

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 365/AT/2024, along with IA (Diary) No.725/2024

- Subject : Petition under Section 63 read with Section 79(1)(k) of the Electricity Act, 2003 for the adoption of tariff for Long Term Procurement of Solar Power of 300 MW from Grid Connected Project under tariff Based Competitive Bidding for meeting Renewable Purchase Obligation (RPO) as per applicable regulations, which has been discovered through a transparent process by way of competitive bidding conducted in terms of the competitive bidding guidelines issued by the Ministry of Power.
- Petitioner : CESC Limited (CESCL)
- Respondent : Purvah Green Power Private Limited (PGPPL)
- Date of Hearing : **5.11.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Divya Chaturvedi, Advocate, CESCL
Shri Saransh Shaw, Advocate, CESCL
Shri Rikit Shahi, Advocate, CESCL
Ms. Shikha Ohri, Advocate, PGPPL
Shri Kartik Sharma, Advocate, PGPPL
Ms. Ritika Singh, Advocate, PGPPL
Shri I Khan, Advocate, PGPPL
Shri Farrukh Aamir, PGPPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed seeking the adoption of tariff for the 300 MW grid-connected Solar Power PV Project discovered in the tariff based competitive bidding process conducted in terms of the "*Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects*" dated 28.7.2023 read with subsequent amendments thereto ('the Solar Guidelines') issued by the Ministry of Power, Government of India. Learned counsel submitted that the Petitioner is a deemed distribution licensee under Section 14 of the Electricity Act, 2003 ('the Act') engaged in the business of distribution of electricity to Kolkata and its suburbs and in order to meet its energy requirements and the Renewable Purchase Obligation, it had initiated a tariff based competitive bidding process for long-term procurement of the 150 MW grid-connected Solar Power Projects with Green Shoe Option up to 150 MW by issuance of the Request for Selection dated 26.7.2024. Learned counsel further submitted that pursuant to the said bid process, the Respondent herein emerged as the successful bidder. Since the generating station is to be situated in the State of

Rajasthan – leading to an inter-State transaction – this Commission is the Appropriate Commission for the adoption of a tariff. Parallely, the Petitioner has also moved the West Bengal Electricity Regulatory Commission seeking approval of the PPA under Section 86(1)(b) of the Act.

2. In response to the specific query of the Commission regarding any deviations in the Bid documents and the prior approval thereof, the learned counsel for the Petitioner submitted that the Petitioner had undertaken certain deviations in the Bid documents from the provisions of the Solar Guidelines and for such deviations, it has obtained the approval of Government of West Bengal.

3. Learned counsel for the Petitioner further added that the Petitioner has also moved an IA bearing Diary No.725/2024 seeking an impleadment of HRP Green Power Private Limited, a Special Purpose Vehicle created by Respondent herein for the development of the Solar Project.

4. Learned counsel appearing for the Respondent, PGPPL accepted the notice.

5. Considering the submissions made by learned counsel for the Petitioner, the Commission ordered as under:

(a) IA (Diary) No.725/2024 stands allowed, and the amended memo of parties is taken on record.

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

(c) The Respondents to file their respective replies, if any, within two weeks with a copy to the Petitioner, who may file its rejoinder within two weeks thereafter.

(d) The Petitioner to briefly explain, on an affidavit, how the 'Appropriate Government' as envisaged in Clause 16 of the Solar Guidelines would be a State Government since the instant case involves an inter-State supply of electricity, within 10 days.

6. The Petition will be listed for hearing on **5.12.2024**.

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