

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 211/MP/2026

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking extension of Scheduled Commencement of Supply Date and Financial Closure in terms of Articles 2.1.3, 2.1.4 and 4.5.2 of the Power Purchase Agreement dated 30.04.2024, executed between HR Saraswati Energy Private Limited and NHPC Limited, on account of the delay in adoption of tariff and procurement approval by the Appropriate Commission, and also on account of delay in operationalisation of connectivity. and readiness of the transmission system by CTUIL, required for the evacuation of power from the Petitioner's project.

Petitioner : HR Saraswati Energy Private Limited (HRSEPL)

Respondent : Central Transmission Utility of India Limited & Ors.

Date of Hearing : **12.5.2026**

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

Parties Present : Shri Nitish Gupta, Advocate, HRSEPL
Ms. Nipun Sharma, Advocate, HRSEPL
Ms. Varnika Tyagi, Advocate, HRSEPL
Shri Priyadarshi Satapathy, Advocate, HRSEPL
Shri Akshay Goel, Advocate, NHPC
Shri Harsh Tandon, Advocate, NHPC

Record of Proceedings

The learned counsel for the Petitioner submitted that the instant Petition has been filed for seeking extension of Scheduled Commencement of Supply Date (SCSD) i.e., 29.4.2026 and the Financial Closure (FC) as mentioned under the Power Purchase Agreement dated 30.4.2024 (PPA), executed between HRSEPL and NHPC, in terms of Articles 2.1.3, 2.1.4 and 4.5 of the PPA on account of the various events (as detailed in the Petition), which are beyond the reasonable control of the Petitioner and have materially impacted the implementation timeline of the Project. The learned counsel further referred to his note of arguments/ list of dates and mainly submitted as under:

- (a) The present Petition is being filed pursuant to the liberty expressly granted by the Commission in its Order dated 20.3.2025, passed in Petition No. 366/AT/2024. In the said Order, this Commission, while considering the tariff adoption and related issues, has categorically observed that questions pertaining to extension of the SCSD fall outside the limited scope of tariff adoption proceedings and therefore, cannot be adjudicated in those proceedings.



- (b) The Petitioner is a renewable energy project developer and is in the process of setting up a 250 MW, Renewable Energy Project in Barmer, Rajasthan ('Project'), pursuant to a competitive bidding process carried out by the Respondent, NHPC. The Petitioner entered into a PPA dated 30.4.2024 with NHPC Limited for the supply of 250 MW of solar power from its Project at a levelised tariff of Rs. 2.53/kWh. In terms of the PPA, the Scheduled Commercial Supply Date (SCSD) for the Project is 29.4.2026.
- (c) The Petitioner is seeking an extension of the SCSD, i.e., 29.4.2026, and the Financial Closure (FC) on account of various events, namely: (a) delay in adoption of tariff by this Commission; (b) delay in grant of procurement approval under the PSA by Maharashtra State Electricity Distribution Company Limited before the Maharashtra Electricity Regulatory Commission (MERC); and (c) delay in operationalisation of connectivity and readiness of the transmission system, including the evacuation infrastructure at the Barmer-I Pooling Sub-Station, required for evacuation of power from the Petitioner's Project. These events were beyond the Petitioner's reasonable control and have materially affected the Petitioner's implementation timeline.
- (d) Article 2.1.3 of the PPA expressly 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 PPA 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.
- (e) Similarly, Article 4.5.2 of the PPA *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.
- (f) Thus, in terms of Article 2.1.3, 2.1.4 and 4.5.2 of the PPA, the Petitioner is entitled to extension of SCSD and FC. Since a substantial delay of 449 days was attributable to the approval of the PSA by the MERC, as against the delay of 258 days before the CERC in the adoption of the tariff, the Petitioner is entitled to compute the delay based on the longer duration. Accordingly, the Petitioner is entitled to an extension of the SCSD, including the Financial Closure (FC), by 449 days, being the maximum period of delay in fulfilment of the condition precedent, in terms of the contractual stipulation of "whichever is more."
- (g) Apart from the regulatory delays, the Project has also been materially and adversely impacted by delays in the grant and operationalisation of connectivity, as well as non-readiness of the associated ISTS transmission infrastructure. In the 35th JCC meeting, it was acknowledged that the transmission system required for the

evacuation of power from the Petitioner's Project is expected to be completed only by June 2027.

- (h) Four developers, pertaining to the same bidding process and with similar PPAs, have already filed their Petitions before the Commission, namely Petition Nos. 188/MP/2026 (JGRJ Two Solar Private Limited v. NHPC Limited & Ors.), 189/MP/2026 (Sprng Power Private Limited v. NHPC Limited & Ors.), 190/MP/2026 (Green Infra Clean Wind Technology Limited v. NHPC Limited & Ors.) and 192/MP/2026 (Hazel Hybren Private Limited v. NHPC Limited & Ors.), seeking reliefs similar to those prayed for in the present Petition. The Commission, *vide* the common Record of Proceedings for the hearing dated 6.5.2026, has directed the parties therein to maintain the *status quo* till the next date of hearing. The facts of this case are identical to those involved in the above-mentioned cases.
 - (i) In the above circumstances and considering that the original SCSD of the Petitioner's Project has already passed (April 2026), the Petitioner is pressing for an interim direction as considered by the Commission in the above-mentioned matters.
2. Learned counsel for the Respondent, NHPC, accepted the notice and sought four weeks to file a reply.
3. Considering the submissions of the learned counsel for the Petitioner and the Respondent, the Commission directed as follows:
- (a) Admit and issue notice to the Respondents.
 - (b) The Respondents to file their respective replies to the Petition, if any, within three days with a copy to the Petitioner, who may file its rejoinder(s), if any, within two days thereafter.
4. The Petition will be listed for the hearing on **25.5.2026**.

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