

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 245/AT/2022**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for Solar Power Projects (Tranche IX) connected to inter-State Transmission System and selected through Competitive Bidding Process as per the Guidelines of Government of India.

Date of Hearing : 20.10.2022

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

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : AMP Energy Green Private Limited and 11 Ors.

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Anushree Bardhan, Advocate, SECI  
Shri Anukirat Singh, Advocate, SECI  
Shri Aneesh Bajaj, Advocate, SECI  
Ms. Surbhi Kapoor, Advocate, SECI  
Ms. Srishti Khindaria, Advocate, SECI  
Ms. Mannat Waraich, Advocate, IB Vogt & ReNew Surya  
Shri Mohmd. Siddique, Advocate, IB Vogt & ReNew Surya

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking adoption of tariff for the Solar Power Projects (Tranche - IX) connected to Inter-State Transmission System (ISTS) and selected through competitive bidding process as per the Guidelines for Tariff Based Competitive Bid Process for Procurement of Power from Grid Connected Solar Power Projects dated 3.8.2017 and subsequent amendments thereto ('the Guidelines') issued by the Government of India. Learned counsel mainly submitted as under:

- (a) The Commission vide order dated 8.3.2022 in Petition No. 211/AT/2021 filed by SECI has already held that the selection of bidders and the tariff has been through a transparent process of competitive bidding in ISTS Solar Tranche – IX scheme in accordance with the Guidelines.
- (b) In the said order, the Commission adopted the tariff for 300 MW for which the Power Purchase Agreement (PPA) and Power Supply Agreement (PSA) had been executed and granted liberty to SECI to approach the Commission for adoption of tariff in respect of balance capacity after such capacity is tied up and PPAs and PSAs for the said capacities are executed.
- (c) Subsequent to the above, PPAs and PSAs have been signed for another 1400 MW (out of balance 1700 MW) under Tranche IX Scheme, which have been filed along with the Petition.



(d) With regard to balance 300 MW capacity awarded to M/s Solarpack Corporacion Tecnologica SA, so far, SECI has been able to identify and sign the PSA with J &K Power Corpo. Ltd. for 100 MW, but the balance capacity for 200 MW has not been tied up with any Buying Utility/ Distribution Licensee. The aforesaid bidder, however, having insisted upon signing the PPA for entire 300 MW capacity in one-go, it has not signed the PPA for part-capacity of 100 MW corresponding to PSA signed with J &K Power Corp. Ltd.

(e) SECI is in the process of identifying the Buying Entities/Distribution licensees for the balance 200 MW capacity and will place the above remaining capacity for adoption of tariff up finalization of the PSA and PPA.

2. Learned counsel for the Respondents 8, 9 & 10 accepted notice and sought time to file reply in the matter. Learned counsel submitted that as prayed for by SECI at prayer (c), the Commission may also recognize, in terms of Article 12.1.3 of the PPAs and Article 81.3 of the PSAs that the change in rates of Safeguard Duty, GST and Basic Custom Duty after 22.6.2022, if any, will be considered as Change in Law subject to the fulfillment of the conditions contained therein.

3. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents and Respondents to file their reply to the Petition, if any, within two weeks after serving copy of the same to the Petitioner, who may file its rejoinder, on or before within two weeks thereafter.

(c) The Petitioner to file a brief note explaining the methodology adopted and/or to be adopted in future cases to deal with/address the aspect of substantial delays in signing of PSAs & PPAs after issuance of Letter of Awards.

(d) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 15.12.2022.

**By order of the Commission**

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