

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 21/MP/2019  
with  
IA No. 14/2019 and I.A No. 74/2021**

**Coram:  
Shri P.K. Pujari, Chairperson  
Shri I.S.Jha, Member  
Shri Arun Goyal, Member  
Shri P.K.Singh, Member**

**Date of Order: 12<sup>th</sup> October, 2021**

**In the matter of**

Petition under Section 79(1)(c) and 79(1)(f) and other applicable provisions of the Electricity Act, 2003 seeking extension of SCoD of the Project due to occurrence of *force majeure* events covered under Article 11 of the TSA dated 10.1.2018 executed between the Petitioner and Respondent No. 1 FBTL; and further seeking extension of LTA operational time under the LTAAAs dated 22.9.2016 executed between the Petitioner and the Respondent No. 2, PGCIL on account of 'Change in Law' as covered under Clause 5.7 of the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued by Govt. of India on 3.8.2017 and as further amended on 14.6.2018.

**And  
In the matter of**

Adani Renewable Energy Park Rajasthan Limited,  
Achalraj Building, Opposite Mayor Bunglow,  
Kaw Garden, Ahmedabad-280 006.

**..Petitioner**

Vs.

1. Fatehgar-Bhadla Transmission Limited,  
First Floor, Urjanidhi, 1, Barakhamba Road, Connaught Place,  
New Delhi-110 001

2. Chief Executive Officer,  
Central Transmission Utility of India Limited, Planning & CE,  
Saudimini, Plot No.2, Sector-29,  
Gurgaon-122 001

**Parties present:**

Shri Sanjay Sen, Senior Advocate, AREPRL  
Ms. Mandakini Ghosh, Advocate, AREPRL  
Ms. Poonam Verma, Advocate, AREPRL  
Ms. Aparjita Upadhyay, Advocate, AREPRL  
Ms. Sakshi Kapoor, Advocate, AREPRL

Shri Aryaman Saxena, Advocate, CTUIL  
Shri Hemant Singh, Advocate, FBTL  
Shri Lakshyajit Singh Bagdwal, Advocate, FBTL  
Shri Rajiv Lochan, AREPRL  
Shri Ravi Shankar Sinha, AREPRL  
Shri Yatin Sharma, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjit Singh Rajput, CTUIL  
Shri Bhavesh Kundalia, FBTL

## ORDER

The Petitioner, Adani Renewable Energy Park Rajasthan Limited, has filed the present Petition with the following prayers:

*“(a) Declare that the events, namely, stay orders passed by the Hon’ble High Court of Rajasthan in various writ petitions filed before it by farmers/dwellers in respect of the of land including 989 Ha. land allotted to the Petitioner by the State Government of Rajasthan for development of the 1500 MW Solar Park, and directing ‘status quo’ therein, would amount to force majeure events under Article 11 of the TSA dated 10.1.2018;*

*(b) Grant extension to the Petitioner in SCoD of the Project under Article 4.4 of the TSA on account of occurrence of force majeure events as above commensurate with the period for which the force majeure event is in effect;*

*(c) Declare that the events, namely, Ministry of Power’s resolution dated 14.6.2018 (which has occurred after the cut-off date) and which has amended the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued earlier on 3.8.2017 under Section 63 of the Act 2003, revising the Commissioning schedule of the SPDs, would amount to ‘Change in Law’ under Clause 5.7.1 of the said Bidding Guidelines;*

*(d) Direct the Respondents to review of the timelines stipulated in the LTAAAs dated 22.9.2016 executed between Petitioner and Respondent No. 2, PGCIL and grant extension of LTA operationalization period commensurate with the amended timelines under the Ministry of Power’s resolution dated 14.6.2018;*

*(e) Direct the Respondents not to take any coercive steps including encashment of Bank Guarantees against the Petitioner considering the present SCoD of Sep’19 as the Project will likely get delayed beyond Sep’19 due to force majeure event.”*

2. Case was called out for virtual hearing on 6.10.2021. The learned senior counsel for the Petitioner submitted that the Petitioner has filed IA. No. 74/2021 for seeking amendment of the Petition to *inter alia* bring on record subsequent events which happened after filing of the Petition, which have altered the position of the Petitioner with respect to implementation of the Solar Park and operationalization of its Long Term Access.

3. The Commission observed that the instant Petition was filed in the year 2019 and instead of filing IA for amendment of the Petition, the Petitioner should file fresh Petition. In response, the learned senior counsel for the Petitioner sought permission to withdraw the instant Petition with liberty to file fresh Petition after incorporating all developments that have taken place till date. The learned senior counsel requested to direct Central Transmission Utility of India Limited (CTUIL) not to take any coercive steps.

4. In view of the submissions of the learned senior counsel for the Petitioner, the Petitioner is permitted to withdraw the present petition with a liberty to file fresh Petition within two weeks from the order. The Commission directed CTUIL not to take any coercive measure against the Petitioner till the first date of hearing of the Petition to be filed by the Petitioner.

5. The Petition No. 21/MP/2019 and I.A. No. 14/2019 & I.A No. 74/2021 are disposed of as withdrawn.

**Sd/-**  
**(P.K.Singh)**  
**Member**

**sd/-**  
**(I.S.Jha)**  
**Member**

**sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(P.K. Pujari)**  
**Chairperson**