

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 227/MP/2020 along with IA No. 7/2022**

- Subject : Petition under Section 79(1)(f) read with Section 79(1)(k) of the Electricity Act, 2003 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking issuance of appropriate orders/directions to Solar Energy Corporation of India Limited pursuant to issues arising out of the Power Purchase Agreement dated 4.9.2018 and seeking consequent relief for releasing the Bank Guarantee issued by the Petitioner in favour of Solar Energy Corporation of India Limited.
- Date of Hearing : 6.3.2023
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Mytrah Vayu (Brahmaputra) Private Limited (MVBPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and 3 Ors.
- Parties Present : Shri Venkatesh, Advocate, MVBPL  
Shri Suhael Buttan, Advocate, MVBPL  
Shri Vineet Kumar, Advocate, MVBPL  
Shri Sanjeev Thakur, Advocate, MVBPL  
Shri Kartikey Trivedi, Advocate, MVBPL  
Shri Buddy Ranganadhan, Advocate, BYPL  
Shri Hasan Murtaza, Advocate, BYPL  
Ms. Shefali Sobti, TPDDL  
Shri Anand Shrivastava, Advocate,  
Shri Ankit Bhandari, Advocate,  
Ms. Anushree Bardhan, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Shri Aneesh Bajaj, Advocate, SECI  
Ms. Surbhi Kapoor, Advocate, SECI  
Ms. Srishti Khindaria, Advocate, SECI

**Record of Proceedings**

During the course of hearing, learned counsel for the Petitioner made detailed submissions in the matter. Learned counsel, *inter-alia*, referred to the various articles of the Power Purchase Agreement (PPA) dated 4.9.2018 and submitted that Article 4.5.3 of the PPA provides that in the event, the Petitioner is prevented from performing its obligations due to force majeure events, which continue even after a maximum period of 9 months, any party may choose to terminate the PPA without any consequences. Learned counsel further submitted that in the present case, the implementation of the Project was affected by the Tamil Nadu Combined Development and Building Rules, 2019 which had a direct impact on the land acquisition process for the Project in the State of Tamil Nadu and inordinate delay on

the part of SECI to apply for and obtain tariff adoption order from the Appropriate Commission. Learned counsel pointed out that despite the PPA having been signed on 4.9.2018, SECI did not approach the Commission seeking adoption of tariff till November, 2019. Learned counsel further added that while the Petitioner issued the 1<sup>st</sup> Termination Notice on 25.2.2020, the Petitioner had also issued another Termination Notice to SECI on 5.3.2021 once again invoking Article 4.5.3 of the PPA qua Covid-19 and the Petitioner, vide IA No.7/2022, has sought to bring on record these developments by seeking suitable amendment to the present Petition.

2. Due to paucity of time, the submissions of the learned counsel for the Petitioner could not be concluded.

3. Learned counsel for the Respondent No.1, SECI submitted that SECI has already filed its reply to IA and/or amended Petition filed by the Petitioner objecting to additional grounds sought to be introduced by the Petitioner. Learned counsel submitted that while the Commission may not allow the IA at this stage, it may be taken on record subject to the objections raised by SECI being kept open.

4. The matter remained part-heard. The Petition along with IA shall be listed for hearing on 16.5.2023 and till such date, the interim relief(s) allowed vide Record of Proceedings for the hearing dated 5.3.2020 will be continued.

**By order of the Commission**

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