

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 44/MP/2019

Coram:

Shri P.K.Pujari, Chairperson

Shri I.S.Jha, Member

Shri Arun Goyal, Member

Date of Order: 25th January, 2021

In the matter of

Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 along with Section 79(1)(k) of the Electricity Act, 2003 seeking compensation/charges against the arbitrary deductions made by the Respondent from the tariff payment made to the Petitioner.

And

In the matter of

ACME Koppal Solar Energy Private Limited
ACME Vijaypura Solar Energy Private Limited
ACME Babadham Solar Power Private Limited
ACME Kaithyal Solar Power Private Limited
Unit No. FF-48A, First Floor,
OMAXE Square, Plot No. 14,
Jasola district centre, New Delhi

... Petitioners

Vs.

Solar Energy Corporation of India Limited
1st Floor, A Wing,
D-3, District Centre, Saket-110 017

...Respondent

Parties Present:

Shri Nitish Gupta, Advocate, ACME
Ms. Parichita Chowdhury, Advocate, ACME
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Tushar Goyal, ACME
Shri Manoj Mathur, SECI
Shri Ajay Sinha, SECI
Shri Abhinav Kumar, SECI
Shri Atulya Kumar Naik, SECI
Shri Shibasish Das, SECI

ORDER

The Petitioners, ACME Koppal Solar Energy Private Limited, ACME Vijayapura Solar Energy Private Limited, ACME Babadham Solar Power Private Limited and ACME Kaithyal Solar Power Private Limited, have jointly filed the present Petition with the following prayers:

“(a) Direct the Respondents to pay the differential charges in accordance with the provisions of the PPA for the monthly tariff invoices raised for the months of July and August, 2018 along with Late Payment Surcharge; and

(b) Pass any such other order and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”

2. The matter was heard on 27.8.2020 through video conferencing. During the course of hearing, the learned counsel for the Petitioners submitted that the Respondent, Solar Energy Corporation of India Limited (SECI) has already paid the deducted amount of Rs. 1,62,42,800. However, SECI has not yet paid the Late Payment Surcharge to the Petitioners towards the delay in tariff payments to the extent of arbitrary deductions made by it. Accordingly, the main issue involved in the Petition has been settled and the issue that survives in the Petition is the payment of Late Payment Surcharge. Learned counsel requested to direct SECI to pay the Late Payment Surcharge to the Petitioners in terms of Article 10.3.3 of Power Purchase Agreements.

3. Learned senior counsel for the Respondent, SECI submitted that the Respondent, SECI will pay the Late Payment Surcharge to the Petitioners once it receives the same from the Karnataka Discoms. Learned counsel for the Petitioners agreed for the same.

4. Since the main issue involved in the Petition regarding compensation/ charges against the alleged arbitrary deductions made by the Respondent from the tariff payment made to the Petitioner has already been settled, the Petition has become infructuous. However, SECI is directed to pay the Late Payment Surcharge to the Petitioner after receiving the same from the Karnataka Discoms in terms of Article 10.3.3 of Power Purchase Agreements.

5. The Petition No. 44/MP/2019 is disposed of in terms of the above.

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

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

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