

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**IA No. 88 of 2019 in
Petition No. 195/MP/2019**

Subject : Application under Section 94(2) of the Electricity Act, 2003 read with Regulations 111, 112 and 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for interim direction to allow early evacuation of power from Tranche- III generation project of the Petitioner.

Petitioner : Vivid Solaire Energy Private Limited (VSEPL)

Respondents : Central Transmission Utility and Ors.

Date of Hearing : 6.11.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member

Parties Present : Shri Gopal Jain, Sr. Advocate, VSEPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Saigal, Advocate, SECI

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Interlocutory Application has been filed *inter alia* seeking permission to evacuate power to the purchasing utility from Tranche III Project of 50.2 MW from the date of its commissioning. Learned senior counsel further submitted as under:

(a) The Petitioner has been selected as successful bidder to set up 50.2 MW and 200 MW Wind Power Projects in pursuance of the competitive bidding conducted by SECI for setting up of Wind Power Projects under Tranche III and Tranche IV. In respect of the Tranche III Project of 50.2 MW, the Petitioner has executed the Power Purchase Agreement (PPA) with SECI and Scheduled Commissioning Date under the PPA is 24.11.2019.

(b) In order to evacuate the power from the Project, the Petitioner has obtained Long-term Access for 250.2 MW and has executed Long-term Access Agreement and Transmission Service Agreement.

(c) The Respondent, PGCIL vide its letter dated 11.9.2019 has threatened to terminate the TSA on account of non-opening of Letter of Credit in terms of its earlier letter dated 1.8.2019. Opening of LC is neither a requirement under the TSA nor under the LTA Agreement and this liability is being cast upon the Petitioner solely on the basis of Clause 3.6 of the Billing, Collection and



Disbursement Procedure, which is not applicable to the Petitioner in terms of the waiver granted from payment of transmission charges from the date of commissioning of generating stations and commencement of supply.

(d) Learned senior counsel requested to direct PGCIL not to take coercive action till 24.11.2019.

2. After hearing the learned senior counsel for the Petitioner, the Commission directed PGCIL not to take any coercive measure against the Petitioner till the next date of hearing.

3. The Petition shall be listed for hearing on 26.11.2019.

By order of the Commission

**sd/-
(T.D. Pant)
Deputy Chief (Legal)**

