

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2018

Subject : Petition under (a) Section 79(1)(f) of the Electricity Act, 2003 (b) Clause 3.11 read with Clause 4.5 of the MNRE Guidelines for implementation of Scheme for selection of 3000 MW Grid Connected Solar PV Power Projects under Phase-II, Batch-II, Tranch-I for “State Specific Bundling Scheme” read with (c) Article 11 (Force Majeure) and Article 16.3 (Dispute Resolution) of the Power Purchase Agreements dated 2.8.2016 executed between Solar Power Developers of Suzlon Energy Ltd. being (i) Aalok Solarfarms Ltd. (ii) Abha Solarfarms Ltd. (iii) Shreyas Solarfarms Ltd. and (iv) Heramba Renewables Ltd. with NTPC Limited.

Petitioners : Suzlon Energy Limited (SEL) and Others

Respondents : NTPC Ltd. and Others

Date of hearing : 31.1.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Amit Kapur, Advocate, SEL
Ms. Abiha Zaidi, Advocate, SEL
Shri N.K. Deo, SEL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Ranjitha Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Pulkit Agarwal, Advocate, NTPC
Shri Shubham Arya, Advocate, NTPC
Ms. Tanya Sareen, Advocate, NTPC
Ms. Sheela, NTPC

Record of Proceedings

Learned counsel for NTPC Limited submitted that NTPC has a back to back arrangement with distribution licensees in the State of Rajasthan to sell power through Power Sale Agreement and the distribution licensees being “necessary parties” should be impleaded in the present proceedings, for an effective adjudication of the matter. Learned counsel for the Petitioner had no objection in this regard.

2. After hearing the learned counsels for the Petitioner and NTPC, the Commission directed the Respondents to submit the list of distribution companies to whom power would be supplied by the Petitioner. The Commission directed the Petitioner to implead the distribution companies as parties to the Petition and to file revised memo of parties by 11.2.2019.

3. The Commission directed the Petitioner to serve the copy of the Petition and the RoP on the Respondents and the distribution companies immediately. The Respondents including distribution companies were directed to file their replies by 21.2.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 7.3.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Commission directed NTPC not to take any coercive measure till the next date of hearing. The Commission also directed the Petitioner to keep the Bank guarantee alive till the disposal of the Petition.

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

By order of the Commission

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