

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 131/MP/2021**

- Subject : Petition under Section 79(1)(b) along with Section 79(1)(f) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 for declaring that Article 10.2.1 of the PPA dated 25.1.2012 and 15.10.2010 along with its amendments, if any, between the Petitioners, respectively and Respondents stands superseded by Regulation 5(i)(v) and (vi) of the DSM Regulations and for consequent direction on the Respondent to proceed accordingly for payment of tariff under the PPA.
- Date of Hearing : 16.11.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioners : Solar Field Energy Two Private Limited (SFETPL) and Anr.
- Respondent : NTPC Vidyut Vyapar Nigam Limited (NVTNL)
- Parties Present : Shri Sakya Singha Chaudhuri, Advocate for Petitioners  
Ms. Meha Chandra, Advocate for Petitioners  
Ms. Nithya Balaji, Advocate for Petitioners  
Shri Jitendra Kumar Singh for Petitioners  
Shri Manoj Gupta for Petitioners

**Record of Proceedings**

Case was called out for virtual hearing.

2. The learned counsel for the Petitioners submitted that the present Petition has been filed, *inter alia*, for declaration that Article 10.2.1 of the Power Purchase Agreements ('PPAs') dated 25.1.2012 and 15.10.2010 along with their amendments, between the Petitioners and the Respondent stand superseded by Regulation 5(i)(v) and 5(i)(vi) of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014, as amended from time to time, and for consequent direction on the Respondent to proceed accordingly for payment of tariff under the PPAs. The learned counsel for the Petitioners further submitted that similar issue is under consideration of the Commission in Petition No. 296/MP/2019 (Lexicon Vanijya Private Limited and Anr. v. NVVN and Anr.), which has been reserved for order after hearing the parties therein on 19.7.2021 and any order issued therein may be applicable to the present case as well. The learned counsel requested that either the present matter may be tagged with the aforesaid matter or notice may be issued in the matter for completion of the pleadings.

3. After considering the submissions made by the learned counsel for the Petitioners, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioners to serve copy of the Petition on the Respondent immediately, if not already served and the Respondent to file its reply, if any, by 6.12.2021 after serving copy of the same to the Petitioners, who may file their rejoinder, if any, by 31.12.2021; and
- (c) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)**