

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A No.49/2021  
In  
Petition No. 483/MP/2020  
And  
Petition No. 483/MP/2020**

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

**Date of Order: 1<sup>st</sup> July, 2021**

**In the matter of**

Application seeking withdrawal of Petition pursuant to extension of milestones including Scheduled Commissioning Date granted by Solar Energy Corporation of India Limited and issuance of interim directions for maintenance of status quo.

**And  
In the matter of**

ACME Deoghar Solar Power Pvt. Ltd.  
Plot No. 152, Sector-44,  
Gurugram, Haryana-122 002

ACME Dhaulpur Powertech Pvt. Ltd.  
104, Munish Plaza,  
20, Ansari Road, Darya Ganj,  
New Delhi 110 002

ACME Solar Holdings Ltd.  
Plot No. 152, Sector-44,  
Gurugram, Haryana-122 002

**...Applicants**

**Vs**

1. Solar Energy Corporation of India Limited  
1<sup>st</sup> Floor, D-3 A-Wing,  
Paris Platinum Building District Centre  
Saket, New Delhi-110 017

2. Power Grid Corporation of India Limited  
Saudimini, Plot-2, Sector-29,  
Near IFFCO Chowk,  
Gurugram, Haryana-122 001

3. Haryana Power Purchase Centre  
Sector 6, Shakti Bhawan,  
Panchkula, Haryana – 134 109

4. North Bihar Power Distribution Co. Ltd.  
2<sup>nd</sup> and 3<sup>rd</sup> Floor, Vidyut Bhawan,  
Bailey Road, Patna – 800 001

5. South Bihar Power Distribution Co. Ltd.  
2<sup>nd</sup> and 3<sup>rd</sup> Floor, Vidyut Bhawan,  
Bailey Road, Patna – 800 001

6. Govt. of Puducherry  
Electricity Department,  
Vambakeerapalayam Road,  
Puducherry – 605 001

...Respondents

### **ORDER**

The Applicants, ACME Deoghar Solar Power Pvt. Ltd., ACME Dhaulpur Powertech Pvt. Ltd., and ACME Solar Holdings Ltd. have filed the instant Interlocutory Application (IA) seeking withdrawal of the Petition No. 483/MP/2020 with liberty to raise the issue of alignment of LTA commencement date with extended Scheduled Commissioning Date (SCOD) in Petition No. 103/MP/2021.

### **Background of the case**

2. ACME Deoghar Solar Power Pvt. Ltd. and ACME Dhaulpur Powertech Pvt. Ltd., special purpose vehicles incorporated by ACME Solar Holdings Ltd., are developing 600 MW (300x2 MW) Solar Power Projects at Tehsil Pokhran in the State of Rajasthan. On 7.12.2018, the Applicants, ACME Deoghar Solar Power Pvt. Ltd. and ACME Dhaulpur Powertech Pvt. Ltd. executed Power Purchase Agreement (PPA) with Solar Energy Corporation of India Limited (SECI) for supply of 300 MW. The Applicants have filed Petition No. 483/MP/2020, *inter alia*, seeking directions to SECI and Power Grid Corporation of India Ltd. (PGCIL) not to encash Bank

Guarantees and Letters of Comfort submitted by the Applicants and to return the same to the Applicants. The Applicants have made the following prayers in Petition No. 483/MP/2020:

*“(a) Direct SECI to return the Bank Guarantees and Letters of Comfort submitted by ACME Deoghar and ACME Dhaulpur;*

*(b) Declare and held that LTA Agreement dated 3.6.2019 and TSA Agreement dated 28.1.2019 stand terminated and no relinquishment charges or any other charges or penalties are payable by the Petitioner;*

*(c) Direct PGCIL to return the Bank Guarantees submitted by ASHL pursuant to the Tripartite Transmission Agreement dated 28.10.2018 and Long-Term Transmission Agreement dated 3.6.2019;*

*(d) In the interim, injunct SECI and PGCIL from encashing the Bank Guarantees and Letters of Comfort provided by ACME Deoghar and ACME Dhaulpur and ASHL under the PPAs and the Tripartite Transmission Agreement dated 28.10.2018 and Long Term Transmission Agreement dated 3.6.2019.”*

3. The said Petition was admitted on 14.5.2020. After hearing the learned counsels and learned senior counsel for the Applicants, PGCIL and SECI, the Commission directed the Respondents, SECI and PGCIL, not to take any coercive measures against the Applicants till the next date of hearing and the Applicants were directed to keep the Letter of Comfort and Bank Guarantee valid.

### **Submissions of the Applicants**

4. In the IA, the Applicants have mainly submitted as under:

(a) With regard to extension of SCOD, SECI vide its letters dated 15.5.2020, 21.5.2020, 20.7.2020 and 8.9.2020 has extended SCOD of the Projects to 3.3.2022 and the Applicants have accepted the same vide letter dated 2.6.2021.

(b) With regard to LTA commencement date, pursuant to Ministry of Power letter dated 27.7.2020, PGCIL vide its letter dated 16.12.2020 has extended the start date of LTA by 5 months from 26.10.2020 to 26.3.2021 or commissioning of ISTS for LTA, whichever is later. In response, the Applicants have further requested PGCIL for extension of TSA and LTAA for alignment with the extended timelines of SCOD as granted by SECI.

(c) Even though SCOD of the Projects have been extended to 3.3.2022 by SECI on the basis of force majeure events, PGCIL has limited the extension of LTA till 26.3.2021 or commissioning of ISTS for LTA, whichever is later. Accordingly, the Applicants have filed the Petition No. 103/MP/2021 *inter-alia* seeking declaration that the Applicants are not liable to pay transmission charges/losses on account of extension of SCOD by SECI due to force majeure for delay in start date of LTA. The said Petition was admitted on 4.6.2021.

5. The Applicants have submitted that only remaining issue between the parties is the alignment of the extension of SCOD granted by SECI with the LTA commencement date for which the Applicants have filed the Petition No. 103/MP/2021. It has been submitted by the Applicants that since SECI has granted extension of SCOD, the termination notices dated 4.5.2020 stand withdrawn.

6. Against the above backdrop, the Applicants have filed present IA with the following prayers:

*“(a) Allow Petitioners to withdraw the present Petition with liberty to pursue issues under 103/MP/2021, since pursuant to extension of timelines and acceptance thereof by ACME and withdrawal of Termination Notices dated 4.5.2020, all claims with respect to Termination of the PPAs and the Tripartite*

*Transmission Agreement dated 28.10.2018, the Transmission Service Agreement dated 28.1.2019 and the Long-Terms Access Agreement dated 3.6.2019 stand settled; and*

*(b) Direct all parties including Respondents SECI and PGCIL to maintain status quo till Petition No. 103/MP/2021 is adjudicated by this Commission.”*

7. The IA is admitted by circulation.

8. We have considered the submission of the Applicants. It has been submitted by the Applicants that since SECI has granted extension of SCOD, termination notices dated 4.5.2020 stand withdrawn and that the only remaining issue between the parties now is the alignment of SCOD extension granted by SECI with LTA commencement date. The Applicants have sought permission to withdraw Petition No. 483/MP/2020 with liberty to raise the issue of alignment of LTA commencement date with extended SCOD in Petition No. 103/MP/2021. Considering the request, the Applicants are permitted to withdraw the Petition No. 483/MP/2020.

9. Accordingly, the Petition No. 483/MP/2020 is disposed of as withdrawn and the IA No. 49/2021 is disposed of in terms of the above.

**Sd/-  
(P.K. Singh)  
Member**

**sd/-  
(Arun Goyal)  
Member**

**sd/-  
(I.S. Jha)  
Member**

**sd/-  
(P.K. Pujari)  
Chairperson**