

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 300/MP/2023

Subject : Petition under Section 79(1)(c), Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 seeking directions to supply of power to a third party due to delay in operationalisation of LTA.

Date of Hearing : 14.2.2024

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : JSW Renew Energy Two Limited (JSWRE2L)

Respondent : Solar Energy Corporation of India Limited (SECI) & 3 Ors.

Parties present : Shri Aditya K. Singh, Advocate, JSW
Ms. Tanya Sareen, Advocate, JSW
Ms. Ayushi R. Saxena, Advocate, JSW
Ms. Mandakini Ghosh, Advocate SECI
Ms. Aakanksha Bhola, Advocate, SECI
Shri Siddharth Sharma, CTUIL

Record of Proceedings

The learned counsel for the Petitioner submitted as follows:

- (a) The Petitioner was the successful bidder for the establishment of a 300 MW capacity wind power project connected at Tuticorin-II PS. The request for selection was issued in the month of December 2020. A letter of award was issued to the Petitioner in March, 2021, and the Petitioner was granted Stage-II connectivity from 31.10.2022 by CTUIL in July, 2021. PPA was signed between the generator and the trading licensee in September, 2021. LTA was granted to the Petitioner in February, 2022. In terms of LTA, the date of operationalization of the LTA is in July, 2024. As per PPA, SCOD was March, 2023, which was revised due to the occurrence of certain *force majeure* events to September, 2024. The PPA was for 300 MW, out of which the Petitioner has commissioned 232 MW.
- (b) The Petitioner was supplying power to Solar Energy Corporation of India Limited (SECI), Respondent No. 1, and it was scheduled to Rajasthan Urja



Vikas Nigam Limited (RUVNL), Respondent No. 2, under Short Term Open Access (STOA), till the operationalization of the Long-Term Access (LTA) by Central Transmission Utility of India Limited (CTUIL), Respondent No. 3.

- (c) As there was a delay in the operationalization of LTA, the Petitioner was compelled to supply power under STOA and the Petitioner was burdened with deviation settlement charges and other costs due to the supply of power under STOA. The Petitioner did not consider the DSM charges at the time of bidding.
- (d) The Petitioner sought permission to sell power to a third party till the operationalization of LTA, and it has been denied by SECI.
- (e) Therefore, the Petitioner has prayed in the petition to issue directions to SECI to allow the Petitioner to sell power to a third party or, in the alternative, direct SECI to reimburse the DSM charges and the cost imposed for scheduling power to RUVNL through SECI.

2. In response to the Commission's query, the learned counsel for the Petitioner submitted that RLDC requires NoC from SECI for the sale of power to a third party and SECI has refused to give the NoC for the sale of power to a third-party.

3. In response to another query of the Commission, the learned counsel for the Petitioner submitted that the Petitioner filed the instant petition in September, 2023, and at that time, the Petitioner was left with the option either to waste the renewable energy generated by it or to supply the energy and bear the loss. Therefore, the Petitioner, in the instant petition, has prayed either to direct SECI to allow the Petitioner to supply the power to the third-party or, in the alternative, direct SECI to repay all the losses. He further submitted that the situation has now changed and the LTA has been operationalized in the month of October, 2023. Therefore, the Petitioner is not pressing its prayer for the issue of directions to SECI to allow it to sell power to a third party, and the Petitioner is now only seeking reimbursement of the loss of Rs. 7 crore suffered by the Petitioner from SECI.

4. The learned counsel for SECI sought 4 weeks' time to file the detailed reply to the petition.

5. After hearing the learned counsel for the Petitioner and SECI, the Commission directed as follows:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to submit the current status of the project and the present status of scheduling of power from the commissioned part of the project along with the modified prayer on an affidavit by 26.2.2024 with an advance copy to the Respondents.



(c) The Respondents to file their replies on an affidavit by 26.3.2024 with an advance copy to the Petitioner, and the Petitioner, to file its rejoinder, if any, on an affidavit by 10.4.2024.

6. The Commission further directed the parties to strictly comply with the above direction within the specified timeline and observed that no extension of time will be granted.

7. The matter will be listed for further hearing on 26.4.2024.

By order of the Commission

sd/
(V. Sreenivas)
Joint Chief (Law)

