

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 506/MP/2024**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri Ramesh Babu V., Member**

**Shri Harish Dudani, Member**

**Shri Ravinder Singh Dhillon, Member**

**Date of Order: 21<sup>th</sup> March, 2025**

**In the matter of**

Petition under Section 79 of the Electricity Act, 2003 read with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 and Article 4.5 of the Power Purchase Agreement dated 28.6.2023 executed between AMP Energy Green Seventeen Private Limited and CESC Limited.

**And**

**In the matter of**

**AMP Energy Green Seventeen Private Limited,**

309, 3<sup>rd</sup> Floor, Rectangle One,

Behind Sheraton Hotel,

Saket, New Delhi- 110017.

**...Petitioner**

**Versus**

**CESC Limited,**

CESC House, Chowringhee Square,

Kolkata- 700001.

**ORDER**

The Petitioner, AMP Energy Green Seventeen Private Limited (hereinafter referred to as "Petitioner"/ "AMP Seventeen"), has filed the present Petition, *inter alia*, seeking an extension of the Scheduled Commercial Operation Date of its Project under the Power Purchase Agreement dated 28.6.2023 on account of *Force Majeure* events.

The Petitioner has made the following prayers:

"a. Allow the present Petition;

*b. Hold and declare that the event of cancellation of transfer of land allocation vide Letter dated 05.03.2024 and the Government Order dated 05.06.2024 qualifies as Force Majeure Events under Article 11 of the PPA as it has obstructed and delayed the completion of the project;*

*c. Hold and declare that as a consequential relief under Article 4.5 of the PPA, the Petitioner is entitled to extension of SCOD;*

*c. In the interim, direct the Respondent- CESC Limited to refrain from taking any coercive steps including invocation of Bank Guarantee against the Petitioner during the extended time so granted by this Commission for achieving the SCOD;*

*d. Pass any such other and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”*

2. The matter was listed for the hearing on 28.1.2025. During the course of the hearing, the learned counsel for the Petitioner submitted that the Petitioner's generation project is located in the State of Andhra Pradesh, while the electricity is being supplied to the Respondent, CESC, in the State of West Bengal. Accordingly, the Petitioner's Project has a composite scheme for the generation and sale of electricity in more than one State, thereby falling within the ambit of Section 79(1)(b) of the Electricity Act, 2003. However, the tariff in respect of the Petitioner's Project was adopted by the West Bengal Electricity Regulatory Commission (WBERC), which the Petitioner has contested in an appeal before the Appellate Tribunal for Electricity (APTEL). The said appeal is presently pending and is next listed for the hearing on 11.2.2025.

3. Vide Record of Proceedings dated 28.1.2025, considering that the issue of jurisdiction vis-à-vis the 'Appropriate Commission' pending before APTEL in an appeal filed by the Petitioner, the Commission, with the consent of both parties, adjourned the matter *sine die*. The Petitioner was granted the liberty to mention the matter upon any development in its appeal before the APTEL.

4. The Petitioner, vide affidavit dated 18.3.2025, has submitted that, in view of certain developments in the matter, it does not wish to pursue the present Petition any further. The Petitioner has, therefore, prayed that the present Petition, bearing Petition No. 506/MP/2024, be disposed of as withdrawn, with the liberty to approach the Commission at a later stage, if so advised.

5. Considering the submissions made by the Petitioner, the Petitioner is permitted to withdraw the present Petition with the liberty to approach the Commission in accordance with the law. Accordingly, the present Petition is disposed of as withdrawn.

6. Petition No. 506/MP/2024 is disposed of in terms of the above.

<b>Sd/-</b> <b>(Ravinder Singh Dhillon)</b> <b>Member</b>	<b>sd/-</b> <b>(Harish Dudani)</b> <b>Member</b>	<b>sd/-</b> <b>(Ramesh Babu V.)</b> <b>Member</b>	<b>sd/-</b> <b>(Jishnu Barua)</b> <b>Chairperson</b>
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