

F. No. 283/37/2022-GRID SOLAR

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy

Atal Akshay Urja Bhawan,
Lodhi Road, New Delhi – 110003

Dated: 31st August, 2022

OFFICE MEMORANDUM

Reference is invited to MNRE's O.M. No. 283/26/2021-GRID SOLAR-Part(1) dated 03.02.2022. In the light of IA filed by MNRE in the Hon'ble Supreme Court contesting the Supreme Court order dated 19.04.21 regarding under-grounding of cables, MNRE extended the scheduled date of commissioning to a date 30 days after the judgement by Hon'ble Supreme Court in respect of projects where Renewable Energy Implementing Agency (REIA) is the intermediary procurer & for which transmission infrastructure lies wholly or partly in the priority or potential area; the land has been procured and the project commissioning is delayed due to non-completion of project transmission infrastructure on account of the aforesaid order of the Hon'ble Supreme Court.

2. It has been brought to attention of MNRE that in some cases, DISCOMs are considering projects which are commissioned prior to the date 30 days after the order by Hon'ble Supreme Court on the IA filed by MNRE as early commissioned projects, proposing to make a payment at a reduced tariff for such projects in line with provisions of PPA and relevant clauses in Standard Bidding Guidelines regarding early commissioning. Projects where DISCOMs are ready to buy power at PPA tariff for the period between actual commissioning and extended scheduled commissioning date (one month after Hon'ble Supreme Court order on MNRE's IA), will get an additional benefit in the form of effective period of PPA operation.

3. The matter has been examined. The O.M. dated 03.02.2022 granting extension, is facilitative; no coercive action is to be taken against developers who could not commission their projects in view of the orders of the Hon'ble Supreme Court. It does not preclude commissioning of project prior to that date if there is no violation of the order of the Hon'ble Supreme Court.

4. It is hereby clarified that for projects covered under MNRE's aforesaid order dated 03.02.2022, if a project has not been granted extension under MNRE's aforesaid order dated 03.02.2022, the terms of the Power Purchase Agreement (PPA) (read with any other extension that might have been granted), including the Scheduled Commissioning Date, will apply. However, if the project has been granted extension in commissioning and commissions the full project capacity on or before the extended date, the PPA period for such projects shall be 25 years from date of actual commissioning and the project shall be eligible for full PPA tariff from the actual date of commissioning. However, this would be subject to the concerned RE developers giving an undertaking that while commissioning the project, they have not violated the Hon'ble Supreme Court's order dated 19.04.2021 in I.A. No. 85618/2020 in W.P. 838/2019.

5. This issues with approval of Hon'ble Minister (NRE & Power).


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