

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 108/MP/2019 and IA Nos. 91/2019 and 12/2020

Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 and Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : 1. ACME Solar Holdings Limited
2. ACME Deoghar Solar Power Private Limited
3. ACME Dhaulpur Powertech Private Limited

Respondents : Power Grid Corporation of India Limited & Ors.

Petition No. 109/MP/2019 and IA Nos.92/2019 and 13/2020

Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 and Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009.

Petitioner : 1. ACME Solar Holdings Limited
2. ACME Phalodi Solar Energy Private Limited
3. ACME Raisar Solar Energy Private Limited

Respondents : Power Grid Corporation of India Limited & Ors.

Date of Hearing : 5.3.2020

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

Parties present : Shri Shreshth Sharma, Advocate, ACME
Ms. Jyotsna Khatri, Advocate, ACME
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Raunak Jain, Advocate, FBTL
Shri Sachin Dubey, Advocate, FBTL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Nehul Sharma, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Yatin Sharma, PGCIL

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petitions have been filed, *inter-alia*, seeking extension of the timelines of various milestones as



defined in the Power Purchase Agreement and Transmission Service Agreement. Learned counsel submitted that the Petitioners are developing 1200 MW Solar Power Projects (Projects) in the State of Rajasthan and power generated from the Projects were to be evacuated from Fatehgarh Sub-station to be built by Respondent No.2, Fatehgarh-Badla Transmission Limited. However, in regard to certain land parcels, on which the sub-station/power evacuation infrastructure was to be constructed, had been stayed by the Hon'ble High Court of Rajasthan, which was vacated only on 27.11.2019 making the disputed land encumbrance free. Previously, the Respondent, SECI had granted extension of 4 months for achieving the Financial Closure and land arrangement. However, since stay by the Hon'ble High Court was vacated only on 27.11.2019, the Petitioners, vide its letters to dated 9.12.2019 and 10.2.2020, have sought extension of time for achieving milestones under PPAs i.e. Financial Closure, Land Procurement and Scheduled Commercial Operation Date for period of 327 days from SECI. However, SECI has not replied to the said letters. Accordingly, the Petitioners have filed IA Nos. 12/2020 and 13/2020 seeking directions against SECI, restraining it from initiating any coercive action against the Petitioner during pendency of the present Petitions.

2. Learned counsel for the Respondent, SECI submitted that a committee has been constituted for consideration of the Petitioners' request for extension of time for achieving various milestones under the PPAs and subject to the outcome/decision of the Committee, the Respondent will file its reply along with the outcome/decision of the said Committee.

3. Learned counsel for the Respondent, PGCIL submitted that PGCIL has filed IA Nos. 91/2019 and 92/2019, *inter-alia*, seeking directions/clarification for treatment of Construction Phase Bank Guarantee of the LTA Customers where they have submitted the requisite documents such as PPA/PSA/NOC subsequent to the filing of LTA applications.

4. In response to the Commission's specific query as to whether the Petitioners have examined the viability of the option of change in location, the learned counsel for the Petitioner submitted that the Petitioners do not wish to shift the location of the Project and the connectivity at Fatehgarh Pooling Station.

5. After hearing the learned counsels for the Petitioners and Respondents, SECI and PGCIL, the Commission directed the Respondents not to take any coercive measure against the Petitioners till further orders. The Commission directed the Petitioners to keep the Bank Guarantees furnished under the PPAs alive. Accordingly, the Commission disposed of the IA Nos. 12/2020 and 13/2020.

6. The Commission reserved the order in IA Nos. 91/2019 and 92/2019.

7. The Petitions shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

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

