

FORM - 1

(See Regulation 16)

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW

RECEIPT REGISTER NO. _____

PETITION NO. _____ OF 2025

IN THE MATTER OF:

Approval of True Up for the Financial Year 2024-25 under Regulation 6.1 of the UPERC (Multi Year Tariff for Distribution and Transmission) Regulations, 2019 and in terms of Regulation 15 & 30 of the UPERC (Conduct of Business) Regulations, 2019 read with Section 62 & 64 of the Electricity Act, 2003.

AND IN THE MATTER OF:

Approval of Annual Performance Review (APR) for Financial Year 2025-26 and Annual Revenue Requirement (ARR) and Tariff for FY 2026-27 as per Regulation 4.1, 7 and 8 of the UPERC (Multi Year Tariff for Distribution) Regulations, 2025, and in terms of Regulation 15 & 30 of the UPERC (Conduct of Business) Regulations, 2019 read with Section 62 & 64 of the Electricity Act, 2003.

AND

IN THE MATTER OF:

NIDP Developers Pvt. Ltd

12th Floor, Knowledge Park,

Hiranandani Business Park,

Powai, Mumbai - 400076

Email id: regulatory.nidp@tuco.in

..... Petitioner

PETITION FOR APPROVAL OF True UP FOR THE FINANCIAL YEAR 2024-25 UNDER REGULATION 6.1 OF THE UPERC (MULTI YEAR TARIFF FOR DISTRIBUTION AND TRANSMISSION) REGULATIONS, 2019, ANNUAL PERFORMANCE REVIEW (APR) FOR FINANCIAL YEAR 2025-26 AND ANNUAL REVENUE REQUIREMENT (ARR) AND TARIFF FOR FY 2026-27 AS PER REGULATION 4.1, 7 AND 8 OF THE UPERC (MULTI YEAR TARIFF FOR DISTRIBUTION) REGULATIONS, 2025 READ WITH SECTION 62 & 64 OF THE ELECTRICITY ACT 2003.

The Petitioner named above most respectfully showeth:

1. NIDP Developers Pvt. Ltd (NIDP) (herein after referred to as ‘NIDP’ or ‘the Licensee’ or ‘the Petitioner’), a company incorporated under the Companies Act, 1956 has been granted Distribution License – NIDP Developers Pvt. Ltd (NIDP) Distribution License, 2023 (Licence No. 1 of 2023) on 20 June, 2023 for carrying out business of Distribution of Electricity within the Area of Supply i.e., Data Centre Park situated at Plot No. 7, Knowledge Park – V, Greater Noida, Uttar Pradesh. The Petitioner submits that the registered office address of NIDP is at Unit No. 101, 1st Floor, B G House, Lake Boulevard Street, Hiranandani Gardens, Powai, Mumbai 400076 and communication address is 12th Floor Knowledge Park, Hiranandani Business Park, Powai, Mumbai - 400076.
2. The Petitioner submits that the Hon’ble Commission has granted distribution licence to the Petitioner vide Order No. 1951 of 2023 dated 19 June 2023 and the Petitioner has commenced its distribution operations on 4th April 2024.
3. That the Hon’ble Commission had notified the UPERC (Multi Year Tariff for Distribution and Transmission) Regulations, 2019 (hereinafter referred to as the “MYT Regulations, 2019”) on 23rd September, 2019 for the purpose of determination of Aggregate Revenue Requirement (ARR), Annual Performance Review (APR), Tariff, True-Up and related matters covered under these Regulations from April 01, 2020 up to March 31, 2025.
4. Further, the Hon’ble Commission has issued the UPERC (Multi Year Tariff for Distribution) Regulations, 2025 (hereinafter referred to as the “MYT Regulations, 2025”) for the Control Period from FY 2025-26 to FY 2029-30 on 26.03.2025.
5. Also, as per Regulations 4.1 of MYT Regulations 2025, the Petitions to be filed on 30.11.2025 under these Regulations will comprise of the True-up of FY 2024-25, APR of FY 2025-26 and ARR / Tariff of FY 2026-27.
6. Therefore, the Petitioner in accordance with the Regulation 6.1 of the MYT Regulations, 2019, Regulation 4.1, 7 and 8 of the MYT Regulations 2025 and in terms of Regulation 15 & 30 of the UPERC (Conduct of Business) Regulations, 2019 read with Section 62 & 64 of the Electricity Act, 2003, is filing present Petition for Approval of True Up for the Financial Year 2024-25, Annual Performance Review (APR) for Financial Year 2025-26 and Approval of Aggregate Revenue Requirement (ARR) and Tariff for Financial Year 2026-27 respectively.
7. That, the Board of Directors of the Petitioner, during its meeting held on 5th January, 2023 has authorized Mr. Shafi Sonde and Mr. Saurabh Gupta of the Company to deal all regulatory and legal matters related to Power Distribution Licensee for Data Centre Park at Greater Noida, U.P. on behalf of NIDP Developers Pvt. Ltd. with the Uttar Pradesh Electricity Regulatory Commission (UPERC).

8. That in furtherance thereto, the company has also duly authorised Mr. Shafi Sonde and Mr. Saurabh Gupta of the Company to represent, sign, verify, declare, affirm, make, present, submit and file all necessary petitions, complaints, notices, plaints, written statements, vakalatnamas, affidavits, undertakings, declarations, appeals, revisions, applications, statements, papers and documents in all proceedings and matters in connection with and relating to the Power Distribution Business of the Company for the Data Centre Park at Greater Noida, U.P. before any court of law, tribunal, quasi-judicial, statutory or administrative authority and they are further authorized to nominate, appoint and engage advocates, solicitors, counsels or other professionals and retainers and to do all such acts, things and deeds as may be necessary in connection with all operational, power purchase, regulatory and legal matters related to Power Distribution Business of the of the Company. A copy of Board Resolution dated 5th January, 2023 is attached hereto **as Appendix – I**.

True-up for FY 2024-25

9. That, Regulation 6.1 & 6.2 of MYT Regulation, 2019 provides for True Up of the Aggregate Revenue Requirement of the Distribution Licensee, the Petitioner herein. The Regulation 6.1 & 6.2 of the MYT Regulation, 2019 is reproduced below:

“6. True-Up

6.1 The Licensee shall file Petition for True-Up as provided in Regulation 4.1 of these Regulations:

Provided that the Petition shall include information in such form as may be stipulated by the Commission, together with the Accounting Statements, extracts of books of account and such other details, etc., as per the Guidelines and Formats as may be prescribed by the Commission.

6.2 The Commission shall carry out Truing-Up exercise stipulated in the provisions of these Regulations. True-Up of Expenses and Revenue shall be on the basis of approved and actual expenses, revenue, etc., based on prudence check of Accounting Statements of the Licensee for the Financial Year.

.....”

10. That vide Petition No. 1951 of 2023, the Petitioner filed an application before Hon’ble UPERC under Section 14(b) and Section 15 of the Electricity Act, 2003 and Distribution of Electricity License (Additional Requirements of Capital Adequacy, Creditworthiness and Code Of Conduct) Rules, 2005, as amended on 28th November 2022, and Uttar Pradesh Data Center Policy, 2021, as amended, for grant of Distribution License to M/s. NIDP Developers Pvt. Ltd./Petitioner in the area of Data Centre Park situated at Plot No. 7, Knowledge Park – V, Greater Noida, Uttar Pradesh (hereinafter referred to as “Area of Supply”).
11. That vide Final Order/Judgment dated 19.06.2023, the Hon’ble Commission issued the Distribution License to the Petitioner and thereafter issued “NIDP Developers Pvt. Ltd. (NIDP) Distribution License, 2023 (License No. 1 of 2023)” dated 20.06.2023 to M/s NIDP Developers Pvt. Ltd./Petitioner for carrying out the business of distribution of electricity within the Area of Supply.
12. The Hon’ble Commission vide its Order in Petition No. 2052 of 2023, dated 9 February 2024 had approved the Ceiling Tariff, where the applicability of the Ceiling Tariff shall be until the

issuance of the Tariff Order of NIDP by this Hon'ble Commission.

13. NIDP has started its Power Distribution Operations w.e.f. 00.00 hrs. on 04.04.2024 and has been levying tariff to consumers as per Order dated 9 February, 2024 in Petition No. 2052 of 2023.
14. The Hon'ble Commission vide its letter dated 13 November, 2024 directed all the licensees including the Petitioner to file the Tariff Petition for True-Up for FY 2023-24, APR for FY 2024-25 and ARR/ Tariff for FY 2025-26 as per the UPERC (MYT for Distribution & Transmission) Regulations 2019 by 30 November, 2024.
15. The Petitioner submits that considering the fact that it has started its operation in April 2024 resulting in the operation period of only 7 months till date (i.e. November 2024) and the Area of Supply being a greenfield area, true-up for FY 2023-24 was not applicable.
16. Accordingly, the Petitioner vide Case No. 2171 of 2024 has filed a petition praying for grant of 1 year of extension for filing of MYT Petition. The Petitioner also in the said petition has prayed to continue to charge its consumers as per the tariff as per the Order in Petition no. 2052 of 2023 until tariff determination. Based on the said Petition, the Hon'ble Commission vide its order dated 19.03.2025 allowed the prayer of the Petitioner and grants an extension of one year for filing of the tariff petition. Further, with respect to the tariff, the Hon'ble Commission stated that the tariff approved for NPCL for FY 2025-26 shall act as a ceiling tariff for the consumers of Data Centers also and the energy charges shall be reduced by Rs. 0.10/kVAh. However, Other directions in Order dated 9 February 2024 shall continue to operate.
17. That, the Statutory Audit by an Independent Auditor for FY 2024-25 has since been completed and based on the same, the True-up tariff formats for FY 2024-25 are submitted in **Appendix-II** (MYT Tariff Formats) for the kind consideration and approval of the Hon'ble Commission. Further, since the Petitioner business includes the Data Center and Distribution business, the said financial statement are segregated into 2 business and the said information related to distribution business are extracted from the audited balance sheet as per the required format. The Combined and Segregated financial Statement are enclosed as **Appendix III (Audited Accounts of FY 2024-25)**.
18. The summary of True-Up for FY 2024-25 is given in Table below:

Table 1: Summary of True-up for FY 2024-25

ARR	Unit	Ref.	2024-25
Power Purchase or Energy Available at Discom Periphery	MU	A	38.26
Sale of Power	MU	B	37.54
Distribution Loss	%	$C = (A-B)/a$	1.87%
Aggregate Revenue Requirement	Rs. Crore	D	33.99
Less: Revenue from approved Tariff	Rs. Crore	E	29.90
Less: Revenue from Open Access Consumer	Rs. Crore	F	-
Less: Non-Tariff Income	Rs. Crore	G	0.24
Revenue Gap / (Surplus)	Rs. Crore	H = D-E-F-G	3.84
Add: Carrying Cost of Regulatory Asset	Rs. Crore	I	0.22
Total Revenue Gap / (Surplus) carried forward	Rs. Crore	J = H + I	4.06

19. That the detailed text for True-up of FY 2024-25 comprising reasoning / explanation thereof has been provided in the **Appendix-IV** for the kind perusal of the Hon'ble Commission.

APR for FY 2025-26

20. As per Regulations 2.1 (11) of MYT Regulations 2025, the Control Period is defined as the period comprising of five Financial Years from April 1, 2025 to March 31, 2030, unless extended by the Commission through an Order.
21. That, Regulation 7.1 of MYT Regulation, 2025, provides for Annual Performance Review (APR) which is reproduced below:-

“7 Annual Performance Review Petition

7.1 The “licensee shall file Petition for Annual Performance Review (APR) as provided in Regulation 4.1 of these regulation:

Provided that the petition shall include information in such form as may be prescribed by the Commission, together with the audited/provisional Accounting Statements, extract of Books of account and such details etc., as per the Guidelines and Formats prescribed.”

22. As submitted above, the said instant petition is the first petition being filed by the Petitioner post the commencement of the distribution business on 04.04.2024. Also, as stated in para 18, the Hon’ble Commission has granted an extension of one year of filing of MYT Petition vide Case No. 2171 of 2024 and hence, there is no ARR approved for the said period.
23. That, the Petitioner has prepared the APR for the FY 2025-26 under Regulation 7.1 of the MYT Regulations, 2025 which is being submitted as Appendix-II (MYT Tariff Formats) in the specified format for the kind consideration and approval of the Hon’ble Commission.
24. That, based on the data contained in Appendix-II (MYT Tariff Formats), the summary of APR for FY 2025-26 is given in Table-III below for the kind consideration and approval of the Hon’ble Commission:

Table 2: Summary of APR of FY 2025-26

ARR	Unit	Ref.	2025-26
Power Purchase or Energy Available at Discom Periphery	MU	A	61.77
Sale of Power	MU	B	61.16
Distribution Loss	%	C = (A-B)/a	0.99%
Aggregate Revenue Requirement	Rs. Crore	D	46.55
Less: Revenue from approved Tariff	Rs. Crore	E	41.67
Less: Revenue from Open Access Consumer	Rs. Crore	F	-
Less: Non-Tariff Income	Rs. Crore	G	0.25
Revenue Gap / (Surplus)	Rs. Crore	H = D-E-F-G	4.63
Revenue Gap/ (Surplus) from Prev. Year	Rs. Crore	I	4.06
Add: Carrying Cost of Regulatory Asset	Rs. Crore	J	0.69
Total Revenue Gap /(Surplus) carried forward	Rs. Crore	K = H + I + J	9.38

25. That, the detailed text of APR for FY 2025-26 comprising reasoning and justification thereof has been provided in **Appendix-V** for the kind perusal of the Hon’ble Commission.

ARR for FY 2026-27

26. As per Regulations 2.1 (11) of MYT Regulations 2025, the Control Period is defined as the period comprising of five Financial Years from April 1, 2025 to March 31, 2030, unless

extended by the Commission through an Order.

27. The Petitioner is now filing the Aggregate Revenue Requirement (ARR) / Tariff for FY 2026-27, in accordance with MYT Regulations, 2025 and in terms of Regulation 15 & 30 of the UPERC (Conduct of Business) Regulations, 2019 read with Section 62 & 64.
28. As submitted above, the said instant petition is the first petition being filed by the Petitioner post the commencement of the distribution business on 04.04.2024. Also, as stated in para 18, the Hon'ble Commission has granted an extension of one year of filing of MYT Petition vide Case No. 2171 of 2024 and hence, there is no ARR approved for the said period.
29. That, Regulation 8 of MYT Regulations, 2025 provides for filing of Aggregate Revenue Requirement (ARR) which is reproduced herein below:

“8. ARR Petition

8.1 The Licensee shall file Petition for Aggregate Revenue Requirement (ARR) as provided in Regulation 4.1 of these Regulations.

8.2 The ARR Petition shall comprise of, but not limited to, category/sub-category wise number of consumers, connected load, load factor and sales projections, Power Procurement Plan (renewable energy and non-renewable energy) and forecasting, Renewable Purchase Obligation (RPO) planning and forecasting, Distribution Loss trajectory (taking into consideration AT & C Loss trajectory agreed by the State Government and approved by the Central Government under any National Scheme or Programme, if applicable), Capital Investment Plan, financing plan and physical targets, equity, grants, etc.

*8.3 The Distribution Licensee shall project the realistic power purchase requirement optimised on cost from all generating stations and other sources considered for power purchase based on the Merit Order Despatch (MOD)/ Security Constrained Economic Despatch (SCED) principles, must run plants and renewable energy plants subject to the Renewable Purchase Obligation (RPO) stipulated by the Commission under the relevant Regulations and their subsequent amendments, and the target set, if any, for Energy Efficiency (EE) and Demand Side Management (DSM) schemes, etc.:
Provided that MOD/ SCED principles shall not apply to the purchase of power from renewable energy sources up to the RPO stipulated by the Commission.*

8.4 The forecast of expected revenue from Tariff shall be based on the following:-

(a) In the case of a Distribution Licensee, estimate of the quantum of electricity to be supplied to consumers and wheeled on behalf of Distribution System Users:

Provided that the Distribution Licensee shall submit relevant details of category/ sub-category wise number of consumers, connected load and energy sales projections, status of metering, feeder level/ distribution transformer metering, diversity factor for various categories of consumers taking seasonality into consideration, etc., for each Distribution Licensee area;

(b) Existing and proposed Tariff as on the date of filing of the Petition.

8.5 The ARR Petition shall be filed by the Licensee that shall include a forecast of ARR and expected revenue from the existing Tariff. Further, the Licensee shall also submit the category/ sub-category wise proposed Tariff, that would meet the gap in the ARR, including unrecovered revenue gaps of previous years to the extent proposed to be recovered.”

30. That, the Petitioner has prepared the APR for the FY 2026-27 under Regulation 8 of the MYT Regulations, 2025 in the specified Retail Tariff Formats (RTF's) which is being submitted as **Appendix – II** (MYT Tariff Formats) in the specified format for the kind consideration and approval of the Hon'ble Commission. The summary of the same is given in Table below:

Table 3: Summary of ARR for FY 2026-27

ARR	Unit	Ref.	2025-26
Power Purchase or Energy Available at Discom Periphery	MU	A	102.00
Sale of Power	MU	B	100.99
Distribution Loss	%	$C = (A-B)/a$	0.99%
Aggregate Revenue Requirement	Rs. Crore	D	70.40
Less: Revenue from approved Existing Tariff	Rs. Crore	E	68.19
Less: Revenue from Open Access Consumer	Rs. Crore	F	-
Less: Non-Tariff Income	Rs. Crore	G	0.24
Revenue Gap / (Surplus)	Rs. Crore	H = D-E-F-G	1.97
Revenue Gap/ (Surplus) from Prev. Year	Rs. Crore	I	9.38
Add: Carrying Cost of Regulatory Asset	Rs. Crore	J	1.11
Total Revenue Gap / (Surplus) carried forward	Rs. Crore	K = H + I + J	12.46

31. That, the detailed text of ARR for FY 2026-27 comprising reasoning and justification thereof has been provided in **Appendix-VI** based on ARR for the kind perusal of the Hon'ble Commission.

Exemption of Transmission Charges

32. Uttar Pradesh Data Center Policy, 2021 ("DC Policy") was notified on 28.01.2021 and subsequently amended on 07.11.2022. Clause 7.1 of the said policy provides for exemption of transmission charges (Intra-State and Inter-State Power) to Data Center Park. The relevant portion of the policy is re-produced below:

"7. Financial Incentives

7.1. Data Center Parks

The following financial incentives shall be available to the Data Centre Park developers:

d) Electricity Supply

ii. Transmission and wheeling charges

- Exemption of 50% on wheeling charges/transmission charges on Intrastate sale of power shall be provided for the period of 25 years from the date of commissioning of the project.*
- Wheeling charges/Transmission charges will be exempted 100% for Intrastate Transmission system on Interstate sale for the period of 25 years from the date of commissioning of the project."*

33. Hon'ble UPERC has duly incorporated the treatment of such exemptions under Regulation 31 of the UPERC Multi Year Tariff (MYT) for Transmission Regulations, 2025, which explicitly acknowledges the applicability of rebates/exemptions provided under Uttar Pradesh Data Centre Policy, 2021. The relevant extract is reproduced below:

"31. Treatment of Rebate on intra-State Transmission Charges

(1) In accordance with the Uttar Pradesh Solar Energy Policy, 2022, and Data

Centre Policy, 2021, the exemption or rebate applicable on Intra-State Transmission Charges shall be treated as specified in this Regulation.

(2) The quantum of energy (in kWh) applicable for rebate and procured shall be considered while computing the total cost of transmission charges attributable to such procurement ... "

34. Accordingly, UPPTCL has granted 50% exemption in the Transmission charges from the month of May 2025 onwards. UPPTCL has been providing a rebate @ 50% for Intra State power for the transmission charges bill raised for the month of May, 2025 onwards and amount paid earlier is being adjusted in future transmission charges bill.
35. Apart from the intra-state power purchase, NIDP has been procuring power through Power Exchanges (IEX/HPX) through its Trader member (TPTCL/GMRETL) as per its load requirement.
36. The UPPTCL letter dated 13 June, 2025 states that UPSLDC has also been intimated for incorporating the provisions of Data Centre Policy for waiver of inter-state transactions. The said letter is enclosed as **Appendix VII**.
37. Accordingly, the Petitioner has considered 50% of the existing transmission charges i.e. Rs. 1.58 Cr for FY 2026-27 approved in "**TABLE 7-23: COMMISSION APPROVED - ALLOCATION OF ADJUSTED TTSC FOR FY 2025-26**" of UPTCL Tariff Order approved vide Case No. 2166 of 2024 dated September 8, 2025.

Revenue Gap (Surplus) / Tariff

38. That, as on 1st April, 2026, the opening balance of Regulatory Gap has been projected by the Petitioner at Rs. 9.39 Cr. which is estimated to increase to Rs. 12.48 Cr. as on 31st March, 2027 based on the revenue at the Retail Tariff and with Regulatory Discount of 10% on Energy Charge & Fixed Charge as approved by the Hon'ble Commission vide its Tariff Order dated latest being 10th October, 2024 for NPCL as the same is the ceiling tariff for the Petitioner as approved by the Hon'ble Commission dated 09.02.2024.
39. Further, as per the directions of the Hon'ble Commission, the Petitioner has been providing a 10% Regulatory Discount to its consumers from April 2024 onwards i.e, the date of the commencement of the distribution business and has been continued till date. Also, for projection purpose, the same has been considered under the Revenue from Tariff as the same is being a part of the existing tariff of NPCL on the date of filing of the petition and as per the Order of the Hon'ble Commission dated 09.02.2024, it was stated that the tariff approved for NPCL for FY 2025-26 shall act as a ceiling tariff for the consumers of Data Centers also and the energy charges shall be reduced by Rs. 0.10/kVAh. Accordingly, the Regulatory Discount actual provided to the consumers for FY 2024-25 and projected for FY 2025-26 to FY 2026-27 is outlined as below:

Table 4: Regulatory Discount in Revenue

Financial Year	Amount (Rs. Cr)
FY 2024-25	3.21
FY 2025-26	4.64
FY 2026-27	7.66
Total	15.51

40. As can be outlined from the above table, of the total cumulative Revenue gap of Rs. 12.46 Cr, the impact of the Regulatory Discount is Rs. 15.51 Cr i.e. ~124%, which means that the cumulative Revenue gap is a resultant impact of the Regulatory discount provided in FY 2024-25 to FY 2026-27. In view of the above submissions regarding cumulative Regulatory Gap for the current FY 2026-27, the Petitioner respectfully requests the Hon'ble Commission to kindly discontinue the applicability of the Regulatory discount for the Petitioner as the standalone tariff of the Petitioner will be determined vide the said tariff order and no ceiling tariff provision will be applicable of NPCL for the Petitioner. This measure would help partially offset the emerging revenue shortfalls and thereby alleviate the prevailing financial strain.
41. Based on the above submission, the Petitioner proposed to continue with the existing tariff without proposing the levy of Regulatory Discount and ToD discount. However, based on the stated approach, the Petitioner will have a resultant balance unrecovered Revenue Gap of Rs. 4.03 Cr., which the Petitioner request to defer the recovery of the same in next ensuing year i.e. FY 2027-28, so as to avoid any tariff hike for the consumers.
42. In view of above, the Hon'ble Commission is kindly requested to take an appropriate view with regard to the Tariff and reconsideration of NIL Regulatory Discount to be charged by the Petitioner from the consumers for FY 2026-27 as the Petitioner is applying for the new tariff whereby the ceiling tariff or principle of NPCL may not be applicable.

Regulatory Assets

43. The Petitioner has proposed to continue the same tariff as applicable for FY 2025-26 in FY 2026-27 also with exemption of applying 10% Regulatory Discount and implementation of ToD Tariff resulting the proposed tariff as follows:

Table 5: Proposed Tariff for FY 2026-27

Tariff	Units	HV 1	HV 2	LMV 9
Energy Charges	Rs./kVAh	8.02	7.00	
Fixed Charges	Rs./kVA	400	300	
Energy Charges	Rs./kWh			9.00
Fixed Charges	Rs./kW/Month			300

44. Considering the above tariff philosophy, will still result in a unrecovered Revenue gap of Rs. 4.03 Cr., as outlined below:

Table 6: Unrecovered Revenue Gap

Particulars	Amount
ARR of FY 2026-27	70.16
Revenue Gap of ARR of FY 2024-25	3.84
Carrying Cost for FY 2024-25	0.22
Revenue Gap of ARR of FY 2025-26	4.64
Carrying Cost for FY 2025-26	0.69
Carrying Cost for FY 2026-27	1.12
Total ARR for FY 2026-27	80.66
Less: Revenue from Proposed Tariff	76.63
Unrecovered Revenue Gap	4.03

45. The Petitioner submits, that considering the naïve greenfield area with initial stage of the distribution license, it is necessary for the Petitioner to avoid any tariff shock for the consumers. Since, the load is yet to be optimised and demand is expected to grow gradually, the Petitioner request the Hon’ble Commission to allow the deferment of recovery of Rs. 4.03 Cr to next year i.e. FY 2027-28 and consider the same as Regulatory Assets.

Submission of the Petition

46. As per the UPERC MYT Regulations, all DISCOMs operating in the State are mandated to annually file ARR, APR and True-up petitions before the Hon’ble Commission.

47. Also, as per Regulations 5.2 of the MYT Regulations 2025, hard copies shall be filed:

“5 Procedure for Filing of Petition and determination thereof

5.1

5.2 *Hard copies of the Petition shall also be filed as provided for in the UPERC (Conduct of Business) Regulations, 2019, as amended from time to time, accompanied with applicable fees as per the UPERC (Fee and Fines) Regulations, 2010 as amended from time to time.”*

48. Further, as per Regulation 18(a) - Presentation and Scrutiny of the pleadings, etc., of the UPERC (Conduct of Business) Regulation, 2019, necessitates the submission of five hard copies of the ARR petition. The extract is provided below-

“18. Presentation and scrutiny of the pleadings, etc.:

a. All Petitions, including those submitted by electronic mail, shall be filed in five copies and each set of the Petition shall be complete in all respects.

.....”

49. In line with the same, the Petitioner is submitting the Five Copies of the Petition to the office of the Hon’ble Commission through courier.

Paperless Submission

50. As per the UPERC MYT Regulations, all DISCOMs operating in the State are mandated to annually file ARR, APR and True-up petitions before the Hon’ble Commission..

51. As per Regulation 18(a) - Presentation and Scrutiny of the pleadings, etc., of the UPERC (Conduct of Business) Regulation, 2019, necessitates the submission of five hard copies of the ARR petition. The extract is provided below-

“18. Presentation and scrutiny of the pleadings, etc.:

a. All Petitions, including those submitted by electronic mail, shall be filed in five copies and each set of the Petition shall be complete in all respects.

.....”

52. It is submitted that the Petition is required to be submitted in Hard Copies as well as in Soft copies alongwith the uploading of the same on the Web portal.

53. The Petitioner submits that the considerable volume of documentation involved in this process not only incurs printing costs but also contributes to environmental concerns due to

the extensive paper usage and printing involved.

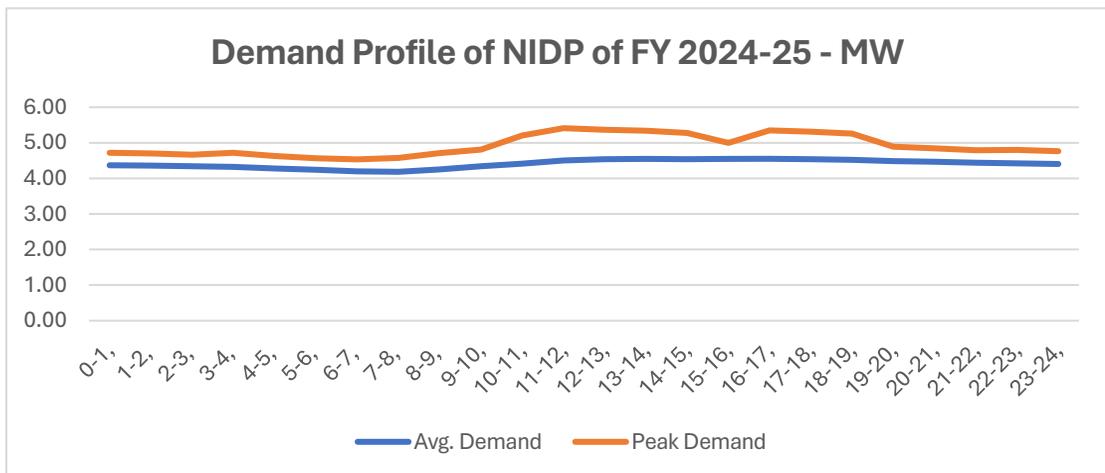
- 54. Therefore, the Petitioner submits the Hon'ble Commission to modify the submission and allow to have an electronic / online submission to ensure regulatory compliance.
- 55. Further, as an alternative, allow petitioner to submit the petition in hard copy and the Appendix of the Petition alongwith the electronic format to be allowed to be submitted through Electronic / online mode.

E-Hearing

- 56. The Petitioner respectfully submits that, considering the limited number which is merely 4 at present (excluding self-consumption of sub-station) and distinct consumer category of data-centre customers which would be impacted by the present tariff petition, an e-hearing would serve as the most efficient and pragmatic mode for stakeholder consultation. It is further submitted that several State Electricity Regulatory Commissions, as well as the Hon'ble Central Electricity Regulatory Commission, have adopted e-hearings in comparable matters involving focused consumer groups, thereby ensuring timely and streamlined adjudication without compromising participatory rights. In line with these established regulatory practices and to avoid unnecessary administrative burden, the Petitioner affirms its readiness to participate through virtual mode and undertakes to comply with all technical and procedural requirements stipulated by the Hon'ble Commission. The Petitioner therefore prays that the Hon'ble Commission may accordingly consider scheduling the hearing through e-mode.

Exemption from ToD

- 57. As per Regulations 41 of MYT Regulations 2025, Distribution Licensee shall propose consumer category-wise Time of Day (ToD) time slots, along with slot-wise rebate/penalty at the time of Tariff filing, keeping in consideration the applicable Rules and other Extant Laws.
- 58. However, in case of the Petitioner, it intends to discontinue ToD tariffs, as there is no shift of load on account of ToD tariffs and the peak of the Petitioner remains constant throughout the day. The load pattern in the said distribution area is more or less flat with minor deviation, as the Data Center being the consumers who requires RTC Load, which can be analysed from the figure outlined below:



- 59. Further, the Petitioner has contracted for the power in accordance with its load curve which is RTC power, and hence, there is no benefit of continuing with the ToD tariffs, with the intention of shifting the load. The Petitioner is able to procure RTC power and hence, TOD

implementation may not be efficient to carry out considering the same as Demand Side Management (DSM) measure.

60. As the Petitioner is proposing non TOD Tariff for its licensee area as its load profile is flat in nature and also since the Petitioner procures Green Power for its RPO through other RE sources having generation round the clock which is other than Solar and Wind power. Therefore, the Petitioner is not proposing ToD rebate in any consumer category to any Consumer in the Solar Hours of the TOD.
61. The Petitioner respectfully submits that the implementation of Time-of-Day (ToD) tariffs for the concerned consumer category may not achieve the intended demand-management objectives, as the load profile for these consumers demonstrates a largely flat and consistent load curve throughout the day. The available consumption data indicates no significant variation between peak and off-peak periods, thereby rendering ToD differentiation ineffective as a tool for peak-load shifting or system optimisation. Introducing ToD tariffs for such consumers would not only fail to provide meaningful signals for demand response but may also result in unintended cost distortions without delivering corresponding system benefits.
62. In view of the above, the Petitioner prays that the Hon'ble Commission may consider not implementing ToD tariffs for this consumer category until such time as the load characteristics exhibit a pattern that justifies ToD-based differentiation.

Green Energy Tariff

63. The Hon'ble Commission vide its Tariff Order dated 22nd November 2025 in Case No. 2168 of 2024, for NPCL has approved a Green Energy Tariff @ Rs. 0.34 per kWh for HV consumers and Rs. 0.17 per kWh for LV categories for the consumers of the Company and Regulatory Discount of 10% shall not be applicable on such tariff. Further, the tariff is in addition to the regular tariff as approved by the Hon'ble Commission for eligible consumers.
64. The Petitioner propose the similar tariff as approved for NPCL to be applicable to the Petitioner as considering the naïve status with the greenfield project, the demand of the consumers is yet to be stabilise and accordingly the procurement of power under Long / Medium Term will be planned comprising of Conventional and Non-Conventional power post such stabilisation. Hence, the Petitioner will revise the proposal for Green Energy Tariff in future tariff proposal.

Wheeling Charges, Cross Subsidy Surcharge and Additional Surcharge

65. That for the purpose of determination of voltage-wise wheeling charges, the allocation of cost between Wheeling & Retail Supply Activity of the Petitioner for FY 2024-25 based on Audited Accounts along with consequential revision in cost allocation for FY 2025-26 and FY 2026-27 is given in **Appendix VIII** (Cost Allocation) **based on** ARR for kind consideration and approval of the Hon'ble Commission.
66. That the category-wise Cross Subsidy Surcharge (CSS) has been worked out in accordance with the methodology given in Regulation 37 of the MYT Regulation 2025 and given in **Appendix VIII** based on ARR for the kind consideration and approval of Hon'ble Commission.

The Hon'ble Commission is kindly requested to consider the detailed submissions made in the Petition while approving the CSS.

67. At present, no application has been received by the Distribution licensee for Open Access or none of the consumers has availed open access in the said distribution supply area. Hence, the Petitioner has not proposed any Additional Surcharge as no surplus power has been resulted or expected to be resulted for FY 2026-27 as the power procured is envisaged to be under Short Term only.

Compliance of any direction

68. Since, the said tariff petition is the first petition, no direction related to tariff prevail during the time of filing of this tariff petition.

Executive Summary and Petition

69. That, the Executive Summary of True-up for FY 2024-25, APR for FY 2025-26 and ARR/Tariff for FY 2026-27 is enclosed as **Appendix –IX** based on ARR for the kind perusal of the Hon'ble Commission.
70. That, the Petitioner is enclosing a soft copy of the instant Petition for True Up for FY 2024-25, APR for FY 2025-26 and ARR/Tariff for FY 2026-27 as **Appendix-X** based on ARR for the records of the Hon'ble Commission. The soft copies of the Petition (in searchable formats) digitally signed have also been uploaded on the website of the Hon'ble Commission.

Fees for filing the Petition

71. That, the requisite fees of Rs. 10,04,580 (Rupees Ten Lakhs Four Thousand Five Hundred Eighty Only) as per the UPERC (Fees & Fines) Regulations, 2010 as amended from time to time has been transferred in favour of the Secretary, UPERC, SB Account Number 2408010100015729 of Punjab National Bank Ltd., Branch – Mandi Parishad, Gomti Nagar, Lucknow.
72. That, the Petitioner has tried diligently to prepare comprehensive True Up, APR and ARR/Tariff, nonetheless, possibility of some inadvertent error cannot be entirely ruled out. Hence, it is submitted that any omission / error, if any, is only inadvertent and cannot be deemed to be a waiver of entitlements as available in law.
73. That in view of the above, the Petitioner humbly requests the Hon'ble Commission to kindly decide the Petition and approve the True Up for FY 2024-25, APR for FY 2025-26 and ARR/Tariff for FY 2026-27 by considering the information /details along with justifications and/or explanations provided in the instant Petition.

PRAYER

It is, therefore, prayed that the Hon'ble Commission may kindly take on record the instant submissions and examine the Petition and decide upon various proposals in the Petition including following key proposals:

- i Approve the True Up of ARR for FY 2024-25 based on the Audited Annual Accounts for the year;

- ii Approve the Annual Performance Review for FY 2025-26;
- iii Approve the Aggregate Revenue Requirement for FY 2026-27 based on the principles contained in the MYT Regulations, 2025;
- iv Approve the proposed tariff to be charged by the Petitioner from the consumers in view of the submission made in the instant Petition;
- v Approve the Petitioner to discontinue with levy of Regulatory Discount and ToD Discount to the consumers of the distribution area;
- vi Approve the deferment of the Unrecovered Revenue gap of Rs. 4.05 Cr to be recovered in FY 2027-28 and allow the same to be considered as Regulatory Assets;
- vii Approve the proposal for Green Energy Tariff;
- viii Approve the wheeling charges by allocation of cost between Wheeling & Retail Supply Activity of the Petitioner and determine corresponding Open Access charges and Losses;
- ix Approve the consumer category wise Cross Subsidy Surcharge. The Hon'ble Commission is kindly requested to consider the detailed submissions made in the Petition while approving the CSS;
- x To allow Petitioner to charge the same tariff as approved for NPCL for any new category not proposed in the Petition.
- xi To conduct the Public Hearing of the Tariff Petition through e- hearing mode/ through video conferencing in view of the submission made in the instant Petition
- xii To permit the Petitioner to add / check / modify / alter this filing and make further submissions, as may be required at future date, including correction of inadvertent omissions / errors, if any;
- xiii To provide an opportunity of personal hearing to the Petitioner to further clarify/ explain its submissions in this Petition for kind consideration of the Hon'ble Commission;
- xiv To pass such other Order/s as the Hon'ble Commission may deem fit and proper on the facts and circumstances of the above Petition;

Declaration: There is no case pending in any court of Law /Tribunal or arbitrator in any other authority wherein the Petitioner is a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

For and On behalf of

NIDP Developers Pvt. Ltd

Authorised Signatory

Date: 2nd December, 2025

Place: Mumbai

DEPONENT