

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 192/MP/2021 Along with I.A No.3/IA/2023

- Subject** : Petition under Sections 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003, readwith Article 4.5(a) of the Power Purchase Agreement (PPA) dated 20.8.2019 executed between the Petitioner and Solar Energy Corporation of India Limited (SECI), readwith the back-to-back Power Sale Agreements (PSAs) dated 17.6.2019 and 26.6.2019 executed between SECI and BSES Yamuna Power Limited (BYPL) and Tata Power Delhi Distribution Limited (TPDDL), respectively, seeking extension of Scheduled Commercial Operation Date (SCOD) and based on the extension of SCOD sought in the instant petition, seeking consequent deferment of operationalization of Long-Term Access (LTA) granted by the Central Transmission Utility (CTU) to the Petitioner.
- Date of Hearing** : 2.5.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : SBSR Power Cleantech Eleven Private Limited (SPCEPL)
- Respondents** : Solar Energy Corporation of India Limited (SECI) and 2 Ors.
- Parties Present** : Shri Shri Sanjay Sen, Senior Advocate, SPCEPL
Shri Hemant Singh, Advocate, SPCEPL
Shri Lakshyajit Singh Bagdwa, Advocate, SPCEPL
Ms. Lavarya Panwar, Advocate, SPCEPL
Ms. Roberta Ruth Elwin, Advocate, SPCEPL
Shri M.G Ramachandran, Senior Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Anesh Bajaj, Advocate, SECI
Shri Buddy Ranganadhan, Advocate, BYPL



Shri Hasan Murtaza, Advocate, BYPL
Shri Sameer Sharma, Advocate, BYPL
Shri Venkatesh, Advocate, TPDDL
Shri Jatin Ghuliani, Advocate, TPDDL
Shri Anant Singh, Advocate, TPDDL
Shri Mohit Manshranami, Advocate, TPDDL
Ms. Shefali Sobti, TPDDL
Shri Sameer Singh, BYPL
Shri Nishant Grover, BYPL
Shri Ravi Sinha, SPCEPL

Record of Proceedings

The learned counsel for TPDDL made detailed oral submissions during the course of hearing. He pointed out that SECI has not yet terminated the PPA. He further submitted that the Petitioner's contention that the contracted capacity of the project has been reduced to 150MW as SECI had declined to extend the SCOD of the remaining 150MW out of the total 300MW is misplaced. Referring to the undertaking dated 30.07.2021 given by the Petitioner with respect to extension of time due to 2nd wave of Covid-19, it was submitted that the Petitioner had given an undertaking that such time extension provided by SECI shall not be used for claiming increase in the Project cost, including IDC or upwards revision of tariff. The Petitioner had further undertaken to commission the project in line with the provisions of PPA and further agreed that the Petitioner shall not use extension granted by SECI as a ground for termination of the PPA. He wanted to place on record that TDPPL is willing to off-take power from the Petitioner's Project and is ready to bear any additional cost due to "change in law" events as decided by the Commission.

2. The learned senior counsel for the Petitioner also made detailed oral submissions during the course of hearing. The Petitioner sought amendment of its prayers through an IA and it was not opposed by the Respondents and the amendments have also been approved by the Commission. He submitted the I.A No.3/IA/2023 filed by TPDDL seeking direction to Petitioner to supply the commissioned capacity of 62.5 MW to TPDDL on pro-rata basis in accordance with the terms of PPA and PSA is not maintainable as it is outside the scope of the prayers of the amended petition of Petitioner. He submitted that the Petitioner has to amend the petition and would like to file certain additional information and sought permission for the same.

3. The learned counsel for BYPL also stated that BYPL is ready to off-take its quota of the 62.5MW and would bear the additional cost, if any, due to "change in law" events as per the decision of the Commission.

4. The learned senior counsel for the SECI submitted that SECI will agree to extend the SCOD of the Petitioner's Project. Further, TPDDL and BYPL had agreed in the meeting held on 31.3.2023 to off-take the 62.5MW power capacity as per the terms and conditions of the PPA and PSA and have also expressed their willingness to bear any additional financial implications due "change in law" events as decided by the Commission.



5. After hearing the parties, in the changed circumstances, the Commission directed SECI to file on affidavit by 17.5.2023 that it would extend the SCOD of the Petitioner's Project and the beneficiaries – TPDDL and BYPL to submit on affidavit by 17.5.2023 that they would bear additional financial implications, if any due to "Change in Law" as per PPA and PSA as per decision of the commission, with an advance copy to the other parties. The Commission also directed the Petitioner to make its submissions on affidavit by 17.5.2023 with a copy to the other parties.

6. Subject to the above, the Commission reserved its order on TPDDL's IA No. 3/IA/2023.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

