

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 160/AT/2020 and IA No. 81/2019**

- Subject : Petition for approval of tariff under Section 63 of the Electricity Act, 2003 along with Section 79(1)(k) of the Electricity Act, 2003 for adoption of tariff for the purchase of 20 MW of solar power from Solar Energy Corporation of India Limited which has been discovered through a transparent process by way of competitive bidding conducted in terms of the Competitive Bidding Guidelines issued by the Ministry of Power under Section 63 of the Electricity Act, 2003.
- Petitioner : 1. Tata Power Delhi Distribution Limited (TPDDL)  
2. Solar Energy Corporation of India Limited (SECI)
- Respondents : Suryaoday Solaire Prakash Private Limited and Ors.
- Date of Hearing : 12.5.2020
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member
- Parties present : Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Molshree, Advocate, TPDDL  
Shri Samarth Kashyap, Advocate, TPDDL  
Shri Anurag Bansal, TPDDL  
Shri Dushyant Manocha, BRPL

**Record of Proceedings**

The matter was listed for hearing through video conferencing.

2. At the outset, in response to specific query of the Commission regarding inordinate delay by the Petitioners in approaching this Commission for adoption of tariff only in 2019 while bid process was concluded in 2014, learned senior counsel for the Petitioner, SECI, admitted that there has been delay in approaching the Commission as there was some confusion over adoption of tariff/ approval of procurement process for the Projects having 'composite scheme'. Learned senior counsel submitted that in terms of Rule 8 of the Electricity Rules, 2005, while the tariff for such Projects has to be adopted by this Commission, the Power Supply Agreement (PSA)/ procurement process for the Procurers/ Distribution licensees has to be approved by the concerned State Electricity Regulatory Commission (SERC) and there has been delay in obtaining the approval from the concerned SERCs. In the instant case, TPDDL had approached Delhi Electricity Regulatory Commission (DERC). DERC had directed TPDDL to approach CERC for adoption of tariff. Learned senior counsel submitted that SECI has, however, felt it necessary to



streamline the process followed by it and has been approaching this Commission for adoption of tariff right after completion of the bid process irrespective of whether the end Procurers/ Distribution licensees have obtained the approval of PSA/procurement from the concerned State Commission or not.

3. In response to further query of the Commission as to whether the PSA/procurement process in respect of end Procurer/Distribution licensee is already approved by the respective SERCs specifically when the supply under a number of PPAs/PSAs must have already been commenced, learned senior counsel submitted that the distribution licensees were required to obtain approval of Power Supply Agreement/Procurement process from the concerned SERCs and there have been some instances of not receiving the requisite approval in absence of the adoption of tariff. Accordingly, once this Commission adopts the tariff, there ought to be no difficulty in receiving the requisite approval from the SERCs. Learned senior counsel sought permission to place on record the necessary details indicating the status of the Projects and approval of procurement process/PSA by the Procurer/Distribution licensees.

4. Learned counsel for the Petitioner, TPDDL submitted that the Petitioner had approached DERC for approval of power procurement quantum and Power Sale Agreement entered into with SECI in 2018. DERC in its order dated 1.3.2019 approved the same. However, since the Project being 'composite' in nature i.e. generation and sale of power taking place in more than one State, DERC directed TPDDL to approach CERC for adoption of tariff. Learned counsel submitted that PSA entered into with SECI for 20 MW capacity is on the basis of PPA entered into by SECI with Solar Power Developer, namely, Medha Energy Private Limited and since the Project has already been commissioned, TPDDL is procuring energy from the above solar power developer.

5. After hearing the learned senior counsel for SECI and learned counsel for TPDDL, the Commission directed SECI to provide details of extension, if any, given to the solar power developers with respect to SCOD along with grounds for such extension and status of approval of PSA/Procurement Process by the respective SERCs along with status of scheduling and payment from such projects. The Commission directed SECI to provide the information in the following format, in addition to any other information/details in support of its submissions, by 22.5.2020:

Details Pertaining to Solar Power Developer								Details pertaining to Procurers			Date of start of scheduling of and payment for power of the developer or from the project
Sr.	Name of Solar Power Developer	Date of PPA	Quantum of Power (MW)/Price discovered	Scheduled Commercial Date (SCOD) of the Project as per PPA	Commercial Operation Date, if achieved	Extension granted by SECI/MNRE, if any, for achieving COD	Grounds for granting extension	Concerned Procurer	Date of PSA	Date of approval of PSA/ procurement process by the concerned SERC	



6. The Petition shall be listed for hearing, if required.

**By order of the Commission**

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

