

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 317/MP/2025 along with IA Nos. 58/2025 and 92/2025

Subject : Petition under Section 79(1)(b) and (f) read with clause 4.5 of the PPA dated 31.8.2020 executed between the Petitioner and NHPC Limited.

Petitioner : Eden Renewable Passy Private Limited (ERPPL)

Respondent : NHPC and 2 ors.

Date of Hearing : **25.3.2026**

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

Parties Present : Shri Venkatesh, Advocate, ERPPL
Shri Ashutosh Shrivastava, Advocate, ERPPL
Shri Mohit Mansharamani, Advocate, ERPPL
Ms. Ananya Dutta, Advocate, ERPPL
Shri Shubham Arya, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Ms. Priyansi Jadiya, CTUIL
Shri Akshay Goel, Advocate, NHPC
Shri Harsh Tandon, Advocate, NHPC
Shri Jagpal Singh, NHPC

Record of Proceedings

The matter was called out through a virtual hearing.

2. During the hearing, the learned counsel for the Petitioner made the following submissions:

- (a) Pursuant to the Hon'ble Supreme Court order dated 19.4.2021 in W.P.(C) No. 838/2019 (the GIB issue), the development of the project of the Petitioner remained stalled. The subsequent interim order dated 21.3.2024 relaxed certain directions issued in the initial order of 2021. However, approval under Section 68 of the Electricity Act, 2003, remained withheld, pending the Expert Committee's report.
- (b) The Hon'ble Supreme Court, in its final judgment dated 19.12.2025, accepted the recommendations of the Expert Committee's report (submitted in September 2024), wherein Fatehgarh-II was placed outside the prohibited GIB area, thereby finally enabling the development of the project.
- (c) In the interregnum, the SCOD had been extended by NHPC through successive letters/correspondences, on account of the non-readiness of ISTS, and GNA being effective only in January 2025.



- (d) In terms of the MNRE OM dated 12.1.2026, the delay in grant of approval under Section 68 of the Electricity Act, 2003, for the period from 21.3.2024 to 19.12.2025 has been treated as force majeure, entitling the Petitioner to an extension of SCOD by approximately 333 days. However, the Petitioner is seeking an extension of about 15 months on the ground that the project remained stalled due to the initial order of the Hon'ble Supreme Court.
- (e) In respect of another project of the Petitioner (Eden Bercy, being implemented through SECI) and in terms of the aforesaid OM issued by MNRE, extension of SCOD has already been granted by SECI (revising the SCOD to 8.4.2027), and on the principle of parity, similar relief ought to be granted in the present case (being implemented through NHPC).
3. The learned counsel for Respondent, NHPC, submitted that it has no objection to the extension of SCOD for the Petitioner's project, subject to the outcome of the present Petition and acceptance of power by Respondent, MPPMCL, under the PSA.
4. The learned counsel for Respondent, CTUIL, submitted that, in terms of Regulation 24.6 of the CERC (Connectivity and GNA to the ISTS) Regulations, 2022, there is no firm document submitted to consider the extension of SCOD and that deferment of transmission charges is not permissible under the regulatory framework.
5. The learned counsels for the parties further submitted that pleadings in the matter are completed and an order may be reserved.
6. The Commission, after hearing the parties, reserved the order in the matter.

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

