



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

No. F.11 (1800)/DERC/2020-21/CF 6865/

Petition No. 34/2020

In the matter of : Petition seeking extension of Scheduled Delivery Date (SDD) under Section 86(1)(b), (e) and (f) of the Electricity Act, 2003 read with Article 4.1.1 read with Article 7 of the respective Power Purchase Agreements dated 15.07.2015 executed between M/s TPDDL and SEI Renewable Energy Private Ltd., SEI Jyotiswaroop Power Private Ltd. and SEI Ravikiran Energy Private Ltd.

SEI Renewable Energy Private Ltd. & Ors. Petitioner

Vs.

Tata Power Delhi Distribution Ltd.Respondent

Coram:

Hon'ble Sh. Justice S S Chauhan, Chairperson

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

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

Appearance:

1. Mr. Venkatesh, Adv., Petitioners
2. Mr. Samarth Kashyap, Adv. Respondent

INTERIM ORDER

(Date of Hearing: 08.10.2020)

(Date of Order: 09.11.2020)

1. An application has been moved on behalf of the Petitioner seeking appropriate directions after commissioning of the Project and further to direct Respondent TPDDL to off-take power from the Petitioners/Applicants Projects.
2. The submissions made in the application are as under :
 - a. That on 29.09.2020, Petitioners/Applicants had written to TPDDL and apprised TPDDL that they are ready to commission the Project on 15.10.2020 in accordance with the PPA dated 15.07.2015, (as amended from time to time) and in accordance with applicable provisions of the Act. Therefore, on 06.10.2020, applicants again wrote to TPDDL and apprised that the Commissioning of the Project has been advanced to 09.10.2020 instead of 15.10.2020 as indicated in the email dated 29.09.2020.

- b. Therefore, it is prayed that subject to rights and obligations of either parties pending in the present Petition the Commission may be graciously pleased to direct the Respondent to off take power from the Petitioners Projects. The non-offtake of power would result in wastage of renewable energy and would be detrimental to the overall scheme of the Act and the policies framed thereunder which mandate promotion of Renewable Energy.
3. The Counsel for the Petitioner states that the project for 90MW generation of solar electricity PPA has already been signed with Respondent TPDDL for supply of electricity generation from the project.
 4. The Counsel for the Respondent states that there is no objection in respect of supply of energy to TPDDL in view of the PPA between the parties. The situation in present case therefore, leads to the conclusion that if the Petitioner is able to achieve COD by tomorrow, then it shall supply energy to TPDDL according to the PPA. This arrangement is interim and till the next date of listing. The parties would be bound by the final outcome of the pending Petition.
 5. Whether joint petition in respect of these power projects would be maintainable though by the same party.
 6. The crucial point for determination in this Petition is in respect of granting extension to the Petitioner as a result of force-majeure circumstances.
 7. The Respondent Counsel prays for and granted 10 days' time to file reply to the averments made in the Petition. The Petitioner, is given one weeks' time thereafter to file reply to the same.
 8. Let the matter be listed on 03.11.2020.

Sd/-
(A.K. Ambasht)
Member

Sd/-
(A.K. Singhal)
Member

Sd/-
(Justice S S Chauhan)
Chairperson