

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 56/MP/2022

Subject : Petition under Section 63 and Section 79 of the Electricity Act, 2003 read with Competitive Bidding Guidelines and Articles 11 and 13 of the Power Purchase Agreement dated 23.5.2018 executed between ReNew Wind Energy (AP2) Private Limited and Solar Energy Corporation of India Limited.

Petitioner : ReNew Wind Energy (AP 2) Private Limited (RWEPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.

Date of Hearing : **17.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Vishrov Mukerjee, Advocate, RWEPL
Shri Girik Bhalla, Advocate, RWEPL
Ms. Priyanka Vyas, Advocate, RWEPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Shirsa Saraswati, Advocate, SECI
Shri Shubha Arya, Advocate, HPPC
Ms. Tanya Singh, Advocate, HPPC
Ms. Shirin Gupta, Advocate, HPPC
Shri Harshvardhan Singh, Advocate, HPPC
Ms. Reeha Singh, Advocate, HPPC

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that in light of the judgment of the Appellate Tribunal for Electricity dated 28.8.2024 in Appeal No. 309 of 2019 titled as *Madhya Pradesh Power Management Co. Ltd. v. DVC and Anr.*, which has also been upheld by the Hon'ble Supreme Court, the Petitioner may be permitted to file a brief submission on the aspect as to whether the issues involved in the matter are arbitrable or not.

2. Learned senior counsel for the Respondent, SECI, while pointing out that the matter had already been argued at length previously and is squarely covered by the earlier order(s) of the Commission, as such did not oppose the request made by the learned counsel for the Petitioner and sought liberty to file a response thereon.

3. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission permitted the Petitioner to file its brief submission on the aspect of arbitrability of the disputes involved within two weeks with a copy to the Respondents, who may file their brief submissions, within two weeks

thereafter. The interim protection granted in the favour of the Petitioner shall continue till the next date of hearing.

4. The matter will be listed for hearing on **5.12.2024**.

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