

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 19/MP/2018

Subject : Petition under Section 79(1) (f) of the Electricity Act, 2003 and the other applicable provisions of the Act in relation to the disputes having arisen under the PPA dated 11.4.2016 between the parties.

Date of Hearing : 26.7.2018

Coram : Shri P. K. Pujari, Chairperson
Shri A. K. Singhal, Member
Dr. M. K. Iyer, Member

Petitioner : Talettutayi Solar Projects Four Private Limited (TSPFPL)

Respondents : Solar Energy Corporation of India (SECI) and others

Parties Present : Shri Sanjay Sen, Senior Advocate, TSPFPL
Shri Puneet Singh Bindra, Advocate, TSPFPL
Ms. Radhika Dubey, Advocate, TSPFPL

Record of Proceedings

Learned Senior Counsel for the Petitioner submitted that the present Petition has been filed inter-alia for seeking direction to Solar Energy Corporation of India (SECI) to accept the Scheduled Commissioning Date as 10.8.2017 or grant extension of time from 10.5.2017 to 10.8.2017 under Article 4.5 of the PPA. Learned Senior Counsel further submitted that the Petitioner approached the Hon'ble High Court of Delhi to restrain the SECI from encashing the Bank Guarantee. Hon'ble High Court of Delhi vide its order dated 21.2.2018 directed that SECI shall retain the amount of the Bank Guarantee from the invoices raised by the Petitioner in terms of the Power Purchase Agreement. Once the entire amount of the payment is retained by SECI, the Bank Guarantee shall be released back in favour of the Petitioner. Learned Senior counsel submitted that SECI has adjusted the entire amount of Rs 15 crore along with liquidated damages from the invoices raised by the Petitioner and the Bank Guarantee has also been released.

2. Learned Senior Counsel submitted that the present Petition does not contain a prayer for the refund of Rs 15 crore along with liquidated damages and sought permission to amend the prayers of the Petition.

3. None has appeared on the behalf of the SECI despite notice.

4. After hearing the learned Senior Counsel for the Petitioner, the Commission directed the Petitioner to file amended petition on or before 10.8.2018, with an advance

copy to the respondents. The Commission directed the parties to complete the pleadings on or before 31.8.2018.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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