

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.180/MP/2024

Subject : Petition under Section 79(1)(f) read with Sections 79(1)(b) of the Electricity Act, 2003 and Article 16.3.1 of the Power Purchase Agreement dated 4.9.2018 inter alia seeking a declaration that pursuant to part-commissioning of the Project due to force majeure events, the Petitioner is not liable to pay any liquidated damages or any other sum, and is entitled to seek a refund of the liquidated damages erroneously collected by the Respondent.

Petitioner : Avikiran Solar India Private Limited (ASIPL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Date of Hearing : **25.5.2026**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V, Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Jafar Alam, Advocate, ASIPL
Shri Ashwin Ramanathan, Advocate, ASIPL
Ms. Anushree Bardhan, Advocate, SECI
Ms. Somya Sahni, Advocate, SECI
Ms. Rashmi Vaish, Advocate, SECI
Ms. Ritika Singh, Advocate, SECI

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking a declaration that the pursuant to the termination of 117 MW capacity (out of 285 MW) under the Power Purchase Agreement dated 4.9.2018 on account of Force Majeure events, the Petitioner is not liable to pay any liquidated damages or any other sum to the Respondent/SECI, and consequently, a refund of the liquidated damages as erroneously collected by the Respondent/SECI from the Petitioner.

2. The learned counsel for the Respondent/SECI, while raising a preliminary objection of non-joinder of necessary parties, submitted that the Petitioner ought to be directed to implead the distribution licensees/buying entities as Respondents. She further submitted that, as the PPA and PSAs are on a back-to-back basis, the prayers of the Petitioner herein will also have an impact on them.

3. Considering the submissions of learned counsel for the parties, the Commission directed as follows:



(a) The Petitioner to implead the concerned distribution licensee/buying entities, namely, Madhya Pradesh Power Management Co. Ltd. and Maharashtra State Electricity Distribution Company Limited, as parties to the Petition and to file a revised memo of parties within a week.

(b) The Impleaded Respondents to file their replies, if any, within four weeks with a copy to the Petitioner, who may file its rejoinder(s), if any, within three weeks thereafter.

(c) All parties, including the impleaded Respondents, shall also indicate their views on the arbitrability of disputes before the next date of hearing.

4. The Petitions will be listed for hearing on **11.8.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)