

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 95/MP/2017  
Alongwith I.A. No. 93/2017**

Subject : Petition under Section 79 of the Electricity Act, 2003 in relation to disputes arising out.

Date of hearing : 22.2.2018

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

Petitioner : Welspun Energy Private Limited (WEPL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Parties present : Shri Vikas Singh, Senior Advocate, WEPL  
Shri Hemant Sahai, Advocate, WEPL  
Ms. Pragya Ohri, Advocate, WEPL  
Ms. Kanika Kumar, Advocate, WEPL  
Shri Ashish Bhardwaj, Advocate, WEPL  
Shri Prabhas Bajaj, Advocate, SECI  
Shri Ankit Roy, Advocate, SECI  
Shri Abhinav Kumar, SECI

**Record of Proceedings**

At the outset, learned counsel appearing on behalf of Solar Energy Corporation of India Limited (SECI) argued at length and submitted that the PPA between the Petitioner and SECI was executed on 10.4.2016 and the Petitioner was obliged to fulfill certain Conditions Subsequent (CS) activities within 7 months i.e. by 10.11.2016. However, the Petitioner *inter-alia* had failed to comply with the conditions of CS activities regarding clear possession of land and financial closure. Learned counsel for SECI further submitted that as per the PPA, the shareholding of the developer had to be maintained until one year of commissioning of the plant. However, the Petitioner proceeded to have an entire new identity without any intimation to SECI and therefore, the prayers of the Petitioner are liable to be rejected.

2. In his rebuttal, learned senior counsel for the Petitioner submitted that delay in possession of the land is due to the decision of the Government of Maharashtra for digitization of land records. Therefore, the sale deeds could not be registered. However, the respondent has not questioned this reason of delay as claimed by the Petitioner. Learned senior counsel for the Petitioner further submitted that the delay due to Government of Maharashtra is akin to a *Force Majeure* like event. With regard to change of shareholding, learned senior counsel for the Petitioner submitted that M/s Giriraj Renewable Private Ltd. (GRPL) is the successor of WEPL and the entire process has

been conducted through a judicial body. In the case of assignment, the Petitioner would have taken the permission for the change in the shareholding as required by the PPA. However, in the instant case, GRPL becomes the successor by operation of law and hence steps in automatically.

3. After hearing both the parties, the Commission directed the Petitioner and the respondent to file their written submissions by 5.3.2018 with copy to each other, failing which the order shall be passed on the basis of the documents available on record.

4. Subject to above, the Commission reserved the order in the Petition.

**By order of the Commission**

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