

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 117/MP/2021

Subject : Petition under Section 79(1)(f) read with Section 79(1)(k) of the Electricity Act, 2003 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking recognition of force majeure events impacting the implementation of the Project by the Petitioner and seeking appropriate reliefs with regard to extension of Scheduled Commissioning Date and stay of any coercive measures including stay of encashment of Performance bank Guarantee.

Date of Hearing : 25.6.2021

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

Petitioner : Mytrah Vayu (Sabarmati) Private Limited (MVSPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, MVSPL
Ms. Molshree Bhatnagar, Advocate, MVSPL
Ms. Jyotsna Khatri, Advocate, MVSPL
Shri Geet Ranjan Ahuja, Advocate, MVSPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Shreedhar Singh, SECI
Ms. Neha Singh, SECI
Shri Shubham Mishra, SECI
Ms. Aditee Nitnavare, SECI

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned senior counsel for the Petitioner requested for a week's time to file rejoinder to the reply of the Respondent, SECI received by the Petitioner on day before yesterday and to place on record the decision of the Dispute Resolution Committee as received by the Petitioner yesterday.

3. Learned senior counsel for the Respondent, SECI submitted that the matter was listed for examining the interim prayer of the Petitioner regarding encashment of the Bank Guarantee. However, SECI as such has no objection towards request of the Petitioner for an additional time to file its rejoinder, if limited to a week.

4. Learned senior counsel for the Petitioner requested that in line with Record of Proceedings for the hearing dated 28.5.2021, SECI may be directed not to take any

coercive action against the Petitioner till the next date of hearing. In response, the learned senior counsel for the Respondent, SECI submitted that SECI will not pursue its letter issued for invocation of bank guarantee till the next date of hearing. The submission made by the learned senior counsel for SECI was taken on record.

5. The Commission directed the Petitioner to file its rejoinder within a week.

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)
Joint Chief (Law)**