

**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 : 21.5.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri P. K. Singh, Member
- Petitioner : NHPC Limited (NHPC)
- Respondents : Ministry of New and Renewable Energy and 9 Ors.
- Parties Present : Shri Rajiv Shankar Dwivedi, Advocate, NHPC
Shri Parinay Deep Shah, Advocate, AXPPL
Shri Surabhi Pandey, Advocate, AXPPL
Shri S. P. Rathour, NHPC
Shri Himanshu Shekhar, NHPC
Shri Naresh Bansal, NHPC
Shri Pawan Kr. Sharma, ABC Renewables
Shri Arfath Khan, ABC Renewables
Shri Suneel Kapoor, AXPPL
Shri Rakesh Rathore, AXPPL
Shri Vivek Kodesia, EDEN Renewables
Shri Hitesh Sablok, EDEN Renewables
Shri Kanupriya Mehndiratta, EDEN Renewables

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned counsel for the Petitioner submitted that vide Record of Proceedings for the hearing dated 8.4.2021, the Petitioner was directed to compile and furnish the details of all the deviations taken in the Bid documents (RfS, PPA and PSA) from the provisions of 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 along with reasons thereof. Accordingly, the Petitioner has filed a compliance affidavit dated 23.4.2021 indicating the two deviations taken from the Guidelines, namely, (i) requirement of publishing RfS notice in two national newspapers under clause 6.4 of the Guidelines, and (ii) insertion of Change in Law compensation clause under Article 12.1.1(g) in the PPA along with the reasons thereof.

3. It was further submitted by the learned counsel that admittedly the prior approval of these deviations had not been taken by the Petitioner, but as per the clause 18 of the Guidelines, these deviations are subject to the approval of the

Commission. Learned counsel also conceded that while no prayers have been made in the Petition for approval of these deviations, the Petitioner has prayed for the exemption/ waiver to the Petitioner from publishing RfS in 2 national newspapers in respect of clause 6.4 of the Guidelines and approval of the deviation no.(ii) i.e. Change in Law compensation clause under Article 12.1.1(g) of the PPA vide its affidavit dated 23.4.2021.

4. Learned counsel for the Respondent No. 3, Altra Xergi Power Private Limited submitted that the Respondent has no objection to the Petition.

5. After hearing the learned counsels for the Petitioner and the Respondent, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**