

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 279/MP/2022**

Subject : Petition under Section 79(1)(a) & (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 8 of the Power Purchase Agreement dated 30.1.2021 executed between the parties.

Petitioner : NTPC Renewable Energy Limited (NREL)

Respondent : Gujarat Urja Vikas Nigam Limited (GUVNL)

**Petition No. 284/MP/2022**

Subject : Petition under Section 79(1)(a) & (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 8 of the Power Purchase Agreement dated 23.4.2021 executed between the parties.

Petitioner : NTPC Renewable Energy Limited

Respondent : Gujarat Urja Vikas Nigam Limited

Date of Hearing : 10.11.2022

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

Parties Present : Shri Venkatesh, Advocate, NREPL  
Shri Siddharth Joshi, Advocate, NREPL  
Shri Abhishek Nangia, Advocate, NREPL  
Shri Kartikey Trivedi, Advocate, NREPL  
Ms. Swapna Seshadri, Advocate, GUVNL  
Ms. Ashabari Thakur, Advocate, GUVNL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petitions have been filed, *inter-alia*, seeking extension of the Scheduled Commercial Operation Date (SCOD) of its 200 MW and 150 MW Solar Power Projects being set-up in the State of Gujarat under the Power Purchase Agreements (PPAs) dated 30.1.2021 and 23.4.2021 respectively executed between the Petitioner and the Respondent, GUVNL on account of Force Majeure events which were beyond the control of the Petitioner.

2. In view of the Respondent, GUVNL having filed its preliminary reply on the issue of maintainability of these petitions, learned counsel for the Petitioner and Respondent, GUVNL proceeded to make their detailed submissions on the aspect of jurisdiction of this Commission to deal with the present Petitions.



3. Learned counsel for the Petitioner further urged that since the SCOD of these projects under the PPAs has already elapsed and GUVNL has refused to consider the repeated request of the Petitioner for extension of SCOD on the ground of Force Majeure events, appropriate direction(s) may be issued upon the Respondent restraining it from taking any coercive actions against the Petitioner including invocation/encashment of the Bank Guarantee/Performance Bank Guarantee given under the PPAs. Learned counsel for the Respondent, on the other hand, objected to the said request and submitted that the Petitioner has not made out any case for grant of any interim relief/protection.

4. After hearing the learned counsel for the parties, the Commission directed the parties to file their respective written submissions, not excluding five pages, on the aspect of 'admissibility' of these Petitions within three weeks with copy to other side.

5. In the interregnum, the Commission deemed it appropriate to direct the parties to maintain the status quo with regard to status of the PPAs including the Bank Guarantee/Performance Bank Guarantee furnished thereunder till issuance of the order.

6. Subject to the above, the Commission reserved the order on 'admission' of matters.

**By order of the Commission**

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