

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.378/MP/2024

Subject : Petition under Section 79(1)(b),(f) read with Section 61(b), (c), (d), (h) and Section 63 of the Electricity Act, 2003 as well as the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for downward revision and rationalisation of tariff adopted by the Commission in its order dated February 28, 2020 in Petition No. 187/AT/2019.

Petitioner : BSES Yamuna Power Limited (BYPL)

Respondents : ACME Phalodi Solar Energy Pvt. Ltd. (ACME) and Ors.

Petition No. 379/MP/2024

Subject : Petition under Section 79(1)(b),(f) read with Section 61(b), (c), (d), (h) and Section 63 of the Electricity Act, 2003 as well as the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for downward revision and rationalisation of tariff adopted by the Commission in its order dated February 28, 2020 in Petition No. 187/AT/2019.

Petitioner : BSES Rajdhani Power Limited (BRPL)

Respondents : ACME Phalodi Solar Energy Pvt. Ltd. (ACME) and Ors.

Date of Hearing : **26.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Parties Present : Shri Vijayendra Pratap Singh, Advocate, BRPL & BYPL
Shri Aditya Jalan, Advocate, BRPL & BYPL
Ms. Urvashi Misra, Advocate, BRPL & BYPL
Shri Suneel Kumar, Advocate, BRPL & BYPL
Ms. Gauri Srivastava, Advocate, BRPL & BYPL
Ms. Khushi Mittal, Advocate, BRPL & BYPL
Shri Aniket Prasoan, Advocate, ACME
Ms. Pratiksha Chaturvedi, Advocate, ACME
Shri Shubham Singh, Advocate, ACME
Ms. Sanjeevani Mishra, Advocate, ACME
Ms. Anushree Bardhan, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioners, BYPL, and BRPL submitted that the present Petitions had been filed for downward revision and rationalisation of tariff adopted by this Commission in its order dated 28.2.2020 in Petition No. 187/AT/2019. Learned counsel submitted that as per the Respondent, ACME's own filing, the price of Solar PV Modules

had significantly declined from the time when the bid was submitted in June 2018 (approximately 26 cent/Wp) to the actual procurement thereof by the Respondent, ACME in the last 8-10 months (approximately 12 cents/Wp in December 2023) and it is imperative that such benefit of significant reduction is passed on to the consumers by reflecting the same in a downward revision of the tariff. Learned counsel added that in the past, the Commission had exercised its power to reduce the tariff to protect the consumer interest.

2. Learned counsel for the Respondents, ACME vehemently opposed the maintainability of these Petitions. Learned counsel further pointed out that the tariff in these cases had been determined based on the competitive bidding process conducted under Section 63 of the Electricity Act, 2003, which was adopted by the Commission way back in February 2020, and thus, the instant Petitions now filed for seeking the downward revision and rationalisation of the tariff are not maintainable. Learned counsel, accordingly, sought liberty to file their reply on the 'maintainability' of these Petitions.

3. Learned counsel for the Respondent, SECI, sought liberty to file a reply in the matters.

4. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

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

(b) The Respondents to file their comprehensive reply on maintainability as well as merits, if any, within four weeks with a copy to the Petitioners who may file their rejoinder, within three weeks thereafter.

5. The Petitions will be listed for hearing on **27.2.2025**.

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