

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition (Diary) No.61/2024 along with IA (Diary) No.66/2024

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for Solar PV Power Projects (Tranche IX) connected to the Inter-State Transmission System and selected through a competitive bidding process as per the Guidelines of the Government of India.

Date of Hearing : **31.1.2024**

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

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondent : Solarpack Corporacion Tecnologica SA & Ors.

Parties Present : Ms. Mandakini Ghosh, Advocate, SECI
Shri Rahul Ranjan, Advocate, SECI
Ms. Poorva Saigal, Advocate, PSPCL
Ms. Anumeha Smiti, Advocate, PSPCL
Shri Vishal Binod, Advocate, SCTS & GSPL
Shri Priyal Modi, Advocate, SCTS & GSPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking the adoption of tariff for the 300 MW Solar Power PV Projects (Tranche IX) connected to the inter-State Transmission System and selected through a competitive bidding process as per the Guidelines dated 3.8.2017 issued by the Ministry of Power, Government of India read with subsequent amendment/clarification thereof. Learned counsel further submitted that out of the total awarded capacity of 2000 MW under Tranche IX, the Commission has already adopted the tariff of 1700 MW by its order dated 8.3.2022 in Petition No.211/AT/2021 (300 MW) and order dated 8.3.2023 in Petition No. 245/AT/2023 (1400 MW) whereas for the balance capacity (300 MW), the Petitioner was granted the liberty to approach the Commission for the adoption of tariff once such capacity is tied up under the Power Purchase Agreement (PPA) and Power Supply Agreement (PSA). Learned counsel added that subsequent to the order dated 8.3.2023, the Petitioner has tied up this balance capacity of 300 MW with Respondent, PSPCL under the PSA dated 30.12.2023 and correspondingly, entered into PPA with Respondent, Gorbea Solar Private Limited, Project Company of Solarpack Corporacion Tecnologica SA, on 15.1.2024. The Learned counsel further submitted that the Petitioner has also prayed for the recognition of the notifications/orders issued for the change in Basic Customs Duty, Goods and Service Tax and installation of Bird diverters till the date of signing of the PPA i.e. 15.1.2024 as Change in Law events and their impact will be considered on actual but limited to maximum of Rs.0.29/kWh subject to the fulfilment of conditions contained in the PPA and PSA. Learned counsel submitted that the Commission, in its order dated 8.3.2023, has already

recognized these Change in Law events, and insofar as limiting their impact up to a maximum of Rs. 0.29/kWh is concerned, the same has been agreed to by all the parties, including the Solar Project Developer and PSPCL, and clauses to this extent have also been incorporated in the PPA and PSA.

2. In response to the specific query of the Commission as to whether the cap of Rs. 0.29/kWh was incorporated in the PPAs and PSAs covered under Petition No. 245/AT/2023 and considered by the Commission in its order dated 8.3.2023, the learned counsel replied in negative. The Learned counsel, however, added that the above incorporation has been agreed to among all the parties, and Respondent No.3, Solar Power Developer, has also filed an affidavit to this extent. Learned counsel also submitted that, as indicated, the PPA and PSA, as executed by the parties, also incorporate the clauses to this effect.

3. The Learned counsel for Respondent, PSPCL, submitted that PSPCL supports the prayers made by the Petitioner. Learned counsel further submitted that the State Commission has also approved the procurement of 300 MW power under PSA dated 30.12.2023 with SECI. Learned counsel sought liberty to file a brief reply to the Petition.

4. Considering the submissions made by the learned counsel for the parties, the Commission admitted the matter and permitted the Respondents to file their replies, if any, within a week with a copy to the Petitioner, who may file its rejoinder, if any, within a week thereafter. The Registry is directed to register the Petition after the completion of procedural formalities.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)