

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 21/MP/2019

- Subject : Petition under Section 79(1)(c) and (f) and other applicable provisions of the Electricity Act, 2003 seeking extension of SCoD of the Project due to occurrence of force majeure events covered under Article 11 of the TSA dated 10.1.2018 executed between the Petitioner and Respondent No.1 M/s FBTL; and further seeking extension of LTA operational time under the LTAAAs dated 22.9.2016 executed between Petitioner and the Respondent No.2, PGCIL on account of 'Change in Law' as covered under Clause 5.7 of the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued by Govt. of India on 3.8.2017 and as further amended on 14.6.2018.
- Date of Hearing : 27.8.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Renewable Energy Park Rajasthan Limited (AREPRL)
- Respondents : Fatehgarh-Bhadla Transmission Limited (FBTL) and Anr.
- Parties Present : Shri Sanjay Sen, Senior Advocate, AREPRL
Ms. Mandakini Ghosh, Advocate, AREPRL
Ms. Poonam Verma, Advocate, AREPRL
Shri Sitiesh Mukherjee, Advocate, CTU
Shri Aryaman Saxena, Advocate, CTU
Shri Hemant Singh, Advocate, FBTL
Shri Lakshyajit Singh Bagdwal, Advocate, FBTL
Shri Rajiv Lochan, AREPRL
Shri Ravi Shankar Sinha, AREPRL
Shri Yatin Sharma, CTU
Shri Swapnil Verma, CTU
Shri Siddharth Sharma, CTU
Shri Bhavesh Kundalia, FBTL

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned counsel for the Respondent No.2, CTU requested for time to file its response to the additional affidavit dated 25.8.2021 filed by the Petitioner placing on record certain subsequent developments.

3. Learned senior counsel for the Petitioner submitted that the additional affidavit has been filed by the Petitioner to place on record certain developments that have taken place subsequent to the last hearing of matter on 21.1.2020 along with supporting documents for consideration of the Commission. The Petitioner has set



out various events that have taken place during the period (a) from March 2020 to February 2021; (b) from March 2021 to June 2021; and (c) from July 2021 till date. The learned senior counsel further submitted that the Ministry of New and Renewable Energy (MNRE) vide its letter dated 10.6.2021 has granted approval for extension of timeline for development of solar park by the Petitioner upto 31.12.2021. Also, vide letter of Ministry of Power (MOP) dated 15.1.2021 issued under Section 107 of the Electricity Act, 2003, *inter-alia*, enabling grant of extension in the commencement period of LTA in case Commercial Operation Date ('COD') of the renewable generating station is extended on the ground of force majeure. The Petitioner has submitted that in view of aforesaid letter of MNRE and MOP, it may be permitted to add an additional prayer along with supporting grounds thereof. It was also added by the learned senior counsel that FBTL has declared the deemed COD of its transmission system for the solar park on 31.7.2021 and the said transmission system has been put to use w.e.f. 8.8.2021.

4. In response to the query of the Commission as to whether any solar power plant has been commissioned in the solar park of the Petitioner and is using the transmission system, the learned senior counsel for the Petitioner submitted that the transmission system is being used by certain other generators.

5. Learned counsel for the Respondent No.1, FBTL confirmed that its transmission system has been commissioned and accordingly, sought liberty to file an affidavit to place on record the status of its transmission system.

6. In response to a specific query regarding status of LTA operationalisation, the learned counsel for the CTU submitted that LTA granted to the Petitioner has been operationalised w.e.f. 1.8.2021.

7. After hearing the learned senior counsel for the Petitioner and the learned counsels for the Respondents, the Commission permitted the Petitioner to add additional prayer as sought for and to place on record the status of its project along with likely date of completion within two weeks. The Respondent No.2, CTU was directed to file its response thereon and on the additional affidavit already filed by the Petitioner within ten days thereafter. The Respondent No.1 was also permitted to file an affidavit to place on record the status of its transmission system within two weeks.

8. 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)**