Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Misc. Application Nos. 30 to 39 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 (MSSY), on account of delay in providing the 11 kV evacuation line and consequent delay in commissioning of the project.

In the matter of:

1. Mrs. Rajni Tyagi.
2. Mrs. Sunita Melana.
3. Ms. Shruti Barua.
4. Mrs. Kiran Bala.
5. Ms. Tanya Tyagi.
6. Mrs. Reeti Bhatt.
7. Sh. Sachin Kumar.
8. Smt. Vibha Khandelwal.
9. Mrs. Milan Jain.
10. Sh. Abhishek Arora. … Petitioners

AND

In the matter of:

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

CORAM

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

Date of Hearing: July 28, 2026

Date of Order: November 02, 2026

This Order relates to the ten Petitions filed by Mrs. Rajni Tyagi, Mrs. Sunita Melana, Ms. Shruti Barua, Mrs. Kiran Bala, Ms. Tanya Tyagi, Mrs. Reeti Bhatt, Sh. Sachin Kumar, Smt. Vibha Khandelwal, Mrs. Milan Jain and Sh. Abhishek Arora (hereinafter after collectively referred to as "Petitioners") 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 providing the 11 kV evacuation line and consequent delay in commissioning of the project.

In all the ten 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 ten 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 dated 25.09.2020, and subsequent notification 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 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) have been installed/commissioned till March, 2023.

1.3. Subsequently, the Govt. of Uttarakhand vide its notification 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 Solar Policy were categorized under 5 types.

Under the Type-V projects, projects shall be set up on private land for selling power to state distribution licensee, i.e. Uttarakhand Power Corporation Limited (UPCL), for meeting its RPO obligation as specified by the Commission 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 shall 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 scheme 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."

(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 is to apply.

2. Petitioners' Submissions

2.1. Ten Petitions have been filed by (i) Shri Abhishek Arora, (ii) Smt. Kiran Bala, (iii) Smt. Milan Jain, (iv) Smt. Rajni Tyagi, (v) Smt. Reeti Bhatt, (vi) Shri Sachin Kumar, (vii) Ms. Shruti Barua, (viii) Smt. Sunita Melana, (ix) Ms. Tanya Tyagi and (x) Smt. Vibha Khandelwal, each of whom has stated that he/she was awarded a Solar Power Project of 200 kW capacity under MSSY. Each of the Petitions sought protection of the tariff of Rs. 4.64 per unit for the respective Petitioner's 200 kW Solar Power Project, on account of the delay in providing the 11 kV evacuation line and the consequent delay in commissioning of the project.

2.2. The Petitioners submitted that the Petitions have been filed under the following provisions:

(a) Section 86(1)(e) of the Electricity Act, 2003, which, according to the Petitioners, requires the promotion of co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid;

(b) Section 86(1)(f) of the Electricity Act, 2003, under which, as submitted by the Petitioners, the Commission is vested with the power to adjudicate upon disputes between generating companies and licensees; and

(c) Regulation 44(2) of RE Regulations, 2023, under which, as submitted by the Petitioners, any dispute pertaining to connectivity of generation sources with the grid is required to be referred to the Commission, whose decision in this regard is final and binding.

2.3. The Petitioners submitted that each of them was awarded a Solar Power Project of 200 kW

capacity under MSSY, pursuant to which a Letter of Award (LoA) was issued in favour of the respective Petitioner. It has further been submitted that technical feasibility for evacuation of power from the respective project was granted by UPCL vide a Technical Feasibility Report (TFR), wherein the nearest feasible evacuation point was identified at a specified distance from the proposed site of the solar plant. According to the Petitioners, the TFR further stipulated that an 11 kV evacuation line was to be provided by UPCL, and that the same was to be tapped from an already existing feeder line for the purpose of connectivity.

2.4. The Petitioners further submitted that, pursuant to the LoA and the grant of technical feasibility, a Power Purchase Agreement (PPA) was executed between the respective Petitioner and UPCL, the Distribution Licensee.

2.5. The particulars of the LoA, TFR, the distance of the nearest feasible evacuation point from the proposed plant site, and PPA, as stated in the respective Petitions, are as under:

Petitioner-wise particulars as stated in the Petitions

S. No.	Petitioner	Letter of Award dated	Technical Feasibility Report dated	Distance to evacuation point (approx.)	PPA dated
1	Shri Abhishek Arora	04.01.2025	26.11.2024	150 meters	20.02.2025
2	Smt. Kiran Bala	04.01.2025	26.11.2024	780 meters	20.02.2025
3	Smt. Milan Jain	04.01.2025	25.11.2024	700 meters	20.02.2025
4	Smt. Rajni Tyagi	04.01.2025	25.11.2024	480 meters	20.02.2025
5	Smt. Reeti Bhatt	04.01.2025	26.11.2024	420 meters	20.02.2025
6	Shri Sachin Kumar	18.06.2025	25.11.2024	750 meters	03.11.2025
7	Ms. Shruti Barua	04.01.2025	25.11.2024	490 meters	20.02.2025
8	Smt. Sunita Melana	04.01.2025	25.11.2024	250 meters	20.02.2025
9	Ms. Tanya Tyagi	04.01.2025	25.11.2024	220 meters	20.02.2025
10	Smt. Vibha Khandelwal	13.02.2025	07.01.2025	280 meters	12.06.2025

2.6. The Petitioners submitted that, after the execution of the PPAs, they commenced the development and construction of their respective Solar Power Projects. It has been submitted that, during the course of execution, each Petitioner apprehended that the project could not be completed within the stipulated period of 12 months as prescribed under the respective LoAs and, accordingly, approached UREDA seeking an extension of time for completion of the project. According to the Petitioners, UREDA, vide its letter

dated 06.01.2026, granted an extension of the timeline for commissioning of the projects up to 31.03.2026. The Petitioners have further submitted that the said extended date also constituted the last date for availing the applicable tariff of Rs. 4.64 per unit under the prevailing policy.

2.7. The Petitioners submitted that, in the course of development of the projects, they anticipated that their respective Solar Power Plants would be ready for commissioning by 15.02.2026. Accordingly, vide letters dated 17.01.2026 addressed to the Executive Engineer, UPCL, Gopeshwar, District Chamoli, the Petitioners informed that the plants would be ready by the said date and requested that the necessary 11 kV evacuation line be provided so as to facilitate evacuation of power and enable timely commissioning of the projects. According to the Petitioners, no response was received, nor was any action taken by UPCL pursuant to the said communication.

2.8. The Petitioners further submitted that, upon completion of the development of their respective projects, they again addressed letters dated 24.03.2026 to the Executive Engineer, UPCL, Gopeshwar, District Chamoli, informing that the construction of the Solar Power Plants had been completed and bringing to the notice of UPCL that no response or action had been taken on their earlier communication dated 17.01.2026. It has been submitted that the Petitioners specifically highlighted therein that commissioning of the projects was required to be completed on or before 31.03.2026 in order to avail the applicable tariff, and that, due to the absence of the requisite 11 kV evacuation line, the commissioning of the plants was being adversely affected. The Petitioners have stated that they once again requested that the necessary evacuation infrastructure be provided at the earliest.

2.9. The Petitioners also submitted that, vide two further communications dated 25.03.2026 and 28.03.2026 addressed to the Executive Engineer, UPCL, Gopeshwar, District Chamoli, they informed that their respective Solar Power Plants were in a ready state for commissioning and requested the concerned authority to undertake the requisite inspection and meter sealing at the earliest. According to the Petitioners, it was specifically emphasised in the said letters that such actions were required to be completed prior to 31.03.2026, being the last date for commissioning in order to avail the applicable tariff, and the urgency of the

matter was reiterated.

2.10. The Petitioners submitted that an inspection of their respective Solar Power Plants was carried out by the Office of the Electrical Inspector on 27.03.2026. According to the Petitioners, the plants were found to be complete in all respects and as per the inspection report, the installation was found to be satisfactory and in compliance with the provisions of the Electricity (Measures relating to Safety and Electric Supply) Regulations, 2023.

2.11. The Petitioners submitted that, having received no response or any action taken from UPCL despite repeated communications, they were constrained to approach UREDA and, vide letters dated 30.03.2026, apprised UREDA of the continued inaction on the part of UPCL with respect to the provision of the 11 kV evacuation line, as well as the pending metering and commissioning of the projects. It has been submitted that the Petitioners highlighted therein that multiple requests had already been made to UPCL through various communications without any steps having been taken, and requested UREDA to intervene and take necessary action in the matter.

2.12. The Petitioners submitted that while they were addressing communications to UPCL, the EPC contractor engaged by them, namely SNS Energy Systems, was also simultaneously pursuing the matter with UPCL for the provision of the requisite 11 kV evacuation line. According to the Petitioners, it was only on 06.04.2026, i.e. after the expiry of the commissioning deadline, that UPCL, Gopeshwar Division, responded to the EPC contractor, stating that, upon examination of the letters submitted, a proposal for construction of the electrical line had been prepared and forwarded to the higher authorities, and that the line could be constructed only upon receipt of the requisite approvals from such authorities. The Petitioners have contended that this demonstrates that no effective steps were taken by UPCL within the stipulated timeline, thereby causing delay in commissioning of the projects.

2.13. The Petitioners submitted that, as per the terms of the respective PPA read in conjunction with the Order of the Commission dated 16.08.2023, in the event a Solar Power Plant is commissioned after 31.03.2026, the applicable tariff of Rs. 4.64 per unit shall not be available and the project would be governed by the tariff prevailing thereafter.

2.14. The Petitioners contended that the delay in commissioning of their respective projects has been caused solely due to the inaction on the part of UPCL in not providing the requisite 11 kV evacuation line, as was envisaged under the respective TFR, and that the said delay is entirely beyond their control and not attributable to any act or omission on their part. The Petitioners stated that, in these circumstances, they have a reasonable apprehension that a lower tariff may be made applicable to their projects instead of the tariff of Rs. 4.64 per unit, which they have described as the tariff originally assured under the MSSY.

2.15. In view of the above, each of the Petitioners has, in identical terms, prayed that the Commission may be pleased to:

(a) admit and allow the Petition;

(b) pass an order directing that the Petitioner shall be entitled to the original tariff of Rs. 4.64 per unit, as applicable up to 31.03.2026 under the Power Purchase Agreement, on the ground that the delay in commissioning of the Solar Power Project is not attributable to the Petitioner;

(c) direct UPCL to expeditiously provide the necessary 11 kV evacuation infrastructure, so as to enable commissioning of the Petitioner's Solar Power Project at the earliest; and

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

3. Respondents' Submission

3.1. The Commission forwarded the copies of the Petitions filed by the Petitioners to the Respondents namely, UPCL and UREDA to submit their comments in the matter. UPCL and UREDA submitted their comments on 21.07.2026 and 24.07.2026. As the submissions made by the parties in the 10 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 a plain and harmonious reading of Clause 23 shows that recourse to the Commission under sub-clause (d) thereof is expressly conditional upon:

(i) service of a formal notice of dispute under sub-clause (a), specifying the nature, material particulars and relief sought, with a copy to the Superintending Engineer;

(ii) an attempt at resolution at the level of the Superintending Engineer within 15 days, with escalation, if unresolved, to the Chief Engineer (Commercial) within 30 days of the notice; and

(iii) an attempt at settlement at the level of the Chief Engineer (Commercial), such that the entire process stands completed within 45 days of the original notice.

3.4. UPCL submitted that it is only where the dispute remains unresolved after the said process that either party is entitled to approach the Commission. UPCL contended that the Petitioners have, at no point, issued any communication styled as, or purporting to be, a notice of dispute under Clause 23(a), and that the letters relied upon by the Petitioners are addressed solely to the Executive Engineer, Gopeshwar, and are, on their face, operational communications intimating the readiness/completion of the Petitioners' plant and requesting inspection/metering.

3.5. UPCL further submitted that none of the said letters (i) is copied to the Superintending Engineer, Electricity Distribution Circle, Karanprayag, which, according to UPCL, is mandatorily required under Clause 23(a); (ii) sets out "the relief sought" in the manner contemplated by the said Clause; or (iii) is followed by any meeting, reference or escalation of the kind contemplated under Clause 23(b) and (c).

3.6. UPCL submitted that, consequently, neither the mandatory meeting/resolution process at the level of the Superintending Engineer, Karanprayag, nor the escalation to, and consideration by, the Chief Engineer (Commercial), UPCL, has ever taken place, and that the contractually stipulated 45-day process, being a condition precedent to invocation of the Commission's jurisdiction under Clause 23(d), has thus not even been commenced, let alone exhausted.

3.7. UPCL contended that it is a well-settled principle that, where parties have contractually

agreed upon a specific mechanism for resolution of disputes as a condition precedent to invoking the jurisdiction of an adjudicatory forum, that mechanism must first be complied with. According to UPCL, a Petition filed in derogation of an agreed pre-litigation process is premature and, at the very least, ought not to be entertained on merits until such process is undertaken or shown to have become infructuous.

3.8. UPCL further submitted that the Petitioners' own averment in the Petitions, under the heading "Details of Remedy Exhausted", states only that no remedy has been sought from any other court or forum and is silent on compliance with Clause 23 of the PPA. UPCL contended that this silence, in itself, confirms that the contractually mandated process was never undertaken prior to the institution of the Petition.

3.9. UPCL submitted that the Petitioners have sought to justify direct recourse to the Commission, in supersession of the dispute resolution mechanism voluntarily agreed under the PPA, by placing reliance on "Regulation 44(2) of RE Regulations, 2023". UPCL contended that, on a plain reading of RE Regulations, no such provision exists, and that Regulation 44 of the RE Regulations, 2023 is titled "Maintenance of Transmission Lines and Equipment" and has no bearing whatsoever on connectivity disputes or the reference of disputes to the Commission.

3.10. UPCL submitted that the only provision in the RE Regulations, 2023 dealing with reference to connectivity disputes to the Commission is Regulation 46(2), which, as quoted by UPCL, reads as under:

> *"If any dispute arises about connectivity of such sources with the grid, the matter shall be referred to the Commission whose decision in this regard shall be final."*

UPCL submitted that Regulation 46 is expressly and specifically titled "Connectivity and Metering arrangement for GRPV/GSPV", and that the term "GRPV/GSPV" is separately and specifically defined under Regulation 3(1)(xxvii) of the RE Regulations, 2023 as "Grid interactive roof top solar PV plants (GRPV)/Grid interactive small-solar PV plants (GSPV)", being the plants installed under a net-metering arrangement for self-consumption by a "Prosumer".

3.11. UPCL contended that the Petitioners' Solar Power Project are 200 kW ground-mounted ,

Type-V category project under the Uttarakhand Solar Policy, 2023, established for the sale of its entire generated output to UPCL under a PPA, and is not a net-metered rooftop/small-solar plant of a "Prosumer" of the kind described as GRPV/GSPV. UPCL submitted that Regulation 46(2) of the RE Regulations, 2023, even if correctly cited, does not, on a plain and natural reading, extend to disputes concerning the Petitioner's category of project.

3.12. UPCL submitted that, in these circumstances, the Petitioners cannot claim any independent statutory route bypassing the contractually agreed dispute resolution mechanism under Clause 23 of the PPA, and that the Petitions, insofar as it seeks to invoke the jurisdiction of the Commission in the first instance on the strength of a non-existent/inapplicable regulation, are misconceived and premature.

3.13. UPCL further submitted that the relief prayed for by the Petitioners cannot, in any event, be granted in the present Petitions, in as much as it seeks continued application of the tariff of Rs. 4.64/kWh, which, according to UPCL, was made available only pursuant to, and strictly within the four corners of the Order dated 16.08.2023 passed by the Commission in Petition No. 28 of 2023. UPCL submitted that the said Order holds, in unambiguous terms, that:

> *"the levelised generic tariff 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...Thereafter, tariff as applicable for the year of commissioning shall be applicable."*

UPCL contended that the tariff of Rs. 4.64/kWh is thus not a freestanding or perpetual entitlement vesting in the Petitioners, but a time-bound incident of a specific, concluded regulatory determination, the operation of which the Order itself expressly and deliberately terminates on 31.03.2026.

3.14. UPCL submitted that the relief sought in the Petitions, in substance, requires the Commission to extend, modify or read an exception into the Order dated 16.08.2023, so as to apply the tariff of Rs. 4.64/kWh beyond the very date up to which it was, by the Order's own terms, made available, and that such extension or modification of a concluded Order of the Commission cannot be allowed collaterally, in a subsequent and independent petition inter-parties between the Petitioner and the Respondent.

B. UREDA's submissions

3.15. UREDA submitted that the Government of Uttarakhand, vide Notification No. 385/I-1/2021/03/02/2020 TC dated 13 March 2023, issued the guidelines of the Mukhyamantri Saur Swarojgar Yojana (MSSY) for the inclusion of 50 kW, 100 kW and 200 kW solar power plants, along with 20 kW and 25 kW solar power plants, in the earlier MSSY scheme.

3.16. UREDA further submitted that said scheme guidelines specifies that the solar power plant shall be allotted based on the feasible Technical Feasibility Report (TFR) provided by UPCL. UREDA also submitted that each Petitioner has been allotted a 200 kW solar power plant under the MSSY vide letter of the CDO, Chamoli, who, as stated by UREDA, is the Chairperson of the district level committee for the allotment of solar power plants under the MSSY scheme as per the guidelines.

3.17. UREDA further submitted that feasible TFR was granted by UPCL, wherein the nearest feasible evacuation point was identified at the distance indicated below from the proposed site of the solar power plant, and that extension till 31 March 2026 has been provided to the Petitioners vide letters of the PO UREDA Chamoli.

3.18. UREDA submitted that the developer/empaneled firm has not submitted the request/format for supply verification (as per the EOI) in the project office, the reason being, as stated by UREDA, that supply verification has not been done by the project office. UREDA further submitted that, since the joint inspection of the plant takes place only after complete installation and meter sealing, the joint inspection has not yet been done by the project office. UREDA also submitted that the applicant officially informed UREDA about completing the installation only on 31 March 2026.

3.19. UREDA submitted that, as per the report of the Electrical Safety Department, the electrical safety officer has inspected and issued the report on 27.03.2026. UREDA also submitted that a total of 58 projects were installed and commissioned till 31 March 2026, and that the name of the Petitioners is not in the said list. UREDA further submitted that the Project Officer, Chamoli, has informed that, beyond 31 March 2026, 15 projects are under installation, out of which, for 14 projects, HT line construction has not been done, for which UPCL has been requested.

4. Petitioners' Rejoinder

4.1. The Petitioners through a common rejoinder dated 15.10.2026 submitted their comments on the submission made by UPCL on the Petitions.

4.2. With regard to UPCL's object on maintainability of the Petitions, the Petitioners submitted that these objections are misconceived and serve no surviving purpose. According to them, the Commission's letter dated 29.06.2026 shows that the Petitions had already been admitted and that the hearing on 28.07.2026 was fixed for final hearing. The proceedings having gone beyond the stage of admission and UPCL should have confined itself to the merits of the Petition. The Petitioners have prayed that the objections be disregarded to the extent they seek to reopen issues already crossed at the stage of admission.

4.3. With regard to UPCL's comment w.r.t. non-compliance with the dispute resolution mechanism under Clause 23 of the PPA, the Petitioners submitted that the objection is misconceived. According to them, the relief sought is the grant and protection of the tariff of Rs. 4.64 per unit beyond 31.03.2026. This, they say, is not merely a contractual dispute but concerns the determination and extension of tariff protection, which lies within the Commission's jurisdiction under Sections 86(1)(a), 86(1)(e) and, to the extent applicable, Section 86(1)(f) of the Electricity Act, 2003. They contended that UPCL, as a distribution licensee, has no independent authority to extend the applicability of that tariff beyond 31.03.2026, so the relief could not have been granted even if the Clause 23 process had been pursued to conclusion, and insisting on it would only cause delay. The Petitioners have prayed that the objection be rejected and the Petitions be decided on merits.

4.4. With regard to UPCL contention that tariff of Rs. 4.64/kWh was a time-bound incident of the Order dated 16.08.2023, the Petitioners submitted that the uniform tariff fixed by the Order dated 16.08.2023 was intended to give developers tariff certainty and stability during the implementation of their projects, and that this objective would be defeated if they lost its benefit because of the delay in commissioning attributable to UPCL. They stated that they do not claim an unconditional or perpetual entitlement to the tariff. Their claim rests on the grant of technical feasibility, their repeated requests for the 11 kV evacuation line, the advance notice of synchronisation given on 17.01.2026, according to

them, under Clause 12 of the PPA, and the plants being ready for commissioning before 31.03.2026.

The Petitioners further contended that the relief does not amount to a collateral modification of the Order dated 16.08.2023. According to them, the question for adjudication is whether a developer who has complied with the requisite conditions within time can be denied tariff protection because of a delay allegedly attributable to UPCL, and UPCL cannot rely solely on the cut-off date while disregarding the circumstances that prevented timely commissioning. They have prayed that the objections in paragraphs 13 to 15 of UPCL's reply be rejected and that their claim be considered on merits.

5. Commission's Views & Decisions

5.1. Ten Petitions have been filed by the Petitioners seeking protection of the applicable tariff of Rs. 4.64/kWh for the Petitioners' 200 kW solar power plant under MSSY on account of delay in providing 11 kV evacuation line and consequent delay in commissioning of the projects.

5.2. The matter was heard on 28.07.2026 on the merit of the Petitions. The Commission, vide Daily Order dated 30.07.2026, directed UREDA to furnish (i) a chronology of the progress of each project from allotment to completion, supported by Project Monitoring Reports, and (ii) the procedure followed by the Committee under MSSY. UREDA, vide letter dated 13.08.2026, furnished project-wise chronologies prepared by the Project Officer, UREDA, Chamoli (letter dated 07.08.2026). These were supported by MSSY portal extracts, LoAs, PPAs, CAF approvals, loan documents, extension papers, Electrical Inspector reports and DLC minutes. UREDA did not furnish any report on the physical progress of construction at the sites.

The Commission, vide its letter dated 25.08.2026 directed the Petitioners to furnish purchase orders and invoices, e-way bills, delivery challans/Goods Receipt Notes (GRNs) signed at site, bank statements with RTGS/NEFT payment to contractor/ supplier, the EPC agreement with payment, geotagged and timestamped photographs/ videos of the plants at different stages of construction, and warranty documents. The

Petitioners filed some information on 22.09.2026.

5.3. The Commission has considered the Petitions, the Preliminary Objections filed by UPCL, the replies of UREDA, the information furnished by UREDA vide its letter dated 13.08.2026 along with its enclosures in compliance to the directions issued by the Commission vide its Order dated 30.07.2026, and the documents filed by the Petitioners on 22.09.2026 in compliance with the Commission's letter dated 25.08.2026.

5.4. The Petitioners' claims are based mainly on two contentions, i.e. (i) that their solar power plants were complete and ready for commissioning on or before 31.03.2026; and (ii) that the plants could not be commissioned by that date solely because UPCL had not provided the required 11 kV evacuation line.

On this basis, the Petitioners have sought the tariff of Rs. 4.64/kWh, even though their plants were not commissioned by 31.03.2026. Since the Petitioners have relied on the readiness of their plants and the alleged delay on the part of UPCL, they were required to support these claims with reliable documentary evidence. The Commission has, therefore, examined the documents submitted by the Petitioners to determine whether they have been able to establish their claims.

5.5. The Commission has examined the projects milestones, as mentioned in UREDA's chronological statements submitted vide letter dated 13.08.2026 which are as follows:

Project milestones as per the record furnished by UREDA

Petitioner	LoA	PPA	Lease (DLC minutes)	Loan approval
Smt. Rajni Tyagi	04.01.2025	20.02.2025	14.05.2025	02.02.2026
Smt. Sunita Melana	04.01.2025	20.02.2025	11.09.2025	31.01.2026
Ms. Shruti Barua	04.01.2025	20.02.2025	24.09.2025	31.01.2026
Smt. Kiran Bala	04.01.2025	20.02.2025	26.12.2025	10.02.2026
Ms. Tanya Tyagi	04.01.2025	20.02.2025	14.05.2025	02.02.2026
Smt. Reeti Bhatt	04.01.2025	20.02.2025	08.01.2026	31.01.2026
Shri Sachin Kumar	18.06.2025	03.11.2025	Not stated	10.02.2026
Smt. Vibha Khandelwal	13.02.2025	12.06.2025	11.09.2025	13.01.2026
Smt. Milan Jain	04.01.2025	20.02.2025	27.06.2025	17.02.2026
Shri Abhishek Arora	04.01.2025	20.02.2025	25.09.2025	03.02.2026

5.6. The Commission further observed that, except for Shri Sachin Kumar, each Petitioner applied on 19.12.2025 for extension of time up to 31.03.2026. On the recommendation of DLC in its meetings, UREDA granted the extension to the Petitioners upto 31.03.2026. In

the minutes of meetings of DLC, it is observed that the reason for delay recorded against each of these Petitioners was due to the delay in approval of bank loan and lease agreements. As is evident from the table above, the loan approval was granted as late as 17.02.2026.

5.7. Further, from the submission dated 22.09.2026 of the Petitioners, the Commission observed that the purchase orders referred to in the invoices are dated 06.12.2025 for transformers and 08.02.2026 and 09.02.2026 for solar modules.

5.8. The Commission observed that the Petitioners have submitted total 15 number of invoices of Rayzon Solar Ltd. dated 15.02.2026 to 17.03.2026 and E-way bills were submitted only against 6 invoices.

The invoices for solar modules, which constitute the principal equipment of the projects, began to be raised from 15.02.2026 onwards, and the e-way bills indicate that the modules were dispatched between 25.02.2026 and 17.03.2026, i.e. within approximately five weeks of the extended deadline of 31.03.2026 and the last dispatch was on 17.03.2026 from Surat.

5.9. The e-way bills submitted by the Petitioners show that the solar modules were transported by road from the supplier's factory at Surat, Gujarat to village Lasi, Dist. Chamoli, a distance of approximately 1500 km and a commercial cargo would take 5-6 days to cover the said distance. The e-way bill for invoice no. RG25214086 was generated on 09.03.2026 and was valid upto 18.03.2026 and the e-way bill for invoice no. RG25214397 was generated on 17.03.2026 and was valid upto 26.03.2026.

The validity of an e-way bill only indicates the period allowed for movement of the goods and not establish the date of delivery. Considering the distance involved, the modules dispatched from Surat on 17.03.2026 can be safely presumed to have reached the site at village Lasi around 5 to 6 days later which is the usual time for such transportation. After receipt of the modules at site, the work of mounting the modules on structure, cabling/wiring, connection with the inverters and testing was still required to be carried out. However, the Petitioners have claimed that the development of their respective plant was completed by 24.03.2026, as intimated to UPCL which is not reflected from the e-way

bill. A very little time was available for installation of the plant and in the absence of Delivery Challan/GRNs showing the actual date of receipt of the modules at site and geotagged photographs properly dated, the Commission is unable to accept, without proof, that the plants were completed and ready for commissioning before 31.03.2026.

5.10. The Commission has also examined whether the invoices on record cover sufficient solar modules for all ten plants of 200 kW each. Excluding Invoice No. RG25214218, covering 191 modules for a consignment meant for Tehri Garhwal, the remaining 15 invoices of Rayzon Solar Ltd. cover 3,240 modules of 590 Wp each, having a total capacity of about 1,911.6 kWp. However, ten plants would require about 3,390 modules of 590 Wp each for 200 kW capacity per plant. Further, as per the EPC Agreement on record, the design capacity is 240 kWp (DC) per plant, which would require about 4,068 modules for all ten plants. Thus, the invoices on record account for only about 324 modules, or 191 kWp, per plant, if distributed equally among the ten plants.

Further, the Electrical Inspector's reports also do not specify the number of modules installed and mention only the module capacity range of 570–590 Wp. The Petitioners have not submitted any other invoices, delivery records or plant-wise details of the modules installed. Accordingly, the Commission observes that the documents on record do not establish the availability and installation of the required number of solar modules for all ten plants.

5.11. No purchase order or invoice has been filed for the mounting structures or cables. The only documents are a galvanising test report of M K Tubes Industries Pvt. Ltd. dated 15.02.2024, structural analysis reports dated 22.04.2024 and 29.04.2024 addressed to Ados Renewable Pvt. Ltd., and Polycab test reports dated 30.06.2024, 31.12.2024 and 22.02.2025 issued to Elite Electricals. These were issued before or around the date of the LoAs, and none is in the name of any Petitioner or of S&S Energy Systems Pvt. Ltd who is the EPC contractor of the Petitioners. A test report shows the quality of a tested sample. It does not show that the material was bought for, delivered to, or used in any of these projects. Without purchase orders and invoices, the supplier, quantity, date of purchase and project of these items cannot be verified.

5.12. The Petitioners were directed to submit Delivery Challan/Good Receipt Note (GRN) for

the equipment procured. However, no delivery challan or GRN signed at site has been filed for any item. Purchase, payment and delivery are three separate facts, and each must be proved. An invoice proves a sale between the seller and the buyer named in it. An e-way bill proves that a transport document was generated for goods going to a stated place. Neither proves that the goods actually reached a particular project site, or when it was received at the site.

5.13. Further, the Commission asked for geotagged and timestamped photographs and videos of the plants at different stages of construction, so that it could see when the work was actually done. Photos submitted by the Petitioners are dated 02.09.2026, more than five months after the cut-off date. No photograph or video of any stage of construction, and none dated before 31.03.2026, has been filed. A photograph taken on 02.09.2026 can show what existed on that day. It cannot show when the structures were erected, when the modules and inverters were installed, or when the plant was completed.

5.14. The Petitioners were also directed to submit their bank statements to substantiate payments made to the suppliers/contractors. However, instead of their own bank statements, they submitted the account statement of the EPC Contractor, i.e. S&S Energy Systems Pvt. Ltd., reflecting payments made to suppliers. On examination of the documents submitted vide their submission dated 22.09.2026, it is observed that, out of the 16 invoices submitted, payment details could be reconciled with only 12 invoices. Further, e-way bills have been submitted for only 2 of these 12 invoices.

A payment by the EPC contractor to its supplier does not reflect that any payment were made by the Petitioners to the contractor. The only EPC agreement filed is between S&S Energy Systems Pvt. Ltd. and Shri Abhishek Arora, dated 29.11.2025. It fixes the price at Rs. 1,00,00,000 for 200 kW (AC)/240 kW (DC), and provides for 25% advance on signing, 25% and 40% against running bills, and 10% on commissioning, all through NEFT/RTGS. It also provides for completion within 90 days of signing, subject to payment of the advance. No proof of any payment by any Petitioner, has been filed.

5.15. Further, for nine of the ten Petitioners, the LoAs were issued in January/February 2025. The loans were approved only in January/February 2026, and the modules were dispatched in the last five weeks before the cut-off date. The extension itself was sought

for reasons on the Petitioners' own defaults, namely delay in finalisation of bank loans, CAF approvals and leases. However, the Petitions do not mention these facts instead the Petitioners have claimed that the projects were completed well in time and only due to non-availability of the evacuation line, they could not commission their plants.

5.16. Further, the Petitioners have submitted that they had informed UPCL vide letter dated 17.01.2026 that the respective solar plant is expected to completed by 15.02.2026. Thereafter, it again informed UPCL on 24.03.2026 that entire work towards development of solar plants have been completed.

With regard to information to be provided to distribution licensee about readiness of solar plant, Clause 12.1 of the PPA specifies as follows:

> *"The Solar Photovoltaic Power Plant shall give at least sixty (60) days advance written notice of the date on which it intends to synchronize a unit of the plant with the grid system, to the Nodal Officer of UPCL (Executive Engineer, Electricity Distribution Division, Gopeshwar) with the copy to the CE (Comml.), Gabar Singh Bhawan, Dehradun, UPCL"*.

The Petitioners rely on their letter dated 17.01.2026 as notice under Clause 12 of the respective PPAs. However, as stated in the Petitions, the letter informed UPCL that the plants were expected to be ready by 15.02.2026, i.e. intimation was made only 29 days in advance of the aforesaid date, whereas Clause 12.1 of the PPA requires a 60-day advance notice to the licensee. Besides this all the more questionable aspect is that their bank loans were approved only in the month of January/February 2026, and the solar modules were dispatched only in the last five weeks before the cut-off date, i.e. 31.03.2026 and in most of the cases even after the expected date of commissioning, i.e. 15.02.2026. All these incidents suggests that the Petitioners were well aware that their plants could not be commissioned by 31.03.2026, still they falsely declared before UPCL that the plants are expected to be commissioned by 15.02.2026 which was later revised to 24.03.2026.

Furthermore, UPCL has also submitted that these letters were addressed only to the Executive Engineer, Gopeshwar, and that there is no evidence on record to show that copies were sent to the Chief Engineer (Commercial), as required under the said Clause.

Moreover, the claim that the plants were expected to be ready by 15.02.2026 is not

supported by the record. As discussed earlier, the earliest module invoice submitted is dated 15.02.2026, and the dispatch of modules continued up to 17.03.2026. Further, as per the Petitioners' own submissions, completion of the plants was first intimated to UPCL on 24.03.2026, followed by letters dated 25.03.2026 and 28.03.2026, i.e. only seven, six and three days, respectively, before the cut-off date of 31.03.2026. In view of these facts, the record does not establish compliance with the notice requirements under Clause 12.1 of the respective PPAs.

5.17. The Commission finds that the Petitioners have not established that their plants were complete and ready for commissioning before 31.03.2026. They have also not been able to establish that their plants could not be commissioned only on account of the fact that UPCL did not complete the evacuation line. The information/records show that the projects were delayed by Petitioners' own delay in getting the bank loans approved, CAF approvals and leases, and that the equipment were bought and dispatched only in the last weeks before the cut-off date. The record does not establish project-wise purchase, delivery, payment or installation for any Petitioner. The Petitioners also did not give the notice and intimated the licensee as required under Clause 12.1 of the PPA. Also the completion report, verified by UREDA, as required under Clause 1.3 of the PPA was not in place for any project by 31.03.2026.

5.18. The Electrical Inspector's reports dated 27.03.2026 and 28.03.2026 record that the 200 kW solar plant and the 300 kVA transformer were inspected and found safe in accordance with the Electricity (Measures relating to Safety and Electric Supply) Regulations, 2023. The EI reports mention the serial numbers of the inverters & transformers and only the make of the solar modules. However, these EI reports do not specify the number of solar modules installed in the respective plants. The Electrical Inspector's certificate primarily certifies compliance with the prescribed safety requirements and does not, by itself, establish the quantum of installed solar capacity. In view of the above discussions, the Electrical Inspector's Report cannot be blatantly accepted as a proof of completion of the plants as in one of the earlier cases before the Commission it had come to the notice of the Commission that the Electrical Inspector had issued the energisation certificate for 6.25 MW capacity, however, in actual, capacity of only 4 MW was installed at site which

was also pointed out to the Electrical Inspector by the Commission in that proceedings.

Moreover, UREDA has stated that the developers did not apply for supply verification as required under the EOI and, consequently, such verification was not carried out.

5.19. The Commission observes that, although the electrical installations at the project sites were inspected by the Electrical Inspector on 27.03.2026/28.03.2026, the record does not establish the commencement and stage-wise progress of construction, completion of the projects in all respects, or availability of the UREDA-verified completion report required under Clause 1.3 of the PPAs by 31.03.2026. The Petitioners have also failed to establish project-wise procurement, delivery or allocation of the essential equipment, or payments made by them to the EPC contractor or suppliers.

Further, the record does not establish compliance with the requirement of 60 days' advance written notice of synchronisation under Clause 12.1 of the PPAs, as the first intimation of completion to UPCL was made only on 24.03.2026, as per the Petitioners' own submissions. In view of these deficiencies, the Petitioners have failed to establish that their respective plants were complete and ready for commissioning by 31.03.2026 or that the failure to commission them by that date was solely attributable to UPCL. Accordingly, the factual basis for claiming protection of the tariff of Rs. 4.64/kWh has not been established on the record.

5.20. Accordingly, in view of the foregoing observations and the failure of the Petitioners to establish that the respective plants were complete by the cut off date, i.e. 31.03.2026, the Commission rejects the present Petitions.

6. Ordered accordingly.

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