

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.131/MP/2021**

- Subject : Petition under Section 79 (1)(b) along with Section 79(1)(f) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 for declaring that Article 10.2.1 of the Power Purchase Agreements dated 25.1.2012 and 15.10.2010 along with its amendments, between the Petitioners and Respondent stands superseded by Regulation 5(i)(v) and (vi) of the DSM Regulations and for consequent direction on the Respondent to proceed accordingly for payment of tariff under the PPA.
- Date of Hearing : 13.6.2023
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioners : Solar Field Energy Two Private Limited (SFETPL) and Anr
- Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVNL)
- Parties Present : Shri Sakya Singha Chaudhuri, Advocate, SFETPL  
Ms. Nithya Balaji, Advocate, SEFTPL  
Ms. Shriya Gambhir, Advocate, SEFTPL  
Ms. Anushree Bardhan, Advocate, NVVNL  
Ms. Surbhi Kapoor, Advocate, NVVNL  
Ms. Srishti Khindaria, Advocate, NVVNL  
Shri Aneesh Bajaj, Advocate, NVVNL

**Record of Proceedings**

Learned counsel for the Petitioners submitted that the present Petition has been filed, *inter alia*, for declaration that Article 10.2.1 of the Power Purchase Agreements ('PPAs') dated 25.1.2012 and 15.10.2010 along with their amendments, between the Petitioners and the Respondent stand superseded by Regulation 5(i)(v) and 5(i)(vi) of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014, as amended from time to time, and for consequent direction on the Respondent to proceed accordingly for payment of tariff under the PPAs. Learned counsel further submitted that the present case is squarely covered by the earlier order of the Commission dated 21.1.2022 in Petition No. 269/MP/2019 (Lexicon Vanijya Private Limited and Anr. v. NVVN & Anr.) and a similar order may also be passed in the present case. Learned counsel also submitted that, insofar as the data pertaining to the generation schedule is concerned, the Petitioners are willing and ready to co-ordinate with the Qualifying Coordination Agency (QCA) and to provide the bifurcated intra-State and inter-State schedules.



2. Learned counsel for the Respondent, NVVNL, however, pointed out that despite the direction of the Commission vide order dated 21.1.2022 in Petition No. 269/MP/2019, neither the Rajasthan – SLDC nor the QCA is separately providing the schedule of such generating stations corresponding to the inter-State transactions. Learned counsel further submitted that while the Petitioners herein have indicated their willingness to coordinate with the QCA in providing such data, the Respondent has agreements with approximately 50 such similarly placed generating stations, who may not be ready to do so, and thus, the Commission may issue the appropriate directions or devise a suitable mechanism in this regard. Learned counsel also added that neither Rajasthan SLDC nor Western Regional Load Despatch Centre is as such a party to the present Petition.

3. After hearing the learned counsel for the parties, the Commission reserved the matter for order.

**By order of the Commission**

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