

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.334/AT/2023**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for Wind Power Projects (Tranche – XII) connected to the Inter-State Transmission System (ISTS) and selected through competitive bidding process as per the guidelines of the Government of India.

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : NTPC Renewable Energy Limited and 7 Ors.

Date of Hearing : 12.2.2024

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Parties Present : Ms. Mandakini Ghosh, Advocate, SECI  
Shri Rahul Ranjan, Advocate, SECI  
Shri Mudit Jain, SECI  
Shri Sanjay Sen, Sr. Advocate, JSWRETL  
Shri Aman Anand, Advocate, JSWRETL  
Shri Aman Dixit, Advocate, JSWRETL  
Ms. Natasha, Advocate, JSWRETL  
Ms. Ruth Elwin, Advocate, JSWRETL  
Shri Rakesh Rathore, JSWRETL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed for the adoption of tariff of the Wind Power Projects (Tranche XIII) connected to the Inter-State Transmission System and selected through a competitive bidding process as per the “Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects” dated 8.12.2017 issued by the Ministry of Power, Govt. of India, as amended from time to time and interpreted & modified by the Central Government vide subsequent communications/ notifications. Learned counsel submitted that vide Record of Proceedings for the hearing dated 13.12.2023, a notice was issued to the Respondents for filing their replies in the matter. However, none of the Respondents have filed a reply, and the matter may accordingly be reserved for order.

2. Learned senior counsel for Respondent No. 5, JSW ReNew Energy Three Limited (JSWRETL), submitted that there has been a substantial change in the ground realities and the tariff as sought to be adopted in the present case, which was discovered way back in the year 2022, is no longer aligned with the prevalent market conditions. Learned senior counsel submitted that there had been a considerable delay on the part of the Petitioner in tying up the capacities under the PPAs/PSAs and even in the filing of the present adoption Petition, and therefore, the Respondent is opposing the present Petition inasmuch as it would not be in a position to comply

with its obligations under the PPA due to such delay/changes in the circumstances. Learned senior counsel further submitted that besides the tariff as sought to be adopted by this Commission being no longer reflective of the increased costs, there has been a change in Micro-siting Guidelines in the State of Maharashtra, where the Project of Respondent was supposed to be set up, and as a result of this, the Respondent is no longer in a position to proceed with the Project on the originally envisaged land(s). Learned senior counsel submitted that as per the understanding of Respondents, and other Developers/Successful Bidders, except for NTPC Renewable Energy Ltd. are also not proceeding with the Project(s). Learned senior counsel added that the Respondent had prepared a brief note of arguments on the above aspects, and he may be heard on the above aspects prior to proceedings with the adoption of the tariff.

3. In response, learned counsel for the Petitioner submitted that no reply/pleadings have been filed by the Respondent, JSWRETL, to the above effect, and such issues have been raised by the Respondent for the very first time during today's proceedings. Learned counsel further pointed out that Respondent No.5, through its Project Company, i.e. Respondent No.3, has duly entered into the Power Purchase Agreement with the Petitioner on 4.5.2023 without having raised any such grounds/contentions. Learned counsel submitted that the Respondent may be directed to file its submissions on an affidavit, and the Petitioner may be permitted to file its rejoinder thereto. However, insofar as the balance 500 MW capacity is concerned, none of the developers (namely, NTPC Renewable Energy Ltd. and Torrent Power Limited) have raised any objection(s) and the matter may be at least reserved for an order for such capacities.

4. Considering the submissions made by the learned senior counsel and learned counsel for the Petitioner and Respondent No.5, the Commission directed Respondent No.5 to file its submissions/objections, if any, on an affidavit within a day with a copy to the Petitioner, who may file its response thereof, within five days thereafter.

5. The Petition will be listed for the hearing on **21.2.2024**.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**