the revised TFR dated 06.03.2025 itself records the proposed interchange of the existing solar power plants at Rautelasain from the 33 kV Ghandiyal Feeder to the 33 kV Mastkhal Feeder, so as to make available the requisite capacity on the 33 kV Ghandiyal Feeder for evacuation of the proposed solar capacity. UPCL, accordingly, submitted that the revised TFR was issued in the context of, and subject to, the implementation of the said proposed interchange arrangement and was not an unconditional clearance for evacuation of the proposed generation.

3.10. UPCL submitted that the proposed interchange of the existing solar plants could not be treated as a mere technical adjustment, as the existing plants were already connected to the 33 kV Ghandiyal Feeder pursuant to their respective connectivity arrangements, and its implementation necessarily required the consent/NOC of the concerned existing solar developers and consequential formalities in relation to their existing connectivity arrangements. UPCL submitted that the existing connectivity arrangements/PPAs of the concerned solar developers also required consideration, including the implications of the proposed interchange, the execution of the requisite works, the responsibility towards the cost of such works, and the consequences, if any, relating to loss of generation during execution of the work, and that appropriate amendments/consents in the existing arrangements were, therefore, required before the proposed interchange could be operationalised.

3.11. UPCL further submitted that the network infrastructure through which the existing four developers were connected had already been created in the course of providing their connectivity, and that shifting their point of connectivity subsequently, for accommodating the additional MSSY generation, necessarily involved fresh works and consequential financial implications. According to UPCL, the issue was, therefore, not simply one of technical feasibility but also involved determination of the responsibility for such additional expenditure.

3.12. UPCL submitted that, in the absence of the aforesaid interchange, the existing and proposed solar capacities were required to be considered together on the 33 kV Ghandiyal Feeder to assess the actual loading and carrying capacity of the network. Upon such assessment, the aggregate solar capacity, including the existing and proposed generation, was found to exceed the permissible carrying capacity of the existing ACSR Dog conductor. UPCL further submitted that the existing conductor, in its present configuration, was not capable of safely accommodating the aggregate proposed solar generation of approximately 23 MW. Accordingly, augmentation of the concerned 33 kV network was considered necessary before the additional solar generation could be safely evacuated and connected to the grid.

3.13. UPCL submitted that, vide communication dated 19.09.2025, it informed the concerned authorities, including UREDA, that although TFRs had been issued to the solar developers proposed to be connected to the concerned 33 kV line, the existing ACSR Dog conductor required augmentation before their projects could be connected to the grid. UPCL further submitted that, considering the time required for such augmentation and the technical constraints involved, it requested UREDA not to issue the LoAs until the issue of network augmentation was appropriately addressed.

3.14. UPCL submitted that the said communication was not issued with a view to obstructing the Petitioners' respective projects or withholding any benefit under the MSSY, but was necessitated by the technical position prevailing on the ground, and was made to ensure that the concerned implementing authority was apprised of the actual status of the distribution network before proceeding further with allocation.

3.15. UPCL submitted that the Petitioners' contention that UPCL subsequently raised an objection to the TFR already issued is misconceived, as the relevant technical constraints and the proposed interchange arrangement were already reflected in the revised TFR dated 06.03.2025. According to UPCL, its subsequent communication to UREDA was only a consequential communication arising from the inability to operationalise the proposed arrangement in the absence of the requisite NOCs, and the resultant network loading exceeding the carrying capacity of the existing ACSR Dog conductor. UPCL submitted that, in the aforesaid circumstances, it could not have refrained from bringing

the prevailing technical position to the notice of UREDA, particularly when the existing network, in its then-existing configuration, could not safely accommodate the aggregate proposed generation.

3.16. UPCL submitted that the communication dated 19.09.2025 was, therefore, a technical and precautionary communication made in discharge of its responsibility towards the safe and reliable operation of the distribution network, and was issued to place the prevailing technical position before UREDA and the concerned authorities, particularly in view of the aggregate solar capacity proposed to be accommodated, the requirement of network augmentation, the existing connectivity arrangements, and the issues concerning the other solar developers.

3.17. UPCL acknowledged that the matter involved various technical and coordination issues and that the process took time. UPCL, however, submitted that the time taken did not arise from any deliberate or intentional withholding of the TFR or from any intention on its part to prejudice the Petitioner's project. UPCL submitted that the revised TFR was issued pursuant to the request for 33 kV connectivity and upon consideration of the proposed interchange arrangement submitted by M/s Mittal Machines Pvt. Ltd., which arrangement was subject to the requisite consequential formalities and implementation, and that the subsequent communication dated 19.09.2025 was necessitated when the contemplated arrangement could not be operationalised and the actual network position was, therefore, required to be brought to the notice of UREDA.

**B. UREDA's submissions**

3.18. UREDA submitted that, under the Scheme, for a target of 250 MW cumulative capacity, the Commission vide its Order dated 16.08.2023 had determined the rate of sale of electricity of Rs. 4.64 per unit for plants installed and commissioned up to 31.03.2026. UREDA submitted that, considering the allotments cancelled and those proposed for cancellation for various reasons under the Scheme, and as per the information received from the districts, in view of the residual capacity of 12.6 MW cumulative capacity a request was made to the Government for allotment of the residual project capacity under the Scheme.

3.19. UREDA submitted that, in accordance with the approval accorded by the Government of

Uttarakhand, UREDA vide its letter dated 05.02.2026 directed the concerned district offices to issue LOAs for a total of 12.6 MW cumulative capacity in the Districts of Almora, Bageshwar, Pithoragarh, Chamoli, Pauri and Rudraprayag. UREDA submitted that, vide the said letter, the concerned district officers were also directed, in respect of the rate of sale of electricity to be specified in the project allotment letter, that the rate determined by the Commission against commissioning of the project by 31.03.2026 is Rs. 4.64 per unit, and that, for plants commissioned thereafter, the rate of sale of electricity determined by the Commission for the year of commissioning of the plant shall be applicable.

3.20. UREDA further submitted that requests are being received from various districts, by way of recommendations of the District Level Committee and requests of the district offices for guidance, regarding extension of time for projects under installation, and that certain developers have informed that, in the absence of extension of time under the Scheme, banks are not sanctioning loans or are not disbursing sanctioned loans, on account of which the progress of the projects has stalled. UREDA submitted that, as per the information received from the district offices, projects numbering 1110 of total 206.47 MW cumulative capacity had been installed and commissioned under the Scheme up to 31.03.2026, and projects of approximately 33.750 MW capacity are under installation.

3.21. UREDA submitted that the allotment of projects has been made by the District Level Committee (chaired by the District Magistrate or the Chief Development Officer nominated by him), constituted under the arrangement contained in GoUk Order dated 13.03.2023, which, while reviewing the progress of establishment of the projects, has from time to time given recommendations for necessary extension of time. UREDA submitted that, in view of the rate of sale of electricity determined by the Commission up to 31.03.2026, and pursuant to the recommendations received from the District Level Committee, UREDA headquarters has granted extension of time for commissioning of the projects up to a maximum of 31.03.2026.

3.22. UREDA reiterated that MSSY is an ambitious scheme of the State, through which, besides promoting green energy, opportunities of self-employment have been made available to the residents of the State, and that the Scheme has also strengthened entrepreneurship development as well as the prevention of migration.

3.23. UREDA submitted that it has requested the Commission, vide its letters dated 13.05.2026, letter dated 01.06.2026 and letter dated 07.08.2026 to allow the already approved rate of sale of electricity of Rs. 4.64 per unit for the projects under installation under the Scheme till 31.03.2027 for the residual projects under installation under the Scheme, so that action for granting extension of time to the concerned allottees can be taken.

## 4. Petitioners' Rejoinder

4.1. The Petitioners, through their counsel, submitted rejoinders dated 15.09.2026 to the replies filed by UPCL and UREDA. The submissions made therein are discussed in the subsequent paragraphs of this Order.

### A. Rejoinder to UPCL's reply

4.2. With regard to the reply filed by UPCL, the Petitioners submitted that UPCL has neither opposed the relief sought by the Petitioners nor disputed their claim for protection of the original tariff of Rs. 4.64 per unit under the MSSY, and that UPCL has not raised any objection to the entitlement claimed by the Petitioners or controverted the material facts forming the basis of the Petition.

4.3. The Petitioners submitted that a perusal of the reply filed by UPCL makes it evident that UPCL has acknowledged that there has been a delay in the process, and has confined its submissions to explaining and substantiating the reasons that led to such delay in providing the requisite feasibility and issuing the Letter of Award (LOA), despite the technical feasibility having already been granted. According to the Petitioners, UPCL has sought to justify the circumstances responsible for the delay, but has nowhere disputed the substantive claim of the Petitioners or opposed the relief sought in the Petition.

4.4. The Petitioners, accordingly, submitted that the reply filed by UPCL does not controvert their claim for protection of the original tariff of Rs. 4.64 per unit under the MSSY Scheme, and that the same may be taken into consideration by the Commission while adjudicating the Petition.

### B. Rejoinder to UREDA's reply

4.5. With regard to the reply filed by UREDA, the Petitioners submitted that UREDA, vide its said submission, has categorically supported the relief sought by the Petitioners in the

Petition, and that UREDA has raised no objection whatsoever to the Petitioners' claim for the original tariff of Rs. 4.64 per unit, as fixed under the MSSY by the Commission. According to the Petitioners, the submissions made by UREDA are, therefore, in consonance with the relief sought by the Petitioners and further substantiate their claim for protection of the said tariff.

4.6. The Petitioners, accordingly, submitted that they have no objection to the submissions made by UREDA, and that the same may be taken into consideration by the Commission while adjudicating the matter.

## 5. Commission's Views & Decisions

5.1. Three Petitions have been filed by the Petitioners seeking protection of the applicable tariff of Rs. 4.64/kWh for the respective Petitioner's 200 kW Solar Power Project under the Scheme, on account of delay in furnishing technical feasibility and LoA which consequently rendered the Petitioners unable to avail the approved tariff within the prescribed timeline under Section 86(1)(a), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003.

5.2. The matter was heard on 29.09.2026 on the admissibility of the Petitions. During the hearing, all the parties reiterated their written submission. The Commission has carefully considered the Petitions, the preliminary objections filed by UPCL, the reply of UREDA and rejoinder submitted by the Petitioners.

5.3. Before examining the reliefs sought by the Petitioners, it is relevant to refer to the Commission's Order dated 16.08.2023, by which the tariff of Rs. 4.64 per unit was made applicable to projects under the MSSY till 31.03.2026. Discussing background of the aforesaid Order, a Petition was filed by UREDA on 2.06.2023 seeking fixation of the higher of the tariff of Rs. 4.49/kWh or the gross generic tariff for Solar PV plants for FY 2023-24 which was approved by the Commission as Rs. 4.64/kWh for a tariff period of three years, for a cumulative capacity of approximately 250 MW to be allotted under MSSY. In the said Order, the Commission observed and decided as follows:

> *"…. the levelised generic tariff specified by the Commission for Solar PV Plants for FY 2023-24 of Rs. 4.64/kWh shall be applicable till three years, i.e. till 31st March, 2026 for projects to be allotted under MSSY Scheme so as to address the concern of the proposed generators/investors regarding change in tariff in case of any slight delay due to force majeure conditions and also to*

*prevent any delay on their part in expectation of higher tariffs in future. Thereafter, tariff as applicable for the year of commissioning shall be applicable. UREDA is also advised to ensure that the allottees of the projects commission their projects within the timelines and also render full support to them to ensure timely commissioning of the projects."*

5.4. Thus, the applicability of the tariff of Rs. 4.64 per unit up to 31.03.2026 was itself a specific dispensation granted by the Commission for a defined period of three years, i.e. till 31.03.2026, notwithstanding provisions of MSSY and the annual determination of generic tariff. The said Order also expressly provided that, thereafter, the tariff as applicable for the year of commissioning shall be applicable. The stipulation incorporated in the LOAs and PPAs of the Petitioners is in conformity with the said Order.

5.5. Based on the submissions made by the Petitioners, the following issues arise for consideration of the Commission:

a) whether the Petitions, as filed under Section 86(1)(f) of the Act, are maintainable when the PPA provides a procedure for resolution of disputes and the Petitioners have not shown that the said procedure has been followed.

b) whether the Petitioners, having accepted LoA and having executed the PPA containing an express stipulation regarding the tariff applicable on commissioning after 31.03.2026, can now seek applicability of the tariff of Rs. 4.64 per unit beyond the said date.

5.6. The Petitions have been filed, inter alia, under Section 86(1)(f) of the Act, which empowers the Commission to adjudicate disputes between licensees and generating companies. The present dispute primarily concerns the applicability of the tariff stipulated in the PPAs executed between the Petitioners and UPCL.

5.7. Clause 23, i.e. *'Disputes and Arbitration'* of the respective PPAs provides that, in the event of any dispute or difference between the parties concerning performance of the agreement and/or the rights and liabilities of the parties in respect of which a procedure for resolution is not otherwise provided for in the agreement, the following provisions shall apply:

"

a) *Executive Engineer, Electricity Distribution Division, Pauri (Garhwal), on behalf of UPCL, and the authorized representative of the Solar Photovoltaic Power Plant would be empowered to indicate explicitly the nature and material particulars of the dispute/dissatisfaction and the relief sought, and serve notice thereof on the other, with copy to the Superintending Engineer, Electricity Distribution Circle, Srinagar (G), under whose jurisdiction the solar power plant is located.*

b) *On receiving such information, the Superintending Engineer, Electricity Distribution Circle, Srinagar (G) of UPCL shall be required to personally meet the authorized representative of the Solar Photovoltaic Power plant and the Executive Engineer, Electricity Distribution Division, Pauri Garhwal at his own office, separately and/or together, within 15 (fifteen) days of the date of receipt of such notice, and attempt in good faith to resolve the dispute to the mutual satisfaction of the two parties, within the stipulations dictated by the letter and spirit of the agreement.*

c) *if the dispute is not resolved by way of a settlement arrived at and duly signed by each of the above officers within 30 (thirty) days of the date of receipt of the notice described in clause (a) above, the matter may be referred by either or both the above designated officers of two parties to the UPCL's Chief Engineer (Commercial), UPCL, V.C.V. Gabar Singh Urja Bhawan, Kanwali Road, Dehradun, with information to the Chief Executive of the plant, and, within 15 days of receipt of such notice, the Chief Engineer (Commercial) and the Chief Executive of the Solar Photovoltaic Power plant would be required to meet at the formers office and endeavour to settle the dispute within a further period of 30 (thirty) days, i.e. within a total period of 45 (forty-five) days from the initial date of receipt of the notice by the Superintending Engineer, EDC, Srinagar (G).*

d) *If the said dispute/dissatisfaction remains unresolved, either party can file a petition before UERC, whose decision will be final and binding on both the parties, and UERC shall be empowered to determine the exact nature and modalities of the procedure to be adopted in resolving the matter."*

5.8. Thus, Clause 23 of the PPAs provides a time-bound, two-tier mechanism for amicable resolution of disputes through the designated officers of UPCL and the concerned generator, before approaching the Commission. However, the Petitioners neither in their Petitions nor in their additional submissions made during the proceedings been able to substantiate that any dispute existed between them and UPCL. The Petitioners have

neither stated in their Petitions nor placed on record any material to show that they served a notice of dispute under Clause 23(a) or followed the procedure prescribed under Clause 23(b) and (c) before filing the present Petitions. The tariff condition in the PPA once accepted by the parties cannot be reopened again in the garb of tariff protections.

5.9. Further, with regard to the requests of the Petitioner for protection of tariff of Rs. 4.64/kWh, from the documents placed on record, it is observed that UREDA issued LOAs to the Petitioners on 21.02.2026 and that the PPAs were executed with UPCL on 24.02.2026. The LOAs and PPAs stipulated that the tariff of Rs. 4.64 per unit would be applicable only if the plants were commissioned on or before 31.03.2026, in accordance with the Commission's Order dated 16.08.2023. In case of commissioning after the said date, the tariff would be applicable as per the provisions of PPA and aforesaid Order.

5.10. In its submissions, UREDA submitted that pursuant to the recommendations received from the District Level Committee, UREDA headquarter had granted extension of time for commissioning of the projects up to a maximum of 31.03.2026. UREDA was well aware that the tariff of Rs. 4.64/kWh would be applicable on the plants which get commissioned by 31.03.2026 and thereafter the tariff specified by the Commission for the year of commissioning shall apply. Accordingly, the LoAs contained similar stipulation. The said condition formed part of the prescribed format of the LOAs, as amended by UREDA vide letter dated 05.02.2026. The relevant extract of the letter dated 05.02.2026 is as follows:

> "*Above rate of sale of Power shall be applicable only if the Solar Photovoltaic Power Plant commissions its plant on or before 31st March 2026 in accordance with the Order dated 16-08-2023 passed by Hon'ble Commission. However, if the plant is commissioned after 31st March 2026, the rate of sale of power would be as determined by the UERC for the year of commissioning if such rates are lower than the tariff agreed to in the PPA otherwise tariff agreed in this PPA shall continue.*"

5.11. The said condition was incorporated in the LOAs as well as in the PPAs to be executed between the allottees under the MSSY and UPCL. Accordingly, the Petitioners were aware of the deadline of 31.03.2026 for availing the tariff of Rs. 4.64 per unit, and of the tariff applicable in case of commissioning after the said date, namely the lower of the tariff agreed in the PPA and the tariff determined by the Commission for the year of

commissioning. Despite being aware of the said condition and of the time available for commissioning, the Petitioners accepted the project allotments under the MSSY through the LOAs and voluntarily executed the PPAs with UPCL on 24.02.2026, of which the said condition forms an integral part. No material has been placed on record to show that the Petitioners accepted the LOAs or executed the PPAs under protest or with any reservation regarding the said condition. The present request of the Petitioners would, in effect, require modification of a condition which they had consciously agreed to.

5.12. The Commission further observed that, as stated by the Petitioners themselves, their complaints filed on the CM Portal in October 2025 indicated that approximately one year would be required to complete the solar power projects after issuance of the LOAs. Thus, the Petitioners were aware that the time available up to 31.03.2026 might be insufficient for commissioning the plants. Despite this, they accepted the LOAs and executed the PPAs with the condition that the tariff of Rs. 4.64 per unit would apply only if the plants were commissioned on or before 31.03.2026. Therefore, their present contention that commissioning the plants within the available 38 days was practically impossible was already known to them when they accepted the LOAs and executed the PPAs, and was not a subsequent development.

5.13. Regarding the Petitioners' contention that the LOA was required to be issued within 15 days of receipt of the TFR, the Commission notes that the Application Flow Chart under the MSSY provides for allotment through the Committee within 15 days if the TFR is found in order. However, this timeline relates to the implementation of the Scheme by UREDA, the District Level Committee and UPCL. Any delay in issuing the LOA is a matter relating to the implementation of the Scheme and cannot, by itself, justify allowing a tariff contrary to the Commission's Order dated 16.08.2023 and the terms of the PPA.

Further, the delay had occurred before the LOAs were issued and was known to the Petitioners when they accepted the allotments and executed the PPAs. Therefore, they cannot rely on this delay to seek a change in the agreed tariff condition.

Moreover, the last date for applying under the Scheme was 31.03.2026 and the LoAs in the present case were issued under the said Scheme on 21.02.2026 with a validity of 12 months from the date of issuance of LoAs. Accordingly, tariff shall be applicable based

on the year of commissioning of plants in accordance with the provisions specified in LoAs/PPAs.

5.14. Furthermore, the tariff of Rs. 4.64/kWh is not a right accruing to any party. The same was made applicable to those projects which gets commissioned till 31.03.2026 keeping in view the RPO requirement of UPCL. At present the RPO requirement of UPCL is being fully met and besides the solar tariff for FY 2026-27 determined by the Commission is Rs. 4.10/kWh and also based on the above discussions, the Commission does not find it proper to grant any tariff protections to the Petitioners. The tariff of Rs. 4.64/kWh was specified by the Commission for FY 2023-24 which continued to be applicable for the MSSY scheme till 31.03.2026. The costs of commissioning solar plants have come down which is reflective in the benchmark tariff of Rs. 4.10/kWh specified by the Commission for FY 2025-26 and continued for FY 2026-27. This is all the more important considering the technological developments, modern solar panel and module designs have shifted toward high-efficiency architectures that extract more power from limited space and varied light conditions. Furthermore, the Commission has also received representations from some of the late allottees of MSSY scheme who are ready to install the solar plants even at a tariff of Rs. 4.10/kWh. Thus, undue enrichment to the Petitioners cannot be allowed at the cost of the consumers of the State.

5.15. Hence, in view of the above, and the fact that the Petitioners, having accepted the LOAs and executed the PPAs with full knowledge of the condition linking the tariff of Rs. 4.64 per unit to commissioning on or before 31.03.2026, are bound by the agreed terms. Accordingly, their claim for the tariff protection of Rs. 4.64/kWh for projects commissioned after 31.03.2026 cannot be allowed and the present Petitions are rejected.

**6.** Ordered accordingly.

| **(Prabhat Kishor Dimri)** | **(Anurag Sharma)** | **(M.L. Prasad)** |
|---|---|---|
| **Member (Technical)** | **Member (Law)** | **Chairman** |