

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.224/AT/2024

Subject : Petition under Section 63 of the Electricity Act, 2003 for the adoption of the tariff of 1175 MW Wind Power projects (Tranche-XVI) connected to the Inter-State Transmission System (ISTS) and selected through competitive bidding process as per the Guidelines dated 26.07.2023 of the Ministry of Power, Government of India as amended from time to time

Petitioner : Solar Energy Corporation of India Limited.

Respondent : JSW Neo Energy Limited and 3 Ors.

Date of Hearing : **25.7.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member

Parties Present : Ms. Shikha Ohri, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Mr. Ritika Singh, Advocate, SECI
Shri Divyanshu Bhatt, Advocate, JNEL
Shri Shaswat Singh, Advocate, JNEL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking the adoption of tariff for the 1175 MW Wind Power Projects (Tranche-XVI) connected with the Inter-State Transmission System ('ISTS') selected through the competitive bidding process as per the "*Guidelines for Tariff Based Competitive Bidding Process for Procurement Power from Grid Connected Wind Power Projects*" ('the Guidelines') dated 26.7.2023 issued by the Ministry of Power, Government of India. Learned counsel further submitted that pursuant to the competitive bidding process, the Letter of Awards ('LoAs') to the Successful Bidders for the States of Gujarat and Karnataka were issued on 9.2.2024. However, the LoA to the successful bidder in Rajasthan, i.e M/s Datta Power Infra Private Limited ('DPIPL'), was not issued as the tariff quoted by DPIPL was higher than the tariff discovered in SECI's Wind Tranche-XV tender. Learned counsel further submitted that prior to the cancellation of the bid as quoted by DPIPL, a Writ Petition (No. 2789 of 2024) was preferred by the DPIPL before the Hon`ble High Court of Delhi seeking issuance of the LoA in its favour. However, the Hon`ble High Court of Delhi, vide its judgment dated 3.7.2024 has dismissed the said Writ Petition. Learned counsel added that pursuant to the signing of the PSA with UPPCL for 1175 MW capacity, SECI has entered into PPAs for the 1175 MW with the successful Bidders/project companies formed by the successful bidders and the copies of the signed PPA along with the amended memo of parties have been placed on record by the SECI vide its affidavit dated 11.7.2024.

2. Learned counsel for Respondent No.4, Uttar Pradesh Power Corporation Limited ('UPPCL') accepted the notice and sought liberty to file reply to the Petition.

3. Considering the submissions made by the learned counsels for the Petitioner and the Respondent, UPPCL, the Commission ordered as under:
- (a) Admit. Issue notice to the Respondents.
 - (b) The Respondents are to file their respective replies, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder within two weeks thereafter.
 - (c) The Petitioner to furnish the reasons for the delay in approaching the Commission as per Clause 11.4 of the Wind Guidelines, on an affidavit, within two weeks.
4. The Petition will be listed for the hearing on **5.9.2024**.

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