

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 178/AT/2021**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for the 970 MW Wind Power Projects (Tranche-IX) (With option of Blending Solar Power) connected to the Inter-State Transmission System (ISTS) and selected through Competitive Bidding Process as per the Guidelines dated 25.06.2020 of Ministry of Power, Government of India

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : Vena Energy Vidyuth Private Limited and 5 ors.

Date of Hearing : 23.11.2021

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

Parties present: Shri M. G Ramachandran, Senior, Advocate, SECI  
Ms Tanya Sareen, Advocate, SECI  
Ms Poorva Saigal, Advocate, SECI  
Shri Shubham Arya, Advocate, SECI  
Shri Atulya Kumar Naik, Advocate, SECI  
Shri Shibasish Das, SECI  
Shri Mudit Jain, SECI

**Record of Proceedings**

Case was called out for virtual hearing.

2. The learned senior counsel for the Petitioner submitted that the present Petition has been filed for adoption of tariff for 970 MW Wind Power Projects (with option of blending solar power) connected to inter-State Transmission System, which were selected through competitive bidding process as per the Guidelines issued by the Ministry of New and Renewable Energy dated 25.6.2020. The learned senior counsel mainly submitted as under:

(a) PPAs and PSAs have been signed with the concerned utilities.

(b) Certain change in law items, namely change in rate of Safeguard Duty, GST and Basic Custom Duty after 28.7.2020 have been incorporated in Article 12.1.3 of the PPA which are required to be recognized by the Commission at the time of adoption of tariff as all parties of the PPAs and PSAs have agreed for the same.

(c) 'Change in Law' provisions incorporated in the Bid documents are pursuant to the approval of the Central Government and thus, the departure from the provisions

specified in the Guidelines may not amount to deviation in the Bid documents.

(d) Ministry of New and Renewable Energy vide its letter dated 1.3.2021 and letter dated 18.12.2020 has granted ex-post facto approval for changes in respect of certain provisions vis-a-vis Standard Bidding Guidelines in respect of bids that have been issued but not closed and bids that have been issued and closed by SECI.

(e) SECI has placed on record the copy of the confirmation certificate to the effect that no deviation has been taken from bid documents and Guidelines.

(f) As per Article 12.2.3 of the PPA, the above pre-determined change in law relief also applies to change in law approved by the Commission pursuant to Article 12.2.1.

3. None of the Respondents was present during the hearing despite notice.

4. After hearing the learned counsel for the Petitioner, the Commission reserved order in the matter.

**By order of the Commission**  
**sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**