

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 226/MP/2020

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking relief in time extension granted for commissioning of the Petitioner's 50 MW Wind Power Project connected to Central Grid.

Petitioner : Wind Four Renergy Private Limited (W(4)RPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Date of Hearing : 5.3.2020

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

Parties Present : Shri Alok Krishna Agarwal, Advocate, W(4)RPL
Shri Mayank Bughani, Advocate, W(4)RPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking extension of 132 days in the Scheduled Date of Commissioning (SCoD) of its 50 MW Wind Power Project from 12.7.2019 (date of termination of the Power Purchase Agreement) to 21.11.2019 (date of communication of extension of revised SCD). Learned counsel submitted that in terms of Power Purchase Agreement, SCoD of the Project was 5.10.2018. However, due to delay in operationalization of Long-term Access by Power Grid Corporation of India Limited (PGCIL), the Petitioner could not declare the commercial operation of the Project in the stipulated time frame. Consequently, SECI vide its letter dated 12.7.2019, terminated the PPA dated 21.7.2017. Being aggrieved by the said termination, the Petitioner had approached Dispute Resolution Committee constituted by the Ministry of New and Renewable Energy. However, prior to any decision to be taken by the Committee, SECI, subsequently, vide its letter dated 21.11.2019 has granted extension in SCoD till 13.3.2020. Learned counsel submitted that during this period of 132 days between the date of termination of PPA and date of communicating the extension of SCoD, the Petitioner was prevented from executing the work of commissioning of its 50 MW project and accordingly, the Petitioner is seeking extension of time for execution of the Project. Learned counsel submitted that the Project is likely to achieve commercial operation by June, 2020.

2. Learned counsel further submitted that the Petitioner has filed IA No. 17/2020 restraining the Respondents from encashing the Bank Guarantee and terminating the Power Purchase Agreement till the final adjudication of the present Petition.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents on the IA and Petition.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately. The Respondents were directed to file their reply by 13.3.2020 with an advance copy to the Petitioner who may file its rejoinder, if any, by 20.3.2020. The Commission directed that due date of filing reply and rejoinder should be strictly complied with.

5. The Commission directed to list the IA No.17/2020 for hearing on 12.3.2020.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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