

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 62/MP/2020

Subject : Petition under Section 79(1)(b), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Article 11 of the Power Purchase Agreements dated 4.8.2016 seeking direction to NTPC Limited to act in accordance with the said Article 11 of the Power Purchase Agreements and accepting the impact of Force Majeure events and thereby extend the Scheduled Commissioning Date of the Project of the Petitioner.

Petitioner : Parampujya Solar Energy Private Limited (PSEPL)

Respondents : NTPC Limited (NTPC) and Anr.

Date of Hearing : 30.6.2020

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

Parties present : Shri Aditya Kumar, Advocate, PSEPL
Shri Venkatesh, Advocate, NTPC
Shri Ashutosh K Srivastava, Advocate, NTPC
Shri I. Uppal, NTPC

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking relief on account of force majeure events leading to delay in commissioning of the Petitioner's Solar Power Projects by 23 days from the Scheduled date of Commissioning (SCOD). Learned counsel further submitted as under:

(a) The Petitioner has set up 10x5 MW Solar Power Projects and has entered into Power Purchase Agreements (PPAs) with Respondent No.1, NTPC on 4.8.2016.

(b) In terms of the PPA, SCOD of the Projects was 18.8.2017. However, on account of certain force majeure events, namely, introduction of GST, stoppage of work by Tehsildar and delay in synchronization due to delay in approval of Power Supply Agreement (PSA) by Telangana State Electricity Regulatory



Commission (TSERC), the development of the projects was adversely affected and could be commissioned on 17.11.2017.

(c) The Respondent, NTPC, has acknowledged delay in development of the Projects on account of introduction of GST and stoppage of work by Tehsildar and has extended the SCOD of the Projects by 42 days and 26 days respectively, i.e. till 25.10.2017. However, NTPC has refused to extend the SCOD on account of delay in synchronization due to delay in approval of PSA by TSERC.

(d) Ministry of New and Renewable Energy, Government of India, vide its Office Memorandum dated 20.6.2018, approved 62 days extension in SCOD of the Solar Power Projects on account of impact of GST. However, in the instant case, NTPC has granted extension of 42 days only.

3. Learned counsel for the Respondent, NTPC accepted the notice and requested for time to file reply to the Petition. Learned counsel further submitted that the commissioning/pre-commissioning activities are entirely on account of the Petitioner and the Petitioner has not provided any justification or supporting documents in this regard. As regards the grant of 62 days' extension in SCOD in terms of MNRE's letter dated 20.6.2018, in the instant case, since there was overlapping of period between events of Introduction of GST and stoppage of work by Tehsildar, 42 days extension in SCOD was granted to the Petitioner.

4. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 25.7.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 15.8.2020. The due date of filing of reply and rejoinder should be strictly complied with.

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

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

