

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.235/MP/2021

- Subject : Petition under Section 79(1)(f) read with Section 79(1)(a) and (b) of the Electricity Act, 2003 read with the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects, 2017 as amended from time to time seeking declaration of discharge from any obligation and liability to the Respondent under the Request for Selection No. SECI/C&P/WPD/1200MW/T7/RfS/022019 dated 22.2.2019, Letter of Award dated 19.6.2019 or otherwise.
- Date of Hearing : **13.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Betam Wind Energy Private Limited (BWEPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Shri Nimesh Jha, Advocate, BWEPL
Shri Rishabh Sehgal, Advocate, BWEPL
Ms. Molshree Bhatnagar, Advocate, BWEPL
Ms. Anukriti Jain, Advocate, UPPCL
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that in terms of the direction of the Commission vide Record of Proceedings for the hearing dated 29.5.2023, the Petitioner has already impleaded Uttar Pradesh Power Corporation Private Limited (UPPCL) as a party to the Petition. Learned counsel further submitted that insofar as an amendment to the Petition as sought to be incorporated by the Petitioner is concerned, the Petitioner has already moved an IA to the above effect. However, it is yet to be registered owing to certain payment/fee acknowledgement issues.

2. Learned counsel appearing on behalf of the Respondent, UPPCL, sought four weeks' time to file a reply to the Petition. Learned counsel also submitted that the Respondent is yet to receive the mentioned IA filed seeking an amendment to the Petition, and the Respondent be also permitted to file its response thereon.

3. Learned counsel for the Respondent SECI, submitted that SECI may also be permitted to file its response to the IA moved by the Petitioner seeking an amendment to the Petition once it is registered.



4. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

(a) The Respondent, UPPCL, is to file its reply to the Petition within three weeks with a copy to the Petitioner, who may file its rejoinder within three weeks thereafter.

(b) If the Petitioner wishes to incorporate amendment to the Petition, it shall ensure that its IA to this effect is registered and numbered, after the removal of all defects, within two weeks.

(c) The Respondents may also file their response to the above IA, including on the merits of the amendments sought therein, within three weeks with a copy to the Petitioner, who may file its rejoinder thereof within three weeks thereafter.

(d) The Petitioner, having already deposited the amount equivalent to EMD with SECI, the interim direction given vide Record of Proceedings for the hearing dated 23.11.2021 will be continued till the next date of hearing. The Petitioner, in the meantime, will keep the Performance Bank Guarantee as furnished to SECI alive.

5. The Petition, along with the IA, if any, will be listed for hearing on **13.12.2023**.

By order of the Commission

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