

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Petition No. 114/MP/2022

Subject : Petition under Section 79 (1) (f) read with Section 79 (1) (b) of the Electricity Act, 2003 filed by Green Infra Renewable Energy Limited seeking to install additional 5% capacity for its 249.90 MW Wind Power Project located in Tuticorin District, Tamil Nadu in accordance with the Scheme for setting up of 1000 MW ISTS - connected Wind Power Projects dated 22.10.2016 issued by the Ministry of New & Renewable Energy and Request for Selection Document for Scheme for setting up of 1000 MW ISTS - connected Wind Power Projects dated 28.10.2016.

Petitioner : Green Infra Renewable Energy Ltd. and Anr.

Respondents : Solar Energy Corporation of India Ltd. and 5 Ors.

Petition No. 115/MP/2022

Subject : Petition under Section 79 (1) (f) read with Section 79 (1) (b) of the Electricity Act, 2003 filed by Green Infra Wind Energy Limited seeking to install additional 5% capacity for its 250 MW Wind Power Project located in Gujarat in accordance with the Guidelines for transparent bidding process for Implementation of Scheme for setting up of 1000 MW ISTS-connected Wind Power Projects dated 4.5.2017 issued by the Ministry of New & Renewable Energy and Request for Selection Document for Scheme for setting up of 1000 MW ISTS - connected Wind Power Projects dated 31.5.2017.

Petitioner : Green Infra Wind Energy Ltd. (GIWEL)

Respondents : Solar Energy Corporation of India Ltd. and 3 Ors

Date of Hearing : 17.1.2023

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



Parties Present : Shri M.G Ramachandran, Senior Advocate, SECI
Shri Mr. Vishrov Mukerjee, Advocate, Green Infra
Shri Pratyush Singh, Advocate, Green Infra
Ms. Anamika Rana, Advocate, Green Infra
Shri Vikrant Nagpal, Advocate, Green Infra
Ms Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Shri Ravi Kishore, Advocate, PTC
Shri Keshav Singh (Advocate, PTC
Ms. Neha Singh, SECI
Shri. Shubham Mishra, SECI
Ms.Aditee Nitnavare, SECI
Shri Dhruv Tripathi, PTC

Record of Proceedings

The cases were called out for virtual hearing.

2. Learned counsel for the Petitioner argued at length and mainly submitted as under:

(a) The question that needs to be determined in Petition No. 114/MP/2022 and in Petition No. 115/MP/2022 is whether the Petitioner is entitled to install additional capacity of 5% with respect to 249.90 MW Wind Power Project located in Tuticorin, Tamil Nadu and 250 MW Wind Power Project located in Kutch, Gujarat respectively.

(b) In terms of clause 3.5 of the MNRE Guidelines dated 22.10.2016 and dated 4.5.2017 issued by MNRE and Clause 3.9 (c) of the Request for Selection (RfS) issued by the SECI for setting-up of the Wind Power Projects allows the Project Developers to install the wind turbine generators of total rated capacity not more than 105% of Project capacity allotted to them.

(c) Neither MNRE guidelines nor the RfS prohibits the Petitioner in exercising this right after commissioning of the Project.

(d) The interpretation of SECI that the capacity cannot be increased by 5% after installation and commissioning of power project is contrary to the MNRE guidelines and RfS. The proposed additional 5% capacity will not violate the terms of PPAs as the said additional capacity does not result in injecting more power than the capacity allotted and does not lead to taking an advantage of the increased tariff with lesser capital cost invested.

3. Learned senior counsel appearing for SECI mainly submitted as under:

(a) SECI issued commissioning and COD certificate to the Petitioner declaring that the Petitioner has achieved commissioning of 249.90 MW Project on



7.10.2018 and the commercial date of the Project was from 00.00 hours on 8.10.2018. Thus. 249.90 MW became the contracted capacity.

(b) In terms of clauses of the MNRE Guidelines, RfS, PPA and the Commissioning Procedure, the Petitioner was entitled to install additional capacity of 5% at the time of commissioning and commercial operation of the project and not thereafter. However, the Petitioner did not opt to install the additional capacity at the time of commissioning. The Petitioner after 2 years approached SECI for its approval to install additional capacity as per Clause 3.9 of the RfS.

(c) In terms of Clause 3.5 of MNRE Guidelines and 3.9 (c) of RfS document, after commercial operation date, only “repowering” and “reconfiguring” of the existing capacity i.e. 249.90 MW is permitted and not installing or powering additional capacity above 249.90 MW.

4. In response, the learned counsel for the Petitioner referring to clause 4.4.1 of the PPA submitted that the said clause obligates the Petitioner to supply 171.346 million units in a contract year and SECI cannot buy more than this. The injection of power in any contract year even after installation of 5% will not be beyond 171.36 million units.

5. In response to a specific query of the Commission whether the Petitioner in the last 2 years has been able to inject 171.346 million units and has incurred any penalty for not injecting power as per the benchmark of SECI, learned counsel for the Petitioner submitted that the injection of the Petitioner has never gone below 128.509 million units . He further submitted that the Petitioner has placed on record the energy generated and supplied in MUs to the various beneficiaries through SECI under PPA/PSA from the date of commercial operation of 249.90 MW.

6. Learned counsel for both the parties prayed that they may be permitted to submit their respective Written Submissions.

7. The Commission directed the Petitioner to file its Written Submissions including complete chronology of events with copy of the same to the learned counsel for SECI by 14.2.2023 and learned counsel for SECI may file its Written Submissions after serving to the learned counsel for the Petitioner by 24.2.2023.

8. Subject to above, the Commission reserved order in the matters.

By order of the Commission

sd/-
(Rajendra Kumar Tiwari)
Bench Officer

