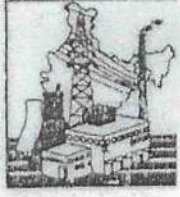


ALL INDIA POWER ENGINEERS FEDERATION



(REGISTERED UNDER SOCIETIES ACT XXI of 1860), Regd. No. 24085/93

REGD HEAD OFFICE B-1A/45A, Janakpuri, New-Delhi-10058

Corres. Address of CHAIRMAN-Hydel Field Hostel, 17 Rana Pratap Marg Lucknow-226001

M: 09415006225 Phone : 0522-4107706(Off), FAX:0522-2205417/0522-4079628

Email : chairmanaipef@gmail.com ersdubeylko@gmail.com & ersdubey@yahoo.com

No. 45 - 2026 / UPERC.

09-09-2026

To

Secretary
UP Electricity Regulatory Commission
Lucknow

Subject: Objections on Petition No 2333 of 2025 in the matter of application for grant of distribution licence in respect of data centre park at Sector 62, Noida, UP.

Hon'ble Sir,

It is respectfully submitted that in the reference of above petition All India Power Engineers Federation (AIPEF) petition against granting licence to M/S Adani energy Solutions Step eleven limited (AESSEL) is attached for your kind information alongwith affidavit.

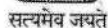
regards,

Yours sincerely,

Shailendra Dubey
Chairman

CC:

1. Chairman, UPERC, Lucknow
2. M/S AESSEL



IN-UP68411264347114Y



INDIA NON JUDICIAL
Government of Uttar Pradesh

e-Stamp

[illegible]

Certificate No.

: IN-UP68411264347114Y

Certificate Issued Date

: 07-Sep-2026 04:35 PM

Account Reference

: NEWIMPACC (SV)/ up14183104/ LUCKNOW SADAR/ UP-LKN

Unique Doc. Reference

: SUBIN-UPUP1418310428806773512621Y

Purchased by

: SHAILENDRA KUMAR DUBEY

Description of Document

: Article 4 Affidavit - Registerable

Property Description

: AFFIDAVIT

Consideration Price (Rs.)

•

Registerable
Recd. Srl. No. 684 dt. 09-9-28

First Party

: SHAILENDRA KUMAR DUBEY

Second Party

: ELECTRICITY REGULATORY COMMISSION UTTAR PRADESH

Stamp Duty Paid By

: SHAILENDRA KUMAR DUBEY

Stamp Duty Amount(Rs.)

: 100
(One Hundred only)

सत्यमेव जयते



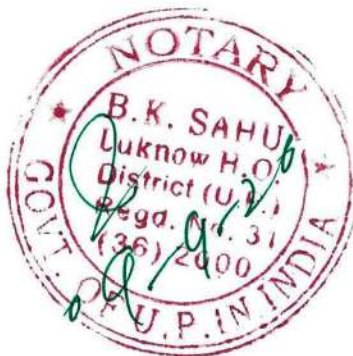
RELATED DOCUMENT IS
ATTACHED HEREWITH

IN-UP68411264347114Y

I, SHAILENDRA KUMAR DUBEY

DECLARE THAT THIS E-STAMP CERTIFICATE IS BEING USED IN ORIGINAL FORM AND IS NOT A PHOTOCOPY

Please write or type below this line



शुक्रेश

Statutory Alert:

(1) No amount other than the value printed on the e-Stamp is payable in any form for the purchase of e-Stamp. (2) If the above information/declaration is found to be false or incorrect, I shall be personally responsible for the same. (3) The authority before whom the deed is presented shall ensure that the e-stamp is being used only for the purpose and in the name for which it was purchased. (4) The authenticity of this Stamp certificate should be verified at www.srclsestamp.com or using 'E-Stamping' Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website/Mobile App renders it invalid.

BEFORE THE HON'BLE UTTAR PRADESH ELECTRICITY
REGULATORY COMMISSION LUCKNOW

Petition No. 2333 of 2025

IN THE MATTER OF:

Application for grant of Distribution Licence in respect of ...PETITIONER
the Data Centre Park at Sector-62, Noida, Uttar Pradesh

AND

In the matter of:

Public Notice issued pursuant to the order dated 05.08.2026

AFFIDAVIT IN SUPPORT

I, Shailendra Kumar Dubey, S/o Sh. Achyutanand, aged about 77 years,
President of All India Power Engineers Federation (AIPEF), do hereby
solemnly affirm and state as under:



I am President of All India Power Engineers Federation (AIPEF), and
conversant with the facts of the present case and hence competent to swear
the present affidavit.

I say that the contents of the accompanying application filed are based on the
information available with me in the normal course and believed by me to be
true.

3. That no such or similar application has been filed either before this Hon'ble
Commission or any other Commission or Court of Law.

DEPONENT

Sworn and Verified
before me.

BRIJENDRA KUMAR SAHU
Advocate & Notary
Civil Court, Lucknow

VERIFICATION

I, the deponent above named, do hereby verify the contents of the above
affidavit to be true to the best of my knowledge, no part of it is false and nothing
material has been concealed there from.

Verified at 8th day of September, 2026

09 SEP 2026

DEPONENT

I identify the deponent / executant
decederating Who has signed / TI before me

9/9/26.

WRITTEN OBJECTIONS / SUBMISSIONS ON BEHALF OF ALL INDIA POWER ENGINEERS FEDERATION (AIPEF)

Most respectfully submitted

The All India Power Engineers Federation (AIPEF), representing engineers and professionals in the power sector, submits the following objections/comments on the application filed by M/s Adani Energy Solutions Step-Eleven Limited (AESSEL) for grant of a parallel distribution licence in the proposed area of supply at the Data Centre Park, Sector-62, Noida. At the outset, AIPEF submits that any grant of distribution licence has to strictly satisfy the requirements of the Electricity Act, 2003, the applicable Rules and

1. **Regulations and the public-interest mandate of the Commission.** AESSEL has no existing distribution licence in the country. It is submitted that AESSEL itself does not appear to hold any existing distribution licence or distribution of electricity in any part of the country. The fact that its parent/group entities may be engaged in generation, transmission, distribution or other activities in the electricity sector cannot, by itself, confer upon AESSEL the status, experience, statutory rights or regulatory credentials of those separate legal entities. Each company incorporated under the Companies Act is a separate legal person. The experience, assets, financial strength, technical capability or regulatory history of another group company cannot automatically be treated as the experience or capability of AESSEL unless the statutory requirements are independently demonstrated by AESSEL and the proposed arrangements are legally enforceable. AIPEF therefore requests the Commission to examine specifically: Whether AESSEL, as the applicant/licensee, independently satisfies every statutory and regulatory requirement for grant of a distribution licence, or whether it is seeking to rely substantially upon the credentials and capabilities of other Adani group companies.
2. A contractual arrangement cannot itself create a statutory right to distribute electricity. The application appears to proceed substantially on the basis of the arrangement/agreement between AESSEL and DC Development Noida Limited (DCDNL). AIPEF respectfully submits that a private contractual arrangement between two companies cannot, by itself, create a statutory right to carry on the licensed activity of distribution of electricity. A distribution licence is a statutory authorisation granted by the Appropriate Commission under Section 14 of the Electricity Act,

Therefore, the Commission may kindly determine independently:

- the precise legal status of AESSEL vis-à-vis DCDNL;
- whether AESSEL is the developer, operator, associate or merely a service provider;
- the precise rights conferred upon AESSEL under the agreement;
- ownership of the proposed distribution assets;
- responsibility for financing, construction, operation and maintenance;
- responsibility towards consumers;
- responsibility for procurement of electricity;
- responsibility for system reliability and grid discipline; and
- whether the contractual arrangement legally supports AESSEL's claim to be granted a distribution licence.
- A contractual appointment as an operator cannot be treated as a substitute for statutory eligibility.

3. **Separate legal personality of group companies cannot be disregarded.** AIPEF submits that if AESSEL relies upon the technical expertise, financial resources, managerial experience or regulatory experience of its parent/group companies, the Commission should require the applicant to establish the legal basis on which such resources and experience are proposed to be made available to AESSEL. It is not sufficient merely to



[Handwritten Signature]

establish that: "the Adani Group has extensive experience in generation, transmission and distribution." The relevant question is whether AESSEL, the applicant before this Commission, has demonstrated the required capital adequacy, creditworthiness, technical capability, managerial capability and ability to perform the statutory obligations of a distribution licensee. The Commission may therefore require legally binding commitments, guarantees, funding arrangements and resource deployment arrangements rather than relying merely upon corporate affiliation.

4. The existing distribution licensee already has the statutory obligation to supply The proposed Data Centre is situated within the existing area of supply of the concerned distribution licensee. Section 43 of the Electricity Act places a statutory duty upon the distribution licensee to provide electrical plant or electric line for giving supply to premises when required, subject to the statutory framework. Therefore, the existence of an existing distribution licensee in the area cannot be ignored. AIPEF submits that before permitting a parallel distribution arrangement, the Commission should ascertain:

1. whether the existing distribution licensee has been approached for supply;
2. whether supply has been refused or is incapable of being provided;
3. whether any deficiency in capacity, reliability or quality of supply exists;
4. whether augmentation of the existing system has been sought;
5. whether the existing licensee has offered supply on the tariff approved by the Commission;
6. whether the consumer has sought any alternative statutory arrangement; and
7. whether the proposed parallel licence is actually necessary in the public interest. The Commission may also examine whether the existing distribution licensee can provide supply through an appropriate contractual/franchise arrangement.

5. The Act itself provides an alternative mechanism through the existing distribution licensee This is particularly important. The seventh proviso to Section 14 expressly provides that where an existing distribution licensee proposes to undertake distribution of electricity for a specified area within its area of supply through another person, such person is not required to obtain a separate licence, while the existing distribution licensee remains responsible for distribution in its area of supply. Thus, AIPEF submits that the Commission should examine whether the requirement of the Data Centre can appropriately be met through the existing distribution licensee, including through a suitable arrangement with another entity, rather than creating a new parallel distribution licensee. This would avoid:

- duplication of distribution infrastructure;
- unnecessary duplication of regulatory arrangements;
- fragmentation of the existing distribution area;
- possible stranded assets;
- duplication of consumer-service mechanisms; and
- avoidable complications relating to system operation and grid discipline.

6. Parallel distribution licence; is not an automatic entitlement AIPEF acknowledges that Section 14 permits grant of licences to two or more persons for distribution through their own distribution system in the same area. However, the proviso itself makes the position clear that the applicant must comply with all other conditions and requirements under the Act, including the prescribed requirements relating to capital adequacy, creditworthiness and code of conduct. Therefore, the mere fact that the existing distribution licensee is already serving the area cannot be a ground for rejection but equally the existence of a Data Centre Policy or an agreement with the developer cannot be treated as sufficient ground for grant of licence. The applicant must first establish every statutory requirement independently.



[Handwritten signature]

7. Own distribution system; requires particular scrutiny This issue deserves specific determination by the Commission. Section 14 refers to distribution through the applicant's "own distribution system." The Electricity Act defines a distribution system as the system of wires and associated facilities between the delivery point and the consumer installation. The Commission may therefore require AESSEL to establish:

- who owns the distribution assets;
- who is investing in the assets;
- who will construct them;
- who will operate and maintain them;
- who will bear augmentation expenditure;
- who will replace the assets;
- whether the assets are legally vested in AESSEL;
- whether the assets belong to DCDNL; and
- what happens to the assets if the Data Centre project or the agreement between the parties comes to an end. AIPEF submits that mere operation of another person's electrical infrastructure under an agreement cannot automatically be equated with ownership of an applicant's "own distribution system" for the purposes of the sixth proviso to Section 14.

8. Public interest and consumer interest must remain paramount A distribution licence creates long-term statutory obligations. The Commission should therefore satisfy itself that the proposed arrangement will result in:

- reliable electricity supply;
- reasonable cost to consumers;
- efficient utilisation of existing infrastructure;
- no unnecessary duplication of network;
- proper grid coordination;
- compliance with SLDC directions;
- adequate redundancy and reliability;
- consumer grievance redressal;
- compliance with tariff orders;
- compliance with RPO and other statutory obligations; and
- protection of existing consumers and the distribution system. The licence granted by UPERC to another Data Centre developer in Greater Noida itself demonstrates that a licensee remains subject to the Electricity Act, UPERC regulations, tariff orders, Grid Code and Supply Code. PRAYER In view of the foregoing, AIPEF respectfully prays that the Hon'ble Commission may be pleased to:

- reject the application for grant of distribution licence unless and until AESSEL independently establishes its statutory eligibility and compliance with all requirements under the Electricity Act, 2003 and applicable Rules and Regulations;
- direct AESSEL to establish its independent capital adequacy, creditworthiness, technical



शक्ति 36

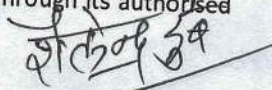
capability and managerial capability rather than relying merely upon the credentials of its parent/group companies;

- c. examine whether AESSEL legally satisfies the requirement of distribution through its own distribution system;;
- d. examine the legal status and enforceability of the agreement between AESSEL and DCDNL and determine whether such agreement can confer any right relevant to grant of a statutory distribution licence;
- e. obtain from the existing distribution licensee a detailed report regarding its ability and willingness to supply the proposed Data Centre and the capacity/augmentation required for such supply;
- f. examine whether the requirement can appropriately be met through the existing distribution licensee under the mechanism contemplated by the seventh proviso to Section 14;
- g. ensure that no area is included in the proposed licence unless all statutory permissions, land rights, approvals and other requirements for such area have been conclusively established;
- h. ensure that grant of any parallel distribution licence does not result in avoidable duplication of distribution infrastructure or stranded investment of the existing distribution licensee;
- i. direct AESSEL to place on record all agreements, asset-ownership documents, financial commitments, technical studies and other documents relied upon for establishing its eligibility; and Submitted by ALL INDIA POWER ENGINEERS FEDERATION (AIPEF) Through its authorised representative.



Date: 09 SEP 2020

Place: Lucknow - - -


Shailendra Dubey
Chairman



भारत सरकार
GOVERNMENT OF INDIA



शैलेन्द्र कुमार दुबे
Shailendra Kumar Dubey
जन्म वर्ष / Year of Birth : 1949
पुरुष / Male



8917 8832 6745

आधार — आम आदमी का अधिकार



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

पता: S/O अच्युतानंद दुबे, के-१०३२,
नियर आशियाना थाना लखनऊ, सेक्टर-के,
आशियाना, लखनऊ, उत्तर प्रदेश, 226012
Address: S/O Achyutanand
Dubey, K-1032, Near Aashiana
Thana lucknow, SECTOR-K,
Aashiana, Lucknow, Uttar
Pradesh, 226012

1947
1800 180 1947

help@uidai.gov.in

www.uidai.gov.in

P.O. Box No.1947,
Bengaluru-560 001



शैलेन्द्र दुबे