

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 103/MP/2021 alongwith IA No. 71/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 28.10.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 3.6.2019 executed between Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Deoghar Solar Power Pvt. Ltd., ACME Dhaulpur Powertech Pvt. Ltd. and align the same with the SCOD of the Projects, as extended by SECI.

Petitioner : ACME Deoghar Solar Power Pvt. Ltd. & Ors.

Respondents : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

Petition No. 104/MP/2021 alongwith IA No. 72/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 25.09.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 16.5.2019 executed b Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Phalodi Solar Energy Pvt. Ltd., ACME Raisar Solar Energy Pvt. Ltd. and align the same



with the SCOD of the Projects, as extended by SECI.

Petitioner : ACME Phalodi Solar Energy Pvt. Ltd. & Ors.

Respondents : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

Petition No. 36/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 and the Power Purchase Agreement dated 07.12.2018 executed between ACME Deoghar Solar Power Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Power Purchase Agreement dated 07.12.2018 executed between ACME Dhaulpur Powertech Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Tripartite Transmission Agreement dated 28.10.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Ltd and Fatehgarh Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.01.2019 executed between ACME Solar Holdings Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 03.06.2019 executed between Power Grid Corporation of India Ltd. and ACME Solar Holdings Ltd. seeking extension of Scheduled Commissioning Date of the Projects and seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Deoghar Solar Power Pvt. Ltd., ACME Dhaulpur Powertech Pvt. Ltd. and align the same with the SCOD of the Projects

Petitioner : ACME Deoghar Solar Power Pvt. Ltd. & Ors.

Respondents : Solar Energy Corporation of India Ltd. & Anr.

Petition No. 35/MP/2022

Petitioner : ACME Phalodi Solar Energy Pvt. Ltd. & Ors. .

Respondents : Solar Energy Corporation of India Ltd. & Anr



Date of Hearing : 9.2.2022

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

Parties Present : Shri M.G. Ramachandran, Senior Advocate, SECI
Shri Amit Kapur Advocate, ACME, ASHIL
Shri Vishrov Mukherjee, Advocate, ACME, ASHIL
Shri Girik Bhalla, Advocate, ACME, ASHIL
Ms. Priyanka Vyas, Advocate, ASHIL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Tanya Sareen, Advocate, SECI
Shri Ravi Nair, Advocate, SECI
Ms. Neha Singh, SECI
Shri Manas Ranjan Mishra, SECI

Record of Proceedings

Cases were called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that Petition No. 36/MP/2022 (pertains to ACME Deoghar and ACME Dhaulpur covered in the Petition No. 103/MP/2021) and Petition No. 35/MP/2022 (pertains to ACME Phalodi and ACME Raisar covered in the Petition No. 104/MP/2021) have been filed seeking directions to SECI to extend SCOD of various projects up to 18.7.2023 considering the time required to construct the bays and DTL (dedicated transmission line) at the Fatehgarh Sub-station and directions to PGCIL to extend the date of commencement of LTA so that it is aligned with SCOD of their projects as extended by SECI. He submitted that pursuant to the directions of the Commission vide Record of Proceeding (RoP) dated 13.1.2022 the four petitions have been listed together as they are related.

3. Learned counsel for the Petitioner submitted that Ministry of New and Renewable Energy (MNRE) vide OM dated 3.2.2022 has invited comments on the issues arising out of Hon'ble Supreme Court order dated 19.4.2021 (in I.A No/ 85618/2020 in W.P No 838 of 2019) regarding the undergrounding of transmission line in habitats of Great Indian Bustard (GIB) in Rajasthan and Gujarat. He further submitted that MNRE and MoEFCC have also filed an I.A in the Hon'ble Supreme Court challenging the order dated 19.4.2021. He submitted that MNRE has also extended SCOD of RE Projects to a date which is 30 days after the date of judgment by Hon'ble Supreme Court in the I.A. filed by MNRE. In view of the above facts and



circumstances, he requested the Commission to adjourn the matters and in the meanwhile pleadings can be completed in all the four petitions.

4. Learned counsel for the CTUIL submitted that the information sought in Petition No. 103/MP/2021 and Petition No. 104/MP/2021 has been filed vide affidavit dated 27.1.2022. She submitted that reply has been filed in Petition No. 103/MP/2021 and Petition No. 104/MP/2021 and reply in Petition No. 35/MP/2022 and 36/MP/2022 are ready and will be filed soon.

5. Learned senior counsel for SECI submitted that a representation was made by the Petitioner on 15.11.2021 with MNRE regarding extension of SCOD of the instant projects due to *force majeure* events. Further, SECI has submitted the information sought by MNRE and in all probability, the issue of extension of SCOD may be resolved. He submitted that the Petitioners may be directed to implead all the buying entities as Respondents in Petition No. 36/MP/2022 and Petition No. 35/MP/2022.

6. On the request of the learned counsel for the Petitioner, the Commission adjourned the matter.

7. The Commission directed CTUIL to place on record a comprehensive status of billing of transmission charges from the date of operationalization of LTA, by way of an affidavit by 25.2.2022 and to raise the bills, if they are not raised.

8. The Commission further directed the Petitioner to implead the buying utilities/beneficiaries in Petition No. 35/MP/2022 and Petition No. 36/MP/2022, serve a copy of the petition on the Respondents and file a revised 'Memo of parties' by 19.2.2022. The Commission directed the Respondents to file reply in Petition No. 35/MP/2022 and Petition No.36/MP/2022 on affidavit by 7.3.2022 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 21.3.2022. The Commission further directed the parties to comply with the directions within the timeline specified and observed that no extension of time shall be granted.

9. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Legal)

