

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 138/AT/2024**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for Pilot Projects of 500 MW/1000MWh Standalone Battery Energy Storage Systems in India under Tariff-Based Global Competitive Bidding (ESS-I) process as per the guidelines of the Government of India.

Petitioner : Solar Energy Corporation of India Limited ('SECI')

Respondents : JSW Renew Energy Five Limited ('JREFL') and Ors.

Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member

**Record of Proceedings**

The Commission, vide Record of Proceedings for the hearing dated 8.8.2024, had reserved the matter for order.

2. While considering the matter for final decision, the Commission noticed Clause 6 of G: Contract Award and Conclusion of Section III Bidding Process and Award of Project of the Guidelines, which is extracted as under:

*“ 6. In case of delay in signing of BESPAs beyond 6 months from the date of issuance of LoAs, or any other extended date as mutually agreed between the Bidding Agency and the successful bidders, the awarded capacity shall stand cancelled. In certain cases, after the above deadline, if the cumulative capacity eligible for signing of BESPAs is lower than the cumulative capacity awarded under the tender, further course of action will be decided by the Bidding Agency, which will be clearly specified in the tender document.”*

3. The Commission has directed the parties to file an affidavit, on or before, 20.9.2024, to the effect whether Clause 6 of G: Contract Award and Conclusion of Section III Bidding Process and Award of Project of the Guidelines, stands novated in terms of Section 62 of the Indian Contract Act, 1872.

4. The Commission has directed to list the matter for hearing on **10.10.2024**.

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