

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 5 of 2014
In
Petition No. 313/MP/2013**

**Coram:
Shri Gireesh B.Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member**

**Date of Hearing: 7.3.2014
Date of Order: 10.3.2014**

In the matter of:

In the matter of Petition under Section 79 of the Electricity Act, 2003;

And

In the matter of the Power Purchase Agreement entered between NTPC Vidyut Vyapar Nigam Ltd and Rajasthan Sun Technique Energy Pvt. Ltd:

And

In the matter of compensatory tariff on account of Direct Normal Irradiance (DNI).

And

In the matter of:

Rajasthan Sun Technique Energy Pvt. Ltd. ...Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd. & Anr. Respondent

Parties Present:

Shri Hasan Murtaza, Advocate for the petitioner



ORDER

The petitioner, Rajasthan Sun Technique Energy Pvt. Ltd. has filed this I.A. with the following prayers:

- (a) Allow the present application seeking interim reliefs.
- (b) Direct the Respondent not to encash the Performance Bank Guarantee for a further period of three weeks as has been directed by this Hon'ble Commission in its order dated 28th February, 2014.
- (c) Alternatively, direct the Respondents to extend the Scheduled Commissioning Date in view of the Force Majeure event of delay in water supply.
- (d) Such other orders as this Hon'ble commission may deem fit.

2. Learned Counsel for the petitioner submitted that the petitioner has already made a representation to the Ministry of New and Renewable Energy, Government of India on 1.3.2014 seeking extension of Scheduled Commissioning Date of the project in light of the directions of the Commission in the order dated 28.2.2014 in Petition No. 304/MP/2013 and related petitions. Learned Counsel submitted that though its petition was heard alongwith the Petition No. 304/MP/2013 and other petitions, interim relief in favour of the petitioner directing NVVNL not to encash the Performance Bank Guarantee after 9.3.2014 was not issued in its case. Learned Counsel submitted that since its case is similar to the case of the petitioner in Petition No. 323/MP/2013, a similar direction may be issued to NVVNL not to encash its Performance Bank

Guarantee for the period of three weeks as has been directed by the Commission in the order dated 28.2.2014.

3. We have considered the request of the petitioner. The Commission in its order dated 28.2.2014 in Petition No. 323/MP/2013 and other related petitions had issued the following directions:

"Considering the requests made by the petitioners, we deem it appropriate to direct the petitioners to approach the MNRE within a week, under para 4.4 of the Guidelines for consideration of their request for extension of SCD. Such applications, if made by the petitioners, may be considered by concerned authorities mentioned in para 4.4 of the Guidelines within a period of two weeks thereafter. We direct NVVNL not to encash the Performance Bank Guarantee of the petitioners till that time. It is, however, clarified that NVVNL shall be at liberty to encash the Performance Bank Guarantee anytime after three weeks of this order if no time extension for SCD is allowed by the concerned authorities".

4. Similar direction as above was not issued in case of the petitioner as the petitioner had not made any interim prayer in its petition. We, however, notice that the petitioner is similarly placed as that of the petitioners in Petition No. 323/MP/2013 and other related petitions. The petitioner has made an application to MNRE for extension of the Commercial Operation Date. Accordingly, we direct that our order dated 28.2.2014 as quoted in para 3 above shall also be applicable in the present case.

5. I.A. is disposed of accordingly.

sd/-
(A. K. Singhal)
Member

sd/-
(M. Deena Dayalan)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson