

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 721/AT/2020**

Subject: Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for ISTS grid connected Solar Photo Voltaic Projects of 2000 MW selected through Competitive Bidding Process as per the Guidelines issued by Ministry of Power, Government of India on 3.8.2017 and its amendments thereof.

Date of Hearing : 5.3.2021

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

Petitioner : NHPC Limited (NHPC)

Respondents : Ministry of New and Renewable Energy and 9 Ors.

Parties Present : Shri Parinay Deep Shah, Advocate, AXPPL  
Shri S. P. Rathour, NHPC  
Shri Naresh Bansal, NHPC  
Shri Pawan Kr. Sharma, ABC Renewable  
Shri Arfath Khan, ABC Renewable  
Shri Surabhi Pandey, AXPPL  
Shri Rakesh Rathore, AXPPL  
Shri Ayush Prasad, SB Energy

**Record of Proceedings**

Case was called out for virtual hearing.

2. The representative of the Petitioner, NHPC submitted that the instant Petition has been filed for adoption of tariff for 2000 MW Solar PV Projects connected to inter-State Transmission System and selected through competitive bid process as per the "Guidelines for tariff based Competitive Bidding Process for procurement of Power from Grid Connected Solar PV Power Projects" ('the Guidelines') issued by Ministry of Power dated 3.8.2017 including the subsequent amendments thereto.

3. In response to a query of the Commission as to whether the Petitioner has complied with the requirement of publication notice in terms of the clause 6.4 of the Guidelines, the representative of the Petitioner submitted that the Petitioner has complied with the requirements of publication of RfS notice in the newspapers. The representative added that while the Petitioner has already furnished the publication details of one International Newspaper along with Petition, the other publication appears to have inadvertently been left out.

4. After hearing the representative of 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, if any, by 12.3.2021 with advance copy to the Petitioner, who may file its rejoinder, if any, by 19.3.2021.

6. The Commission observed that the Petitioner appears to have taken certain deviation in the Power Purchase Agreement (PPA) from the clauses of the Guidelines. In terms of clause 3.1.1(a) of the Guidelines, the Procurer (including Intermediary Procurer such as the Petitioner herein) is required to prepare the bid documents in accordance with the Guidelines and in case of any deviation in the bid documents, the Procurer is required to seek the approval of the Appropriate Commission in accordance with the process specified in clause 18 of the Guidelines which provides that deviation from the Guidelines shall be subject to the approval of the Appropriate Commission. As per clause 5.7.1 (Change in Law) of the Guidelines, quantum and mechanism of compensation payment towards Change in Law are required to be determined by the Appropriate Commission. However, perusal of Article 12.1.1.(g) of the PPA executed between the Petitioner and Solar Power Developer reveals that the parties themselves have determined quantum and mechanism for certain Change in Law events such as anti-dumping duty, safeguard duty and customs duty, which is at variance with the clauses of the Guidelines. Accordingly, the Commission directed the Petitioner to submit the following information on affidavit, by 15.3.2021:

(a) Details of the publication of notice in compliance with requirement of clause 6.4 of the Guidelines, and

(b) Details of deviations taken in the Bid documents (RfS, PPA and PSA) from the provisions of the Guidelines, if any, along with reasons thereof and whether any approval of Appropriate Commission has been obtained in accordance with clauses 3.1.1(b) and 18 of the Guidelines.

7. The Petition is to 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 (Legal)**