

# Jharkhand State Electricity Regulatory Commission, Ranchi

## Form of Proceedings

### Case No. 10 of 2017

Clean Solar Power (Jaipur) Private Ltd. .... Petitioner  
Vrs.

The State of Jharkhand through

Department of Energy, through its Secretary .....	Respondent No. 1
Jharkhand Renewable Energy Development, Through its Director...	Respondent No.2
Jharkhand Bijli Vitran Nigam Limited (JBVNL) .....	Respondent No.3
Renew Solar Power Private Ltd.....	I/Respondent No.4
Karvy Solar Power Ltd. ....	I/Respondent No.5
OPG Power Generation Pvt. Ltd.....	I/Respondent No.6
Adani Green Energy Limited.....	I/Respondent No.7
Madhav Infra Projects Ltd. ....	I/Respondent No. 8
Suzlon Energy Limited.....	I/Respondent No. 9

For the Petitioner	:	Mr. Vimal Kirti Singh, Advocate
For the Respondent No. 1	:	None
For the Respondent No. 2	:	Mr. N.K.Pasari, Advocate
For the Respondent No. 3	:	Mr. Navin Kumar and Mr. Amit Sinha, Advocates
For the Intervenors	:	Mr. M.S. Mittal, Sr. Advocate

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
05	27.12.2017	Clean Solar Power (Jaipur) Private Limited had filed an application under Section 86 (1) (a) and (b) of the Electricity Act, 2003 for (i) setting aside any letter of interest/intent issued by the Respondents under the (NIT) No. 17/JREDA/Solar PV Grid Project/2015-16 dated 07.12.2015 for entering into PPA with certain companies	

at the unlawfully renegotiated rates higher than the prevailing market rates of solar power, (ii) Setting aside any PPA entered into between the Respondents and certain companies under the (NIT) No.17/JREDA/Solar PV Grid Project/2015-16 dated 07.12.2015 without approval of the PPA from this Commission and (iii) Directing and restraining the respondents from entering into any PPAs without determination of the rates for procurement of solar power and approval of the PPAs from this Commission.

On 17.10.2017, notices were issued to the respondents (i) Deptt. of Energy, Govt. of Jharkhand, (ii) Jharkhand Renewable Energy Development Agency (JREDA), & (iii) Jharkhand Bijli Vitran Nigam Limited (JBVNL).

In spite of several dates, no counter affidavit has been filed either by JREDA or JBVNL, or Department of Energy, Govt. of Jharkhand.

Subsequently Renew Solar Power Private Ltd, Karvy Solar Power Ltd., OPG Power Generation Pvt. Ltd, Adani Green Energy Limited, OPT Power Generation Private Limited, Karvy Solar Power Ltd, Madhav Infra Projects Ltd and Suzlon Energy Limited became the Intervenor Respondents.

Now the petitioner files an application withdrawing its petition.

In its original petition, the petitioner has submitted that the respondent JREDA issued a tender notice in December, 2015 for setting up of Grid Connected Solar PV Projects of total capacity 1200 MW. The petitioner was also one of the shortlisted candidates based on the technical bid opened on 26.02.2016. When the Financial Bid was opened on 17.03.2016, the petitioner was also shortlisted along with several other candidates. However, the respondents did not decide to finalize the tender or to sign PPA for almost 18 months.

In the meantime, while the prevailing Solar Tariff in the country has fallen much lower, even to Rs.2.44 per Kwh, the respondent, JREDA has negotiated a rate of Rs.5.16 per Kwh and Rs. 4.95 for project up to 25 MW and above 25MW respectively; the project size has also been arbitrarily reduced from 1200MW to 684.5MW.

It has been alleged that 'instead of going for a fresh tender' by illegally renegotiating a much higher tariff than prevailing tariff in the country, and by arbitrarily restricting the size of the project, a mechanism for illegally benefitting certain parties at the expense of public money has been devised.

Now that the petitioner has chosen to withdraw its

application even before a counter affidavit has been filed, it has not been possible for the Commission to go into the merit of the issues raised in the application.

Since a copy of the application has already been served on Jharkhand Renewable Energy Development Agency, Jharkhand Bijli Vitran Nigam Limited, and Department of Energy, Government of Jharkhand, it is hoped that the concerned authorities would consider the merit of issues, if any, raised in the application while further taking action in the matter.

Let a copy of the order be sent to Director, JREDA; MD, JBVNL; and Secretary, Department of Energy, Govt. of Jharkhand.

A copy be also given to all the intervener respondents.

In view of the withdrawal of the application, the case is closed.

Sd/-  
Member (E)

Sd/-  
Chairperson