

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 57 of 2021
Alongwith IA No. 20 of 2021
Date of hearing: 22.09.2021
Date of Order: 24.09.2021

Petition under section 86 (1) (f) and other relevant provisions of the Electricity Act, 2003 read with the provisions of the Power Purchase Agreements dated 01.01.2014 challenging the legality, validity and propriety of letters/memos dated 25.08.2021 & 15.09.2021 issued by PSPCL to terminate the Power Purchase Agreements dated 01.01.2014

AND

- In the matter of: 1. Bhanuenergy Infrastructure Power Limited Regd. Office 906-907, Indraprasth Corporate, Opp. Venus Atlantis, 100ft. Road, Prahladnagar, Ahmedabad- 380015, Gujarat.
2. Bhanuenergy Industrial Development Limited Regd. Office 906-907, Indraprasth Corporate, Opp. Venus Atlantis, 100ft. Road, Prahladnagar, Ahmedabad-380015, Gujarat.

Petitioner

Versus

1. Punjab State Power Corporation Ltd. the Mall, PSEB Head office, Patiala, Punjab-147001.
2. Punjab Energy Development Agency Plot No. 1-2, Sector 33-D Chandigarh-160020

Respondents

Present: Sh. Viswajeet Khanna, Chairperson
Ms. Anjali Chandra, Member
Sh. Paramjeet Singh, Member

Petitioner: Sh. Sitiesh Mukherjee, Advocate

ORDER

The present petition has been filed by M/s Bhanuenergy Infrastructure Power Limited and M/s Bhanuenergy Industrial Development Limited submitting that PSPCL has executed PPA's dated 01.01.2014 with the petitioners for purchase of power generated from their Grid Connected Solar PV Power Projects 15 MW capacity each, located at Village Mirpur Kalan, Distt Mansa Punjab. PSPCL vide memo No. 1572/1582 and 1583/1593 dated 15.09.2021 issued to petitioners, has terminated the PPA's dated 01.01.2014 signed between PSPCL and M/s Bhanuenergy Infrastructure Power Limited and M/s Bhanuenergy Industrial Development Limited. The PPA's have been terminated under clause No. 13.3.0 of the PPA's and the alleged reasons given by PSPCL for terminating the PPA's are

against the express provisions of the RFP/IA & PPA. An IA No. 20 of 2021 has also been filed alongwith with the petition seeking an ex-parte & ad-interim stay on termination of the PPA till the disposal of the petition. It has been submitted by the petitioners that they have a good prima facie case and the balance of convenience also lies in their favour and that the petitioners would suffer an irreparable loss in case the operation of the termination issued vide letters dated 15.09.2021 is not stayed. During the hearing of the petition and I.A on 22.09.2021, Sh. Sitiesh Mukherjee, Advocate, Learned Counsel for the petitioners appeared and also made a mention of this matter. Considering the submissions made by the learned counsel for the petitioners on 22.09.2021 and the averments made in the I.A, I.A is admitted. Notice be issued to the respondents. The respondents shall file reply to the I.A as well as the petition within two weeks with a copy to the petitioners (through hard copy & soft copy). The petitioners may file rejoinder thereto within one week thereafter with a copy to the respondents (through hard copy & soft copy).

Given the facts and circumstances of the case, the operation of the letters 1572/1582 and 1583/1593 dated 15.09.2021 issued by PSPCL terminating the PPA's dated 01.01.2014 is stayed till the next date of hearing. The petition shall be taken up for hearing on admission on 27.10.2021 at 11.00 AM alongwith the hearing on I.A.

Sd/-

(Paramjeet Singh)
Member

Chandigarh
Dated: **24.09.2021**

Sd/-

(Anjuli Chandra)
Member

Sd/-

(Viswajeet Khanna)
Chairperson