

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.190/MP/2022**

- Subject : Petition under Section 79(1)(a) and 79(1)(f) of the Electricity Act, 2003 read with Clause 10.2.2 of the Power Purchase Agreement dated 31.3.2016.
- Date of Hearing : **10.10.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : NTPC Green Energy Limited (NGEL)
- Respondents : Rajasthan Urja Vikas Nigam Limited (RUVNL) and 3 Ors.
- Parties Present : Ms. Shikha Ohri, Advocate, NGEL  
Ms. Mary Jonet, Adovcate, NGEL  
Shri Ukarsh Singh, Advocate, RUVNL  
Ms. Kritika Khanna, Advocate, RUVNL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking declaration that the notification of the Rajasthan Electricity Regulatory Commission (Forecasting, Scheduling, Deviation Settlement, and Related Matters of Solar and Wind Generation Sources) Regulations, 2017 ('RERC DSM Regulations') constitutes a Change in law in terms of the Power Purchase Agreement (PPA) dated 31.3.2016 and direction to the Respondents to reimburse the scheduling and forecasting charges as paid by the Petitioner to the Qualified Coordination Agency (QCA). Learned counsel mainly submitted the following:

- (a) As per Article 4.1.2 of the PPA, all charges/fees related to the scheduling and dispatch of electricity are required to be borne by the Rajasthan Discoms. Accordingly, the charges paid to the QCA for the forecasting and scheduling are also required to be reimbursed by the Rajasthan Discoms.
- (b) Article 6.3 of the PPA also clearly provides that any new levy will be to the account of the Rajasthan Discoms.
- (c) The enactment/promulgation of the RERC DSM Regulations qualifies as a Change in Law under Article 10 (Change in Law) of the PPA.
- (d) As per the RERC DSM Regulations, in case there is more than one generator at a pooling sub-station the appointment of a QCA is not optional but mandatory, and the QCA is to be appointed by the majority of the generators. This has also been admitted by the Respondents in their reply at paragraph 29 thereof.
- (e) The Petitioner's 260 MW Solar PV Project has been developed in 680 MW Phase-II Bhadla Solar Park, which has a total of 10 Solar Projects that are

connected to 2 (two) Nos. of pooling station. Accordingly, 5 projects at one pooling station have appointed one QCA, and another 5 projects at another Pooling station have appointed another QCA.

(f) Respondents have also raised an issue of jurisdiction in the matter, keeping in view that the Petitioner's generating station and the Procurers/Rajasthan Discoms are both within the State of Rajasthan. However, the Petitioner is a wholly owned subsidiary of a Central Generating Company NTPC Limited, and thus, the adjudication involving such a wholly owned subsidiary can only be done by this Commission under Section 79(1)(a) of the Electricity Act, 2003.

2. Learned counsel for the Respondents submitted that, as per the provisions of the RERC DSM Regulations, forecasting and scheduling through the QCA is an option, and it is for a generator to opt for the same. The learned counsel submitted that insofar as the contention of the Petitioner is that more than one generator is connected to its pooling station, the Petitioner has failed to furnish the basic details relating to its agreement with the QCA, the number of generators s being connected to the concerned pooling station, etc.

3. In response, learned counsel for the Petitioner submitted that the Petitioner in its rejoinder has already addressed the above contentions of the Respondents and has clearly stated the number of generators being connected to the concerned pooling stations to which the Petitioner's Project is connected. Regardless, if the Commission directs, the Petitioner will furnish such details by an additional affidavit.

4. Considering the submissions made by the learned counsel for the parties, the Commission directed the Petitioner to clearly indicate the concerned provisions of RERC DSM Regulations read with Detailed Procedure issued thereunder, which mandatorily require the appointment of a QCA in case more than one generator is connected to a Pooling Station and the details of generating stations connected to the concerned Pooling Station(s) in its case, on an affidavit, within two weeks with a copy to the Respondents, who may file their response thereon, if any, within two weeks thereafter.

5. Subject to the above, the Commission reserved the matter for order.

**By order of the Commission**

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