

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 180/MP/2024**

Subject : Petition under Section 79(1)(f) read with Sections 79(1)(b) of the Electricity Act, 2003 and Article 16.3.1 of the Power Purchase Agreement dated 4.9.2018 *inter alia* seeking a declaration that pursuant to part-commissioning of the Project due to force majeure events, the Petitioner is not liable to pay any liquidated damages or any other sum, and is entitled to seek a refund of the liquidated damages erroneously collected by the Respondent.

Petitioner : Avikiran Solar India Private Limited (AS IPL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Date of Hearing : **7.10.2024**

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

Parties Present : Shri Jafar Alam, Advocate, AS IPL  
Shri Ashwin Ramanathan, Advocate, AS IPL  
Shri Shivang Berry, Advocate, AS IPL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking a declaration that pursuant to the termination of 117 MW capacity (out of 285 MW) under the Power Purchase Agreement dated 4.9.2018 on account of force majeure events, the Petitioner is not liable to pay any liquidated damages or any other sum to the Respondent, SECI and consequently, a refund of liquidated damages as erroneously collected by the Respondent, SECI from the Petitioner.

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit and issue notice to the Respondent, subject to just exceptions;
- (b) The Respondent is to file its reply, if any, within six weeks with a copy to the Petitioner, who may file its rejoinder within four weeks thereafter.

3. The Petition will be listed for hearing on **19.12.2024**.

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