

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 354/AT/2022

- Subject : Petition under Section 63 of the Act, 2003 for adoption of tariff for 1200 MW Wind-Solar Hybrid Power Projects (TRANCHE-IV) connected to the Inter-State Transmission System (ISTS) and selected through competitive bidding process as per the guidelines of the Government of India.
- Date of Hearing : **19.1.2023**
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Energy Corporation of India Limited (SECIL)
- Respondents : Project Ten Renewable Power Private Limited & Ors.
- Parties Present : Shri M.G. Ramachandran, Senior Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Neha Singh, SECI
Shri Atulya Kumar Naik, SECI
Shri Shibasish Das, SECI
Shri Mudit Jani, SECI

Record of Proceedings

Case was called out for virtual hearing.

2. The learned senior counsel for the Petitioner submitted that the present Petition has been filed for adoption of tariff for 1200 MW Wind-Solar Hybrid Power Project (Tranche-IV) connected to inter-State Transmission System that has been selected through competitive bidding process as per the 'Guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects' issued by the Ministry of New and Renewable Energy, Govt. of India dated 14.10.2020 ('the Guidelines'). The learned senior counsel for the Petitioner further submitted the following:

(a) Pursuant to the competitive bidding conducted by SECI in terms of the Guidelines, three developers for the capacity of 1200 MW wind-solar hybrid projects have been selected. The Power Purchase Agreements ('PPAs') have been signed with the project developers and correspondingly, the Power Supply Agreements ('PSAs') have been signed for the awarded capacities with the various buying entities.

(b) In the present case, no deviation has been taken in the bid documents from the provisions of the Guidelines with regard to the Change in Law provisions.

(c) Accordingly, SECI has furnished Conformity Certificate to the effect that no deviations were made in regard to Bidding Guidelines and to the effect that the Bid Evaluation Committee has conducted the bid evaluation in conformity with the provisions of RfS.

3. After hearing the learned senior counsel for the Petitioner, the Commission observed that while the Clause 8.5 of the Guidelines provides formula for compensating the financial impact due to increase/decrease in the costs on account of occurrence of Change in Law event, the Petitioner in clause 12.2.3 of the PPA and PSA has provided for pre-determined quantum of compensation for Change in Law events, whereby for every net increase/decrease of Rs. 1 lakh per MW in the project cost, there shall be corresponding increase/decrease of an amount equal to Rs. 0.0049/kWh. Accordingly, the Commission directed the Petitioner to clarify on affidavit within a week rationale for incorporating the pre-determined Change in Law relief of Rs. 0.0049/kWh for increase/decrease of Rs. 1 lakh per MW in the project cost rather than following the mechanism as specified in the Guidelines. The Commission further ordered as under:

(a) Admit.

(b) The Petitioner to serve copy of the Petitions on the Respondents immediately, if not already served and the Respondents to file their reply, if any, within a week after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by within a week thereafter;

(d) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. Subject to the above, the Commission reserved order in the matter.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)