

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.22/MP/2023

- Subject : Petition under Sections 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 seeking issuance of direction(s)/order(s) against PSPCL for payment of outstanding principal amount and applicable late payment surcharge for renewable power supplied during the period from 1.4.2020 to 7.4.2020 under the Power Sale Agreements dated 31.3.2015, 24.11.2017 and 23.3.2018 executed between PSPCL and SECI.
- Date of Hearing : 29.5.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Energy Corporation of India Limited (SECI)
- Respondent : Punjab State Power Corporation Limited (PSPCL)
- Parties Present : Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking issuance of the direction(s)/order(s) against the Respondent, PSPCL for payment of the outstanding principal amount and applicable late payment surcharge for renewable power supplied during the period from 1.4.2020 to 7.4.2020 under the Power Sale Agreements dated 31.3.2015, 24.11.2017 and 23.3.2018 executed between the Petitioner and Respondent, PSPCL. Learned counsel further submitted that non-payment by PSPCL is premised on its notice dated 30.3.2020 to SECI claiming the existence of the force majeure event on account of the covid-19 pan pandemic for the scheduling of solar and wind Power respectively, under the PSAs entered into with SECI and the corresponding back-to-back Power Purchase Agreements entered into by SECI with the Solar and Wind Power Developers. Learned counsel added that the Ministry of Power, Government of India, vide Office Memorandums dated 1.4.2020 and 4.4.2020 had, *inter alia*, clarified that the payment to the renewable generators be done on a regular basis as was being done prior to lockdown and that their must-run status remains unchanged during the Covid-19 lockdown period. Learned counsel pointed out that, vide order dated 24.9.2021 in Petition No. 21 of 2021 in the matter of Solar Power Developers Association v. PSPCL and Ors., the Punjab Electricity Regulatory Commission had dealt with a similar issue in the context of Solar Power and had rejected the similar contention of PSPCL. Pursuant to the said order, while PSPCL paid the principal amount outstanding to SECI for the solar power supplied during the aforesaid period



in terms of the PSA dated 31.3.2015, PSPCL has failed to pay the amount withheld from invoices with respect to the wind power under PSAs dated 24.11.2017 and 23.3.2018 and the applicable late payment surcharge with respect to the solar power supplied in terms of the PSA dated 31.3.2015. Learned counsel accordingly prayed to issue notice in the matter.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioner to serve copy to the Petition on the Respondent and the Respondent may file its reply, if any, within five weeks with copy to the Petitioner, who may file its rejoinder, if any, within four weeks thereafter.

(c) Parties to comply with the above directions within the specified timeline and no extension of time will be granted.

3. The petition shall be listed for hearing on 11.10.2023.

By order of the Commission

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