



తెలంగాణ తేలంగానా TELANGANA
S.No. 1753 Date 24/12/2020

AE 248053
CH. ARUNA

Sold to R VENKATESH, S/o. KOMARAIHAH,

LICENSED STAMP VENDOR, LIC No. 15-10-039/18
H.No. 1-58/20, Flat No. G-4, Vamshi Residency
Sai, Nagar Colony, Madeenaguda, R.R. Dist,
Ph: 9948040896

FOR WHOM: NTPC Ltd, Hyderabad

This Supplemental Agreement to the Power Usage Agreement signed between NTPC Ltd and Southern Power Distribution Company of Telangana Limited & Northern Power Distribution Company of Telangana Limited having effective date of 30/12/2019 is signed on 30/12/2020 at Hyderabad.

Between

NTPC Limited, a Company incorporated under the companies Act, 1956 having its registered office at NTPC Bhawan, Core 7, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi -110003 (hereinafter called 'NTPC') which expression shall unless repugnant to the context or meaning thereof include its successors and assigns as party of the first part;

And

Southern Power Distribution Company of Telangana Limited & Northern Power Distribution Company of Telangana Limited Companies incorporated under the Companies Act, 1956 or Companies Act, 2013 as the case may be or a Government Entity, having its Head Office at Hyderabad & Warangal (hereinafter collectively referred as 'Power User' or TSDISCOMs) which

ఆర్ వెంకటేశ

R. VENKATESH

ఆఫీస్ మేనేజర్ (కామర్షియల్)

Addl General Manager (Commercial)

ఎన్ టీ సి లిమిటెడ్, డి.కె.సి. కవాలిగూడ, సికంద్రాబాద్-50
NTPC Limited, S/O. Kavariguda, Secunderabad-50




expression shall unless repugnant to the context or meaning thereof include its successors and Permitted Assigns as party of the second part.

Each of the parties of the first and second above is individually referred to as a "Party" and collectively as the "Parties".

WHEREAS:

- A. NTPC is a power Generating Company defined under Section 2(28) of the Electricity Act, 2003 and is a Govt. of India Enterprise and TSDISCOMs, the Power User is an entity owned and controlled by Government of Telangana
- B. NTPC is setting up 150 MW Solar PV Power Station named as NTPC 150 MW Devikoot Solar PV Station at Devikoot, Rajasthan (herein after referred to as 'Solar PV Station' and generally referred to as 'Station').
- C. The Power User, TSDISCOMs are desirous of using power produced from this Solar PV Station and NTPC is willing to offer solar power from the aforesaid solar PV Station of NTPC solely for end use of power in compliance to WTO regulations from this Solar PV Project to Power User on mutually agreed terms and conditions mentioned hereunder as per Guidelines "Central Public Sector Undertaking (CPSU) Scheme Phase-II (Government Producer Scheme) for setting up 12,000 MW grid-connected Solar Photovoltaic (PV) Power Projects by the Government Producers with Viability Gap Funding (VGF) support for self-use or use by Government/Government entities, either directly or through Distribution Companies (DISCOMS)" issued by the Ministry of New & Renewable Energy vide No. 302/4/2017-GRID SOLAR dated 05.03.2019 including subsequent amendments and clarifications thereof, henceforth shall be called "CPSU Scheme"
- D. AND WHEREAS NTPC has signed Power Usage Agreement with Southern Power Distribution Company of Telangana Limited & Northern Power Distribution Company of Telangana Limited on 30/12/2019 for supply of 150 MW from NTPC SOLAR PV STATION Of 150 MW at Devikoot- Rajasthan.
- E. AND WHEREAS vide its letter dated 19th Dec 2020, Telangana State power Coordination committee has conveyed its request to modify the provision 3.5 of the signed PUA.

आर वेंकटेश
R. VENKATESH
अस महाप्रबंधक (वाणिज्यिक)
Addl. General Manager (Commercial)
एन टी सी लिमिटेड, द श्रेष्ठ, कवाडीगुडा, सिविलराबाद-50
www.nstl.co.in


R. VENKATESH
Addl. General Manager (Commercial)
NTPC Limited, Plot No. 10, Phase II, Industrial Area, Hyderabad-500015, India
Tel: 0800 000 063.




F. AND WHEREAS parties agree to modify Provision 3.5 of the already signed PUA.

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES AND MUTUAL AGREEMENTS, COVENANTS AND CONDITIONS SET FORTH HEREIN; IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

Article	Existing Provision	Revised Provision
2.2	Scheduled Date of Commencement for Supply of Power shall be 21 Months from signing of this agreement i.e.29.09.2021.	Scheduled Date of Commencement for Supply of Power shall be 28.02.2022.
3.5	In case Power User fails to acquire and operationalize LTA till Scheduled Date of Commencement of Supply, deemed generation for the shortfall units with respect to 19% CUF of declared capacity shall be paid @ Rs 2.86 per kWh, till grant and operationalization of LTA to the Power User by CTU/STU as applicable.	In case Power User fails to acquire and operationalise LTA till Scheduled Date of Commencement of Supply, deemed generation for the shortfall units with respect to 19% CUF of declared capacity shall be paid @ Rs 2.86 per kWh, till grant and operationalisation of LTA to the Power User by CTU/STU as applicable. However, in case of delay in execution of evacuation system beyond SCD and if such delay is beyond the control of Telangana, NTPC has agreed that the above compensation shall not be insisted till operationalisation of LTA. However, NTPC shall have right to extend CoD of NTPC solar PV Station till availability of Transmission System for evacuation of power from the station without


आर. वेण्कटेश
R. VENKATESH
अपर महाप्रबंधक (वाणिज्यिक)
Addl. General Manager (Commercial)
एन टी पी सी लिमिटेड, द डी.यू. कवाडीगुडा, सिकंदराबाद-50.
NTPC Limited, SRHQ, Kavadiiguda, Secunderabad-50.


Chief General Manager/IPC & RAC
TSSPDCL, Corporate Office,
Mini Compound, Hyderabad-500 063.



any liability on NTPC. Parties further agree that in case if full capacity part capacity of transmission system is made available on any earlier date and NTPC station is also ready to transfer power, parties shall approach CTU for early operationalisation of LTA and Telangana Discom shall arrange for Usage of such power.

Except the aforesaid amendments, the Parties acknowledge and confirm that all other terms and conditions contained in the Power Usages Agreement dated 30/12/2019 shall continue to apply as before. IN WITNESS WHEREOF, the Parties have caused the Agreement to be executed through their duly authorized representatives as of the date and place set forth above

For and on behalf of NTPC Ltd

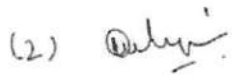


Name and Designation

आर वेकटेश
R. VENKATESH
अपर महाप्रबंधक (वाणिज्यिक)
Addl. General Manager (Commercial)
एन टी पी सी लिमिटेड, द से मु, कवाडीगुडा, सिकंदराबाद-५०००८०.
NTPC Limited, SRHQ, Kavadiiguda, Secunderabad-500080.

Witness

(1) 
K Hema
SE/2PC/7SRCC

(2) 
Kalyani Kimidi, DAM (Comm.)
SRHQ, NTPC Hdq.

For and on behalf of Power User



Chief General Manager/IPC & RAC
Name and Designation
TSSPDCL, Corporate Office,
Mint Compound, Hyderabad-500 063.



Chief General Manager
IPC & RAC TSNPDCL,
Warangal.



SOUTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED

#6-1-50, Corporate Office, Mint Compound, Hyderabad 500 063
Phone No.(040) 2343 1008 Fax Nos.(040) 2343 1395/1452 website www.tssouthernpower.com

From
The Chief General Manager (IPC),
TSSPDCL, Corporate Office,
6-1-50, Ground Floor, Mint Compound,
Hyderabad – 500 063.

To
The Commission Secretary,
TSERC, 5th Floor,
Singareni Bhavan, Red Hills,
Hyderabad.

Lr No.CGM (IPC)/SE(IPC)/F. NTPC CPSU /D. No 125021, dt: 21 -01-2022.

Sir,

Sub: - TSSPDCL –RE projects – Power Usage Agreement (PUA) entered by TS Discoms with NTPC Limited for purchase of 400 MW, 923 MW and 369 MW (Total 1692 MW) Solar Power from NTPC ISTS Connected Solar Power Projects under CPSU Scheme – Consent – Requested –Regarding.

- Ref:- 1. Lr.No.TSERC/Secy/JE(TE)/F.No.E-250094&98/D.No.471/21,
dated:23.09.2021.
2. Lr.No.CGM(IPC&RAC)/SE(IPC)/F.NTPC CPSUScheme/D.No.633/21
Dated 21.08.2021
3. Lr.No.TSERC/Secy/JE(TE)/F.No.E-250094&98/D.No.321/21,
dated:25.06.2021.

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In continuation to the letter under ref (2) cited, it is to submit that NTPC filed petition No.174/AT/2021 under section 63 of Electricity Act, 2003 before the Hon'ble CERC for adoption of usage charges for 1,692 MW Solar Photovoltaic (PV) Power Station (Tranche-I & II) connected to the Inter-State Transmission System and selected through competitive bidding process under Central Power Sector Undertaking (CPSU) Scheme Phase-II dated 5.3.2019 as per the Standard Bidding Guidelines of Ministry of Power dated 3.8.2017. A copy of order is here with submitted for ready reference.

In view of the above, the Hon'ble Commission is requested to accord consent to the Power Usage Agreement (PUA) signed with NTPC for procurement of 1692 MW solar power from NTPC ISTS connected Solar Power Projects under CPSU Scheme.



Yours faithfully,

P.Krishnaiah
Chief General Manager (IPC)
seipctsspdcl@gmail.com
9440813512

Copy submitted to:

The Executive Director (Comml)/TSPCC/Vidyut Soudha/ Hyderabad.

Copy to

The Chief General Manger /IPC/TSNPDCCL/Hanmakonda/Warangal.

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 174/AT/2021

Coram:

**Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member**

Date of Order: 13th December, 2021

In the matter of

Petition under Section 63 of the Electricity Act, 2003 for adoption of usage charges for 1,692 MW Solar Photovoltaic (PV) Power Station (Tranche-I & II) connected to the Inter-State Transmission System and selected through competitive bidding process under Central Power Sector Undertaking (CPSU) Scheme Phase-II dated 5.3.2019 as per the Standard Bidding Guidelines of Ministry of Power dated 3.8.2017.

And

In the matter of

NTPC Limited,
Institutional Area, Lodhi Road,
New Delhi – 110 003

... Petitioner

Vs

1. Solar Energy Corporation of India Limited,
1st Floor, Prius Platinum,
D-3 District Centre, Saket,
New Delhi – 110 017

2. Southern Power Distribution Company of Telangana Limited,
6-1-50, Mint Compound,
Hyderabad, Telangana – 500 063.

3. Northern Power Distribution Company of Telangana Limited,
Vidyuth Bhavan, Nakkalagutta,
Hanamkonda, Warangal,
Telangana – 506 001.

... Respondents

The following were present

Shri Venkatesh, Advocate, NTPC
Shri Suhael Buttan, Advocate, NTPC
Shri Jatin Ghuliani, Advocate, NTPC
Shri Anant Singh Ubeja, Advocate, NTPC
Shri Rishub Kapoor, Advocate, NTPC
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Ishpaul Uppal, NTPC
Shri V V Sivakumar, NTPC
Ms. Neha Singh, SECI
Shri M. Karukkuvel, SECI

ORDER

The Petitioner, NTPC Limited ('NTPC'), has filed the present Petition under Section 63 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') for adoption of usage charges for 1692 MW solar photovoltaic power projects (Tranche-I & II) connected to inter-State Transmission System ('ISTS') and selected through competitive bidding process under the 'Central Public Sector Undertaking Scheme Phase-II (Government Producer Scheme) for setting up 12,000 MW grid-connected Solar Photovoltaic (PV) Power Projects by the Government Producers with Viability Gap Funding (VGF) support for self-use or use by Government/Government entities, either directly or through Distribution Companies' dated 5.3.2019 (hereinafter referred to as 'the CPSU Scheme Phase-II') as per the "Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects" (hereinafter referred to as 'the Standard Bidding Guidelines') dated 3.8.2017 issued by Ministry of Power, Government of India. The Petitioner has made the following prayers:

"(a) Admit the present petition;

(b) Adopt the Usage Charges for 1692 MW Solar Power Projects discovered through competitive bidding carried out by the Respondent No.1 in terms of CPSU Scheme;

(c) Pass such other further order/orders, as may be deemed fit and proper in the facts and circumstances of the case."

Submission of the Petitioner

2. The Petitioner, NTPC has submitted that on 5.3.2019, Ministry of New and Renewable Energy ('MNRE'), Government of India notified the CPSU Scheme Phase-II for setting-up 12,000 MW grid-connected solar PV power projects by the Government Producers with Viability Gap Funding ('VGF') for self-use or use by Government/ Government entities, either directly or through Distribution Companies ('Discoms'). The said scheme was issued under the provisions of Section 63 of the Act for long term procurement of electricity by the 'Procurers' from grid-connected solar PV power projects through competitive bidding. Under the CPSU Scheme Phase-II, the Respondent No.1, Solar Energy Corporation of India Limited ('SECI') issued Request for Selection ('RfS-1') for setting up of 2000 MW grid connected solar PV projects in India (Tranche-I) on 15.3.2019. Thereafter, SECI also issued Request for Selection ('RfS-2') for selection of Solar Power Developers for setting-up of 1500 MW grid connected solar PV project anywhere in India (Tranche-II) under the CPSU Scheme Phase-II. The result of the bidding process under Tranche-I was declared on 20.8.2019 and pursuant thereto, NTPC was allocated 769 MW out of 2000 MW and was issued the Letter of Award ('LoA') dated 28.9.2019 for the aforesaid capacity. The result of the bidding process under Tranche-II was declared on 8.11.2019 and pursuant thereto, NTPC was allocated 923 MW out of 1500 MW and was issued the LoA dated 25.11.2019 for the aforesaid capacity. Thus, the Petitioner, NTPC is required to set-up solar PV power projects having aggregate capacity of 1,692 MW

from both the tranches of bidding i.e. 769 MW from Tranche-I and 923 MW from Tranche-II. Pursuant to this, NTPC has entered into several Power Usage Agreements ('PUAs') with Telangana Discoms for supply of solar power to be generated by it through its solar PV power projects.

3. Subsequently, NTPC vide its letter dated 12.1.2021 requested SECI, the Bid Process Coordinator, to approach the Commission for approval and adoption of bids carried out by it under the CPSU Scheme Phase-II and the Standard Bidding Guidelines in view of the clause 10.4 of the Standard Bidding Guidelines, which requires the distribution licensee or Intermediary Procurers as the case may be to approach the Appropriate Commission for adoption of tariff by the Appropriate Commission in terms of Section 63 of the Act. However, SECI vide its letter dated 1.3.2021 refused to undertake the aforesaid course of action. Accordingly, the Petitioner has preferred the present Petition under Section 63 of the Act read with Section III Clause 21.15 of the RfS dated 15.3.2019 and 1.8.2019. In the present case, the solar PV projects have been established in the States of Rajasthan, Tamil Nadu and Gujarat and are supplying power to the State of Telangana. Therefore, it is a composite scheme for generation and sale of electricity in terms of Section 79(1)(b) of the Act and this Commission is the 'Appropriate Commission'. The Commission also exercises general regulatory power under Section 79(1)(a) of the Act in so far as the operation of the Petitioner, which is a generating company owned/ controlled by the Central Government, is concerned even if the Guidelines are silent on a particular aspect as settled by the Hon'ble Supreme Court in Energy Watchdog v. CERC [(2017) 14 SCC 80]. Therefore, adoption of Usage Charges by the Commission will be

consistent with the Scheme and provisions of Section 63 and Section 79(1)(a) of the Act.

Hearing dated 12.10.2021

4. The matter was called out for virtual hearing on 12.10.2021. During the course of hearing, the learned counsel for the Petitioner while detailing the provisions of the CPSU Scheme Phase-II and the bid process conducted thereunder, mainly submitted the following:

(a) NTPC has filed the instant Petition in its capacity as generator pursuant to selection as a successful bidder for setting up of 1,692 MW solar PV power projects in the competitive bid process conducted by SECI under the CPSU Scheme Phase-II.

(b) The CPSU Scheme Phase-II has been notified by MNRE, Government of India under Section 63 of the Act for setting up 12,000 MW grid-connected solar PV power projects by the Government Producers with Viability Gap Funding (VGF) support for self-use or use by Government/ Government entities, either directly or through distribution companies.

(c) Government producer for the purpose of the CPSU Scheme Phase-II has been defined as an entity which is either directly controlled by the Central Government or State Government or is under the administrative control of Central Government or State Government or is a company in which Government is having more than 50% shareholding. A Government producer is eligible for assistance in setting-up solar PV power project. Thus, NTPC, being a Central PSU, qualified as the Government producer under the Scheme.

(d) Under the CPSU Scheme Phase-II, SECI was entrusted with the task of conducting the bidding amongst Government producers for allocation of solar PV power project capacity with VGF as a bid parameter to select the project proponent. While the maximum permissible VGF was kept at Rs. 0.70 crore/MW,