

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 307/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 along with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking extension of time for performance of contractual obligations under the Power Purchase Agreement dated 24.5.2018 on account of force majeure events and seeking consequent relief thereto.

Petitioners : Inox Green Energy Services Limited (IGESL) & Ors

Respondent : Solar Energy Corporation of India Limited (SECI)

Petition No. 308/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 along with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking extension of time for performance of contractual obligations under the Power Purchase Agreements dated 28.12.2018 on account of force majeure events and seeking consequent relief thereto.

Petitioners : Inox Green Energy Services Limited (IGESL) & Ors

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 Mayank Bughani, Advocate, Inox Green

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petitions had been filed *inter alia* seeking extension of time for performance of contractual obligations under the Power Purchase Agreements dated 24.5.2018 (in Petition No. 307/MP/2024) and 28.12.2018 (in Petition No. 308/MP/2024) on account of Force Majeure events and seeking consequent reliefs, particularly, refraining the Respondent, SECI from encashing

Bank Guarantees issued by the Petitioners and/or taking any other coercive measures against the Petitioners. Learned counsel further submitted as under:

(a) The original Scheduled Commercial Operation Date (SCD) of the Projects in Petition Nos. 307/MP/2024 and 308/MP/2024 were 24.11.2019 and 29.2.2020 respectively. However, owing to certain Force majeure events, the SCD of Projects was extended from time to time.

(b) On 11.10.2022, the Respondent, SECI, rejected the Petitioners' request for further extension of SCD of the Projects.

(c) Subsequently, on 14.10.2022, the Petitioners approached the Dispute Resolution Committee seeking an extension of the deadline for the achievement of the conditions subsequent and financial closure of the Projects till the commissioning of the Projects. However, the Committee rejected the Petitioners' appeal only on 2.9.2024 and did not grant any relief to the Petitioners.

(d) Although the Petitioner has prayed to restrain SECI from encashing the Bank Guarantees (BGs) furnished by the Petitioner under the PPAs, SECI has already proceeded to encash such BGs.

2. After hearing the learned counsel for the Petitioners, the Commission ordered as under:

(a) Admit and issue notice to the Respondent, subject to just exceptions;

(b) The Respondent to file its reply, if any, within four weeks with a copy to the Petitioners, who may file their rejoinder within three weeks thereafter.

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

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)