

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 2/RP/2019**

**In**

**Petition No. 95/MP/2017**

Subject : Petition under Section 94 of the Electricity Act, 2003 read with the Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulations 103, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for Review of the judgment and order dated 17.12.2018 passed in Petition No. 95/MP/2017

Date of Hearing : 2.5.2019

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

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : Welspun Energy Private Limited and Ors.

Parties present : Shri M.G Ramachandran, Senior Advocate, SECL  
Ms. Tanya Sareen, Advocate, SECL  
Shri Prabhas Bajaj, Advocate, SECI  
Shri Shubham Arya, Advocate, SECL  
Ms. Anushree Bardhan, Advocate, SECL  
Shri Gopal Jain, Senior Advocate, WEPL  
Shri Avijeet Lala, Advocate, WEPL  
Shri Anand Kumar, Advocate, WEPL  
Shri Shrivastava, WEPL  
Ms. Shikha Pandey, WEPL  
Shri Ashish Bhardwaj, WEPL  
Ms. Pallavi Sharma, MSEDCL

**Record of Proceedings**

Learned senior counsel for the Review Petitioner, Solar Energy Corporation of India Limited, submitted that the present Review Petition has been filed for seeking review of the Commission's order dated 17.12.2018 in Petition No.95/MP/2017. Learned senior counsel further submitted as under:

(a) 90 days` period granted by the Commission in the impugned order dated 17.12.2018 has been expired on 17.3.2019. However, the Respondent, Welspun Energy Private Limited has failed to commission the balance capacity of 72 MW of the Project.

(b) The Respondent No. 2, Maharashtra State Electricity Distribution Company Ltd., has terminated the Power Sale Agreement vide letter dated 18.1.2019. The said termination has been communicated to the Respondent No. 1 vide letter dated 5.2.2019 and in terms of the contractual documents, the purpose and objective of purchase of power from the Respondent No. 1 i.e supply to Respondent No. 2 on back to back basis, being no longer there, the Review Petitioner vide its letter dated 11.4.2019 has terminated the PPA entered into with Respondent No. 1.

(c) The Respondent No. 1 has filed the Petition for seeking extension of time of 90 days granted by the Commission vide order dated 17.12.2018. Learned senior counsel requested to list both the Petitions together.

2. Learned senior counsel for the Respondent No. 1 submitted that present Review Petition is not maintainable. Learned senior counsel further submitted that the Respondent No. 1 has filed Miscellaneous Petition bearing Diary No. 176 of 2019 for seeking extension of time for commissioning of balance capacity of 72 MW as the delay has occurred due to reasons not attributable to the Respondent No. 1. Learned senior counsel submitted that the fate of the two petitions is not linked together and maintained that the present review Petition is liable to be dismissed for want of merit.

3. After hearing the learned senior counsels for the Review Petitioner and Respondent No. 1, the Commission directed to list the instant review Petition and Misc. Petition on the same day without being tagged along.

4. The Review Petition shall be listed for hearing along with Misc. Petition in due course for which separate notice will be issued.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Deputy Chief (Law)**