

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 2/RP/2019

in

Petition No. 95/MP/2017

- Subject : Petition under Section 94 of the Electricity Act, 2003 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulations 103, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of the judgment and order dated 17.12.2018 passed in Petition No. 95/MP/2017.
- Petitioner : Solar Energy Corporation of India Limited (SECI)
- Respondents : Welspun Energy Private Limited and Ors.

Petition No. 125/MP/2019 along with IA No. 63/IA/2019

- Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking extension of time for commissioning of balance capacity of 72 MW (out of 100 MW) Solar PV project in terms of order dated 17.12.2018 passed by the Commission.
- Petitioner : Avaada Energy Private Limited
- Respondents : Solar Energy Corporation of India Limited and Ors.
- Date of Hearing : 16.9.2019
- Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
- Parties Present : Shri M. G. Ramachandran, Sr. Advocate, SECI
Shri Prabhas Bajaj, Advocate, SECI
Shri Shubham Arya, Advocate, SECI
Shri Gopal Jain, Sr. Advocate, Welspun Energy and Avaada Energy
Shri Avijeet Lala, Advocate, Welspun Energy and Avaada Energy
Ms. Shikha Pandey, Advocate, Welspun Energy and Avaada Energy
Ms. Meha Chanrda, Advocate, Welspun Energy and Avaada Energy
Shri Ashish Bhardwaj, Advocate, Welspun Energy
Shri Amit Ojha, Advocate, Welspun Energy



Record of Proceedings

Learned senior counsel for the Review Petitioner, Solar Energy Corporation of India Limited (SECI) submitted that the instant Review Petition and Petition No. 125/MP/2019 filed by the Respondent, Avaada Energy Private Limited, are listed for hearing in terms of Record of Proceedings for the hearing dated 2.5.2019. However, notice to SECI in Petition No.125/MP/2019 is yet to be issued. Learned senior counsel submitted that the Respondent has also filed IA No. 63/IA/2019 in Petition No. 125/MP/2019 seeking amendment to the pleadings/prayers. Learned senior counsel submitted that since factual matrix in these matters is common, the matters have to be heard on the same day. Accordingly, learned senior counsel submitted that notice may be issued in Petition No. 125/MP/2019 and IA No.63/IA/2019 and SECI be granted time to file its reply. Learned senior counsel further submitted that SECI has no objection towards the listing of the Review Petition before three Member Bench.

2. Learned senior counsel appearing on behalf of Avaada Energy Private Limited and Welspun Energy Private Limited, pressed for the Review Petition to be argued today independent of Petition No. 125/MP/2019. Learned senior counsel submitted that the scope of Review Petition is limited to 'error apparent on the face of record', whereas the Misc. Petition and IA filed by the Respondent have to be heard on merits. Learned senior counsel submitted that the fate of Review Petition does not lie on the outcome of the Petition No. 125/MP/2019. Learned senior counsel further submitted that the Commission may admit Petition No.125/MP/2019 and IA No. 63/IA/2019 and may list all the matters before three Member Bench.

3. The Commission observed that learned senior counsels for the parties had no objection regarding listing the matter before three-member Bench. Accordingly, the Commission directed to list instant Review Petition and Petition No. 125/MP/2019 along with IA No. 63/IA/2019 before three-member Bench on the same day without being tagged along.

4. The Commission directed to issue notice to the Respondents in Petition No. 125/MP/2019 and IA No.63/2019 filed therein. The Respondents were directed to file their replies to the Petition No.125/MP/2019 and IA No.63/IA/2019 by 26.9.2019, with an advance copy to the Petitioner who may file its rejoinder, if any, on or before 30.9.2019. The Commission directed that due date of filing of reply should be strictly complied with. No extension shall be granted on that account.

5. The instant Review Petition shall be listed for hearing along with Petition No. 125/MP/2019 and IA No. 63/IA/2019 in due course for which separate notice will be issued.

By order of the Commission

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

