

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 78/MP/2022
With IA No.9/2022**

**Coram:
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K.Singh, Member**

Date of Order: 30th May, 2022

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with the relevant provisions of Power Purchase Agreement dated 3.7.2020 executed between M/s Masaya Solar Energy Private Limited and Solar Energy Corporation of India Ltd. inter alia seeking extension of time for achieving Financial Closure, Land Acquisition and extension of the Scheduled Commissioning Date of the 300 MW solar power project in terms of Power Purchase Agreement dated 3.7.2020, on account of the Force Majeure event beyond the reasonable control of the Petitioner, i.e., inordinate delay/time taken by the Government of India in allowing the Petitioner's Foreign Direct Investment application (Interlocutory application for interim ex-parte relief)

**And
In the matter of**

**Masaya Solar Energy Private Limited,
85, Deerwood Chase, Nirvana Country,
Unitech, Sector – 50, Near South City – 2,
Gurgaon, Haryana – 122 033**

...Petitioner

VERSUS

1. Solar Energy Corporation of India Limited

6th Floor, Plate-B, NBCC Office Block,
Tower-2, East Kidwai Nagar,
New Delhi-110 023

2. Southern Power Distribution Company of Telangana Limited

6-1-50, Mint Compound, Lakdikapool,
Hyderabad, Telangana – 500 063

3. Northern Power Distribution Company of Telangana Limited

Vidyuth Bhavan,
Nakkalagutta, Hanamkonda,
Warangal, Telangana – 506 001

4. Tamil Nadu Generation and Distribution Company Limited

TANTRANSCO Building,
144, Anna Salai,
Chennai, Tamil Nadu – 600 002

5. Central Transmission Utility of India Limited,
Plot No. – 2, Sector – 29,
Near IFFCO Chowk Metro Station,
Gurgaon – 122 001

6. Power Grid Corporation of India Limited,
B-9, Qutub Institutional Area
Katwaria Sarai, New Delhi – 110016

...Respondents

Parties present:

Shri Aniket Prasoon, Advocate, MSEPL
Ms. Shweta Vashist, Advocate, MSEPL
Ms. Priya Dhankhar, Advocate, MSEPL
Ms. Shubham Mudgil, Advocate, MSEPL
Shri M.G.Ramachandran, Senior Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Suparna Srivastava, Advocate, SECI
Shri Tushar Mathur, Advocate, SECI
Ms. Soumya Singh, Advocate, CTUIL
Shri Vikash Kumar, MSEPL
Ms. Neha Singh, SECI
Shri Manas Ranjan Mishra, SECI
Shri Piyush Gupta, SECI
Shri Partha Sarathi Das, CTUIL
Shri Bhaskar Laxmanrao Wagh, CTUIL
Shri Pratyush Singh, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Muskan Agarwal, CTUIL

ORDER

The Petitioner, Masaya Solar Energy Private Limited, has filed the present
Petitioner with the following prayers:

“(a) Allow the present Petition and declare that the delay in achieving Financial Closure, Land Acquisition and the delay in commissioning of the Project is inter alia on account of the Force Majeure pertaining to the inordinate delay/time taken by the Government of India in allowing the Petitioner’s Foreign Direct Investment application, being beyond the reasonable control of the Petitioner;

(b) Consequently, direct the Respondent No.1, i.e., Solar Energy Corporation of India to grant extension of time for achieving Financial Closure and Land Acquisition of the Project to the Petitioner in terms of Power Purchase Agreement dated 03.07.2020, for a period of approximately 5 (five) months, i.e., from 09.11.2021 to 12.04.2022;

(c) Consequently, direct the Respondent No. 1, i.e., Solar Energy Corporation of India to grant extension of the Scheduled Commissioning Date to the Petitioner in terms of Power Purchase Agreement dated 03.07.2020, for a period of 5 (five) months, i.e., from 12.05.2022 to 12.10.2022; and

(d) Pass any other or further order or direction as this Hon'ble Commission may deem just and equitable in favour of the Petitioner."

2. The matter was heard 26.5.2022 through video conferencing. During the course of hearing, learned counsel for the Petitioner submitted that subsequent to hearing of the matter on 22.3.2022, Solar Corporation of India Limited (SECI) vide its letter dated 28.4.2022 has granted extension of time to the Petitioner for commissioning of the Project due to force majeure events which is extracted as under:

"This is in reference to your request vide letter dated 9.11.2021 (ref.iii) seeking time extension in the times lines of the Scheduled Commissioning Date and intermediary milestone (Financial Closure and Land Arrangement) of 300 MW Project under Solar ISTS VI (Project ID: SPD-ISTS-T6-MSEPL-P1-300MO) on account of delay in approval of FDI application.

In this regard, this is to inform that approval of Competent Authority is hereby accorded for extension in timelines of SCD and intermediary milestone (Land Arrangement and Financial Closure) of 300 MW Project (Project ID:SPD-ISTS-T6-MSEPL-P-1-300MP) as per the below table:

S.No.	Milestone	Current due date	Revised timeline
1.	Financial closure	9.11.2021	12.4.2022
	Land Acquisition	9.11.2021	12.4.2022
	Scheduled Commissioning date	12.5.2022	12.10.2022

This communication is issued without prejudice to the terms & conditions of the PPA/RfS/MNRE Guidelines and without prejudice to the rights and contentions of SECI."

3. Learned counsel for the Petitioner submitted that vide affidavit dated 24.5.2022, the Petitioner has placed on record the said letter dated 28.4.2022 issued by SECI. Accordingly, learned counsel for the Petitioner sought permission to withdraw the present Petition.

4. Learned senior counsel appearing on behalf of SECI submitted that SECI has not granted extension to the Petitioner on account of force majeure event and issued extension letter as a matter of policy.

5. In view of the submissions of the learned senior counsel and learned counsel for the parties and in terms of letter issued by SECI dated 28.4.2022, the Petitioner is permitted to withdraw this Petition.

6. Accordingly, the Petition No. 78/MP/2022 and IA No. 9/2022 are disposed of as withdrawn in terms of the above.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**