

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:
Shri Gireesh B. Pradhan, Chairperson
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

DATE OF HEARING: 6.2.2014

Petition No. 304/MP/2013

Sub: Petition under section 79 (1) (b) read with section 79 (1) (f) of the Electricity Act, 2003 for adjustment of generation tariff and other related reliefs.

Petitioner : Godawari Green Energy Limited (GGEL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTNL) and others

Petition No. 312/MP/2013

Sub: Petition in the matter of the Power Purchase Agreement entered between NTPC Vidyut Vyapar Nigam Limited and Rajasthan Sun Technique private limited and in the matter of compensatory tariff on account of depreciation in rupee.

Petitioner : Rajasthan Sun Technique Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTNL) and others

Petition No. 313/MP/2013

Sub: Petition in the matter of the Power Purchase Agreement entered between NTPC Vidyut Vyapar Nigam Limited and Rajasthan Sun Technique Private Limited and in the matter of compensatory tariff on account of Direct Normal Irradiance (DNI)



Petitioner : Rajasthan Sun Technique Private Limited (RSTPL)
Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVNL) and others

Petition No. 327/MP/2013

Sub: Petition under section 79 (1) (b) read with section 79 (1) (f) of the Electricity Act, 2003 for adjustment of tariff, extension of time for execution of project and other related reliefs.

Petitioner : Diwakar Solar Projects Limited (DSPL)
Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVNL) and others

Petition No. MP/14/2014

Sub: Petition under section 79 (1) (b) read with section 79 (1) (f) of the Electricity Act, 2003 for adjustment of tariff, extension of time for execution of project and other related reliefs.

Petitioner : KVK Energy Ventures Private Limited
Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVNL) and others

Petition No. MP /16/2014

Sub: Petition under section 79 (1) (b) read with section 79 (1) (f) of the Electricity Act, 2003 for adjustment of capacity utilization factor, extension of time for execution of project and other consequential reliefs.

Petitioner : MEIL Green Power Limited
Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVNL) and others

Parties present : Shri C.S. Vaidnathan, Sr. Advocate, DSPCL
Shri Ramji Srinivasan, Sr. Advocate, CGEL, RSTEPL
Shri Sitesh Mukherjee, Advocate, DSPCL & GGEL
Ms. Mandakini Ghosh, Advocate, DSPCL & GGEL



Ms. Kanika Chugh, Advocate, DSPCL & GGEL
Shri Sakya Singha Chaudhur, Advocate, DSPCL & GGEL
Shri Aditya Panda, Advocate, RSTEPL
Shri M.G. Ramachandran, Advocate, NVVNL
Ms. Anushree Bandhari, Advocate, NVVNL

Record of Proceedings

Learned senior counsels appearing for the petitioners have submitted that the petitioners are setting up solar thermal power plants after being selected through competitive bidding under Jawaharlal Nehru National Solar Mission (JNNSM). The petitions have been filed seeking revision of applicable tariff under Article 9 of the PPA on account of variation in (Direct Normal Irradiance) DNI levels and variation in foreign exchange rate variation and extension of the commissioning date of the project by 18 months from the date of disposal of the present petition.

2. Learned senior counsels submitted that the issues raised in four of the petitions listed today are similar in nature and hence they all may be taken up together. Learned counsel appearing in Petition No.327/MP/2013 and 304/MP/2013 mentioned two matters, Petition Nos. MP/14/2014 and MP/16/2014, and requested the Commission to take up those matters as well.

3. Learned senior counsel appearing on behalf of DSPL submitted that an interim order restraining the respondents from invoking the Performance Bank Guarantee may be issued and the validity of Bank Guarantee may be extended from 9.3.2014 to 9.9.2014.

4. Learned counsel for the respondent, NVVNL accepted the notice and submitted that no interim orders be passed regarding the Bank Guarantee without hearing NVVNL. He also submitted that since the ultimate purchasers of this power are Discoms, they need to be made parties to the petition.

5. Learned senior counsels appearing for the petitioners submitted that the petitions may be taken up before the expiry of the Bank Guarantee, i.e. 9.3.2014.

6. After hearing the parties, the Commission directed to issue notice to the respondents in all the four petitions listed today and in Petition No. MP/14/2014 and MP/16/2014. The Commission also directed the petitioners to serve copy of the petitions on the respondents before 15.2.2014. The respondents were directed to file

their replies by 20.2.2014, with an advance copy to the petitioners, who may file their rejoinder, if any, on or before 25.2.2014.

7. The petitions shall be listed for hearing on the issue of maintainability on 28.2.2014.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)

