



नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 174/MP/2024

कोरम/ Coram:

श्री जिष्णु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री रमेश बाबू वी., सदस्य/Shri Ramesh Babu V., Member
श्री हरीश दुदानी, सदस्य/Shri Harish Dudani, Member
श्री रविंदर सिंह ढिल्लों, सदस्य/Shri Ravinder Singh Dhillon, Member

आदेश दिनांक/ Date of Order: 5th of May, 2025

IN THE MATTER OF:

Petition for and on behalf of the Petitioner under section 79(1)(f) of the Electricity Act, 2003

AND IN THE MATTER OF:

BSES Yamuna Power Limited

Shakti Kiran Building, Karkardooma,
New Delhi-110032

...Petitioner

Versus

1. SBSR Power Cleantech Eleven Private Limited

First Floor, Worldmark-02, Asset Area-8,
Hospitality District, Aerocity, NH-8, New Delhi-110037

2. Solar Energy Corporation of India Limited

6th Floor, Plate-B, NBCC Office, Block Tower-2,
East Kidwai Nagar, New Delhi- 110023

3. Tata Power Delhi Distribution Limited

Having its office at NDPL House, Hudson Lane,
Kingsway Camp, Delhi-110009

...Respondents

Parties Present:

Shri Vijayendra Pratap Singh, Advocate, BYPL
Shri Aditya Vikram Jalan, Advocate, BYPL
Ms. Urvashi Misra, Advocate, BYPL
Ms. Gauri Srivastava, Advocate, BYPL
Sanjay Sen, Sr. Advocate, SBSRPCEPL
Ms. Roberta Ruth Elwin, Advocate, SBSRPCEPL
Shri Hemant Singh, Advocate, SBSRPCEPL
Shri Lakshyajit Singh Bagdwa, Advocate, SBSRPCEPL
Ms. Lavanya Panwar, Advocate, SBSRPCEPL
Shri Devansh Pundir, Advocate, SBSRPCEPL
Shri Sajan Poovayya, Senior Advocate, TPDDL
Shri Shri Venkatesh, Advocate, TPDDL
Shri Shryesth Ramesh Sharma, Advocate, TPDDL
Ms. Priya Dhankhar, Advocate, TPDDL
Shri Anant Singh Ubeja, Advocate, TPDDL
Shri Raksha Agarwal, Advocate, TPDDL
Shri Palash Maheshwari, Advocate, TPDDL
Shri Manav Bhatia, Advocate, TPDDL
Shri MG Ramachandran, Senior Advocate, SECI
Shri Dalima Gupta, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Ritika Singh, Advocate, SECI
Ms. Somya Sahni, Advocate, SECI

आदेश/ ORDER

The Petitioner, BSES Yamuna Power Limited has filed the present petition, inter alia, seeking intervention of the Commission against M/s SBSR Power Cleantech Eleven Private Limited (SBSR) and Solar Energy Corporation of India (SECI) for violation of the terms and conditions of the Power Purchase Agreement (PPA) dated 20.08.2019 as well as Power Supply Agreement (PSA) dated 17.06.2019 between the Petitioner and SECI for illegally diverting and selling the contractually committed and contracted capacity to third parties. The Petitioner is a beneficiary

under the PSA and is entitled to 100 MW of the Contracted Capacity installed/commissioned by SBSR. SBSR, in disregard of the terms and conditions/obligations under the PPA and PSA, is diverting 62.5 MW of its installed capacity to third parties, thereby depriving the Petitioner of its share of Renewable Power.

2. The Petitioner has made the following prayers:

- a) Allow the present Petition and Direct SBSR to supply Petitioner its quota of 62.5MW of power capacity in terms of the PPA dated 20.08.2019 and PSA dated 17.06.2019.*
- b) Direct SBSR to not sell/ cannot sell the subject capacity, i.e., 62.5 MW of commissioned power capacity to any third party and;*
- c) Direct SBSR and SECI to indemnify the Petitioner to the extent of additional cost incurred by the Petitioner in arranging power from alternative sources to meet its RPO Obligations and;*
- d) Direct SECI to proceed invocation of contractual rights against SBSR for blatant breach of the PPA and PSA and;*
- e) Direct SECI to take steps under Article 13 of the PPA to take over the subject Project and;*
- f) Pass any such other and further reliefs as this Hon'ble Commission deems just and proper in the nature and circumstances of the present case.*

3. The matter was listed for hearing on 07.10.2024. During the hearing, the Petitioner submitted that the petition has been filed against the actions of SBSR diverting and selling the contractually committed power to third parties. The Petitioner further submitted that since similar matters viz. Petition Nos. 192/MP/2021 and 235/MP/2023 have been admitted by the Commission and are pending consideration; this petition may also be heard with the said petitions. The Commission admitted the petition. During the next hearing, dated 30.12.2024, SBSR sought time to file its reply in this matter.

4. During the hearing dated 02.04.2025, the Petitioner sought permission to withdraw the present Petition with liberty to seek other available remedies as per law and also to file an appropriate affidavit to this effect. The Respondents did not oppose the prayer of the Petitioner.

5. Considering the above, the Commission permitted the Petitioner to file its affidavit as above and also permitted the Petitioner to withdraw the present petition with liberty to seek other available remedies as per law.
6. Petition No. 174/MP/2024 is disposed of in terms of the above.

Sd/-
रविंदर सिंह ढिल्लों
सदस्य

Sd/-
हरीश दुदानी
सदस्य

Sd/-
रमेश बाबू वी.
सदस्य

Sd/-
जिष्णु बरुआ
अध्यक्ष