

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69
Email: mercindia@merc.gov.in
Website: www. merc.gov.in**

Dated: 23 February 2024

**CORAM: Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member**

Case No. 66 of 2023

Petition under Section 86(1)(f) of the Electricity Act, 2003 seeking a declaration that the Power Purchase Agreement dated 14.01.2022 between M/s TP Saurya Limited and MSPGCL stands frustrated by efflux of time on account of the various material/fundamental breach(s) and to return the Performance Bank guarantee.

M/s TP Saurya

....Petitioner

Maharashtra State Power Generation Company Ltd.

..... Respondent No.1

Maharashtra State Electricity Distribution Company Ltd.

..... Respondent No.2

Appearance:

For the Petitioner

.....Shri. Shri. Venkatesh (Adv.)

Maharashtra State Power Generation Company Ltd.

.... Shri Shruv Sharma (Adv.)

Maharashtra State Electricity Distribution Company Ltd.

..... Shri Udit Gupta (Adv.)

Daily Order

Heard the Advocates for the Petitioner and Respondents.

The Advocate appearing for the Petitioner stated that MSPGCL being Solar Park Implementing Agency (SPIA) its obligation was to hand over of 100% encumbrance free land required for the development of the Project within three (3) months from PPA i.e. by 14.04.2022. However, Respondent has failed to hand over complete land required for development of 250 MW solar plant. Additionally, the land handed over includes 55 acres of three water bodies, rendering it

unsuitable for industrial activity. Consequently, requested to terminate the PPA and return the Performance Bank Guarantee of Rs 26.25 Crores.

MSPGCL's advocate stated that they have handed over 495 hectares out of the required 499 hectares for the project and currently possess 534 hectares of land, exceeding the project's land requirement. The advocate also mentioned that the petitioner had inspected the land before bidding for the project. Despite this, the Petitioner is now withdrawing from the project, citing various issues.

MSEDCL's advocate stated that if the PPA is terminated, there will be a deficiency in the expected 250 MW of solar power, which was planned to fulfill its Renewable Purchase Obligation (RPO) targets for the respective periods.

The Commission noted that a lot of efforts have already been undertaken by various stakeholders in bidding process and subsequent land acquisition process which should not be wasted. Therefore, the Petitioner should clarify whether it is willing to implement the project if required land is made available. Based on such clarification, a subsequent process of joint inspection for land or other formalities can be undertaken. As requested by Advocate of the Petitioner, the Commission allow the Petitioner to file its submission on this aspect in 15 days.

Post receipt of above submission, next date of the hearing will be intimated by the Secretariat of the Commission.

**Sd/-
(Surendra J. Biyani)
Member**

**Sd/-
(Anand M. Limaye)
Member**

**Sd/-
(Sanjay Kumar)
Chairperson**


**(Dr. Rajendra G. Ambekar)
Secretary**

