

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.97/AT/2023

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for 15 MW Floating Solar PV Project connected to BBMB Inter-State Transmission System and selected through competitive bidding process as per the Standard Bidding Guidelines dated 3.8.2017 including its amendments/clarification issued thereof.
- Date of Hearing : **16.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Bhakra Beas Management Board (BBMB)
- Respondents : Satluj Jal Vitran Nigam Limited and 10 Ors.
- Parties Present : Shri M. G. Ramachandran, Sr. Advocate, BBMB
Shri Soumitra Chatterjee, Advocate, BBMB
Ms. Sriparna Chatterjee, Advocate, BBMB
Shri Rajiv Garg, BBMB
Shri Amrinder Singh, BBMB
Shri Sanjay Sidana, BBMB
Ms. Ruchi Sharma, BBMB
Ms. Mandakini Ghosh, Advocate, SECI
Shri Rahul Ranjan, Advocate, SECI
Shri Priyank Jain, SECI
Shri Shreedhar Singh, SECI

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed seeking adoption of tariff for a 15 MW floating Solar PV Power Project connected with BBMB's inter-State transmission system and selected through the competitive bidding process as per the "Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar Power Projects" issued by the Ministry of Power, Govt. of India vide Resolution dated 3.8.2017 read with subsequent amendments thereto ("the Solar Guidelines").

2. Learned counsel for the Respondent, SECI submitted that in compliance with the direction of the Commission vide order dated 9.7.2023, SECI has already filed the relevant details including conformity certificate(s) in relation to the competitive bid process conducted by it at behest of BBMB.

3. After hearing the learned senior counsel for the Petitioner and learned counsel for the Respondent, SECI, the Commission observed that the provisions of Change in Law as incorporated in the Bid document/Power Purchase Agreement



appears to be at variance with the provisions of the Solar Guidelines inasmuch as the Change in Law provisions in the PPA provide for pre-determined relief for the Change in Law event, whereas the Solar Guidelines, as stood at relevant point in time, provided the determination of Change in Law relief including quantum of relief by the Appropriate Commission. In response to the specific query of the Commission regarding approval of such deviation from the provisions of the Solar Guidelines, the learned senior counsel for the Petitioner and learned counsel for SECI sought liberty to place on record the supporting document(s) in this regard.

4. Considering the above, the Commission permitted the Petitioner and SECI to file relevant document(s) in response to the above query, on affidavit, within two weeks.

5. Subject to the above Commission reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)