



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.

No. F.11(1167)/DERC/2014-15

IA No. 02/2020

In

Petition No. 58/2014

In the matter of: Interim Application for approval of the Commission to the Second Supplementary Power Purchase Agreement (SSPPA) in respect of Power Purchase Agreements executed by TPDDL with SEI entities namely M/s SEI Jyotisaroop Power Private Limited and M/s SEI Renewable Energy Private Limited.

Tata Power Delhi Distribution Ltd.

.....Applicant

Coram:

Hon'ble Sh. Justice S S Chauhan, Chairperson

Hon'ble Sh. A.K. Singhal, Member

Hon'ble Dr. A. K. Ambast, Member

ORDER

(Date of Order: 22.07.2020)

1. M/s TPDDL has filed an Interim Application in Petition No. 58/2014 for approval of the Commission to the Second Supplementary Power Purchase Agreement (**SSPPA**) in respect of Power Purchase Agreements executed by TPDDL with SEI entities namely M/s SEI Jyotisaroop Power Private Limited and M/s SEI Renewable Energy Private Limited.
2. The Petitioner has entered into respective Power Purchase Agreement with M/s SEI Jyotisaroop Power Private Limited and M/s SEI Renewable Energy Private Limited for purchase of renewable energy. As per PPAs, the scheduled delivery date was 21.05.2018, which was modified *vide* First Supplementary PPA and schedule delivery date was extended by 18 months so as to commence delivery from 21.11.2019. Now, approval of the Commission has been sought for further extension in date of Commissioning by 4 months for which the Commission has given "in principle" approval *vide* letter dated 20.12.2019, subject to the following conditions:
 - a. SEI undertaking to indemnify TPDDL for the losses due to delay in commissioning.
 - b. Risk for non-compliance of RPO for the intervening period due to delay in commissioning has to be hedged by TPDDL.
 - c. Any arrangement made by TPDDL, due to this delay in SCOD of 90MW SEI Solarvana Pvt. Ltd. In order to cater to the demand for the intervening period shall not have extra bearing on Power Purchase Costs over and above the levelised tariff approved for the SEI Solarvana Pvt. Ltd.

3. The Petitioner has entered into the Second Supplementary PPAs (SSPPAs) with the SEI entities, on 17.01.2020, and through the instant IA, approval of the Commission has been sought for the same.
4. The SSPPA has been examined in respect of the conditions proposed by the Commission vide letter dated 20.12.2019, and the following have been observed:
 - i. The extension for the project was approved till 20.11.2019, whereas proposed amendments through clause 2 of the SSPPA state that the extension shall commence from 20.12.2020. There is a gap of one month from 20.11.2019 to 20.12.2019 and therefore, the SSPPA shall be modified to the effect that extension of four months shall commence from 20.11.2019.
 - ii. The indemnity clauses of the PPA and the First Supplementary PPA do not put any condition of CUF and landed cost of Solar Power etc. however, in the SSPPA conditions have been imposed. Whereas, while granting 'in-principle' approval, the Commission has clearly stated that the SEI Undertakings shall indemnify TPDDL for the losses due to delay in commissioning. Therefore, the SSPPA shall be modified as indicated below:

Article 10.1.2 is amended by adding the following sub clause as Article 10.1.2 (c)

“(c) any and all losses, damages, costs and expenses including GST incurred by the procurer till the actual commissioning of the Projects due to delayed commissioning of the project.”
 - iii. In the Article 10.4 proposed to be inserted, mention of Article 10.1.2 (d) shall be omitted.
5. In view of the above, further extension of four months from 20.11.2020 in commissioning of the project is approved subject to the condition that the Petitioner shall modify the SSPPA to the extent as indicated above and a duly signed modified SSPPA shall be filed before the Commission within a period of one month.
6. With the aforesaid observations the Petition is disposed off.

Sd/-
(A.K. Ambasht)
Member

Sd/-
(A.K. Singhal)
Member

Sd/-
(Justice S S Chauhan)
Chairperson