

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 188/MP/2026 along with IA No. 64/2026

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking extension of SCSD under Articles 2.1.3, 2.1.4 and 4.5 of the Power Purchase Agreement dated 1.5.2024 executed between JGRJ Two Solar Private Limited and NHPC Limited due to uncontrollable delays.

Petitioner : JGRJ Two Solar Private Limited

Respondent : NHPC Limited & Ors.

Petition No. 189/MP/2026 along with IA No. 65/2026

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking extension of SCSD under Articles 2.1.3, 2.1.4 and 4.5 of the Power Purchase Agreement dated 26.4.2024 executed between Sprng Power Private Limited and NHPC Limited due to uncontrollable delays.

Petitioner : Sprng Power Private Limited

Respondents : NHPC Limited & Ors.

Petition No. 190/MP/2026 along with IA No. 66/2026

Subject : Petition under Section 79 of the Electricity Act 2003, seeking extension of SCSD under Articles 2.1.3, 2.1.4, 4.5 and 11 of the Power Purchase Agreement dated 24.4.2024 executed between Green Infra Clean Wind Technology Limited and NHPC Limited due to delay in obtaining Adoption of tariff and procurement approval along with the delay in operationalisation of connectivity granted by Central Transmission Utility of India Limited adversely impacting the implementation of the Project.

Petitioner : Green Infra Clean Wind Technology Limited

Respondents : NHPC Limited & Ors.

Petition No. 192/MP/2026 along with IA (Dy. No.) 220/2026

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking extension of SCSD under Articles 2.1.3, 2.1.4 and 4.5 of the Power Purchase Agreement dated 02.05.2024 executed between Hazel Hybren Private Limited and NHPC Limited due to delay in obtaining Adoption of tariff and procurement approval along with the delay in operationalisation of connectivity granted by Central



Transmission Utility of India Ltd. adversely impacting the implementation of the Project.

Petitioner : Hazel Hybren Private Limited

Respondents : NHPC Limited & Ors.

Date of Hearing : **6.5.2026**

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

Parties Present : Shri Deep Rao Palepu, Advocate, JGRJ & SPPL
Ms. Shikha Sood, Advocate, JGRJ & SPPL
Shri Prajeet Ghosh, Advocate, JGRJ & SPPL
Shri Yashaswi Kant, Advocate, GICWTPL
Shri Deepak Thakur, Advocate, GICWTPL
Shri Vishrov Mukerjee, Advocate, GICWTPL & HHPL
Shri Girik Bhalla, Advocate, HHPL
Shri Deepak Thakur, Advocate, HHPL
Shri Ankit Gupta, JGRJ
Shri Akshay Goel, Advocate, NHPC
Shri Rahul Chouhan, Advocate, MSEDCL
Shri Harshit Gupta, Advocate, MSEDCL
Ms. Kajal Kakani, Advocate, MSEDCL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL

Record of Proceedings

Learned counsel for the Petitioners submitted that these Petitions have been filed for seeking extension of the Scheduled Commencement of Supply Date (SCSD) under relevant Articles of the respective Power Purchase Agreements (PPAs) executed between the respective Petitioners and NHPC Limited. The learned counsel, while pressing their IAs, submitted as follows:

(a) The Petitioners have sought the extension of SCSD, *inter alia*, on account of (i) delay in adoption of tariff by this Commission; (ii) delay in procurement of approval of Power Sale Agreement (PSA) by Maharashtra Electricity Regulatory Commission (MERC) (in all cases) and Uttar Pradesh Electricity Regulation Commission (UPERC) (in Petition No. 192/MP/2026); and (iii) delay in operationalisation of connectivity and GNA by CTUIL, etc.

(b) Article 2.1.3 of the PPAs states that the condition precedent for the enforcement of obligations under the PPAs is that the tariff is to be adopted by the Appropriate Commission, and the approval of the PSA shall be obtained from the concerned SERC. As per the said Article, the tariff and the PSA were to be adopted and approved respectively within 60 days from the date of submission of the Petition

before the Appropriate Commission or within 120 days from the date of the PSA, whichever is later. Further, in the event of any delay beyond the above-mentioned timeline, Article 2.1.4 of the PPAs, provides that there shall be a corresponding extension in the Scheduled Financial Closure and SCSD of the Project for an equal number of days for the delayed period.

(c) Similarly, Article 4.5.2 of the PPAs *inter alia* provides that if there is a delay on the part of CTUIL/ transmission licensee in operationalisation of the GNA and/or there is a delay in readiness of the transmission infrastructure of ISTS network, such delay shall be treated as the delay beyond the control of the generator and the SCSD of the Project shall be revised as the date as on 60 days subsequent to the readiness of delivery point and power evacuation infrastructure and/or grant/ operationalisation of the GNA.

(d) Taking Petition No. 192/MP/2026 as a lead case, the PSAs in the said case were signed on 7.3.2024, and accordingly, the tariff adoption order had to be obtained from this Commission within 120 days from the execution, i.e. by 5.7.2024. However, the tariff adoption order was issued only on 20.3.2025 (after a delay of 258 days). Whereas, approval of the PSAs and the power procurement was received from the UPERC on 2.5.2025 (after a delay of 302 days) and MERC on 15.9.2025 (after a delay of 438 days).

(e) In terms of Article 2.1.4, the Petitioner would be entitled to SCSD extension for the period that is beyond 60 days from the date of filing of the Petition for approval of the PSA. As MSEDCL filed the Petition for approval of the PSA on 24.4.2025, MERC was required to approve the PSA by 23.6.2024 (60 days from the date of filing of the Petition). However, as noted above, the order approving PSA and power procurement was issued by MERC only on 15.9.2025, i.e., after a delay of 449 days. Since the last approval from the respective SERC (i.e., MERC) was obtained only on 15.9.2025, the Petitioner is entitled to an extension in SCSD of the Project for a period of 449 days on this count alone.

(f) As the approval of the PSA and power procurement in these cases was accorded by MERC *vide* common order, the delay of 449 days, as indicated above, is applicable in all the cases herein.

(g) The Petitioners have repeatedly written to NHPC seeking the extension of SCSD in terms of Articles 2.1.4 and 4.5.2 of the PPAs. However, NHPC has not considered such requests. In fact, MSEDCL, *vide* minutes of the meeting dated 13.3.2026, has asked NHPC to monitor the progress of the projects stringently and not to allow any extension without the concurrence of MSEDCL. Whereas, UPPCL has, as such, not indicated its position on the request for extension of SCSD.

(h) As the original SCSD of the Petitioners' Projects has already passed (April/ May 2026), and given the stand taken by MSEDCL, the Petitioners are pressing for an interim direction that no coercive or adverse action be taken against the Petitioners pursuant to or in connection with the PPA and/or PSA framework, on account of non-achievement of SCSD.

2. The learned counsel for the Respondent/NHPC submitted that unless the end procurer, i.e. MSEDCL, accedes to the extension of SCSD, NHPC is unable to consider such a request of the Petitioners for the extension. The learned counsel also added that, as such, NHPC has no objection to the interim relief sought by the Petitioners at this stage.
3. The learned counsel for the Respondent/MSEDCL, while seeking liberty to file a reply in the matters, submitted that no directions ought to be passed against MSEDCL. The learned counsel further submitted that the Performance Bank Guarantees furnished by the Petitioners under the PPAs are addressed to NHPC, and not to MSEDCL, and in any case, the law on the encashment of bank guarantees is well settled.
4. In response, the learned counsel for the Petitioners submitted that after having reviewed the project completion under the PPAs/PSAs, MSEDCL cannot argue that they are not concerned with the PPAs.
5. The representative of the Respondent/CTUIL, while apprising that the documents submitted by three Petitioners towards financial closure in respect of their connectivity are presently under scrutiny, sought liberty to file a reply in these matters.
6. Considering the submissions made by the learned counsels for the parties and taking note of the documents placed on record, the Commission directed the parties to maintain the *status quo* till the next date of hearing. The Commission also permitted the Respondents to file their replies within four weeks, with a copy to the Petitioners, who may file their rejoinders, within two weeks thereafter.
7. The Petitions will be listed for hearing on **9.7.2026**.

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