

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. : **103/MP/2021**

Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 28.10.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 3.6.2019 executed between Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Deoghar Solar Power Pvt. Ltd., ACME Dhaulpur Powertech Pvt. Ltd. and align the same with the SCOD of the Projects, as extended by SECI.

Petitioner : ACME Deoghar Solar Power Pvt. Ltd. & Ors.

Respondents : Power Grid Corporation of India Ltd. & Ors.

Petition No. : **104/MP/2021**

Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 25.9.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 16.5.2019 executed b Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Phalodi Solar Energy Pvt. Ltd., ACME Raisar Solar Energy Pvt. Ltd. and align the same with the SCOD of the Projects, as extended by SECI.



Petitioner : ACME Phalodi Solar Energy Pvt. Ltd. & 2 Ors.
Respondents : Power Grid Corporation of India Ltd. & 2 Ors.
Date of Hearing : 4.6.2021
Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Pravas Kumar Singh, Member
Parties present : Shri Vishrov Mukherjee, Advocate, GMRWEL
Shri Yashaswi Kant, Advocate, GMRWEL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL

Record of Proceedings

The matters were called out for virtual hearing. Both the petitions were heard together as a common issue has been raised in both the petitions and to be decided by the Commission.

2. The learned counsel for the Petitioners has made the following submissions:

(a) “ACME Deoghar and ACME Dhaulpur” and “ACME Phalodi and ACME Raisar” (Projects) are SPVs incorporated by ACME Solar Holdings Limited (ASHL) for developing and commissioning 2X300 MW solar power projects located in Tehsil Pokhran, Rajasthan.

(b) SECI has extended the SCOD of the Projects by 481 days i.e. up to 3.3.2022 (Original SCOD: 8.11.2020) and 17.2.2022 (Original SCOD: 25.10.2020) respectively on account of force majeure events. PGCIL has refused to accept the extension of SCOD to 3.3.2022 and 17.2.2022 respectively of its Projects, for commencement of LTA granted to the Petitioners in line with the extension of SECI’s SCOD and extended the LTA by only 5 months only i.e. from 26.10.2020 to 26.3.2021 and 19.10.2020 to 19.3.2021 respectively, or commissioning of ISTS for LTA whichever is later. PGCIL has extended the LTA by 5 months as per MoP’s letter dated 27.7.2020 and MoP in the same letter requested MNRE to grant extension of 5 months which was accepted by MNRE and extension was granted. On further requests made by the stakeholders, MNRE vide its O.M. dated 9.2.2021 allowed the implementing agencies to grant further extension beyond 5 months on case to case basis but PGCIL has refused to extend LTA commencement date in line with the revised SCOD which is not as per the MoP letter and MNRE O.M.

(c) ACME is not liable to pay transmission charges as per the Regulation 13(3) of the 2020 Sharing Regulations in view of extension of SCOD by SECI on account of *force majeure* events and PGCIL should be restrained from taking any coercive action against the Petitioners including imposition of penalty/



transmission charges/ losses pending adjudication of the present Petitions. The contract is not frustrated and is the Petitioners are not seeking discharge from the contract.

(d) The Petitioners are withdrawing the petitions which were filed earlier for termination of PPA and transmission arrangements and an application in respect of the same is being filed by the Petitioners.

3. The Commission admitted both the petitions and directed to issue notice to the Respondents in both petitions.

4. The Commission directed the Petitioners to provide the following information in both the petitions on affidavit, by 20.6.2021, with a copy to the Respondents and the Respondents to file their reply by 30.6.2021 and the Petitioner to file its rejoinder, if any, by 12.7.2021.

- a) Current status of the adjudication of the Fatehgarh Sub-station land court case and copy of the Hon'ble Rajasthan High Court order dated 27.11.2019 wherein earlier status quo order was vacated.
- b) Present status of Fatehgarh Sub-station, solar generators and associated ISTS along with commissioning target of Sub-station and associated transmission system.
- c) Submit MNRE office order dated 9.2.2021.

5. The Commission further directed the parties to comply with the directions within the timeline specified and observed that no extension of time shall be granted.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

