

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.41/MP/2014

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003.

Petitioner : Aurum Renewable Energy Limited (AREL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVN) and Ors.

Petition No. 14/MP/2014

Subject : Petition Under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for a declaration that the PPA dated 10.01.2011 (as amended) is based on incorrect assumptions of DNI and hence unviable at the recorded ground levels and that the project, under prevailing conditions, is commercially unworkable and causes no loss to NVVN on account of non-performance and for release and return of the Bank Guarantees of Rs. 148.33 crore furnished by the Petitioner.

Petitioner : KVK Energy Ventures Pvt. Ltd. (KEVPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited (NVVN) and Anr.

Petition No. 327/MP/2013

Subject : Petition Under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for a declaration that the PPA dated 10.01.2011 (as amended) is based on incorrect assumptions of DNI and hence unviable at the recorded ground levels and that the project, under prevailing conditions, is commercially unworkable and causes no loss to NVVN on account of non-performance and for release and return of the Bank Guarantees of Rs. 183.83 crore furnished by the Petitioner.

Petitioner : Diwakar Solar Projects Limited (DSPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited and Anr.

Date of Hearing : **24.4.2026**

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

Parties Present : Ms. Molshree Bhatnagar, Advocate, AREPL

Shri Rishabh Sehgal, Advocate, AREPL
Ms. Kamya Sharma, Advocate, AREPL
Shri Sakya Singha Chaudhari, Advocate, KEVPL and DSPL
Shri Devank Maheshwari, Advocate, KEVPL and DSPL
Ms. Asmita Narula, Advocate, KEVPL and DSPL
Ms. Sanya Mighlani, Advocate, KEVPL and DSPL
Mr. Tushar Jain, Advocate, NVVN
Mr. Pradul Singhal, Advocate, NVVN
Ms. Kanika Gupta, Advocate, NVVN
Shri Aashwyn Singh, Advocate, NVVN
Shri Anand K. Ganesan, Advocate, RUVNL
Shri Amal Nair, Advocate, RUVNL
Ms. Khyati Chhabra, Advocate, RUVNL

Record of Proceedings

At the outset, the learned counsel for the Petitioners submitted that the matters are listed on remand pursuant to the order dated 16.12.2024, passed by the APTEL in Appeal Nos. 313 of 2017 and Ors., whereby the impugned orders of the Commission disallowing the amendment to these Petitions were set aside, and the Commission was directed to allow the amendment of the Pleadings to the extent challenged in the said appeals. Further, the learned counsel for the Petitioners in Petition Nos. 14/MP/2014 and 327/MP/2013 submitted that, consequent upon the amendments being allowed, the prayers in these Petitions are now essentially limited to the frustration/ impossibility of the contract/ PPA and an exit from the PPA without financial liability. Accordingly, the Commission needs to decide on whether such disputes constitute non-tariff issues requiring referral to arbitration, or tariff issues requiring adjudication by this Commission.

2. The learned counsel for the Respondent/NVVN, while opposing the above submissions, pointed out that such an issue is being raised for the very first time, and the Pleadings in these matters are already completed; the Respondents have filed their replies, and the Petitioners have also filed their rejoinders. The learned counsel further argued that the Petitioners cannot raise fresh contentions regarding reference to arbitration without filing a specific application for the same, especially after the completion of pleadings.

3. In response, the learned counsel for the Petitioners submitted that the Petitioners will move a formal application in this regard, if required. However, the position with regard to the reference to arbitration, as laid down by the APTEL in the judgment dated 25.2.2026 in Appeal No. 348 of 2025 and Ors., is under review in a review petition filed by Tata Power, which is next listed for hearing on 6.5.2026; these matters may be listed thereafter. The learned counsel also sought liberty to file a rejoinder in Petition No. 327/MP/2013.

4. The learned counsel for the Petitioner in Petition No.41/MP/2014 submitted that the Petitioner therein is not raising a plea of tariff/ non-tariff issue and has, as such, no objection to the Commission proceedings to adjudicate upon the dispute involved therein. The learned counsel further sought liberty to file a rejoinder to the reply filed by the Respondent/NVVN in the matter.

5. The learned counsel for the Respondent/NVVN in Petition No. 327/MP/2013 submitted that while the Respondent has already filed a reply to the amended Petition, the said reply is not on the records of the Petition, and the Respondent may, accordingly, be permitted to refile the same, if required.

6. After hearing the learned counsel for the Parties to the Petition, the Commission directed the parties to complete the pleadings in these matters, if not already done so, within a period of six weeks. Both sides were also permitted to file their respective note of arguments/ written submissions, if any, before the next date of hearing.

7. The Petitions will be listed for hearing on **7.7.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)