

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 304/MP/2013

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for adjustment of generation tariff and other related reliefs.

Petitioner : Godawari Green Energy Limited (GGEL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTN) and Ors.

Petition No. 312/MP/2013

Subject : Petition in the matter of Power Purchase Agreement entered between NTPC Vidyut Vyapar Nigam Limited and Rajasthan Sun Technique Private Limited and in the matter of compensatory tariff on account of depreciation in rupee.

Petitioner : Rajasthan Sun Technique Private Limited (RSTPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTN) and Ors.

Petition No. 313/MP/2013

Subject : Petition in the matter of Power Purchase Agreement entered between NTPC Vidyut Vyapar Nigam Limited and Rajasthan Sun Technique Private Limited and in the matter of compensatory tariff on account of Direct Normal Irradiance (DNI).

Petitioner : Rajasthan Sun Technique Private Limited (RSTPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTN) and Ors.

Petition No. 16/MP/2014

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for adjustment in capacity utilisation factor, extension of time for execution of project and other consequential reliefs.

Petitioner : MEIL Green Power Limited (MGPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVTN) and Ors.

Date of Hearing : 6.10.2022

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



Parties Present : Shri Buddy Ranganadhan, Advocate, GGEL & RSTPL
Shri Raunak Jain, Advocate, GGEL
Shri Hasan Murtaza, Advocate, RSTPL
Shri Sameer Sharma, Advocate, RSTPL
Shri Sakya Singha Chaudhury, Advocate, MGPL
Ms. Shreya Dubey, Advocate, MGPL
Ms. Nithya Balaji, Advocate, MGPL
Ms. Anushree Bardhan, Advocate, NVVN
Ms. Srishti Khindaria, Advocate, NVVN
Shri Aneesh Bajaj, Advocate, NVVN
Ms. Swapna Seshadri, Advocate, PSPCL

Record of Proceedings

At the outset, learned counsel for the Petitioners in Petition Nos. 304/MP/2013, 312/MP/2013 & 313/MP/2013 submitted that the present matters have been re-listed in terms of the judgment of Appellate Tribunal for Electricity (APTEL) dated 26.7.2022 in Appeal Nos. 403 of 2017 and Ors. wherein the APTEL, while allowing the appeals filed by the Petitioners against the Commission's common order dated 11.10.2017, has remanded the matters, *inter-alia*, directing the Commission to formulate the mechanism for compensating the generators against (i) reduction in Direct Normal Irradiance (DNI) from the adopted value of DNI for determination of generic tariff to the actual annual values measured at project sites, and (ii) the Foreign Exchange Rate Variation (FERV), etc. The learned counsel for the Petitioners accordingly sought liberty to file additional affidavit(s) to place on record the necessary details/data in above regard. The learned counsel also submitted that so far as the Petitioner, Rajasthan Sun Technique Pvt. Ltd. is concerned, the Petitioner has also filed a fresh petition bearing No. 229/MP/2022 in this regard, which may be taken up along with the present matters. The learned counsel also pointed out that there has been change in the name of the Petitioner Company in Petition No. 304/MP/2019 and the Petitioner may be permitted to file an additional affidavit in this regard.

2. Learned counsel for the Petitioner in Petition No.16/MP/2014 sought similar liberty to place on record the relevant details/data in terms of the aforesaid judgment of the APTEL.

3. Learned counsel for the Respondents, PSPCL submitted that the Respondent, PSPCL has preferred an appeal against the judgment of APTEL dated 26.7.2022 before the Hon'ble Supreme Court which is to be listed for hearing. The learned counsel sought liberty to file their response to the data/ details to be furnished by the Petitioners vide their additional affidavits.

4. Considering the submissions made by the parties, the Commission directed the Petitioners to file their additional affidavit(s) within four weeks and the Respondents to file their reply/response, if any, within four weeks thereafter. The Petitioners may also file their rejoinder to the reply/response filed by the Respondents, if any, within two weeks thereafter.

5. The Petitions along with Petition No.229/MP/2022 shall be listed for hearing after mentioning the matters by parties after completion of pleadings/submissions.

By order of the Commission

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