

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 126/AT/2021**

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for inter-State Transmission System connected 1200 MW, ISTS connected Solar PV Power Projects under open category and selected through competitive bidding process as per the Standard Bidding Guidelines issued by Ministry of Power dated 3.8.2017.

Date of Hearing : 3.9.2021

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

Petitioner : NTPC Limited (NTPC)

Respondents : TBEA Solar (India) Private Limited (TBEA) and 2 Ors.

Parties Present : Ms. Swapna Seshadri, Advocate, NTPC  
Ms. Ritu Apurva, Advocate, NTPC  
Shri Anand K Ganesan, Advocate, NTPC  
Shri Ashwin Ramanathan, Advocate, NTPC  
Shri Aditya Dubey, Advocate, NTPC  
Shri Nishant Kumar, Advocate, TBEA  
Shri Animesh Kumar, Advocate, TBEA  
Ms. Utkarsha Sharma, Advocate, TBEA  
Ms. Shweta Singh, Advocate, TBEA  
Shri Kapil Sharma, TBEA  
Shri Ankesh Raj, TBEA  
Shri Pawan Kumar Sharma, ABC Renewable

**Record of Proceedings**

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 23.7.2021, the Petitioner has filed additional affidavit dated 3.8.2021, *inter alia*, stating that the provisions of Article 12 of the Power Purchase Agreement ('PPA') are in no manner a deviation to the principles provided under Clause 5.7.1 of the 'Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects' ('the Guidelines') dated 3.8.2017 and the amendments thereof.

3. The learned counsel appearing on behalf of TBEA Solar (India) Private Limited (Respondent No.1) submitted that the Respondent has filed its reply vide affidavit dated 12.8.2021. The learned counsel submitted that the PPA has been executed by the parties in accordance with the provisions of the Guidelines.

4. The learned counsel appearing on behalf of TBEA Solar (India) Private Limited (Respondent No.1) further submitted that though the language of the provisions of Article 12 of the Power Purchase Agreement ('PPA') and the principles provided under Clause 5.7.1 of the 'Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects' ('the Guidelines') dated 3.8.2017 and the amendments thereof are different, the understanding and intent of the parties are clear regarding the principle of restitution.

5. Accordingly, recognising that the provisions of Article 12 of the Power Purchase Agreement ('PPA') are agreed to by both the parties, after hearing the learned counsels for the parties, the Commission reserved the matter for order.

**By order of the Commission**

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