

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 196/MP/2024

- Subject : Petition under Section 79 of the Electricity Act, 2003 and Regulations 1.5(iv), 5.2(u) and 6.5(11) of the CERC (Indian Electricity Grid Code) Regulations, 2010 read with Regulations 49(1)(f)(iii), 49(3)(a)(A)(ii)(III), 49(3)(a)(A)(iii)(II) and 56(k) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023 and Rule 3 of the Electricity (Promotion of Generation of Electricity from Must-Run Power Plant) Rules, 2021 seeking directions to State Load Dispatch Centre to implement the Must Run status accorded to the Petitioner's Solar Power Project in letter and spirit and to compensate the Petitioner for generation loss for unlawful and arbitrary curtailment of generation from Petitioner's Solar Project.
- Petitioner : Solairepro Urja Private Limited (SUPL)
- Respondent : Andhra Pradesh State Load Despatch Centre and Ors.
- Date of Hearing : **6.11.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Vishrov Mukerjee, Advocate, SUPL
Shri Pratush Singh, Advocate, SUPL
Ms. Juhi Senguttuvan, Advocate, SUPL
Shri Neeraj Verma, SUPL
Shri Venkatesh, Advocate, NTPC
Shri Ashutosh Srivastava, Advocate, NTPC
Shri Aashwyn Singh, Advocate, NTPC
Ms. Indu Uttara, Advocate, NTPC
Shri Yelamanchili Shiva Santosh, Advocate, AP SLDC
Shri Suvin Kumaran, Advocate, AP SLDC
Shri Rudrajit Ghosh, Advocate, AP SLDC
Ms. Medha Kolanij, Advocate, AP SLDC
Ms. Khayi Chhabra, Advocate, AP SLDC

Record of Proceedings

At the outset, learned counsel for Respondent Nos.1 & 4-7 submitted that the hearing of an identical matter, i.e., Petition No. 592/MP/2020 involving the same parties, has been deferred by the Commission in light of the order of the Hon'ble High Court of Andhra Pradesh dated 1.12.2021 in WP No. 28245 of 2021 whereby the Hon'ble High Court has stayed the proceedings of another similar matter, i.e., Petition No. 342/MP/2019 (Prayatna Developers Pvt. Ltd. v. AP SLDC and Ors.). Learned counsel, accordingly, urged that the present Petition may also be tagged with Petition No. 592/MP/2020.

2. In response, learned counsel for the Petitioner submitted that Petition No. 592/MP/2020 *inter alia* concerns with the illegal and arbitrary curtailment instructions issued by Respondent No.1 and the consequent loss of generation for the period July 2019 to 17.1.2020 and the deferment of proceedings in the said case was based on the specific concession made by the Petitioner therein. However, since the issue of curtailment continued to persist, the Petitioner has been constrained to file the present Petition for the subsequent period, i.e., from 18.1.2020 onwards. Learned counsel added that the interim stay granted by the Hon'ble High Court of Andhra Pradesh on the further proceedings of Petition No. 342/MP/2019 cannot apply to the present case, and Respondent No.1 ought to be directed to issue any curtailment / backing down instructions only in accordance with the law.

3. Learned counsel for the Respondent, NTPC, also pointed out that the recently notified Grid Code, 2023, also incorporates the procedure to be followed for issuance of any curtailment directions.

4. In response to the specific query of the Commission regarding whether the backing down/curtailment instructions were in accordance with the directives of the APTEL in judgment dated 2.8.2021 in Appeal No. 197 of 2019 titled as *NSEFI v. TNERC*, learned counsel for the Respondents sought liberty to seek necessary instructions and file a reply in the matter.

5. Considering the above, the Commission directed the Respondents to file their reply as above within two weeks with a copy to the Petitioner who may file its rejoinder within two weeks thereafter.

6. The Petition shall be listed for the hearing on **24.12.2024**.

By order of the Commission

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