

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 138/AT/2024

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for Pilot Projects of 500 MW/1000MWh Standalone Battery Energy Storage Systems in India under Tariff-Based Global Competitive Bidding (ESS-I) process as per the guidelines of the Government of India.
- Petitioner : Solar Energy Corporation of India Limited (SECI).
- Respondent : JSW Renew Energy Five Limited & Ors.
- Date of Hearing : **10.10.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Anushree Bardhan, Advocate, SECI
Shri Aman Anand, Advocate, JSWREFL
Shri Aman Dixit, Advocate, JSWREFL
Ms. Natasha Debroy, Advocate, JSWREFL
Shri Rakesh Rathore, JSWREFL
Shri Gajendra Singh, NLDC
Shri Tarun, NLDC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed seeking the adoption of tariff for the Pilot Projects of 500 MW / 1000 MWh standalone Battery Energy Storage Systems (BESS) in India under tariff based global competitive bidding process as per the '*Guidelines for Procurement and Utilisation of BESS as part of Generation, Transmission and Distribution Assets, along with Ancillary Services*' dated 10.3.2022 ('BESS Guidelines') read with the subsequent amendment dated 30.5.2022 issued by the Ministry of Power, Government of India. Learned counsel further submitted that after hearing the parties, the matter was reserved for order on 8.8.2024. However, by subsequent Record of Proceedings, the Commission directed the parties to file an affidavit to the effect that whether Clause 6 of G: Contract Award and Conclusion of Section III Bidding Process and Award of Project of the Guidelines, stands novated in terms of Section 62 of the Indian Contract Act, 1872. Learned counsel submitted that in compliance with the above direction, the Petitioner has already furnished its affidavit. Learned counsel further pointed out that the Letter of Award ('LOA') itself provided that the BESPAs would be signed subsequent to the signing of the BESSAs with the buying utilities, and the aspect of the signing of the BESSA by NLDC was decided by the Commission by order dated 16.5.2024 in Petition No. 249/MP/2023. Learned counsel further submitted that the parties have mutually consented to the extension of the bid validity from time to time. Learned counsel added that the GERC has also approved the PSA. On the Commission specifically enquiring as to whether the Petitioner unequivocally and unconditionally accepts the tariffs and other terms of the contract with Respondent No. 1, notwithstanding

the delay and the latest developments on BESS, the Petitioner replied in the affirmative and reiterated its commitment to the continuation of the contract.

2. Learned counsel for the Respondent No.1 also confirmed that the parties have mutually agreed to the extension bid validity. Learned counsel further submitted that if the Commission so directs, Respondent No.1 will also file its affidavit to the above effect.

3. Considering the submissions made by the learned counsels for the parties, the Commission directed the Petitioner and the Respondent No. 1 to file their affidavits as above within seven days. The Petitioner was also directed to submit on affidavit in clear terms to the novation of the contract as per clause cited in the previous ROP uploaded on the website of the Commission on 18.9.2024.

4. Subject to the above, the Commission reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)