Date: 02.11.2026

To,
The Secretary
Uttar Pradesh Electricity Regulatory Commission
Vidyut Niyamak Bhawan,
Vibhuti Khand, Gomti Nagar,
Lucknow – 226010

Reference: **Comments/Suggestions/Objections submitted by Uttar Pradesh Rajya Vidyut Upbhokta Parishad (UPRVUP) on Petition No. 2333 of 2025 filed by Adani Energy Solutions Step-Eleven Limited before this Hon'ble Commission for grant of a Distribution Licence for the Data Centre Park being developed by DC Development Noida Limited at Plot 20, Sector 62, NOIDA, Uttar Pradesh, under Sections 14 and 15 of the Electricity Act, 2003.**

Subject: **AESSEL's Response to the Comments/Suggestions/Objections submitted by UPRVUP on Petition No. 2333 of 2025 dated 16.10.2026**

Respected Sir,

We, Adani Energy Solutions Step-Eleven Limited ("AESSEL"), are submitting our response to the comments/suggestions/objections submitted by Uttar Pradesh Rajya Vidyut Upbhokta Parishad ("UPRVUP") on 12.10.2026 pursuant to the Public Notice dated 24.09.2026 issued by this Hon'ble Commission fixing the public hearing in the captioned Petition on 16.10.2026. The said Public Notice followed the Public Notice issued on behalf of AESSEL under Section 15(2) of the Electricity Act, 2003, published on 12.08.2026 in two Hindi daily newspapers (Amar Ujala and Hindustan) and two English daily newspapers (Indian Express and Hindustan Times), Lucknow and Delhi editions, in terms of the directions of this Hon'ble Commission vide Order dated 05.08.2026, thereby inviting comments/suggestions/objections on the Petition filed by AESSEL for grant of a Distribution Licence under Sections 14 and 15 of the Electricity Act, 2003.

The response is submitted by way of an affidavit along with an index, for kind consideration and for being taken on record by this Hon'ble Commission.

Thanking You,

ADANI ENERGY SOLUTIONS STEP ELEVEN LIMITED

Authorized Signatory
For Adani Energy Solutions Step-Eleven Limited

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RENU AGRAWAL
Regd. No. 17805/2019
My Commission Expire on 23/12/2029

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION AT LUCKNOW

Filing No. ___

Petition No. 2333 of 2025

IN THE MATTER OF:

Petition under Sections 14 and 15 read with Section 86 (1) (d) of Electricity Act, 2003 readwith UPERC (General Conditions of Distribution Licence) Regulations, 2004 readwith Distribution of Electricity License (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 and the Amendment thereof, and Government of Uttar Pradesh Notification No. 444/24-P-3-2023 dated 10.03.2023, and readwith Uttar Pradesh Data Centre Policy 2021 (as amended on 07.11.2022) for grant of Distribution License to Adani Energy Solutions Step-Eleven Limited for undertaking supply and distribution of power in the Data Centre Park being developed by DC Development Noida Limited at Plot 20, Sector 62, NOIDA, Uttar Pradesh.

IN THE MATTER OF:

Adani Energy Solutions Step-Eleven Limited
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle,
S G Highway, Ahmedabad, Gujarat-382421 **...PETITIONER NO.1**

Adani Energy Solutions Limited
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle, S G Highway,
Khodiyar, Ahmedabad, Gujarat-382421 **...PETITIONER NO.2**

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PETITIONER

ADANI ENERGY SOLUTIONS STEP-ELEVEN LIMITED

Place: New Delhi
Date: 02.11.2026

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RENU AGRAWAL
Regd. No. 17806/2019
My Commission Expire on 23/12/2029

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

PETITION NO. 2333 OF 2025

IN THE MATTER OF:

Petition under Sections 14 and 15 read with Section 86 (1) (d) of Electricity Act, 2003 readwith UPERC (General Conditions of Distribution Licence) Regulations, 2004 readwith Distribution of Electricity License (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 and the Amendment thereof, and Government of Uttar Pradesh Notification No. 444/24-P-3-2023 dated 10.03.2023, and readwith Uttar Pradesh Data Centre Policy 2021 (as amended on 07.11.2022) for grant of Distribution License to Adani Energy Solutions Step-Eleven Limited for undertaking supply and distribution of power in the Data Centre Park being developed by DC Development Noida Limited at Plot 20, Sector 62, NOIDA, Uttar Pradesh.

Adani Energy Solutions Step-Eleven Limited
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle,
S G Highway, Ahmedabad, Gujarat-382421

...PETITIONER NO.1

Adani Energy Solutions Limited
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle, S G Highway,
Khodiyar, Ahmedabad, Gujarat-382421

...PETITIONER NO.2

AFFIDAVIT ON BEHALF OF ADANI ENERGY SOLUTIONS STEP-ELEVEN LIMITED TO PLACE ON RECORD RESPONSE TO THE FURTHER OBJECTIONS/ SUGGESTIONS DATED 12.10.2026 SUBMITTED BY UTTAR PRADESH RAJYA VIDYUT UPBHOKTA PARISHAD (UPRVUP)

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ADANI ENERGY SOLUTIONS STEP ELEVEN LIMITED

I, Manish Kumar, S/o Late Braj Kishore Prasad, aged about 37 years, R/o I-702, 7th Floor, Shaligram Lakeview near Vaishno Devi Circle, Khoraj, Gandhinagar – 382501 Gujarat, Authorized Representative of Petitioner No.1 viz., Adani Energy Solutions Step-Eleven Limited, having office at Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S G Highway, Ahmedabad, Gujarat-382421, presently at New Delhi, do hereby solemnly affirm and state as follows:

1. That I am the authorized representative of the Petitioner No.1 Company, Adani Energy Solutions Step-Eleven Limited (**"Petitioner No.1" or "AESSEL"**) and I am fully conversant with the facts and circumstances of the case, and I have been duly authorized and am, therefore, competent to affirm this affidavit.

2. That, I state that the Petitioner No. 1, Adani Energy Solutions Step-Eleven Limited, has filed the present Petition under Sections 14, 15 and 86(1)(d) of Electricity Act, 2003 ("**EA 2003**"), read with UPERC (General Conditions of Distribution License) Regulations, 2004 ("**UPERC Distribution License Regulations**"), read with Distribution of Electricity License (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 as amended thereof (2022) ("**Distribution License Rules**"), and read with Uttar Pradesh Data Centre Policy 2021 (as amended on 07.11.2022) ("**DC Policy**") for grant of Distribution License to the Petitioner No.1 for undertaking the supply of power in the Data Centre Park being developed by DC Development Noida Limited ("**DCDNL**") having office at Plot 20, Sector 62, NOIDA, Uttar Pradesh.

3. That, through Order dated 05.08.2026, this Hon'ble Commission directed the Petitioner to publish a notice under Section 15(2) of EA 2003, in at least two Hindi and two English newspapers. Accordingly, through the Public Notice published by the Petitioner, comments/

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suggestions were invited from the public within 30 days from the date of publication of notice.

PRELIMINARY OBJECTIONS

4. At this juncture, it may be relevant to point out that the period of thirty days (30 days) granted under the Public Notice dated 12.08.2026 for filing suggestions or objections expired on 10.09.2026. Within the said period, objections were received only from All India Power Engineers Federation ("**AIPEF**") and Uttar Pradesh Rajya Vidyut Parishad Abhiyanta Sangh ("**UPRVPAS**"), to which the Petitioner has already filed its detailed responses dated 26.09.2026. Thereafter, this Hon'ble Commission, vide Public Notice dated 24.09.2026, fixed the public hearing in the captioned Petition on 16.10.2026. It is only thereafter, i.e., on 12.10.2026, merely 4 (four) days before the public hearing, that Uttar Pradesh Rajya Vidyut Upbhokta Parishad ("**UPRVUP"/ Objector**") submitted its objections against the Petition filed by AESSEL. The Petitioner is conscious that the said objections have been submitted pursuant to the Public Notice dated 24.09.2026 issued by this Hon'ble Commission, and is accordingly not raising any plea of limitation qua the same.

5. However, it is submitted that the Petition, along with all annexures and enclosures, has been in the public domain since 12.08.2026, and has been published on the Petitioner's website in terms of Para 18 of the Order dated 05.08.2026. The Objector was fully conversant with the Petition and the procedure under Section 15 of EA 2003. The objections do not raise any new issue and merely reproduce the issues raised by AIPEF and UPRVPAS, which already stand answered by the Petitioner, while additionally seeking a report from PVVNL, independent and comparative assessments, further disclosure and a further opportunity





to respond, each of which would necessarily result in deferment of the present proceedings.

RESPONSE ON MERITS

6. That, even otherwise, the objections raised by UPRVUP are devoid of merit. The submissions on merits are being made without prejudice to the foregoing. The Petitioner also craves leave to rely upon its responses dated 26.09.2026 to the objections of AIPEF, UPRVPAS and Prayas Energy Group, the contents of which are not being repeated herein for the sake of brevity. The said responses have also been placed on the Petitioner's website and made available for access by the public at large.

7. At the outset, it is submitted that none of the objections raised by the Objector identify any deficiency in AESSEL's compliance with the requirements prescribed under Section 14 of the EA 2003, the Distribution Licence Rules, or the applicable Regulations. The Objector itself states that it "*does not oppose investment, industrial development or the* provision *of reliable and uninterrupted electricity to data centres*", and concedes that Section 14 permits more than one distribution licensee in the same area. Instead, the Objector seeks that this Hon'ble Commission undertake certain enquiries and assessments which are not at all contemplated under the statutory licensing framework. In this regard, Regulation 5.12 of the UPERC Distribution License Regulations exhaustively prescribes the criteria for grant of a distribution licence to another person within the Area of Supply, namely, compliance with the additional requirements prescribed by the Central Government, technical and financial ability to undertake the Licensed Business, and compliance with the Regulations, performance standards, guidelines and norms specified.

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Re: Objection Nos. 1 and 2 – Grant of licence is not automatic and this Hon'ble Commission ought to look into the eligibility and financial capability of AESSEL

8. The Petitioner does not contend that grant of licence is automatic, and has submitted itself to the regulatory scrutiny of this Hon'ble Commission under Sections 14 and 15 of EA 2003. However, once the Applicant complies with the requirements under the Act and the Distribution License Rules, it is the mandate of the 6th proviso to Section 14 that no Applicant shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose.

9. As regards eligibility, Rule 3(2) of the Distribution License Rules expressly permits capital adequacy and creditworthiness to be assessed on the net worth and resources "*of his business including of promoters*". 100% of the equity in Petitioner No.1 is owned by Petitioner No. 2, i.e., Adani Energy Solutions Limited ("**AESL**"), and as such, under Rule 3(2), the Petitioner No.1 can use the credentials of its promoter company. Further, AESSEL has placed on record its own stand-alone audited financial statements for FY 2024-25 and FY 2025-26 (Annexure-C to the Affidavit dated 17.06.2026), and the audited financial statements of AESL for the preceding five financial years already stand submitted as part of the Petition. Reliance is also placed on ***New Horizons Ltd. & Anr. v. Union of India & Ors.*** [(1995) 1 SCC 478], wherein the Hon'ble Supreme Court held that the resources, credentials and experience of the parent/owning companies must be taken into account while assessing the eligibility of a joint venture/subsidiary.

10. It is further submitted that AESL is itself Petitioner No.2 in the captioned Petition and has supported the present application by permitting reliance on its credentials and resources. AESL remains committed to providing the necessary technical, managerial and financial support to AESSEL

for discharge of its obligations as a distribution licensee. The Objector has not pointed to any provision of the EA 2003, the Rules or the Regulations requiring furnishing of bank guarantees as a condition for grant of licence. As regards protection of consumers in the event of financial distress or discontinuation, the EA 2003 itself provides for revocation of licence (Section 19), sale of utility (Section 20) and suspension of licence and appointment of an Administrator (Section 24). In any event, this Hon'ble Commission may impose such conditions or require such undertakings as it may deem appropriate in this regard.

Re: Objection Nos. 3, 4 and 7 – Existing distribution licensee (PVVNL), seventh proviso to Section 14 and parallel distribution arrangements

11. The Objector has requested this Hon'ble Commission to obtain a report from PVVNL and examine whether the requirements of the Data Centre Park can be met by PVVNL, including through a franchisee under the seventh proviso to Section 14.

12. In this regard, it is submitted that the sixth proviso to Section 14 (i) confers express statutory power on this Hon'ble Commission to grant a distribution licence to "two or more persons" for the same area; (ii) subjects such grant only to compliance with the additional requirements prescribed under the Distribution License Rules; and (iii) contains an express, mandatory, negative stipulation that no applicant who complies with such requirements shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose. The ability, willingness or readiness of the existing distribution licensee to provide electricity supply within the proposed licence area is, therefore, neither a condition precedent nor a determinative factor for grant of a parallel distribution licence. Section 43 of the EA 2003 merely casts a duty upon every distribution licensee to supply on request, which

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duty AESSEL shall also bear upon grant of licence. Once an applicant satisfies the qualifications prescribed under the Distribution Licence Rules, the sixth proviso to Section 14 creates a statutory entitlement to be considered for grant of licence without being subjected to the additional requirement of demonstrating inadequacy of the incumbent licensee or necessity of a competing distribution arrangement. To hold otherwise would effectively render the sixth proviso otiose.

13. The objections proceed on the assumption that the Petitioner is required to establish inadequacy of supply by the incumbent distribution licensee or demonstrate that grant of a separate licence is preferable to other available arrangements. No such requirement is prescribed under Section 14 of the Electricity Act, 2003, the Distribution Licence Rules or the applicable Regulations. Acceptance of such a proposition would amount to importing additional conditions into the statutory licensing framework which have not been contemplated by the legislature or the rule-making authority.

14. Further, the Government of Uttar Pradesh, vide Notification dated 10.03.2023 issued under the Explanation to Rule 3(2) of the Distribution License Rules, has notified each data centre park as the "*minimum area of supply*" for grant of a licence within the same area in terms of the sixth proviso to Section 14. The fact that Data Centre Parks would necessarily be situated within the area of supply of an existing distribution licensee was fully known and contemplated while issuing the said Notification. The Notification dated 10.03.2023 reflects a conscious statutory determination by the State Government under the Explanation to Rule 3(2) of the Distribution Licence Rules that a Data Centre Park constitutes the minimum area of supply for grant of a parallel distribution licence. Accordingly, while considering the present application, the issue before

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this Hon'ble Commission is whether the Petitioner satisfies the applicable statutory and regulatory requirements.

15. It is further submitted that the 7th proviso to Section 14 is not applicable to the present case, as the same contemplates a franchisee or another entity to whom the existing licensee may delegate some of its power *qua* supply of electricity to consumers, with the existing licensee remaining the licensee for all purposes. The 7th proviso is an enabling provision available to an existing distribution licensee and cannot be construed as a limitation upon the independent statutory framework contained in the sixth proviso permitting grant of a separate distribution licence. The 7th proviso is a separate dispensation which does not concern the applicant herein, as the Objector itself concedes that it does not prohibit grant of a separate licence. Reference in this regard is made to *M/s Jindal Steel and Power Ltd. v. Chhattisgarh State Electricity Regulatory Commission & Ors.* reported in [(2022) 7 SCR 378], wherein the Hon'ble Supreme Court held that the sixth proviso to Section 14 must be construed liberally and purposively.

16. Regarding the objections *qua* duplication of distribution infrastructure, the issue of the extent of network development in a parallel licence area would be governed by the applicable provisions of the Electricity Act, 2003, the Distribution Licence Rules, the applicable technical standards, and such directions as may be issued by this Hon'ble Commission. The objections raised are therefore premature at the stage of grant of licence. As regards the licence area, this Hon'ble Commission at Para 13 of the Order dated 05.08.2026 has already observed that consideration of the licence would be confined to the area in respect of which the requisite approvals and Letter of Comfort are presently available, and that any additional area would require amendment of the licence. Upon grant of licence, AESSEL shall be bound by the Grid Code, the Supply Code and

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the directions of the State Load Despatch Centre in the same manner as any other distribution licensee. Questions relating to network planning, extent of infrastructure development, connectivity arrangements and technical configuration arise subsequent to grant of licence and remain subject to the applicable statutory and regulatory framework and the directions of this Hon'ble Commission.

Re: Objection Nos. 5 and 6 – Agreement with DCDNL and ownership of the distribution system

17. The Petitioner respectfully submits that it does not contend, and has never contended, that the Operator Agreement by itself creates any statutory right or constitutes a substitute for the eligibility requirements prescribed under the EA 2003. The Operator Agreement is not being relied upon as a source of statutory entitlement, but only as evidence of AESSEL's designated role as "*Operator*"/"*associate*" within the Data Centre Park framework contemplated under Clause 8.4(iii) of the DC Policy and the Notification dated 10.03.2023.

18. As regards the clarifications sought by the Objector, it is submitted that the distribution assets, i.e., the "system of wires and associated facilities" within the meaning of Section 2(19) of EA 2003, are intended to be developed, financed, owned, operated and maintained by AESSEL in its capacity as distribution licensee, consistent with the statutory requirement that distribution be undertaken through the distribution system of the licensee in accordance with the Electricity Act, 2003 and the terms of the licence. Procurement of power, metering, billing, energy accounting, quality of supply and consumer grievance redressal shall be the direct, independent and non-delegable statutory obligations of AESSEL as licensee. The contingency of expiry or termination of the agreement is expressly addressed in Clauses 7.3 and 7.4 of the Contract for Appointment of Operator, as substituted by the Addendum dated

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09.06.2026 (***Annexure-B to the Affidavit dated 17.06.2026***), under which AESSEL is obliged to take all necessary steps to cancel, surrender, seek modification or transfer the Distribution License, subject to the prior approval of this Hon'ble Commission. The said documents are already on record before this Hon'ble Commission.

Re: Objection No. 8 – Financial implications and protection of existing consumers

19. The apprehension of the Objector that costs associated with the Data Centre Park would be imposed upon other consumers is misconceived. The transmission connectivity required for supply of power to the Data Centre Park has already been developed by the developer of the Data Centre Park at its own cost, and no question presently arises of loading such cost into the ARR of the STU. The distribution network within the licence area shall be financed and owned by AESSEL, and its ARR and tariff shall be determined separately by this Hon'ble Commission under Sections 61, 62 and 86(1)(a) of EA 2003 and recovered only from consumers within its licence area. Any arrangement for stand-by power / back up capacity, etc. if made by the licensee later would also become part of the Licensee's ARR, subject to and in compliance with this Hon'ble Commission's applicable Regulations. It is further submitted that by grant of distribution license to AESSEL, no additional cost will fall upon the existing licensee i.e., PVVNL and all costs associated with network development inside the data center park will be recovered through approved tariffs from the consumers within the said area only.

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Re: Objection Nos. 9 to 13 – Reliability requirements, Government policy, licence conditions, Sections 61 and 86(1)(d), and disclosure of documents

20. The sixth proviso to Section 14 does not require an applicant to demonstrate that a separate licence is the "only means" of meeting the requirements of the proposed area. The primary objective of the Petitioner No. 1 in planning the distribution network in the Data Centre Park is to provide world class reliability and quality of power, through a robust network with adequate redundancy. The Petitioner has already submitted its Business Plan and other supporting documents and undertakes to furnish such additional information as may be required by this Hon'ble Commission.

21. The Petitioner does not seek any exemption from the requirements of the EA 2003 on the basis of the DC Policy. However, the Notification dated 10.03.2023 is not a mere policy incentive, as the same has been issued in exercise of the powers under the Explanation to Rule 3(2) of the Distribution License Rules framed by the Central Government, and thus forms part of the statutory framework. Further, Clause 8.4(iii) of the DC Policy itself makes eligibility subject to the "*regulations issued by Uttar Pradesh Electricity Regulatory Commission (UPERC) in this regard from time to time*".

22. Upon grant of licence, AESSEL shall duly comply with the duties and obligations of a distribution licensee under Sections 42, 43 and 57 of the EA 2003, the Supply Code, the Standards of Performance, the Consumer Grievance Redressal Forum and Electricity Ombudsman mechanism, RPO obligations, and the UPERC Distribution License Regulations, which apply by operation of law. The Petitioner has no objection to such conditions as this Hon'ble Commission may impose consistent with the EA 2003 and the Regulations framed thereunder.

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Section 86(1)(d) is the very provision under which the present licence is sought, whereas the principles under Section 61 govern determination of tariff, which shall be undertaken subsequent to grant of licence in separate proceedings.

23. As regards disclosure, the complete Petition along with annexures and enclosures has been published on the Petitioner's website since 12.08.2026 in terms of Para 18 of the Order dated 05.08.2026. The Objector has thus had full access to the Petition and subsequent submissions made in this matter. There is no provision under the EA 2003 or the UPERC Distribution License Regulations for further rounds of pleadings by objectors, and the opportunity of hearing stands afforded through the public hearing fixed by this Hon'ble Commission.

24. In view of the above and the detailed submissions made in the captioned Petition, it is submitted that the Petitioners duly comply with all the requirements of capital adequacy, credit-worthiness, and code of conduct as specified under Section 14 of the EA 2003 read with Distribution License Rules. In light of the aforesaid facts and submissions, it is respectfully submitted that:

a. the objections filed by UPRVUP have been submitted at an advanced stage of the proceedings and substantially reiterate issues already raised and addressed in earlier objections;



without prejudice thereto, the objections fail to disclose any non-compliance by the Petitioners with the requirements prescribed under Section 14 of the Electricity Act, 2003, the Distribution Licence Rules or the applicable Regulations;

c. the objections seek enquiries and conditions which are dehors the statutory licensing framework and therefore cannot constitute a valid ground for opposing the grant of licence;



d. the Petitioners have duly fulfilled all applicable statutory and regulatory requirements and are entitled to grant of distribution licence for the proposed licence area.

Accordingly, this Hon'ble Commission may be pleased to reject the objections filed by UPRVUP and allow the present Petition.

25. The Petitioner craves leave to place on record such further submissions, clarifications, statutory provisions and documents as may be necessitated in the course of these proceedings, and reserves its right to file a further and more detailed rejoinder, if so directed by this Hon'ble Commission.

26. That, I state that the present Affidavit has been made in bonafide. It is most humbly submitted that in the interest of justice, equity and fairness.

I identified the deponent Who has signed in my presence
2/11/2026

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DEPONENT

ADANI ENERGY SOLUTIONS STEP. ELEVEN LIMITED

VERIFICATION

I, the Deponent above named do hereby verify that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 02 NOV 2026 day of November, 2026.

ATTESTED
NOTARY PUBLIC
(INDIA)

02 NOV 2026

DEPONENT

ADANI ENERGY SOLUTIONS STEP. ELEVEN LIMITED