



Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.

F.11(2332)/DERC/2025-26/8461

Petition No. 28/2025

In the matter of: **Petition under Section 86(1)(b) & (f) of the Electricity Act, 2003 read with Article 4.5.2 of the Power Purchase Agreement dated 07.03.2023 *inter alia* seeking extension of the Scheduled Commissioning Date due to delay in ISTS readiness.**

Tata Power Renewable Energy Ltd.

..Petitioner

Vs.

Tata Power Delhi Distribution Ltd.

...Respondent

Coram:

**Justice Umesh Kumar, Former Judge, Chairman, DERC
Sh. Ram Naresh Singh, Member
Sh. Surender Babbar, Member**

Appearance:

- 1. Mr. Shri Venkatesh, Ld. Counsel for the Petitioner**
- 2. Mr. Suhael Buttan, Ld. Counsel for Petitioner**
- 3. Mr. Nikunj Bhatnagar, Ld. Counsel for Petitioner**
- 4. Mr. Punyam Bhutani, Ld. Counsel for Petitioner**
- 5. Ms. Tarang Sarogi, Ld. Counsel for Petitioner**
- 6. Mr. Shivam Sinha, Ld. Counsel for Respondent**
- 7. Mr. Ankit Bhandari, Ld. Counsel for Respondent**

ORDER

(Date of Order: 29.05.2025)

1. The instant Petition has been filed by the Petitioner, Tata Power Renewable Energy Limited (TPREL) under Section 86(1) (b) & (f) of the Electricity Act, 2003 ("the Act") read with Article 4.5.2 of the Power Purchase Agreement dated 07.03.2023 ("PPA") executed between the Petitioner and the Respondent i.e., Tata Power Delhi Distribution Ltd. The Petitioner has made the following prayers in its Petition:
 - a. Extend the Scheduled Commercial Operation Date of the Project in terms of Article 4.5.2 of the Power Purchase Agreement dated 07.03.2023 from 07.03.2025 to a date not before 07.03.2026;
 - b. Consequently, direct the Respondent to take all necessary steps as may be required to give full force and effect to the extension of Scheduled Commercial Operation Date of the Project in terms of prayer above without adverse consequences to the Petitioner.

Petitioner's Submissions

- i. The PPA dated 07.03.2023 was executed between the parties pursuant to the Petitioner being selected as the successful bidder in the competitive bidding process conducted by the Respondent by way of the Request for Selection ("RfS")

dated 31.08.2022. The bidding process was approved by the Commission vide its order dated 27.07.2022 in Petition No. 50 of 2021 and the tariff discovered in the bidding process was adopted by the Commission vide its Order dated 16.02.2023 in the Petition No. 78 of 2022.

- ii. In terms of the PPA, the Petitioner was required to commission the 510MW Wind Solar Hybrid Power Project ("Project") by the Scheduled Commissioning Date ("SCOD") i.e. 07.03.2025, and thereafter supply electricity generated from the Project to the Respondent. However, despite acting in a diligent manner, the Petitioner will not be able to commission the Project by the SCOD due to delay in operationalization of Long Term Access ("LTA") obtained by the petitioner for the project, considering the delay in readiness of the ISTS substation.
- iii. The Petitioner applied for grant of connectivity and LTA as per the prescribed regulations in a timely manner and as such, the aforesaid delay is not due to any reason attributable to the Petitioner but due to reasons beyond control of the Petitioner. Accordingly, the Petitioner vide its letter dated 05.03.2024 requested the Respondent to extend the SCOD of the Project. However, the Respondent vide its reply dated 07.03.2024 requested the Petitioner to approach the Commission.
- iv. Pursuant to the above, the Petitioner had filed Petition No. 32 of 2024 before the Commission *inter alia* seeking extension of the SCOD due to delay in ISTS readiness. Accordingly, the Commission vide order dated 03.09.2024 disposed of Petition No. 32 of 2024 by advising the Petitioner to take up the matter with the Ministry of New and Renewable Energy ("MNRE") as per the present case is covered under the Order dated 09.06.2023 issued by the Ministry of Power (MoP). Further, the Commission vide the said order directed the Respondent to approach the Commission for approval of consequential amendments to the PPA once the requisite approval has been obtained from MNRE.
- v. In furtherance of the above, the Petitioner submitted a detailed representation to MNRE on 09.10.2024. However, the Petitioner has not received any response accepting or rejecting the representation till date, despite follow-ups through oral discussions and follow up letter dated 17.02.2025 (acknowledged on 18.02.2025.)
- vi. In view of the above and considering that the SCOD of the Project will lapse on 07.03.2025, post which penal consequences may be imposed upon the Petitioner, the Petitioner is constrained to file the present Petition before the Commission *inter alia* seeking extension of the SCOD to a date not before 07.03.2026 on account of delay in operationalization of LTA obtained by the Petitioner for the Project, due to delay in readiness of the ISTS substation for reasons not attributable to the Petitioner in terms of Article 4.5.2(c) of the PPA.
- vii. The Petitioner, despite having taken the requisite steps in approaching the MNRE in compliance with the directions of the Commission vide its order dated

03.09.2024 passed in Petition No. 32 of 2024 which was filed for extension of SCOD of the Project, has not received any response in respect thereto MNRE. The Petitioner is thus left with no alternate recourse as neither there is any visibility on ISTS readiness nor the requisite intervention as required from MNRE has come forth. Thus, on account of the inaction on the part of MNRE, the Petitioner would run the risk of being exposed to contractual penalties despite the Petitioner being not at fault, thereby leaving no other alternative recourse for the Petitioner but to approach the Commission.

Commission's Analysis

2. The matter has been heard at length. Ld. Counsel for the Petitioner has made detailed submissions regarding the contractual framework under the PPA between the parties and prayed for granting the relief(s) sought *inter-alia* on the grounds that the Petitioner has completed the application formalities and adhered to applicable procedure; the delay in completion of the ISTS network is solely attributable to CTUIL and beyond the control of the Petitioner; and that the Petitioner is eligible for a suitable extension of SCOD in terms of the PPA.
3. On perusal of the records and hearing Ld. Counsels for the parties, it is observed that the instant case pertains to Inter-State Transactions. Further, as per the averments of the Petitioner, which are not objected to by the Respondent during the course of hearing, the delay in SCOD is on account of non-completion of the ISTS, associated sub-stations involving Central Utilities. Under such circumstances, it would be in the fitness of things that the Petitioner approaches the MNRE /CERC/Appropriate Forum and pursues all of its claims and seek relief(s), including interim relief in order to safeguard itself against any adverse consequences under the PPA.
4. The Petition is disposed of in the above terms.
5. Ordered accordingly.

Sd/-
(Surender Babbar)
Member

Sd/-
(Ram Naresh Singh)
Member

Sd/-
(Justice Umesh Kumar)
Former Judge
Chairman DERC