

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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

DATE OF HEARING: 18.5.2017

Petition No. 304/MP/2013

Sub: Petition for adjustment of generation tariff and other consequential reliefs.

Petitioner : Godavari Green Energy Limited
Respondents : NTPC Vidyut Vyapar Nigam Ltd. and
Union of India, Ministry of New and Renewable Energy

Petition No. 312/MP/2013

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

Petitioner : Rajasthan Sun Technique Energy Private Limited
Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy

Petition No. 313/MP/2013

Sub: Petition for grant of compensatory tariff and other consequential reliefs.

Petitioner : Rajasthan Sun Technique Energy Private Limited
Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy

Petition No. 327/MP/2013

Sub: For adjustment of tariff, extension of time for execution of project and other consequential reliefs.

Petitioner : Diwakar Solar Projects Limited, Hyderabad

Respondents : NTPC VidyutVyapar Nigam Ltd. and
Union of India, Ministry of New and Renewable Energy

Petition No. 14/MP/2014

Sub: Petition for adjustment of tariff, extension of time for execution of project and other consequential relief.

Petitioner : KVK Energy Venture Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy

Petition No. 16/MP/2014

Sub: Petition under Section 79 (1) (b) read with Section 79 (1) (f) of the Electricity Act, 2003 for adjustment of capacity utilization factor, extension of time for execution of project and other consequential relief.

Petitioner : MEIL Green Power Limited

Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy

Petition No. 41/MP/2014

Sub: Petition for adjustment of generation tariff and other consequential reliefs.

Petitioner : Aurum Renewable Energy Limited

Vs

Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy

Petition No. 42/MP/2014

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

Petitioner : Corporate Ispat Alloys Limited

Respondents : NTPC Vidyut Vyapar Nigam Ltd.
Union of India, Ministry of New and Renewable Energy



Parties present : Shri R. Mishra, Advocate, MNRE
Shri Sanjiv Saxena, Advocate, MNRE
Shri Sanjay Karndhar, MNRE
Shri Buddy A. Ranganathan, Advocate, GGEL
Shri Raunak Jain, Advocate, GGEL
Shri Amit Arora, Advocate, GGEL
Shri Viney Agrawal, Advocate, GGEL
Shri M.G. Ramachandran, Advocate, NVVNL
Ms Anushree Bardhan, Advocate, NVVNL
Shri Raj KumarJaiswal, NVVNL
Shri Dharmendra Singh, NVVNL
Shri Sudhir P., NVVNL
Shri Sakiya Choudhery, Advocate, MEIL, AREL
Ms. Manpreet Kaur, Advocate, MEIL, AREL
Ms. Saumya Prakash, Advocate, MEIL, AREL
Shri Nishant Talwar, Advocate, MEIL, AREL
Shri N.M. Venugopal, MEIL
Ms. Malavika Prasad, Advocate, RSTEPL
Shri Suryakant, RSTEPL
Shri Aniket Prasoon, Advocate, DSPL, KVK
Shri Abhishek Kumar, Advocate, DSPL, KVK
Shri Anand K. Ganesan, Advocate, PSPCL
Shri Soumyajit Vani, Advocate, WBSEDCL
Shri Siddharth Jain, Advocate, WBSEDCL
Shri Prateek Shah, WBSEDCL

Record of Proceedings

Learned counsel for Ministry of New and Renewable Energy (MNRE) submitted that MNRE vide its letters dated 17.5.2017 has requested for fifteen days time to file reply to the petitions and has sought permission till end of August 2017 to dispose-of the representations of the Solar Thermal Power Developers. Request was allowed by the Commission.

2. Learned counsel for NTPC Vidyut Vyapar Nigam Ltd. (NVVNL) submitted that the one of the petitioners, namely Rajasthan Sun Technique has approached the Hon'ble High Court of Delhi against the NVVNL decision imposing liquidated damages. The Hon'ble High Court of Delhi vide its interim order dated 30.3.2017 in Case No. O.M.P. (1) (Comm.) 124/2017 has restrained NVVNL from deducting payment from the petitioner's invoices. However, the matter is listed for arguments on 20.7.2017. Learned counsel for NVVNL further submitted that Rajasthan Renewable Energy Corporation Ltd. (RRECL) has requested the Commissioner, Colonization Department to cancel the land allotment of KEVPL and DSPL due to non-commissioning of the plant on scheduled date.

3. In response, learned counsels for KEVPL and DSPL submitted that no such information has been received by KEVPL and DSPL from RRECL.

4. On a specific query of the Commission, whether MNRE is deliberating the issue of DNI as well as extension of Scheduled Commissioning Date or just the latter, learned counsel for MNRE submitted that it will seek instructions from MNRE in this regard and would inform the Commission accordingly.
5. Learned counsel for GGEL submitted that NVVNL continues to levy liquidated damages.
6. Learned counsel for WBSEDCL submitted that the petitioners have not served the copies of the petitions on WBSEDCL and requested to direct the petitioners to serve the same immediately.
7. After hearing the learned counsels and the representatives of the parties, the Commission directed NVVNL to place on record the letter written by RRECL.
8. The Commission directed the petitioners to serve the copies of the petitions on the respondents immediately, if already not served. The respondents, the distribution companies and MNRE were directed to file their replies on or before 22.6.2017 with an advance copy to the petitioners, who may file their rejoinders, if any, by 14.7.2017. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.
9. The Commission directed NVVNL to maintain status quo and not to encash the Performance Bank Guarantees of the petitioners. The petitioners were directed to keep the Performance Bank Guarantees valid taking into account the next date of hearing plus three months and claim period in line with the terms and conditions of their respective PPAs.
10. The Commission directed to list these petitions for final hearing on 8.8.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**