

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:**  
**Shri Gireesh B.Pradhan, Chairperson**  
**Shri A.K.Singhal, Member**  
**Shri A.S.Bakshi, Member**

**Date of Hearing: 10.2.2015**  
**Date of Order: 13.2.2015**

**Petition No. 304/MP/2013**

**In the matter of**

Petition for adjustment of generation tariff and other consequential reliefs.

**And**

**In the matter of**

Godavari Green Energy Limited  
Hira Arcade, Pandri, Raipur-492 001

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd.  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**Petition No. 312/MP/2013**

**In the matter of**

Petition under Section 79 of the Electricity Act, 2003 for grant of compensatory tariff on account of depreciation in rupee.

**And**

**in the matter of**

Rajasthan Sun Technique Energy Private Limited

**Petitioner**



**Vs**

NTPC Vidyut Vyapar Nigam Ltd.  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**I.A.No. 8/2015  
In  
Petition No. 313/MP/2013**

**In the matter of**

Application for stay.

**And  
In the matter of**

Rajasthan Sun Technique Energy Private Limited

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**I.A.No. 6/2015  
in  
Petition No. 327/MP/2013**

**In the matter of**



Application for stay.

**And  
In the matter of**

Diwakar Solar Projects Limited, Hyderabad

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**I.A. No. 7/2015  
in  
Petition No. 14/MP/2014**

**In the matter of**

Application for stay.

**And  
In the matter of**

KVK Energy Venture Private Limited  
6-3-1109A/1, 3rd FLOR,  
Navabharath Chamber,  
Raj Bhawan Road, Hyderabad-500 082

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**



**I.A. No. 5/2015  
in  
Petition No. 16/MP/2014**

**In the matter of**

Application for stay.

**And  
In the matter of**

MEIL Green Power Limited  
S2 Technocrat Industrial Estate,  
Balanagar, Hyderabad

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**Petition No. 41/MP/2014**

**In the matter of**

Petition for adjustment of generation tariff and other consequential reliefs.

**And  
In the matter of**

Aurum Renewable Energy Limited,  
"Aurum Platz" B N Cross Lane  
Pandita Ramabai Marg  
Mumbai- 400007

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,



Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**Petition No. 42/MP/2014**

**In the matter of**

Petition for adjustment of tariff, extension of time for execution of project and other consequential reliefs.

**And  
In the matter of**

Corporate Ispat Alloys Limited  
601, Tulsiani Chambers, Nariman Point,  
Mumbai- 44002

**Petitioner**

**Vs**

NTPC Vidyut Vyapar Nigam Ltd,  
Core-7, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110003

2. Union of India  
Ministry of New and Renewable Energy,  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110003

**Respondents**

**Following were present:**

1. Shri Sakiya Choudhery, Advocate, GGEL, DSPL, MEIL, KVK, AREL and SPCL, KVK
2. Ms. Runika Chugh, Advocate, MEIL, DSPL and KVK
3. Ms. Malaika Prasad, Advocate, RSTEPL
4. Shri Hasan Martaza, Advocate, RSTEPL
5. Shri Jafar Alam, Advocate, CIAL
6. Ms Anushree Bardhan, Advocate, NVVNL
7. Ms. Ranjitha Ramchandran, Advocate, NVVNL
8. Shri Vijay Gulati, NVVNL



9. Shri P.K.Mahajan, NVVNL
10. Shri Amit Arora, GGEL
11. Shri N.K.Dev, RSPTCL

### ORDER

The Commission in its order dated 26.11.2014 in Petition No. 304/MP/2013 and other related petitions had issued the following directions:

“3. We have heard the learned counsels for the parties. Learned counsel for NVVN submitted that in a few cases, the petitioners have refused to extend the validity of the bank guarantee. Learned counsels for the petitioners submitted that bank guarantee have been extended in all cases.

4. After considering the request of MNRE, we allow time till 31.1.2015 to the concerned authorities to consider and dispose of the representations of the petitioners. Till the next date of hearing, NVVN is directed to maintain *status quo* and not to encash the Performance Bank Guarantee of the petitioners. The petitioners are directed to keep the Performance Bank Guarantee valid taking into account the extended time in line with terms and conditions of their respective PPA and claim period of at least one month.

5. It is clarified that no further extension of time will granted. If no communication is received from MNRE by 31.1.2015, the Commission will proceed to dispose of the petitions on merit.”

2. Ministry of New and Renewable Energy (MNRE) vide its letter dated 30.1.2015 addressed to the Secretary of the Commission has requested for extension of the date for consideration of the representations of the petitioners by two months i.e till 31.3.2015. The relevant extract of the said letter dated 30.1.2015 is as under:

“2. As per CERC’s Order, MNRE is expected to consider and dispose-off the representations of the petitioners by 31.01.2015.

3. Actions are already being taken by MNRE on the representations of the solar thermal power developers. The specific recommendations of Expert Committee were reviewed in the meeting of the Review Committee held in MNRE on



15.12.2014. Since the Ministry of Power also needs to be consulted, it is likely to take some more time.

4. Considering this position, it is requested that CERC may consider to extend the specified time limit (31.01.2015) upto 31.03.2015 for consideration of the SPDs' representations by the concerned authorities as mentioned in para 4.4 of the Guidelines.”

3. The petitioners, MEIL Green Energy Limited, Diwakar Solar Power Limited, KVK Energy Ventures Private Limited and Rajasthan Sun Technique Energy Pvt. Ltd. have filed IAs to pass an order for restraining NTPC Vidyut Vyapar Nigam Ltd. (NVVNL) from invoking the Performance Bank Guarantee till final adjudication of the present petitions.

4. During the course of hearing, learned counsel for NVVNL submitted that since the ultimate purchasers of the power from solar thermal power plants are distribution companies, they should be impleaded as parties to the petitions.

5. Learned counsel for Godawari Green Energy Limited (GGEL) and MEIL Green Power Limited (MGPL) submitted that GGEL and MGPL have filed the petitions seeking revision of tariff under Article 9 of the PPA on account of variation in Direct Normal Irradiance levels, variation in Foreign Exchange Rate Variation and extension of the commissioning date of projects by 6 months from 9.3.2014. Learned counsel submitted that since GGEL and MGPL have commissioned their projects, the prayer of extension of time for commissioning of the projects has become infructuous. Learned counsel prayed the Commission to take up these matters for revision of generation tariff and other consequential reliefs.



6. We have heard the learned counsels for the parties. As regards the request of the learned counsel for NVVNL, it is clarified that the petitions have not yet been admitted and the question of impleadment of distribution licensees shall be considered at the time of hearing of the petitions on admission. As regards the prayer of the learned counsel for GGEL and MGPL, it is clarified that the Commission would like to hear all the matters together.

7. After considering the request of MNRE, we allow time till 31.3.2015 to the concerned authorities to consider and dispose of the representations of the petitioners. Till the next date of hearing, NVVN is directed to maintain *status quo* and not to encash the Performance Bank Guarantee of the petitioners. The petitioners are directed to keep the Performance Bank Guarantee valid taking into account the extended time in line with terms and conditions of their respective PPAs and claim period of at least two months. The petitions shall be listed for hearing on 23.4.2015.

8. It is clarified that if the decision of MNRE is not received by 31.3.2015, the Commission will proceed to hear the petitions on admissibility.

9. The IAs No. 5/2015, 6/2015, 7/2015 and 8/2015 are disposed of in terms of the above.

**Sd/-**  
**(A.S. Bakshi)**  
**Member**

**sd/-**  
**(A. K. Singhal)**  
**Member**

**sd/-**  
**(Gireesh B. Pradhan)**  
**Chairperson**

