

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.365/AT/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)
- Respondents : Purvah Green Power Private Limited (PGPPL) and Anr.
- Date of Hearing : **10.12.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Sanjay Sen, Sr. Advocate, CESCL
Ms. Divya Chaturvedi, Advocate, CESCL
Shri Jai Dhanani, Advocate, CESCL
Ms. Shikha Ohri, Advocate, PGPPL & HGPPL
Shri Kartik Sharma, Advocate, PGPPL & HGPPL

Record of Proceedings

Learned senior 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, Govt. of India. Learned senior counsel further submitted that vide Record of Proceedings for the hearing dated 5.11.2024, the Petitioner was directed to explain how "the Appropriate Government" as envisaged in Clause 16 of the Solar Guidelines would be a State Government since the instant case involved an inter-State supply of electricity and the Petitioner has filed an additional affidavit dated 16.11.2024 in this regard. Learned senior counsel, referring to the said affidavit, submitted that prior to the bidding process, the distribution licensee was not aware as to whether the power procurement would be from within the State and/or outside the State and hence, in the present case, the Petitioner, being a distribution licensee operating in the State of West Bengal, had approached the Govt. of West Bengal for seeking the approval of deviation as the procurement by the Petitioner was to supply the power to the consumers in the State of West Bengal. Learned senior counsel also submitted that in a similar factual scenario, Gujarat Urja Vikas Nigam Limited and Torrent Power Limited, in the past, have approached the Govt. of Gujarat for the approval of the deviation. Learned senior counsel also added that, as per the

Petitioner, there are some ambiguities in the provisions of the Solar Guidelines as in certain clauses, reference is made only to “the Government,” whereas, in certain clauses, the reference is made to “the Appropriate Government”.

2. Learned counsel for the Respondents submitted that the Respondent supports the present Petition filed by the Petitioner.

3. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission reserved the matter for order.

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