

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.339/MP/2022 along with IA No. 66/2022

- Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 16.3.1 of the Power Purchase Agreement dated 29.10.2021 executed between Tunga Renewable Energy Private Limited and Solar Energy Corporation of India Limited seeking extension in the timelines for achieving Conditions Subsequent and Scheduled Commissioning Date of the 190 MW wind power project being set up by Tunga Renewable Energy Private Limited in Karnataka.
- Date of Hearing : 29.11.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Tunga Renewable Energy Private Limited (TREPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Shri Sajan Poovayya, Sr. Advocate, TREPL
Shri Jafar Alam, Advocate, TREPL
Shri Saahil Kaul, Advocate, TREPL
Shri Ashwin Ramanathan, Advocate, TREPL
Shri Abhishek Kapoor, Advocate, TREPL
Ms. Raksha Aggarwal, Advocate, TREPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Shri Pavan Kumar Gupta, TREPL
Shri Farrukh Aamir, TREPL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed seeking, *inter alia*, an extension of time for achieving Condition Subsequent and Scheduled Date of Commissioning for the Project on account of Force Majeure events in terms of Articles 3.2, 4.5 and 11 of the Power Purchase Agreement dated 29.10.2021 entered into between the Petitioner and SECI. Learned senior counsel further submitted that SECI having already denied the extension request of the Petitioner, the Petitioner has moved IA No. 66/2022 for restraining SECI from taking any coercive steps against the Petitioner during the pendency of the Petition including invocation and/or encashment of Performance Bank Guarantee for an amount of Rs. 38 crore furnished under the PPA.

2. Learned senior counsel for the Respondent No.1, SECI accepted the notice. Learned senior counsel did not object the interim relief sought by the Petitioner and submitted that the Buying Utilities/Distribution licensees, namely, Chhattisgarh State

Power Distribution Co. Ltd. and Union Territory of Puducherry ought to be impleaded as party to the Petition.

3. In response, learned senior counsel for the Petitioner sought liberty to implead the Buying Utilities/ Distribution licensees as party to the Petition.

4. After hearing the learned senior counsel for the Petitioner and Respondent SECI, the Commission ordered as under:

(a) The Petitioner to implead the Buying Utilities/Distribution licensees as party to the Petition and to file a revised memo of parties within a week.

(b) Admit. Issue notice to the Respondents.

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

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

(e) In the meantime, no coercive action shall be taken by the Respondents against the Petitioner till the next date of hearing. Accordingly, IA No. 66/2022 was disposed of

5. The Petition shall be listed for hearing on 14.2.2023.

By order of the Commission

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