

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.263/MP/2026 along with IA No.92/2026

Subject : Petition under Section 79 of the Electricity Act, 2003, read with Article 4.5.2 of the Power Purchase Agreement dated 13.08.2024 (as amended) executed between Anboto Solar Private Limited and NTPC Limited, seeking (i) a declaration that the delay in commencement of supply from the Petitioner's solar power project has occurred due to delay in readiness of the ISTS substation at the Delivery Point, including readiness of the power evacuation and transmission infrastructure of the ISTS network and operationalisation of GNA, constituting a delay beyond the control of the Petitioner within the meaning of Article 4.5.2 of the PPA, (ii) consequent revision of the Scheduled Commencement-of-Supply Date in accordance with Article 4.5.2 of the PPA and aligned with the availability of the transmission system, and (iii) consequential reliefs, including waiver of any adverse contractual consequences arising on account of such delay.

Petitioner : Anboto Solar Private Limited (ASPL)

Respondents : NTPC Limited and Ors.

Date of Hearing : **23.6.2026**

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

Parties Present : Ms. Mazag Andrabi, Advocate, ASPL
Shri Rikit Shahi, Advocate, ASPL

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed *inter alia* seeking revision of the Scheduled Commencement of Supply Date (SCSD) of the Petitioner's 300 MW solar power project located in Rajasthan under the Power Purchase Agreement (PPA) dated 13.8.2024 (as amended), on account of delay beyond the control of the Petitioner. The learned counsel further submitted as follows:

(a) The SCSD of the Petitioner's Project under the PPA (as amended) was fixed as 30.6.2026 on the basis of connectivity timelines communicated by CTUIL, including the revised interim Start Date of 30.6.2026. However, CTUIL, *vide* subsequent communication dated 8.12.2025, has updated the Start Date of connectivity /operationalisation of GNA to 30.6.2027. Thus, the delay in the readiness of the inter-State transmission system, including the readiness of the Barmer I Pooling Station, the evacuation infrastructure, and the operationalisation of GNA, is attributable to CTUIL/transmission licensee and is beyond the control of the Petitioner.



(b) Article 4.5.2 of the PPA specifically provides that where delay in operationalisation of GNA and/or readiness of the ISTS substation and evacuation infrastructure is attributable to CTUIL/transmission licensee and beyond the control of the generator, the SCSD shall be revised to a date 30 days subsequent to the readiness of the delivery point and evacuation infrastructure. The said contractual mechanism is mandatory in nature and leaves no discretion to deny corresponding revision once the stipulated conditions are satisfied.

(c) Despite repeated requests, Respondent No.1/NTPC has refused to grant a revision of SCSD solely on the ground that Respondent No.2/MSEDCL has not accorded the concurrence for such revision. Respondent No.2/MSEDCL has refused to grant its concurrence to the extension of SCSD on the grounds that the delay in commissioning would result in non-adherence to its Resource Adequacy Plan, non-fulfilment of RPO, increase in the project cost and the additional GNA charges for it.

(d) The Petitioner anticipates an imminent threat of coercive contractual action against it, and accordingly, is pressing for interim directions as prayed in the IA, restraining Respondent No.1/NTPC from taking any coercive or precipitative action against the Petitioner and maintaining the *status quo* pending the adjudication of the present Petition.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notices to the Respondents.

(b) The Respondents to file their replies to the Petition as well as IA, if any, within four days with a copy to the Petitioners, who may file their rejoinder(s), if any, within three days thereafter.

3. The Petition, along with IA, will be listed for hearing on **29.6.2026**

By order of the Commission

(T.D. Pant)
Joint Chief (Law)