

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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

Date of Hearing: 30.06.2014
Date of Order: 01.07.2014

I.A. No. 26/2014
in
Petition No. 327/MP/2013

In the matter of

Application for stay.

And
in the matter of

Diwakar Solar Projects Limited

Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd,
Core-7, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi-110003

2. Union of India
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi-110003

Respondents

I.A. No. 28/2014
in
Petition No. 313/MP/2013

In the matter of

Application for stay.



**And
in the matter of**

Rajasthan Sun Technique Energy Pvt. Ltd.
601, Tulsiani Chambers, Nariman Point
Mumbai-440 002

Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd,
Core-7, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi-110003

2. Union of India
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi-110003

Respondents

**I.A. No. 29/2014
in
Petition No. 16/MP/2014**

In the matter of

Application for stay.

**And
in the matter of**

MEIL Green Power Limited
S2 Technocrat Industrial Estate,
Balanagar, Hyderabad

Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd,
Core-7, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi-110003

2. Union of India
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi-110003

Respondents



**I.A. No. 30/2014
in
Petition No. 42/MP/2014**

In the matter of

Application for stay.

**And
in the matter of**

Corporate Ispat Alloys Limited
601, Tulsiani Chambers, Nariman Point,
Mumbai- 44002

Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd,
Core-7, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi-110003

2. Union of India
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi-110003

Respondents

**I.A. No. 31/2014
in
Petition No. 41/MP/2014**

In the matter of

Application for stay.

**And
in the matter of**

Aurum Renewable Energy Limited,
"Aurum Platz" B N Cross Lane



Pandita Ramabai Marg
Mumbai- 400007

Petitioner

Vs

NTPC Vidyut Vyapar Nigam Ltd,
Core-7, SCOPE Complex,
Institutional Area, Lodhi Road,
New Delhi-110003

2. Union of India
Ministry of New and Renewable Energy,
Block-14, CGO Complex,
Lodhi Road, New Delhi-110003

Respondents

Following were present:

1. Shri Ramjee Srinivasan, Senior Advocate, MEIL
2. Ms. Kanika Chugh, Advocate, MEIL
3. Ms. Shagun Jain, Advocate, MEIL
4. Ms. Anushan Nagarajan, Advocate, MEIL
5. Shri Shantanu Singh, Advocate, DSPL & KEVPL & MGPL
6. Ms Anushree Badhan, Advocate, NVVNL
7. Shri P.K.Mahajan, NVVNL
8. Shri R.K.Gupta, NVVNL
9. Shri R.Gupta, NVVNL
10. Shri Sanjay Vanghere, DSPL
11. Shri N.M.Venugopal, MEIL
12. Shri Hasan Murtaza, Advocate, RSTEPL
13. Shri Arun Dhillon, RSTEPL
14. Shri A.K.Varshney, MNRE

ORDER

The Commission in its order dated 21.3.2014 in Petition No. 41/MP/2014 and other related petitions had issued the following directions:

“6. We have heard the learned counsels for the parties. After considering the letter of MNRE, we deem it appropriate that time should be granted to the concerned authorities in terms of para 4.4 of the Guidelines to take a decision in the matter after the completion of the election process.



Accordingly, we allow time till 30.6.2014 to the concerned authorities to consider and dispose of the representation of the petitioners. Till that time, NVVN is directed not to encash the Performance Bank Guarantee of the petitioners. The petitioners are directed to keep the Performance Bank Guarantee valid taking into account the extended time up to 30.6.2014 in line with terms and conditions of their respective PPAs.”

2. The petitioners have filed the IAs stating that their representations are yet to be disposed of by the concerned authorities in terms of para 4.4 of the Guidelines. Since the stay granted by the Commission vide its order dated 21.3.2014 on the encashment of Performance Bank Guarantee is expiring on 30.6.2014, the petitioners have prayed for extension of the stay till the disposal of the petitions.

3. After hearing the learned senior counsel for the petitioners, the Commission had issued notice to the respondent and MNRE.

4. In the meanwhile, Ministry of New and Renewable Energy (MNRE) vide its letter dated 25.6.2014 addressed to the Secretary to the Commission has requested to extend the date for consideration of the representations of the petitioners by two months i.e till 31.8.2014. The relevant extract of the said letter dated 25.6.2014 is as under:

"2. As per CERC`s Order, MNRE is expected to consider and dispose off the representations of the petitioners by 30.6.2014. The present position is that the members of the Expert Committee constituted by MNRE along with NVVN officials have since visited the plant sites for assessment of progress of implementation of the projects. Its report, however, is presently awaited and is expected by the first week of July 2014. Thereafter, it is likely to take at least a month`s time to take final



decision with the approval of Minister (NRE) w.r.t. the SPDs request for extension of SCD of their projects.

3. Considering this position, it is requested that CERC may consider to extend the specified time limit of 30.6.2014 for consideration of the SPDs representation by the concerned authorities mentioned in para .4.4 of the Guidelines by a further period of two months viz till 31.8.2014."

5. We have heard the learned senior counsel and counsels for the parties. After considering the letter of MNRE, we deem it appropriate to grant time till 31.8.2014 to the concerned authorities in terms of para 4.4 of the Guidelines to take a decision in the matter. Accordingly, we allow time till 31.8.2014 to the concerned authorities to consider and dispose of the representation of the petitioners. Till the next date of hearing, NVVN is directed to maintain *status quo* and not to encash the Performance Bank Guarantee of the petitioners. The petitioners are directed to keep the Performance Bank Guarantee valid taking into account the extended time in line with terms and conditions of their respective PPA.

6. The IAs are disposed of in terms of the above.

7. The petitions shall be listed for hearing on 4.9.2014.

SD/-
(A.K.Singhal)
Member

SD/-
(M Deena Dayalan)
Member

SD/-
(Gireesh B.Pradhan)
Chairperson

