

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 235/MP/2023

- Subject** : Petition under Section 79(1) (f) of the Electricity Act, 2003 seeking adjudication of dispute against SBSR Power Cleantech Eleven Private Limited (“Respondent No. 1”) and Solar Energy Corporation of India (“SECI”/ ”Respondent No. 2”).
- Date of Hearing** : 10.10.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri A.K Goyal, Member
Shri P.K. Singh, Member
- Petitioner** : Tata Power Delhi Distribution Limited (TPDDL)
- Respondent** : SBSR Power Cleantech Eleven Private Limited (SBSRPCEPL) & Ors.
- Parties present** : Shri Sajan Poovayya, Senior Advocate, TPDDL
Shri Venkatesh, Advocate, TPDDL
Shri Anant Singh Ubeja, Advocate, TPDDL
Ms. Nehal Jain, Advocate, TPDDL
Shri Palash Maheshwari, Advocate, TPDDL
Shri Buddy A. Ranganadhan, Advocate, BYPL and BRPL
Shri Sameer Sharma, Advocate, BYPL and BRPL
Ms. Anushree Badhan, Advocate, SECI
Ms. Subhi Kapoor, Advocate, SECI
Shri Hemant Singh, Advocate, SBSRPCEPL
Shri. Lakshyajit Singh, Advocate, SBSRPCEPL
Shri Harshit Singh, Advocate, SBSRPCEPL
Shri Ayush Raj, Advocate, SBSRPCEPL
Ms. Lavanya Panwar, Advocate, SBSRPCEPL
Shri Shaurya Kumar, Advocate, SBSRPCEPL
Shri Ravi Sinha, SBSRPCEPL

Record of Proceedings

The instant petition has been filed by Tata Power Delhi Distribution Limited (TPDDL) against SBSR Power Cleantech Eleven Private Limited (SBSR), SECI, and BYPL and it is to declare that (a) SBSR has defaulted to supply 100 MW and (b) it is obligated to supply 62.5 MW to the Petitioner in accordance with the PPA (c) SBSR cannot



sell 62.5 MW to any third party and direct SECI to initiate action against SBSR as per the directions of the PPA.

2. In response to the query of the Commission, the learned senior counsel for the TPDDL stated that APTEL in IA No. 1730 in Appeal No. 625 of 2023 observed that TPDDL could not have sought any relief through an IA in Petition filed by SBSR and that TPDDL could, accordingly, withdraw the IA it had filed before the Commission. Therefore, the Commission's order dated 5.6.2023 in IA No. 3/IA/2023 in Petition No. 192/MP/2021 does not hold good anymore.

3. After hearing the learned counsel for the Petitioner, the Commission directed as follows:

- (a) Admit the petition.
- (b) Issue notice to the Respondents.
- (c) Serve a copy of the petition on the Respondents.
- (d) Respondents to file their reply by 3.11.2023 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 24.11.2023.

4. The Commission further directed the instant matter be listed along with Petition No. 192/MP/2021.

5. The matter will be listed for further hearing on 17.1.2024.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

