

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 223/AT/2024**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff discovered through competitive bidding process for procurement of power from 1500 MW ISTS connected Solar PV Power Projects as per the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects, Ministry of Power, Government of India dated 28.7.2023 and its amendments thereof.

Petitioner : NTPC Limited (NTPC).

Respondents : Furies Solern Private Limited and Ors.

Date of Hearing : **9.9.2024**

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

Parties Present : Ms. Sakie Jakharia, Advocate, NTPC  
Ms. Chumei Mercy, Advocate, NTPC  
Shri Nitish Gupta, Advocate, FSPL  
Shri Deepak Thakur, Advocate, FSPL  
Ms. Parichita Chowdhury, Advocate FSPL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking the adoption of the tariff of the 1500 MW Solar PV Power Projects connected with the inter-State Transmission System and selected through the competitive bidding process as per the "Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects" dated 28.7.2023 ("Solar Guidelines") issued by the Ministry of Power, Government of India. Learned counsel further submitted that the Petitioner has furnished the additional information/clarification sought by the Commission, and accordingly, the matter may be reserved for the order.

2. Learned counsel for Respondent No.1, Furies Solern Private Limited, submitted that since the adoption of tariff also entails the adoption of terms and conditions of tariff, the Petitioner ought to be directed to ensure that there is no change in the terms and conditions contained in the RfS and/or draft PPA at this stage. Learned counsel submitted that as per Clause 3.28(c) of the RfS read with Article 2.1.1 of the draft PPA, the Scheduled Commencement of Supply Date (SCSD) for supplying the power from the full Project capacity shall be the date as of 24 months from the effective date of the PPA and the effective date of the PPA has been provided as the 90<sup>th</sup> day of issuance of the LoA by NTPC or the actual date of signing of the agreement if signed beyond 90 days of issuance of the LoA. Learned counsel submitted that since the period of 90 days from the issuance of the LoA has already lapsed, the effective date of the PPA will be the date of

signing, and the Petitioner, in turn, will have 24 months from the effective date to achieve the SCSD. Learned counsel, however, pointed out that in draft Supplemental PPA circulated by NTPC recently, this SCSD appears to have been preponed to June 2026.

3. In response, the learned counsel for the Petitioner clarified that the proposal to advance the Project SCSD to an earlier date is merely discretionary and has been proposed by NTPC based on the request of one of the Distribution Licensees intending to avail of the benefit of waiver of ISTS charges. Learned counsel further submitted that such a proposal, as such, has not been foisted upon any of the selected developers.

4. Further, considering the request of the learned counsels for the parties, the Commission permitted the Petitioner and Respondent No.1 to file their brief written submissions, if any, within a week with a copy to the other side.

5. Subject to the above, the Commission reserved the matter for order.

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