

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 117/MP/2019
Alongwith IA No.38/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 16.3.1 of the Power Purchase Agreement dated 27.4.2018 under the National Solar Mission Phase-II, Batch-IV, Tranche-XII seeking extension of the Scheduled Commissioning Date and stay of any coercive measures including stay of encashment of Performance Bank Guarantees.

Petitioner : Azure Power India Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Date of hearing : 23.4.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Sanjay Sen, Senior Advocate, Azure Power
Ms. Anushree Bardhan, Advocate, SECI

Record of Proceedings

Learned senior counsel for the Petitioner mentioned the matter and submitted that the Petitioner, Azure Power India Private Limited, has filed the present Petition for seeking inter alia extension of SCOD of the project in terms of the PPA due to delay by Adani Renewable Energy Park Rajasthan Ltd., Solar Energy Corporation of India Limited and Rajasthan Renewable Energy Corporation Ltd. in handing over clear and vacant possession of land. Learned senior counsel submitted that out of 50 MW, 30 MW is ready to be commissioned on 27.4.2019. However, the entire project is at risk of becoming economically unviable and ultimately stranded if the SCOD is not extended and SECI proceeds to adopt coercive measure against the Petitioner on that basis.

2. Learned counsel for SECI submitted that since the Petitioner had served copy of the Petition on the Respondents yesterday, she is not able to address the issues.
3. After hearing the learned senior counsel for the Petitioner and learned counsel for SECI, the Commission admitted the Petition and directed to issue notice to the Respondents.
4. The Commission directed the Respondents to file their replies by 10.5.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 17.5.2019. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.
5. Learned senior counsel for the Petitioner submitted that the Petitioner has filed IA No. 38/2019 for restraining the Respondents from taking coercive steps including stay the invocation of bank guarantee against the Petitioner till the final disposal of the Petition.

Considering the submission of the learned senior counsel, the Commission directed the Respondents not to take any coercive measure against the Petitioner till next date of hearing. Accordingly, the Commission disposed of the IA No. 38/2019.

6. The Petition shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

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