

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A No. 19/2018
in
Petition No. 119/MP/2017**

Subject : Petition under Sections 61, 63, 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Article 16 of TSA and the tariff based competitive bidding guidelines for transmission service, for claiming relief under TSA dated 14.3.2016 relating to implementation of the transmission Project Elements.

Date of Hearing : 10.4.2018

Coram : Shri P. K. Pujari, Chairperson
Shri A. K. Singhal, Member
Shri A. S. Bakshi, Member
Dr. M. K. Iyer, Member

Petitioner : Rajasthan Sun Technique Energy Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Limited and Others

Parties present : Shri Buddy A. Ranganathan, Advocate, RSTEPL
Ms. Malvika Prasad, Advocate, RSTEPL
Shri Manoj Pongde, RSTEL
Shri M.G. Ramachandran, Advocate, NVVNL
Ms. Anushree Bardhan, Advocate, NVVNL
Ms. Poorva Saigal, Advocate, NVVNL

Record of Proceedings

Learned counsel for the petitioner submitted that the petitioner has filed present IA seeking an order of injunction restraining the NVVNL from invoking the performance bank guarantee or from taking any coercive measure against the petitioner till the disposal of the Petition No. 119/MP/2017. Learned counsel further submitted as under:

- a) The Commission in its order dated 11.10.2017 in Petition No. 312/MP/2013 and 313/MP/2013 requested the Central Government to consider the cases of petitioner and other solar power developers for extension of SCOD on the basis of the representations made by them.
- b) The Ministry of New and Renewable Energy vide its letter dated 26.3.2018 has informed that there is no case of MNRE's intervention in granting any extension of SCOD as claimed by Solar Thermal Power Developers and the parties are bound with the contractual obligations.

c) The petitioner is apprehending that NVVNL would encash the performance bank guarantee at any time without any notice to the petitioner.

2. Learned counsel for NVVNL submitted that NVVNL would not take any coercive measure subject to the condition that BG's shall be kept alive by the petitioner. Learned counsel further submitted that petitioner has also filed writ petition before the Hon'ble High Court of Delhi. The petitioner cannot maintain both the writ petition and petition filed before the Commission together. In response, learned counsel for the petitioner submitted that the petitioner will take steps to withdraw the writ petition filed before the Hon'ble High Court of Delhi.

3. After hearing the learned counsels for the parties, the Commission directed NVVNL not to encash the Performance Bank Guarantee given by the petitioner. The petitioner was directed to keep the Performance Bank Guarantee valid till the next date of hearing plus three months and claim period in line with the terms and conditions of its PPA. Accordingly, the Commission disposed of the IA.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Legal)**