

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 21/MP/2019 and IA No. 14 of 2019**

- Subject : Petition under Section 79 (1) (c) and (f) and other applicable provisions of the Electricity Act, 2003 seeking extension of SCoD of the Project due to occurrence of force majeure events covered under Article 11 of the TSA dated 10.1.2018 executed between the Petitioner and Respondent No. 1 M/s FBTL; and further seeking extension of LTA operational time under the LTAs dated 22.9.2016 executed between Petitioner and Respondent No. 2, PGCIL on account of 'Change in Law' as covered under Clause 5.7 of the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued by Govt. of India on 3.8.2017 and as further amended on 14.6.2018.
- Petitioner : Adani Renewable Energy Park Rajasthan Limited (AREPRL)
- Respondents : Fatehgarh-Bhadla Transmission Limited (FBTL) and Ors.
- Date of Hearing : 21.1.2020
- Coram : Shri P. K. Pujari, Chairperson  
Shri I.S. Jha, Member
- Parties present : Shri Buddy. A. Ranganadhan, Advocate, AREPRL  
Shri Raunak Jain, Advocate, AREPRL  
Shri Sachin Dubey, Advocate, C(WR)TL  
Shri Bhavesh Kundalia, C(WR)TL  
Shri Afak Pothiawala, C(WR)TL  
Ms. Vaishali, Advocate, MSEDCL  
Shri Pallav Mongia, Advocate, PGCIL  
Shri V. C. Sekhar, PGCIL  
Shri R. P. Padhi, PGCIL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking extension of Scheduled Commercial Operation Date (SCoD) of the Project due to occurrence of force majeure events covered under Article 11 of the TSA dated 10.1.2018 executed between the Petitioner and FBTL and extension of time for operationalization of LTA under the LTA Agreement dated 22.9.2016 executed between Petitioner and PGCIL on account of 'Change in Law' covered under Clause 5.7 of the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued by Govt. of India on 3.8.2017 as amended on 14.6.2018. Learned counsel submitted that the Petitioner is developing Ultra Mega Solar Park in Fatehgarh, Rajasthan in conjunction with the Government of Rajasthan and was accordingly



allotted the land for the solar park by the Government of Rajasthan. However, following this allocation, certain Writ Petitions were filed before the Hon'ble High Court of Rajasthan (Jodhpur Bench) challenging the order dated 11.1.2018 of the District Collector, Jaisalmer allocating the **989.53 Ha.** (6115 Bigha and 6 Biswa) of land to the Petitioner for setting up the 1500 MW Solar Park. Hon'ble High Court vide its interim order dated 11.5.2018 had directed to maintain 'status quo' in respect of the aforesaid allocation of land which remained continued vide various interim orders and was thereafter modified by vide interim order dated 9.7.2018 to the extent of land owned by the Writ Petitioners therein. The said Writ Petitions were finally dismissed by the Hon'ble Hight Court vide judgement dated 27.11.2019 and consequently, the stay on the land has been vacated. Accordingly, the Petitioner has issued notice for cessation of Force Majeure under Article 11 of the TSA on 4.12.2019 to the Respondents.

2. Learned counsel for the CTU submitted that in the meeting held on 2.12.2019, SCoD of FBTL transmission system was revised to March, 2020. Accordingly, the LTA of the Petitioner has not been operationalized yet.

3. In response to the Commission`s specific query as to how the Petitioner is adversely affected on account of change in commissioning time of the solar generators to be set-up in the solar park, learned counsel for the Petitioner sought time to address this issue and requested to keep the matter in abeyance till March, 2020 i.e. till the commissioning of FBTL transmission system. The Commission allowed the request of the Petitioner and accordingly, adjourned the matter.

4. The Petition shall be listed for hearing after mentioning by the Petitioner.

**By order of the Commission**

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

