

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 340/MP/2025

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 seeking issuance of direction(s) to the Respondent for payment of outstanding principal amount and applicable Late Payment Surcharge for renewable power supplied by the Petitioner to the Respondent under the Power Supply Agreement dated 7.8.2018, and further directions to the Respondent for signing a Supplementary PSA incorporating developments regarding the sale of power by the Petitioner to the Respondent.

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondent : Jharkhand Bijli Vitran Nigam Limited (JBVNL)

Date of Hearing : **9.7.2026**

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

Parties Present : Shri Kumar Anurag Singh, Advocate, JBVNL
Shri Zain A Khan, Advocate, JBVNL
Ms Ekta Bharati, Advocate, JBVNL
Shri Dev Aaryan, Advocate, JBVNL
Ms. Anushree Bardhan, Advocate, SECI
Ms. Ritika Singh, Advocate, SECI
Ms. Somya Sahni, Advocate, SECI
Ms. Rashmi Vaish, Advocate, SECI

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that while the Petitioner has already served an advance copy of its rejoinder upon the Respondent, it could not be filed on the e-filing portal and may, therefore, be permitted to upload the same. On the merits, she mainly submitted as under:

(a) Article 5 (Applicable Tariff) of the PSA dated 7.8.2018, as entered into between SECI and JBVNL, provides that from SCD, the Buying Entity (JBVNL) shall pay the maximum possible tariff of Rs. 2.54/kWh plus trading margin of Rs. 0.07/kWh fixed up to the commissioning of the cumulative awarded capacity/accepted cumulative capacity by SECI under RfS and thereafter, the weighted average tariff as per Schedule 1 plus the trading margin of Rs. 0.07/kWh, upon commissioning of the cumulative capacity/accepted capacity by SECI under RfS for the balance term.

(b) Note to Schedule -1 specifically clarified that the Pooled tariff (i.e., weighted average tariff of six developers - Rs. 2.502/kWh) is liable to change depending upon actual commissioning achieved by the respective projects, leading to changes in the applicable tariff.

(c) Since there were several generators and buying utilities for the aggregate quantum of power procured (2000 MW), there was a need to map the quantum of power purchased by each buying utility, considering the optimum use of ISTS. Accordingly, prior to the execution of the PSA, SECI had proposed mapping of the selected generating projects to the respective buying utilities and sought confirmation from CTUIL. The Respondent/JBVNL had been informed as early as 2018 regarding the mapping of three identified projects for the supply of 700 MW of power.

(d) Initially, SECI had sought the adoption of a pooled tariff in a similar matter; however, the Commission declined to adopt the pooled tariff and instead adopted the tariffs of the individual projects as discovered through the competitive bidding process. In the present case also, the Commission, vide order dated 28.2.2020 in Petition No. 187/AT/2019, adopted the tariffs for the individual projects of the selected bidders. Thereafter, on 8.9.2020, SECI also requested JBVNL to amend the PSA accordingly.

(e) Jharkhand State Electricity Regulatory Commission (JERC), while approving the procurement of 700 MW of power by JBVNL, also recognised that the jurisdiction to adopt a tariff under Section 63 of the Act vests with this Commission.

(f) Since the Commission had not approved the proposal for the application of a uniform pooled tariff, it became necessary to map the relevant generating projects to each procuring utility and raise bills based on the project-specific tariffs adopted by the Commission. The mapping was undertaken based on the availability of Long-Term Open Access from the generating stations to the periphery of Jharkhand.

(g) Owing to the non-commissioning of one of the mapped projects, the weighted average tariff applicable to JBVNL was revised to Rs. 2.53/kWh, which continued to remain within the maximum tariff stipulated under the PSA.

2. In response to the specific query of the Commission as to whether JBVNL had been informed of the revised tariff when the matter was taken before JERC, the learned counsel submitted that JBVNL had been aware of the mapping of the three projects since 2018 and was also a party to the proceedings before this Commission wherein the project-specific tariffs were adopted. She submitted that, following the tariff adoption order, SECI had addressed communications requesting an amendment to the PSA to incorporate the project-specific tariffs and had also placed the relevant facts before JERC during the proceedings relating to approval of power procurement.

3. In response to the further query of the Commission regarding the timing of the project mapping in relation to the tariff adoption order, the learned counsel clarified that the mapping had already been communicated to JBVNL in 2018, much before the tariff adoption order was passed. She submitted that SECI had initially sought approval of a pooled tariff, but once the Commission adopted only the project-specific tariffs,

SECI became bound to bill the procuring utilities on the basis of the individual tariffs applicable to the mapped projects. She, therefore, contended that JBVNL's claim that the mapping was communicated only after the tariff adoption order was factually incorrect. She further reiterated that the PSA itself contemplated variation in the applicable tariff depending on actual commissioning, and that the tariff presently being charged by JBVNL remains within the maximum tariff prescribed under the PSA. Accordingly, she prayed that JBVNL be directed to make the payment in accordance with the project-specific tariffs adopted by the Commission, along with the applicable trading margin.

4. The learned counsel for the Respondent, JBVNL, submitted that the PSA mandates the pooled tariff to be calculated based on total commissioned capacity, not on projects mapped to JBVNL. He contended that a 2018 SECI communication merely identified power sources and did not contractually bind JBVNL to pay tariffs for the specific mapped projects. Further, he highlighted that SECI's demand for a supplementary PSA contradicts its own claim that the original agreement allows for such billing. Furthermore, relying on the previous order of the Commission, i.e., Petition No. 204/AT/2019, wherein the SECI was not authorised to bypass the PSA's pooled tariff formula, and since this is purely a contractual dispute over PSA interpretation, the Petitioner herein must resort to the dispute resolution clause within the agreement.

5. Considering the submissions made by the learned counsels for the parties, the Commission directed the Petitioner as well as the Respondent, JBVNL, to provide the following clarifications within three weeks:

a) Clarify whether JBVNL had raised any objection before the Jharkhand State Electricity Regulatory Commission when SECI indicated that the tariff would be payable at Rs. 2.53/kWh.

b) Clarify whether the jurisdiction to adjudicate the disputes in relation to the PSA and the issues arising therefrom lies with JERC or with this Commission?

6. The Petition remained part-heard and will be listed for hearing on **20.8.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)