

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 340/AT/2019

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for the Scheme for setting up of 1000 MW inter-State Transmission System connected Wind Power selected through competitive bidding process as per the Guidelines issued by Ministry of New Renewable Energy on 14.6.2016 and 22.10.2016.

Petitioner : PTC India Limited

Respondents : Solar Energy Corporation of India Limited and Ors.

Date of Hearing : 31.10.2019

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

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, PTC
Shri Ravi Kishore, Advocate, PTC
Ms. Rajshree Chaudhary, Advocate, PTC
Shri Geet Ahuja, Advocate, PTC
Shri Sunil, PTC
Shri M. G. Ramachandran, Sr. Advocate, SECI
Shri Shubham Arya, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Tarun Mukhija, SECI
Shri Sitesh Mukherjee, Advocate, UPPCL
Shri Abhishek Kumar, Advocate, UPPCL
Ms. Somya, Advocate, NPCL
Ms. Molshree Bhatnagar, Advocate, Mytrah Energy

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed under Section 63 of the Electricity Act, 2003 for adoption of tariff for the scheme for setting up of 1000 MW inter-State Transmission System connected Wind Power selected through competitive bidding process as per the Guidelines issued by Ministry of New Renewable Energy on 14.6.2016 and 22.10.2016. Learned senior counsel further submitted that two of the Respondents, namely, SECI and Noida Power Company Limited have filed their replies supporting the present Petition.

2. In response to the Commission's query regarding the Petitioner having already challenged the jurisdiction of this Commission in any matter, learned senior



counsel for the Petitioner submitted that the Petitioner has opposed the jurisdiction of the Commission in Petition No. 227/MP/2017 (Lanco Amarkantak Power Limited v. PGCIL), wherein the Commission vide its order dated 30.5.2019 *inter alia* has held that PTC is liable to make payment of transmission charges for the balance 5%. In this case, the entire arrangement for supply was in terms of interim order of Hon'ble Supreme Court dated 18.9.2015 and therefore, PTC has taken a stand that all disputes would fall within the exclusive jurisdiction of the Hon'ble Supreme Court and the Commission did not have any jurisdiction in the matter.

3. Learned senior counsel for the Respondent, SECI submitted that vide affidavit dated 16.10.2019, SECI has informed the Commission that it has filed the Appeal No. 402 of 2017 (Solar Energy Corporation of India Limited Vs. Welspun Energy Private Limited and Another) before the APTEL and SECI shall not pursue the said Appeal in any manner in regard to any challenge to the jurisdiction of this Commission under Section 79 of the Electricity Act, 2003. Learned senior counsel submitted that said Appeal is before the Court II of APTEL which is not sitting due to vacancy in the Bench and SECI will soon file the appropriate affidavit before the APTEL in this regard.

4. In response to the Commission's further query regarding payment security mechanism, learned senior counsels for the parties submitted that there is already provisions for payment security mechanism in the PPAs and PSAs as per the MNRE Guidelines. Learned senior counsel for the Petitioner submitted that the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Trading Licence and Other Related Matter) Regulations, 2009 (Trading Licence Regulations) also provide for payment security mechanism which in any case prevail over the PPAs and PSAs. Learned senior counsel for SECI submitted that PPA conditions are aligned with the Trading Licence Regulations.

5. After hearing the learned senior counsels for the Petitioner and the Respondent SECI, the Commission reserved order in the Petition.

By order of the Commission

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

