

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.358/MP/2023 along with IA No.90/2023

Subject : Petition under Section 79(1)(c) & (f) of the Electricity Act, 2003 read with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.

Date of Hearing : **31.1.2024**

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

Petitioner : TP Saurya Limited (TPSL)

Respondent : Rewa Ultra Mega Solar Limited (RUMSL) and 2 Ors.

Parties Present : Shri Venkatesh, Advocate, TPSL
Shri Shri Abhishek Nangia, Advocate, TPSL
Shri Aashwyn Singh, Advocate, TPSL
Shri Aditya Singh, Advocate, RUMSL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking condonation of delay in achieving the Financial Closure and extension in the Scheduled Commercial Operation Date (SCOD) on account of the various factors beyond the control of the Petitioner including the delay in construction and commissioning of the 400 kV ISTS evacuation infrastructure being developed by the Neemuch Transmission Limited. Learned counsel further submitted that subsequent to the last hearing on 29.11.2023, the Respondent, RUMSL by its letter dated 8.12.2023, has revised the SCOD for the Project to 5.2.2024 beyond which the SPD/the Petitioner would be liable to pay the damages/penalty/charges as mentioned in the PPA. Learned counsel submitted that, in the said letter, it has been clearly stated that there is a delay in fulfilment of the condition subsequent under Article 2.1(b) of the PPA of more than 150 days. However, since the maximum extension that can be granted under Article 2.2(b) of the PPA is 150 days, the further extension allowed by the said letter has been limited to 75 days (an extension of 75 days having already been granted earlier by letter dated 22.8.2023). Learned counsel further submitted that, admittedly, the Evacuation Infrastructure – including Internal Infrastructure is yet to be commissioned and has been indicated to be ready during the next month only. Learned counsel accordingly requested that the matter be listed thereafter- somewhere in the month of March 2024 so that the Commission may be in a position to take a final view on the Petitioner's plea for extension of the SCOD and, in the meantime, the Respondent, RUMSL be directed to maintain the *status quo* in the matter.

2. Learned counsel for Respondent, RUMSL, concurred to the submissions of the Petitioner and suggested that the matter may be taken up after a month and in the meantime, the Petitioner will apprise the status of Evacuation Infrastructure. Insofar as the direction to maintain the *status quo* was concerned the learned

counsel clearly stated that till the next date of the hearing, RUMSL will not take any precipitative action against the Petitioner.

3. Considering the submissions made by the learned counsel for the parties, the Commission adjourned the matter. Also, keeping in view the statement made by the learned counsel for the Respondent, RUMSL that no precipitative action will be taken against the Petitioner till the next date of hearing, the Commission did not find any need to issue any interim direction, including the direction to maintain *status quo* as requested by the Petitioner. The Commission also permitted the Respondent, RUMSL, to file an additional affidavit apprising the status of internal and external evacuation infrastructure by the end of February 2024.

4. The Petition, along with IA, will be listed for the hearing (on admission) on **20.3.2024**.

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