

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Subject: In the matter of petition under Section 86 (1)(b) of the Electricity Act, 2003 read with provisions of MPERC (Cogeneration and Generation of electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010 for seeking approval of PPA and PSA executed by MPPMCL with RE Generators and Intermediary procurers.

ORDER

(Date of Order: 29th April' 2022)

- M.P. Power Management Co. Ltd.,**
Chief General Manager (Commercial -3)
E-4, Arera Colony, Prakash Parisar, Bhopal – 462 016 - **Petitioner**
- Vs.**
- (1) Solar Energy Corporation of India**
A-Wing, D-3, District Centre,
Saket, New Delhi – 110 017
- (2) NTPC Limited**
7, Institutional Area, Core-7, SCOPE Complex,
Lodhi Road, New Delhi – 110 003 - **Respondents**
- (3) NHPC Limited**
NHPC Office Complex, Sector-33
Faridabad (Haryana) – 121 003 - **Intervener**

Shri Manoj Dubey, Advocate and Shri Rajneesh Reja appeared on behalf of the petitioner.
Shri M.G. Ramchandran, Sr. Advocate appeared on behalf of Respondent No. 1.
Ms. Sakie Jakharia, Advocate appeared on behalf of Respondent No. 2.
Shri Rajiv Shankar Dwivedi, appeared for the intervenor NHPC.

The petitioner M.P. Power Management Co. Ltd. has filed the subject petition under Section 86 (1)(b) of the Electricity Act, 2003 read with provisions of MPERC (Cogeneration and Generation of electricity from Renewable Sources of Energy) (Revision-I) Regulations, 2010 for approval of PPAs and PSAs executed by MPPMCL with Renewable Energy Generators and Intermediary procurers. Solar Energy Corporation of India (SECI) and National Thermal Power Corporation (NTPC) are the Respondents. National Hydro Power Corporation (NHPC) has filed an application for impleading them as intervenor in this matter.

2. The Respondent No. 1, Solar Energy Corporation of India limited (hereinafter 'SECI') is the nodal agency of the Government of India and the intermediary trader for purchase and resale of electricity, primarily from renewable energy sources.

3. In the subject petition, the petitioner (MPPMCL) has broadly submitted the following:
- (1) *The Petitioner has signed a “Management and Corporate Functions Agreement” on 5th June, 2012 with the three DISCOMs of the State, wherein it has been agreed that the Petitioner shall, inter- alia, in consultation with DISCOMs, undertake long-term/medium-term/short-term planning and assessment of the power purchase requirements for the three Discoms and explore opportunities for power procurement as per the regulations of the Commission.*
- (2) *Earlier, the Petitioner had filed Petition no. 15/2020 before the Commission seeking notification of RPO trajectory for the State of MP for the succeeding five years i.e. from FY 2022-23 to FY 2026-27. In the said petition, approvals following were also sought: -*

- A. *Approval of Power Sale Agreements for solar and wind power executed by the petitioner with Inter-Mediatory Procurer Solar Energy Corporation of India (SECI), National Hydro Power Corporation (NHPC)& Rewa Ultra Mega Solar Ltd. (RUMSL).*
- B. *Approval of process of procurement of RE Power under Section 86(1)(b) for including the tariff (Rate per kWh) at which power is proposed to be procured from various RE generating companies / inter-mediatory procurer.*

However, the Commission vide order dated 7th September, 2020 in the said Petition no. 15/2020 was pleased to direct the Petitioner to file a separate petition for approvals of the PPAs/ PSAs mentioned in the said petition.

- (3) *Subsequently, the Petitioner filed **Petition no. 65/2020 under section 86(1)(b)** of Electricity Act 2003 on 15.10.2020. The Commission vide order dated 27-05-2021 passed therein was pleased to observe the following*

“ the subject petition was admitted only for approval of capacity additions as proposed for compliance with the Renewable Purchase Obligations. It was mentioned in the aforesaid order that the request for approval of PSAs/PPAs may be considered separately only after adoption of tariff by the Appropriate Commission....”

- (4) *In its endeavor to match the RPO Trajectory to the extent possible, the Petitioner, executed PSAs / PPAs with Inter-Mediatory Procurer / Solar Power Developers, SECI, NHPC / RUMSL for the RE capacities and corresponding PSA / PPA and the details of which are as under: -*

Sr. No.	Nodal Agency	Scheme/ Name of Project	Tariff (Rs. /Unit)	PSA/ PPA date	PSA Cap. (MW)	Details of Bidder/ Developer		Commissioning details
						Name	Cap: allocated (in MW)	
1	SECI (Solar Energy Corporation)	750 MW Solar Power, JNNSM Ph-II,	Rs 5.50/kWh (Including	15.10.14	60	Fortum Finsurya Energy Pvt	10	Unit Commissioned on 31.12.14

Order in Petition No. 56 of 2021

Sr. No.	Nodal Agency	Scheme/ Name of Project	Tariff (Rs. /Unit)	PSA/ PPA date	PSA Cap. (MW)	Details of Bidder/ Developer		Commissioning details
						Name	Cap: allocated (in MW)	
	of India)	B-I scheme of MNRE GoI	trading margin 5.0 paisa /kWh)			Ltd		
						SEIL 'Volta Pvt. Ltd.	20	Unit Commissioned on 26.02.15
						SEI Sitara Pvt Ltd	30	Unit Commissioned on 26.02.15
2		750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE GoI	Rs 5.50/kWh (Including trading margin 5.0 paisa /kWh)	22.01.16 (Supplementary PSA against PSA dtd. 15.10.2014, for add. 40 MW Cap. under same scheme)	40	Clean Solar Power (Dhar)	30	Unit Commissioned on 31.03.15
						Focal Photovoltaic (I) P. Ltd	10	Unit Commissioned on 01.06.15
3	RUMSL	750 MW Rewa Ultra Mega Solar Power Project, Near Gurh, District REWA	2.979+ escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. Mahindra Renewables Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 03.01.20
4			2.970 + escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. ACME Jaipur Solar Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 28.04.19
5			2.974+ escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. Arinsun Clean Energy Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 17.05.19
6	SECI	2000 MW ISTS	Rs 2.52/kWh	22.03.18	450	M/s Torrent Power Ltd.	450	Yet to be commissioned

Sr. No.	Nodal Agency	Scheme/ Name of Project	Tariff (Rs./Unit)	PSA/ PPA date	PSA Cap. (MW)	Details of Bidder/ Developer		Commissioning details
						Name	Cap: allocated (in MW)	
		<i>connected Wind Power</i>	<i>(Including trading margin 7.0 paisa /kWh)</i>					
7	SECI	2000 MW Wind Power Bid under Tranche-IV Scheme.	Rs 2.59/kWh <i>(Including trading margin 7.0 paisa /kWh)</i>	13.06.18	500	Srijan Energy Systems	250	Yet to be commissioned
						BLP Energy	185	Yet to be commissioned
						ReNew Wind Energy (TN) Pvt Ltd.	65	Yet to be commissioned
8	SECI	1200 MW Solar Power Bid under Tranche - IV Scheme.	Rs 2.61/kWh <i>(Including trading margin 7.0 paisa /kWh)</i>	16.10.19	900	Ayana Renewable Power P. Ltd	300	Yet to be commissioned
						Renew Solar Power P. Ltd	300	Yet to be commissioned
						Azure Power Maple P. Ltd.	300	Yet to be commissioned
						SBE Renewables Seventeen Pvt Ltd	320	Yet to be commissioned
9	NHPC <i>(National Hydro Power Development Corporation: an undertaking MoP, GoI)</i>	2000 MW Solar ISTS Connected Bid	Rs 2.62/kWh <i>(Including trading margin 7.0 paisa /kWh)</i>	28.08.20	1000	O2 Power SG PTE Ltd	380	Yet to be commissioned
TOTAL					3550 MW			

(5) In compliance to the Commission's order dated 27.05.2021 passed in Petition no. 65/2020, the status of adoption of tariff by the Central Commission in respect of various RE projects for which PSA / PPA have been executed are as under:-

Sr. No.	Nodal Agency	Scheme / Name of Project	Tariff (Rs./ Unit)	PSA / PPA dated	PSA Cap. (MW)	Details of Bidder/ Developer	Details of Tariff adoption
---------	--------------	--------------------------	--------------------	-----------------	---------------	------------------------------	----------------------------

Order in Petition No. 56 of 2021

						Name	Cap. allocated (in MW)	
1	SECI (Solar Energy Corporation of India: a nodal agency of MNRE, GoI))	750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE GoI	Rs 5.50/kWh (Including trading margin 5.0 paisa /kWh)	15.10.14	60	Fortum Finsurya Energy Pvt Ltd	10	Vide CERC order dated 01.03.2021 in Petition no. 160/AT/2019
						SEI L'Volta Pvt Ltd.	20	
						SEI Sitara Pvt Ltd	30	
2		750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE GoI	Rs 5.50/kWh (Including trading margin 5.0 paisa /kWh)	22.01.16 (Supplementary PSA against PSA dtd. 15.10.2014, for additional 40 MW Cap. under same scheme)	40	Clean Solar Power (Dhar)	30	
						Focal Photovoltaic (I) P. Ltd	10	
3	SECI	2000 MW ISTS connected Wind Power	Rs 2.52/kWh (Including trading margin 7.0 paisa /kWh)	22.03.18	450	M/s Torrent Power Ltd.	450	Vide CERC order dated 28.02.2020 in Petition No. 161/AT/2019
4	SECI	2000 MW Wind Power Bid under Tranche-IV Scheme.	Rs 2.59/kWh (Including trading margin 7.0 paisa /kWh)	13.06.18	500	Srijan Energy Systems	250	Vide CERC order dated 19.02.2020 in Petition No. 162/AT/2019
						BLP Energy	185	
						ReNew Wind Energy (TN) Pvt Ltd.	65	
5	SECI	1200 MW Solar Power Bid under Tranche - IV Scheme.	Rs 2.61/kWh (Including trading margin 7.0 paisa /kWh)	16.10.19	900	Ayana Renewable Power P. Ltd	300	Vide CERC order dated 25.01.2021 in Petition no. 579/AT/2020
						Renew Solar Power P. Ltd	300	

Sr. No.	Nodal Agency	Scheme / Name of Project	Tariff (Rs./ Unit)	PSA / PPA dated	PSA Cap. (MW)	Details of Bidder/ Developer		Details of Tariff adoption
						Name	Cap. allocated (in MW)	
						Azure Power Maple P. Ltd.	300	
6	NTPC	300 MW Solar PV Project	Rs 2.70/kWh (Including trading margin 7.0 paisa /kWh)	30.04.21	200 MW	M/s ABC Renewable Energy (RJ-01) Pvt. Ltd.	200 MW	Vide CERC order dated 08.09.2021 in Petition No. 126/AT/2021
TOTAL					2150 MW			

Copies of PPAs/PSAs in respect of above mentioned procurement are annexed herewith as Annexure P/2 to P/7

Copies of relevant orders in the context passed by the learned Central Commission are annexed herewith as Annexure P/8 to P/12

- (6) *The PPAs/ PSAs aforesaid are the outcome of standard bidding guide lines and tariffs adopted by the Central Commission. **The PPAs/ PSAs are not in material deviation to the modal documents, State policies and ensure procurement of renewal energy in most transparent manner at competitive tariffs.** The PPAs/ PSAs, to the extent, ensure fulfilment of the RPO targets and promotion of procurement and promotion of renewable energy on long term basis. Hence, prayed for necessary approval."*

4. With the aforesaid submissions, the petitioner prayed the following:

"The Commission may be pleased to grant necessary approval in respect of Power Purchase / Sale Agreements for electricity purchase and procurement process as mentioned in the petition and as contained in Annexures P/2 to P/7 filed herewith, to meet the ends of justice.

Procedural history:

5. At the motion hearing held on the 16.11.2021, the petition was admitted and the petitioner was directed to add other parties in the Power Purchase Agreement / Power Sale Agreements as Respondents in this matter. Ld. Counsel for the petitioner stated that he would issue Memo of Parties to all concerned parties within 15 days to add them as Respondents in this matter.

6. Vide daily order dated 17.11.2021, the petitioner was directed to issue Memo of Parties to all concerned within 15 days alongwith copy of the subject petition and report its compliance to the Commission by the 8th December' 2021.

7. Meanwhile, by affidavit dated 3rd December' 2021, NHPC Limited filed an Interlocutory Application under Section 86(1)(b) of the Electricity Act' 2003 for impleadment in subject petition No. 56 of 2021 and for procurement of 1000 MW Solar Power through NHPC from the ISTS Grid connected photo voltaic projects of 2000 MW selected through competitive bidding process as per guidelines issued by Ministry of Power, Govt. of India on 03.08.2017 and its amendments. In the aforesaid application, NHPC has prayed the following:

- i. Allow the present application and implead the applicant NHPC as Respondent in subject petition;*
- ii. Pass an order directing MPPMCL to include the quantum for supply of 1000MW Solar Power through NHPC in the petition No. 56/2021 and make NHPC as respondent;*
- iii. Pass an order approving the PSA dated 28.08.2021 signed with MPPMCL for supply of 1000MW solar power from ISTS connected Solar Power Projects and back-to-back PPA dated 31.08.2020 & 10.09.2020 and supplementary PPA dated 16.07.2021 signed with SPDs on terms and conditions contained in the PSA with MPPMCL.*

8. Subsequently, by affidavit dated 21.01.2022, the petitioner MPPMCL filed an application for amendment in subject petition seeking approval of power sale agreement dated 05.03.2021 executed between Solar Energy Corporation of India also for procurement of 700 MW Blended Wind Power under ISTS wind Tranche IX scheme which was not included in the subject petition.

9. At the hearing held on 22.02.2022, the petitioner was heard on the issue of approval of PPAs/ PSAs as also on its application for amending the petition to include 700 MW blended RE power for which PSA has been executed with SECI on 05.03.2021. The amendment as requested by the petitioner couldn't be considered at that stage since the issue regarding capacity addition was to be decided first in Petition No. 55/2020 and the request for approval of PPA/PSA could be considered only after approval of capacity addition for the aforesaid 700MW blended RE power.

10. Intervenor, NHPC was heard on the IA for impleading in this petition and for approval of PPA/ PSA for procurement of 1000 MW Solar Power. NHPC stated that 1000 MW solar power was contracted by the petitioner and capacity addition in this regard was already approved by the Commission in Petition No. 65 of 2020. The petitioner informed that they were yet to take a final call for signing PPA/ PSA with regard to procurement of the aforesaid power through NHPC. However, they would shortly inform the Commission about their decision in the matter. Both NHPC and MPPMCL submitted that they will inform the Commission about their decision in the matter.

11. Representatives of SECI & NTPC (Respondents) requested for approval of PPA/ PSA in respect of power for which capacity addition had already been approved by the Commission to enable power generators to supply power to the procurer at the earliest.

12. Considering the request, the petitioner and NHPC were allowed to inform the Commission regarding their decision to sign PPA/ PSA in respect of 1000 MW solar power to be procured through NHPC within 15 days. Vide Commission's order dated 24.02.2022 it was mentioned that if the parties were unable to arrive at a consensus to sign PPA/ PSA within the aforesaid period and inform the Commission, no further opportunity of hearing in this regard would be given and the petition shall stand disposed of.

13. By affidavit dated 10th March' 2022, the petitioner (MPPMCL) filed reply to the IA No. 10 of 2021 filed by NHPC and requested the Commission to allow the same and to approve the PSA executed with the NHPC for procurement of 1000 MW power.

Submissions of parties:

14. By affidavit dated 21.01.2022, the petitioner MPPMCL filed an application for amendment of subject petition mentioning the following:

"(1) The Petitioner has filed the above referred petition for approval of the various PPAs and PSAs executed by it with the RE Generators and Inter-mediatory procurers. The Commission was pleased to admit the same vide order dated 17th November, 2021.

(2) The Petitioner has filed another petition, bearing Petition No. 55/2021, seeking approval of Capacity Addition of RE capacities for fulfilment of the Renewable Purchase Obligation. The said petition is pending final adjudication and the Commission was pleased to admit the same also vide order dated 17th November, 2021 passed therein.

(3) In present petition, approval of the PPAs/PSAs has been sought for qua the Renewable Capacity Addition in Petition No. 55/2021 relating to present PPAs/PSAs.

(4) Seeking approval of a similar Power Sale Agreement dated 05.03.2021, as contained in Annexure P/13 filed herewith, executed between Solar Energy Corporation of India for procurement of 700 MW Blended Wind Power under ISTS Wind Tranche IX scheme got missed out in factoring in the present petition, though the RE Capacity Addition on account of the same has been duly sought for in the other Petition No. 55/2021. The tariff relating to the said PSA has also been adopted vide order dated 22-12-2021, as contained in Annexure P/14 filed herewith, passed by the Central Electricity Regulatory Commission, New Delhi in Petition No. 178/AT/2021.

(5) That, in the facts and circumstances, and in order to factor the aforesaid PSA in the present petition, it has become necessary for the Petitioner to amend the petition as under:

(i) That, table under para 5 is proposed to be substituted by the table as under:

Sr. No.	Nodal Agency	Scheme / Name of Project	Tariff (Rs./ Unit)	PSA / PPA date	PSA Capacity (MW)	Details of Bidder/ Developer		Commissioning details
						Name	Cap: allocated (in MW)	
1	SECI (Solar Energy Corporation of India: a nodal agency of MNRE, GoI))	750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE GoI	Rs 5.50/ kWh (Including trading margin 5.0 paisa /kWh)	15.10.14	60	Fortum Finsurya Energy Pvt Ltd	10	Unit Commissioned on 31.12.14
						SEIL' Volta Pvt. Ltd.	20	Unit Commissioned on 26.02.15
						SEI Sitara Pvt Ltd	30	Unit Commissioned on 26.02.15
2		750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE GoI	Rs 5.50/ kWh (Including trading margin 5.0 paisa /kWh)	22.01.16 (Supplementary PSA against PSA dtd. 15.10.201, for additional 40 MW Capacity under same scheme)	40	Clean Solar Power (Dhar)	30	Unit Commissioned on 31.03.15
						Focal Photovoltaic (I) P. Ltd	10	Unit Commissioned on 01.06.15
3	RUMSL (a joint venture of SECI and MPUVN)	750 MW Rewa Ultra Mega Solar Power Project Near Gurh, District REWA	2.979+ escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. Mahindra Renewables Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 03.01.20
4			2.970+ escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. ACME Jaipur Solar Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 28.04.19

Order in Petition No. 56 of 2021

5			2.974+ escalation of 5 paisa at the start of each Contract Year for a total of 15 Contract Years	17.04.17	200*	M/s. Arinsun Clean Energy Pvt. Ltd.	MPPMCL has 78% energy share from the 250 MW Unit	Unit Commissioned on 17.05.19
6	SECI	2000 MW ISTS connected Wind Power	Rs 2.52/ kWh (Including trading margin 7.0 paisa /kWh)	22.03.2018	450	M/s Torrent Power Ltd.	450	Yet to be commissioned
7	SECI	2000 MW Wind Power Bid under Tranche-IV Scheme.	Rs 2.59/kWh (Including trading margin 7.0 paisa /kWh)	13.06.18	500	Srijan Energy Systems	250	50 MW commissioned on 30.04.2021 Balance Yet to be commissioned
						BLP Energy	185	Yet to be commissioned
						ReNew Wind Energy (TN) Pvt Ltd.	65	Yet to be commissioned
8	SECI	1200 MW Solar Power Bid under Tranche - IV Scheme.	Rs 2.61/ kWh (Including trading margin 7.0 paisa /kWh)	16.10.19	900	Ayana Renewable Power P. Ltd	300	Yet to be commissioned
						Renew Solar Power P. Ltd	300	Yet to be commissioned
						Azure Power Maple P. Ltd.	300	Yet to be commissioned
9	NHPC (National Hydro Power Development Corporation: an undertaking MoP, GoI)	2000 MW Solar ISTS Connected Bid	Rs 2.62/ kWh (Including trading margin 7.0 paisa /kWh)	28.08.20	1000	O2 Power SG PTE Ltd	380	Yet to be commissioned
						Eden Renewable Passy Pvt Ltd	300	Yet to be commissioned
						SBE Renewables Seventeen Pvt Ltd	320	Yet to be commissioned
10	NTPC (National Thermal Power	300 MW Solar ISTS Connected	Rs 2.70/ kWh (Including trading	30.04.21	200	M/s ABC Renewable Energy (RJ01) Pvt.	200	Yet to be commissioned

Order in Petition No. 56 of 2021

Commission)	d	margin 7.0 paise /kWh)			Ltd.			
11	SECI 700 MW Blended Power	970 MW Blended Wind Power	Rs 3.07/kWh (Including trading margin 7.0 paise /kWh)	05.03.21	540	M/s JSW Solar Ltd.	540	Yet to be commissioned
			Rs 3.06/kWh (Including trading margin 7.0 paise /kWh)		160	M/s Vena Energy Vidyuth (P) Ltd.	160	Yet to be commissioned
TOTAL					4450 MW			

(ii) That, the table under para 6 of the petition is proposed to be substituted by the table as under:

Sr. No	Nodal Agency	Scheme / Name of Project	Tariff (Rs./ Unit)	PSA / PPA date	PSA Capacity (MW)	Details of Bidder/ Developer		Details of Tariff adoption
						Name	Cap. allocated (in MW)	
1	SECI (Solar Energy Corporation of India: a nodal agency of MNRE, Gol)	750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE Gol	Rs 5.50/ kWh (Including trading margin 5.0 paise /kWh)	15.10.14	60	Fortum Finsurya Energy Pvt Ltd	10	By CERC vide order dated 01.03.2021 in Petition no. 160/AT/2019
						SEI L'Volta Pvt Ltd.	20	
						SEI Sitara Pvt Ltd	30	
2		750 MW Solar Power, JNNSM Ph-II, B-I scheme of MNRE Gol	Rs 5.50/ kWh (Including trading margin 5.0 paise /kWh)	22.01.16 (Supplementary PSA against PSA dtd. 15.10.2014, for additional 40 MW Capacity under same scheme)	40	Clean Solar Power (Dhar)	30	
						Focal Photovoltaic (I) P. Ltd	10	

Order in Petition No. 56 of 2021

3	SECI	2000 MW ISTS connected Wind Power	Rs 2.52/ kWh (Including trading margin 7.0 paisa /kWh)	22.03.18	450	M/s Torrent Power Ltd.	450	By CERC vide order dated 28.02.2020 in Petition No. 161/AT/2019
4	SECI	2000 MW Wind Power Bid under Tranche-IV Scheme.	Rs 2.59 /kWh (Including trading margin 7.0 paisa /kWh)	13.06.18	500	Srijan Energy Systems	250	By CERC vide order dated 19.02.2020 in Petition No. 162/AT/2019
						BLP Energy	185	
						ReNew Wind Energy (TN) Pvt Ltd.	65	
5	SECI	1200 MW Solar Power Bid under Tranche - IV Scheme.	Rs 2.61/ kWh (Including trading margin 7.0 paisa /kWh)	16.10.19	900	Ayana Renewable Power P. Ltd	300	By CERC vide order dated 25.01.2021 in Petition no. 579/AT/2020
						Renew Solar Power P. Ltd	300	
						Azure Power Maple P. Ltd.	300	
6	NTPC	300 MW Solar PV Project	Rs 2.70/kWh (Including trading margin 7.0 paisa /kWh)	30.04.21	200 MW	M/s ABC Renewable Energy (RJ-01) Pvt. Ltd.	200	By CERC vide order dated 08.09.2021 in Petition No. 126/AT/2021
7	SECI	970 MW Blended Wind Power	Rs 3.07 /kWh (Including trading margin 7.0 paisa /kWh)	05.03.21	540	M/s JSW Solar Ltd.	540	By CERC vide order dated 22-12-2021 in Petition No. 178/AT/2021
			Rs 3.06 /kWh (Including trading margin 7.0 paisa /kWh)			160	M/s Vena Energy Vidyuth (P) Ltd.	
TOTAL					2850 MW			

(iii) The words appearing as “Annexure P/2 to P/7” in paras 6, 7 and prayer clause of the Petition be permitted to be substituted by the words “Annexure P/2 to P/7 and P/13”.

- (iv) *The words appearing as “Annexure P/8 to P/12” in para 6 of the Petition be permitted to be substituted by the words “Annexure P/8 to P/12 and P/14”.*
- (6) *For the reasons that the present Petition No. 56/2020 is still pending final adjudication, the Petitioner craves leave of Hon’ble Commission to incorporate aforesaid proposed amendments in the same.*
- (7) *The proposed amendments do not tend to change the nature of the case or put the Respondents to any hardship or prejudice and are necessary for proper adjudication of the case. Hence, prayed that the Commission may be pleased to permit the same.*
- (8) *The Hon’ble Commission may appreciate that during the period when the main petition was filed, the organizations, including the Petitioner, in the State were in restricted functioning due to deadly outbreak of 2nd wave of the Covid-19 pandemic. Most of the responsible officers could not come to the offices for pretty long time for reasons owing to serious threat to their health. A very senior officer of the petitioner, namely Shri N. K. Sharma, who was well conversant with the matter of Petition No. 65/2020, Petition No. 55/2021 and present petition and was throughout actively guiding and instructing the OIGs of the case and the counsel representing the Petitioner, unfortunately succumbed to the deadly pandemic. In the facts and circumstances, inspite of due diligence, procurement of 700 MW Blended RE Power under the present PSA could not factor in the present Petition. If the delay caused in factoring the present PSA in the main petition is allowed, it would reveal far reaching effects in favour of the Petitioner and consumers at large in the State. Hence, prayed that any inadvertent delay caused in filing present application be condoned.*
- (9) *In the event of the present application being allowed, the Petitioner undertakes to file an amended memo of petition accordingly.”*
15. Respondent No. 1, Solar Energy Corporation of India Ltd. in its reply dated 21.02.2022 broadly submitted as under:
1. *The Respondent No. 1, Solar Energy Corporation of India limited (hereinafter ‘SECI’) is the nodal agency of the Government of India and the intermediary trader for purchase and resale of electricity, primarily from renewable energy sources.*
 2. *SECI is supporting the grant of approval for procurement of power under the following Power Sale Agreements (hereinafter ‘PSAs’) between SECI and Petitioner, Madhya Pradesh Power Management Company Limited:*
 - a) *PSA dated 15.10.2014 read with Supplementary PSA dated 22.01.2016 for 100 MW Solar power under JNNSM, Phase-II Batch-I Scheme [Pages 17-41, Petition] at tariff of Rs. 5.45/kWh plus Trading Margin of Rs. 0.05/kWh;*
 - b) *PSA dated 22.03.2018 for 450 MW Wind Power under ISTS Tranche-III Wind Scheme notified by Government of India [Pages 42-66, Petition] at tariff of*

Rs. 2.44/kWh plus Trading Margin of Rs. 0.07/kWh;

- c) PSA dated 13.06.2018 read with Supplementary PSA dated 28.05.2021 for 500 MW Wind Power under ISTS Tranche-IV Wind Scheme [pages 67-91, Petition] at tariff of Rs. 2.51/kWh (for 250 MW and 185 MW) and Rs. 2.52/kWh (for 65 MW) plus Trading Margin of Rs. 0.07/kWh. A copy of the Supplementary PSA dated 28.05.2021 is attached hereto and marked as 'Annexure A';*
 - d) PSA dated 16.10.2019 for 900 MW Solar Power under ISTS Tranche-IV Solar Scheme [Pages 92-104, petition] at tariff of Rs. 2.54 /kWh plus trading Margin of Rs. 0.07 /kWh; and*
 - e) PSA dated 05.03.2021 for 700 MW Blended Wind Power under ISTS Tranche-IX Blended Wind Scheme notified by Government of India [Pages 17-41, Application for Amendment] at tariff of Rs. 3.00 /kWh for 540 MW and Rs. 2.99 /kWh for 160 MW plus trading Margin of Rs. 0.07 /kWh.*
- 3. In regard to the above-mentioned Power Sale Agreements involving aggregate capacity of 2650 MW, SECI has signed the following Power Purchase Agreements (hereinafter 'PPAs') for procurement of Power from the Renewable Power developers as under:*
- a) With regard to PSA dated 15.10.2014 read with Supplementary PSA dated 22.01.2016, the following PPAs are identified for supply of 100 MW Solar Power:*
 - i. PPA dated 28.03.2014 signed between Fortum Finsurya Energy Private Limited and SECI for generation and supply of 10 MW power at tariff of Rs. 5.45 /kWh from the power project;*
 - ii. PPA dated 28.03.2014 signed between SEIL Volta private Limited and SECI for generation and supply of 20 MW power at tariff of Rs. 5.45 /kWh from the power project;*
 - iii. PPA dated 28.03.2014 signed between SEI Sitara Private Limited and SECI for generation and supply of 30 MW power at tariff of Rs. 5.45 /kWh from the power project;*
 - iv. PPAs (3in number) dated 28.03.2014 signed between Clean Solar Power Dhar Private Limited and SECI for generation and supply of 30 MW [3 X 10 MW] power at tariff of Rs. 5.45 /kWh from the power projects;*
 - v. PPA dated 28.03.2014 signed between Focal Photovoltaic India private Limited and SECI for generation and supply of 10 MW power at tariff of Rs. 5.45 /kWh from the power project.*
 - b) With regard to PSA dated 22.03.2018, PPAs (2 in number) dated 23.05.2018 signed between Torrent Power Limited and SECI are identified for supply of 450 MW Wind Power from the power projects.*

- c) *With regard to PSA dated 13.06.2018 read with Supplementary PSA dated 28.05.2021, the following PPAs are identified for supply of 500 MW Wind Power:*
- i. *PPA dated 04.09.2018 read with Supplementary PPA dated 01.04.2021 signed between Continuum Power trading (TN) private Limited (SPV of Bidder-Srijan energy Systems private Limited) and SECI for generation and supply of 250 MW power at tariff of Rs. 2.51 /kWh from the power project;*
 - ii. *PPA dated 04.09.2018 read with Supplementary PPA dated 02.08.2021 signed between Avikiran Solar India private Limited (SPV of Bidder-BLP Energy Private Limited) and SECI for generation and supply of 185 MW power at tariff of Rs. 2.51 /kWh from the power project;*
 - iii. *PPA dated 04.09.2018 signed between Renew Wind Energy (TN) Private Limited and SECI for generation and supply of 65 MW power at tariff of Rs. 2.52 /kWh from the power project;*
- d) *With regard to PSA dated 16.10.2019, the following PPAs are identified for supply of 900 MW Solar Power:*
- i. *PPA dated 18.11.2019 signed between Ayana Renewable Power One Private Limited and SECI for generation and supply of 300 MW power at tariff of Rs. 2.54 /kWh from the power project;*
 - ii. *PPA dated 18.11.2019 signed between Renew Solar Energy (Jharkhand Three) Private Limited and SECI for generation and supply of 300 MW power at tariff of Rs. 2.54 /kWh from the power project; and*
 - iii. *PPA dated 27.11.2019 signed between Azure power Mapla Private Limited and SECI for generation and supply of 300 MW power at tariff of Rs. 2.54 /kWh from the power project;*
- e) *With regard to PSA dated 05.03.2021, the following PPAs are identified for supply of 700 MW Blended Wind Power:*
- i. *PPA dated 01.05.2021 signed between JSW Renew Energy Limited and SECI for generation and supply of 540 MW power at tariff of Rs. 3.00 /kWh from the power project; and*
 - ii. *PPA dated 03.05.2021` signed between Vena Energy Vidyuth Private Limited and SECI for generation and supply of 160 MW power at tariff of Rs. 2.99 /kWh from the power project.*
4. *The Central Commission has passed the following Orders adopting the tariff under Section 63 of the Electricity Act in respect of the above PPAs and PSAs:*
- a) *Order dated 01.03.2021 in Petition No. 160 /AT/2019, adopting the tariff*

discovered under the JNNSM Phase-II Batch-I scheme;

- b) Order dated 28.02.2020 in Petition No. 161/AT/2019, adopting tariff discovered under ISTS Tranche-III Wind scheme;*
- c) Order dated 19.02.2020 in Petition No. 162/AT/2019, adopting the tariff discovered under ISTS tranche-IV Wind scheme;*
- d) Order dated 25.01.2021 in Petition No. 579/AT/2020, adopting the tariff discovered under the ISTS Tranche-IV Solar scheme;*
- e) Order dated 22.12.2021 in Petition No. 178/AT/2021, adopting the tariff discovered under the ISTS Tranche-IX Wind Scheme.*

5. *SECI is attaching herewith a Tabular Statement providing details of the PPAs and PSAs signed under the Scheme, the orders passed by the Central Commission under Section 63 of the Electricity Act, the commissioning status of the projects etc. A copy of the Tabular Statement is attached hereto and marked as 'Appendix A'."*

16. The intervenor, NHPC vide affidavit dated 10.03.2022 has broadly submitted the following:

"The subject application was heard before Hon'ble Commission on 22.02.2022 and Daily Order has been issued on 24.02.2022. There was glaring factual error in the said order. The said error was pointed out to the Hon'ble Commission by the Applicant on 03/03/2022 (copy of letter enclosed at Annexure-1), in which the error in para 3 and consequent direction in para 5 was pointed out. Despite this letter, no correction has been done in the order so far.

Subject to the above correction sought, and in compliance to the directions given in Daily Order dated 24.02.2022, the submission is as under for consideration.

- 1. *That NHPC has filed Interlocutory application (IA) in the Petition no. 56/2021 (filed by MPPMCL before MPERC) to include the PSA of 1000 MW signed between NHPC & MPPMCL for approval by PER. The NHPC and MPPMCL have already signed the PSA on 28.08.2020. The copy of PSA is already on record as Annexure A/4 of the IA no. 10 of 2021 in the petition no. 56/2021. The 1A was heard on 22.02.2022. The Daily order was uploaded on 02.03.2022.*
- 2. *Para 3 of the MPERC daily order dated 24.02.2022 says:
"Intervenor, NHPC was heard on the IA for impleading in this petition and for approval of PPA/ PSA for procurement of 1000 MW Solar Power. NHPC stated that 1000 MW solar power has been contracted by the petitioner and capacity addition in this regard has already been approved by the Commission in Petition No. 65 of 2020. The petitioner, MPPMCL informed that they are yet to take a final call for signing PPA/ PSA with regard to procurement of the aforesaid power through NHPC. However, they will shortly inform the Commission about their decision in the matter. Both*

NHPC and MPPMCL requested that some time may be given to them to inform the Commission about their decision in the matter..."

There has been factual error in the above para of order as PSA has already been signed by NHPC & MPPMCL, as stated in the earlier para.

3. *Consequent to the factual error, a direction is issued in Para 5 of the MPERC daily order dated 24.02.2022 which is as under:*

"It is decided that matter regarding approval of PPA/ PSA be taken up first and appropriate directions be issued by the Commission in this regard and 15 days' time may be given to the petitioner and NHPC to inform the Commission regarding their decision to sign PPA/ PSA in respect of 1000 MW solar power to be procured through NHPC. If the parties are unable to arrive at a consensus to sign PPA/ PSA within the aforesaid period and inform the Commission, no further opportunity of hearing in this regard shall be given LIMITED and the petition shall stand disposed of....."

Since the PSA is already signed, as stated above, the direction given by this Commission is already complied with.

As there is factual error in para 3 of daily order, as such it has resulted in to erroneous direction in para 5 of daily order dated 24.02.2022.

4. *That above factual error was communicated to MPERC vide letter dated 03.03.2022 (Copy enclosed at Annexure-1) with request to modify Daily order accordingly.*
5. *It is respectfully submitted to this Hon'ble Commission to consider for approval PSA dated 28.08.2020 signed with MPPMCL, Madhya Pradesh and back to back PPA signed with all SPDs as the capacity of 1000 MW have already been approved by this Hon'ble Commission in its order dated 27.05.2021 in petition no 65 of 2020,*

With the above background and in accordance with Section 86(1)(b) of Electricity Act 2003, it is respectfully prayed that the Commission may be pleased to:

- *Pass an order approving the PSA dated 28.08.2020 signed with MPPMCL for supply of 1000 MW Solar Power from ISTS connected Solar Power Projects and back to back PPA dated 31.08.2020 & 10.09.2020 and Supplementary PPA dated 16.07.2021 signed with SPDs.*

Observations and findings of the Commission:

17. Subject petition has been filed by MPPMCL under Sections 86 (1)(b) of the Electricity Act, 2003 seeking approval of PPAs/PSAs executed by MPPMCL with RE Generators and Intermediary procurers. The Commission has examined the PPAs/PSAs in light of the relevant provisions of the Electricity Act, 2003 and Regulations made thereunder, Order of Central Electricity Regulatory Commission (CERC) regarding adoption of tariff under Section 63 of the Electricity Act, 2003 and the guidelines issued by the Ministry of Power dated 03.08.2017 for tariff based

competitive bidding process for procurement of power from grid connected renewable power projects. The Commission has also examined this petition in light of Provision under Section 63, Section 86(1)(b) and 86(1)(e) and Regulations 27 and 32 of Madhya Pradesh Electricity Regulatory Commission (Power Purchase and Procurement Process) Regulations, 2004, Revision 1, 2006 (RG-19(I) of 2006) which provide as under:

i. Sections 86 (1)(b) and Section 86(1)(e) of the Electricity Act, 2003 provides as under:

“(1) The State Commission shall discharge the following functions, namely: -

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;”

(e) promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;

ii. With regard to Determination of tariff by bidding process, Section 63 of the Electricity Act’ 2003 provides as follows:

“Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.”

iii. Regulation 27 of Madhya Pradesh Electricity Regulatory Commission (Power Purchase and Procurement Process) Regulations, 2004, Revision 1, 2006 (RG-19(I) of 2006) provides as under:

“The Distribution Licensee shall effect power purchase or enter into long-term or short-term power purchase agreements or arrangements complying with the criteria to be established with the approval of the Commission. The criteria shall consider the Commission’s directives on power purchase, allocation of power from different sources and generation from conventional and non-conventional energy sources within the State.”

iv. Regulation 32 of the aforesaid Regulations further provides as under:

“Any new power purchase arrangements and agreements or amendments to existing Power Purchase Agreements (PPA’s) entered into by the Distribution Licensee shall be subject to the prior approval of the Commission in view of necessity, reasonableness of cost of power purchase and promotion of working in an efficient, economical and equitable manner.”

v. In terms of Section 63 of the Act, the appropriate Commission is required to adopt the tariff, on being satisfied that transparent process of bidding in accordance with the guidelines issued by the Ministry of Power, Government of India under Section 63 of the Act, has been followed in

determination of such tariff. The Ministry of Power, Government of India has notified the Guidelines under Section 63 of the Act vide Resolution dated 8.12.2017.

18. In the subject petition, the petitioner has sought approval of PSAs / PPAs executed with renewable energy (solar and wind) projects of capacity 2250 MW. Out of the total RE capacity, 950 MW pertains to wind energy and 1300 MW solar energy projects. The petitioner executed PSAs with SECI for 2050 MW and 200 MW with NTPC and sought approval of following PPAs/PSAs:

- 1 PSA dated 15.10.2014 executed between SECI & MPPMCL for procurement of 60 MW Solar PV Power
- 2 Amendment to aforesaid PSA dated 15.10.2014 executed between SECI & MPPMCL for procurement of additional 40 MW Solar PV Power dated 22.01.2016
- 3 PSA dated 22.03.2018 executed between SECI & MPPMCL for procurement of 450 MW Wind Power
- 4 PSA dated 13.06.2018 executed between SECI & MPPMCL for procurement of 500 MW Wind Power
- 5 PSA dated 16.10.2019 executed between SECI & MPPMCL for procurement of 900 MW Solar Power
- 6 PSA dated 30.04.2021 executed between NTPC & MPPMCL for procurement of 200 MW Solar Power

19. By affidavit dated 3rd December' 2021, NHPC Limited has filed an Interlocutory Application for inclusion of 1000 MW Solar Power through NHPC in subject petition and requested to make it respondent. The NHPC in its aforesaid application requested for approval of PSA dated 28.08.2021 signed by NHPC with MPPMCL for supply of 1000 MW solar power from ISTS connected Solar Power Projects and back-to-back PPA signed with SPDs on terms and conditions contained in the PSA with MPPMCL.

20. Further, in response to the Interlocutory Application (IA) filed by NHPC Ltd., by affidavit dated 10th March' 2022, the petitioner submitted that it has executed PSA with NHPC Limited on 28th August' 2020 for procurement of 1000 MW solar power through competitive bidding process. The petitioner further submitted vide order dated 02.06.2021 in petition No. 721/AT/2021, the Central Commission adopted the tariff of aforesaid project. The petitioner also submitted that vide order dated 27.05.2021 in petition No. 65 of 2020, the Commission had accorded capacity approval in respect of above-mentioned solar power procurement. Therefore, the petitioner requested the Commission to consider the prayer of NHPC in IA No. 10 of 2021 and approve the PSA executed with NHPC Ltd.

21. The petitioner also filed an Application seeking approval of another Power Sale Agreement dated 05.03.2021 executed between Solar Energy Corporation of India for procurement of 700 MW Blended Wind Power under ISTS Wind Tranche IX scheme which got missed out in factoring in the subject petition. The petitioner submitted that the RE Capacity Addition on account of the same has

been duly sought in the other Petition No. 55/2021 and the tariff relating to the said PSA has also been adopted vide order dated 22.12.2021, by the Central Electricity Regulatory Commission in Petition No. 178/AT/2021. During pendency of the subject petition, the Commission vide order dated 31.03.2022 in petition 55 of 2021 has accord approval for capacity addition of 700 MW blended Wind power.

22. In view of the all above, the details of revised capacity for renewable energy projects for which PSAs approval sought by the petitioner along with tariff adopted by the CERC and trading margin are as follows:

Sr. No.	Details of PSA	Tariff adopted by CERC	Date of CERC Order
1	PSA dated 15.10.2014 executed between SECI & MPPMCL for procurement of 60 MW Solar PV Power	Rs 5.50/kWh (Including trading margin 5.0 paise /kWh)	01.03.2021 in Petition No. 160/AT/2019
2	Amendment to aforesaid PSA dated 15.10.2014 executed between for procurement of additional 40 MW Solar PV Power dated 22.01.2016	Rs 5.50/kWh (Including trading margin 5.0 paise /kWh)	01.03.2021 in Petition No. 160/AT/2019
3	PSA dated 22.03.2018 executed between SECI & MPPMCL for procurement of 450 MW Wind Power	Rs 2.52/kWh (Including trading margin 7.0 paise /kWh)	28.02.2020 in Petition No. 161/AT/2019
4	PSA dated 13.06.2018 executed between SECI & MPPMCL for procurement of 500 MW Wind Power	Rs 2.59/kWh (Including trading margin 7.0 paise /kWh)	19.02.2020 in Petition No. 162/AT/2019
5	PSA dated 16.10.2019 executed between SECI & MPPMCL for procurement of 900 MW Solar Power	Rs 2.61/kWh (Including trading margin 7.0 paise /kWh)	25.01.2021 in Petition no. 579/AT/2020
6	PSA dated 05.03.2021 executed between SECI & MPPMCL for procurement of (540MW + 160MW) 700 MW Blended wind Power	Rs. 3.07 & Rs. 3.06 /kWh (Including trading margin 7.0 paise /kWh)	22.12.2021 in Petition No. 178/AT/2021
7	PSA dated 28.08.2020 executed between NHPC and MPPMCL for procurement of 1000 MW solar power	Rs. 2.55/kWh (Including 7.0 paise /kWh trading margin)	02.06.2021 in Petition No. 721/AT/2020
8	PSA dated 30.04.2021 executed between NTPC & MPPMCL for procurement of 200 MW Solar Power	Rs 2.70/kWh (Including trading margin 7.0 paise /kWh)	08.09.2021 in Petition No. 126/AT/2021
Total Capacity – 3850 MW			

23. Respondent No. 1, Solar Energy Corporation of India Ltd. in its reply dated 21.02.2022 has given its concurrence to aforesaid PPAs/PSAs and mentioned that SECI is supporting the grant of approval for procurement of power under the aforesaid Power Sale Agreements executed between SECI and Petitioner, Power Management Company Limited. The Respondent No. 1 further submitted that the Central Commission has adopted the tariff under Section 63 of the Electricity Act in respect of the above PPAs and PSAs. SECI has filed a Statement providing details of the PPAs and PSAs signed under the Scheme, the orders passed by the Central Commission under Section 63 of the Electricity Act, the commissioning status of the projects etc.

24. Respondent No. 2, NTPC has also given its concurrence to the PSA dated 30.04.2021 executed by it with MPPMCL for sale of 200 MW power generated from Solar energy projects in which NTPC is an RE implementing agency. NTPS has submitted that vide order dated 08.09.2021, the Central Commission had adopted tariff for aforesaid solar project in terms of section 63 of the Electricity Act' 2003

25. On perusal of the aforesaid PSAs, the Commission has observed the following:

1. PSA executed between SECI & MPPMCL for procurement of 60 MW Solar PV Power:

- i. The Commission has noted that Solar Energy Corporation of India (SECI) who has been identified by the Government of India as the implementing agency for purchase and sale of Solar PV power in the capacity of Intermediary Agency, invited proposals for setting up of ISTS connected Solar Power Projects for an aggregate capacity of 750 MW under Jawaharlal Nehru National Solar Mission PH-II scheme of MNRE.
- ii. SECI entered into Power Sale Agreement dated 15.10.2014 with MPPMCL for sale of 60 MW with Power Management Company Limited ("MPPMCL"). SECI has agreed to sell power @ Rs. 5.50/kWh including trading margin of Rs. 0.05/kWh for the entire term of PSA.
- iii. The Central Electricity Regulatory Commission vide its Order dated 01.03.2021 had adopted tariff @ Rs 5.50 per kWh for the said solar power project in terms of Section 63 of Electricity Act 2003. CERC had observed that an agreement of successful bidder has been done and the tariff of the solar project has been discovered through bidding in accordance with the guidelines issued by the Central Government under Section 63 of Electricity Act, 2003.
- iv. The project has already been commissioned & supplying power to MPPMCL as per PSA.

2. Amendment to PSAs dated 15.10.2014 executed between SECI and MPPMCL for procurement of 40 MW solar PV power-

- i. On perusal of the subject petition the Commission has observed that the petitioner has filed approval of amendment to PSAs dated 15.10.2014 executed between SECI and MPPMCL for procurement of additional 40MW solar PV power dated 22.01.2016 from the 750 MW project under Jawahar Lal Nehru national solar mission PH-2 scheme of

MNRE. SECI has agreed to sale aforesaid power at the rate of 5.50 per KWH including trading margin of Rs. 0.05 per KWH for the entire term of PSAs. The central Commission vide its order dated 01.03.2021 has adopted the tariff at the rate of Rs. 5.50 per KWH for solar power projects in terms of Section 63 of the Electricity Act,2003.

3. PSA executed between SECI & MPPMCL for procurement of 450 MW Wind Power:

- i. With regard to PSA executed between SECI and MPPMCL for procurement of 450 MW Wind Power, the Commission has noted that SECI in the capacity of Intermediary Agency, invited proposals for setting up of ISTS connected wind Power Projects. SECI executed PPAs with wind power developers for procurement of 450 MW wind power on a long term basis for fulfilling non-solar RPO requirement of MPPMCL. SECI entered into Power Sale Agreement dated 22.03.2018 with Power Management Company Limited (“MPPMCL”) for sale of 450 MW power.
- ii. The Central Electricity Regulatory Commission vide its Order dated 28.02.2020 in Petition No. 161/AT/2019, adopted tariff @ Rs 2.52 per kWh (Including trading margin 7.0 paisa /kWh) for the said solar power project in terms of Section 63 of Electricity Act. The petitioner confirmed that the approval for aforesaid capacity addition had already accorded by the Commission vide order dated 27.05.2021 in petition No. 65 of 2021.

4. PSA executed between SECI & MPPMCL for procurement of 500 MW Wind Power:

- i. Regarding the PSA executed between SECI & MPPMCL for procurement of 500 MW Wind Power, the Commission has noted that SECI had been identified by the Govt. of India as the nodal agency for implementation of MNRE Scheme for setting up of 2000 MW ISTS connected wind power projects and act as an Intermediary Procurer under the guidelines for tariff based competitive bidding for procurement of power from grid connected wind power projects issued by MoP on 08.12.2017.
- ii. Subsequently, SECI entered into Power Sale Agreement dated 13.06.2018 with the Power Management Company Limited for sale of 500 MW wind power on a long term basis.
- iii. The Central Electricity Regulatory Commission vide its Order dated 19.02.2020 in Petition No. 162/AT/2019, adopted tariff @ Rs 2.59/kWh (Including trading margin 7.0 paisa /kWh) for the said wind power project in terms of Section 63 of Electricity Act.

5. PSA executed between SECI & MPPMCL for procurement of 900 MW Solar Power:

- i. The Commission has noted that SECI in the capacity of Intermediary Agency had initiated the tariff based competitive bid process for procurement of 1200 MW ISTS connected Solar Power Projects. SECI entered into a Power sale Agreement with MPPMCL on 16.10.2019 for sale of 900 MW capacity solar power on long term basis.
- ii. The Central Electricity Regulatory Commission vide its Order dated 25.01.2021 in Petition no. 579/AT/2020, adopted tariff @ Rs 2.61/kWh (Including trading margin 7.0 paisa /kWh) for the said solar power project in terms of Section 63 of the Electricity Act. The

petitioner mentioned that the capacity approval for the project has already been given by the Commission vide order dated 27.05.2021 in petition No. 65 of 2021.

6. PSA executed between NTPC & MPPMCL for procurement of 200 MW Solar Power:

- i. With regard to PSA executed between NTPC and MPPMCL, the Commission has noted that NTPC Ltd. in the capacity of Intermediary Agency, invited proposals for setting up of ISTS connected Solar Power Projects on “Build, Own and Operate” basis for an aggregate capacity of 1200 MW. Subsequently, NTPC Ltd. entered into Power Sale Agreement dated 30.04.2021 with the petitioner Power Management Company Limited for sale of 200 MW solar power.
- ii. The Commission Vide order dated 27.05.2021 in petition No. 65 of 2021 had accorded capacity approval for procurement of 300MW Solar power through NTPC.
- iii. The Central Electricity Regulatory Commission vide its Order dated 08.09.2021 in Petition No. 126/AT/20212, adopted tariff @ Rs 2.63 per kWh under Section 63 of the Act. In addition, trading margin of seven paise shall be payable by MPPMCL to NTPC for the said solar power project in terms of Section 63 of Electricity Act. It has been observed that tariff for the solar project was discovered by the NTPC Ltd. through competitive bidding in accordance with the guidelines issued by the Central Government under Section 63 of Electricity Act, 2003. Accordingly, agreement was also executed.

7. PSA executed between SECI&MPPMCL for procurement of 700 MW Blended wind Power:

- i. The Commission has noted that the approval of PSA for procurement of 700 MW Blended wind Power was not part of the main petition. During the preceding of the subject petition, the petitioner through an application has submitted that capacity addition for procurement of 700 MW Blended wind Power is under consideration with the Commission in another petition No. 55 of 2021. Therefore, the petitioner requested the Commission for approval of PSA for the procurement of aforesaid blended wind power.
- ii. The Commission observed that the order in petition No. 55 of 2021 was issued on 31st March’ 2022 and capacity addition of 700 MW Blended wind Power has been approved on this order. SECI entered into Power Sale Agreement dated 05.03.2021 with the MPPMCL for sale of 700 MW Blended wind Power. Therefore, as requested by the petitioner, the Commission is also considering approval of PSA for this Blended wind Power capacity.
- iii. An agreement of successful bidder has been done and the tariff of the blended wind power project has been discovered by the SECI through bidding in accordance with the guidelines issued by the Central Government under Section 63 of Electricity Act, 2003. In addition to the tariff there will be trading margin of Rs 0.07/ kWh. The Central Electricity Regulatory Commission vide its Order dated 22.12.2021 in Petition No. 178/AT/20212, adopted tariff @ Rs 3.07 per kWh and 3.06 per kWh for the said blended wind power project in terms of Section 63 of Electricity Act.

8. PSA executed between NHPC and MPPMCL for procurement of 1000 MW solar power:

- i. The Commission has noted that the PSA dated 28.08.2020 executed between NHPC and MPPMCL for procurement of 1000 MW solar power was not part of the main petition. Meanwhile, NHPC Ltd. filed an IA and requested for inclusion of PSA executed with MPPMCL for approval in the main petition. By affidavit dated 10.03.2022, the petitioner has also requested to accord approval of aforesaid PSA which was missed out in main petition.
- ii. The Commission further noted that vide order dated 27.05.2021 in petition No. 65 of 2020 filed by the petitioner, the Commission accorded capacity approval for NHPC 1000MW solar power.
- iii. The Central Electricity Regulatory Commission vide its Order dated 02.06.2021 in Petition No. 721/AT/2020, adopted tariff @ Rs 2.55 per kWh for the said solar power project including Rs.0.07/kWh trading margin in terms of Section 63 of Electricity Act.

26. The Commission observed that petitioner has sought approval of PSAs for seven (7) Renewable Energy power projects. PSAs for all these seven (7) projects have been executed between petitioner and Intermediate traders. Capacity addition approval for all these seven projects have already been accorded by the Commission vide order dated 24.02.2022 and 31.03.2022 in petition 65 of 2020 and petition 55 of 2021, respectively in accordance with MPERC (Power Purchase and Procurement Process Regulations) 2006 (Revision-1). Tariff for all these projects were discovered through competitive bidding process as per Government of India's guidelines under Section 63 of the Electricity Act, 2003. Appropriate Commission i.e. CERC have also adopted Tariffs for all these Renewable Energy power project under Section 63 of the Electricity Act 2003. Total capacity of these seven (7) projects for which petitioner MPPMCL has executed PSAs is 3850 MW. Out of which, one PSA was executed long back in the year 2014, three PSAs were executed during the years 2018 and 2019 and two PSAs were executed in FY 2020-21. While for the 7th project, PSA for last project was executed in the month of April 2021. In the earlier Petition No. 55/2021, MPPMCL approached the Commission for capacity approval of some of the projects for procurement of Renewable power. The Commission observed that some projects in this Petition were already commissioned and MPPMCL was also procuring power from the projects. The Commission considered and approved capacity addition for these projects. However, the Commission directed petitioner MPPMCL that any capacity addition in future towards power procurement including from Renewable Energy Source for meeting RPO compliance, prior approval of the Commission would have to be necessarily sought. Therefore, in compliance of the aforesaid directives, petitioner MPPMCL in the instant Petition covered old projects also for which required approval for capacity addition as well as PPA/PSAs approval of the Commission have not been obtained as per Provision of MPERC (Power Purchase and procurement Process Regulations) 2006 (Revision-1).

27. Considering that the capacity addition for all these seven (7) projects have already been approved by the Commission as well as Tariff under Section 63 of the Electricity Act, 2003 have already been adopted by CERC, the Commission hereby accords ex-post-facto approval to PSAs for all these seven

projects listed at Para 22 of this order (total capacity 3850MW). The Commission reiterates that considering the circumstances as stated above, ex-post-facto approval to the PSAs for the aforesaid seven projects is accorded with the direction that in future such practice shall not be allowed and before executing PPA/PSAs even for Renewable Energy projects, the Petitioner should approach the Commission for obtaining capacity addition approval first, as per the MPERC (Power purchase and procurement Regulations) 2006 (Revision-1).

With the above observations, the subject petition is disposed of.

(Gopal Srivastava)
Member

(Mukul Dhariwal)
Member

(S.P.S. Parihar)
Chairman