



**TELANGANA STATE ELECTRICITY REGULATORY COMMISSION**  
**5<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004**

O. P. No. 5 of 2017

Dated 08.02.2017

**Present**

Sri. Ismail Ali Khan, Chairman  
Sri. H. Srinivasulu, Member

Between:

M/s. Southern Power Distribution Company of  
Telangana Limited, Corporate Office,  
# 6-1-50, Mint Compound, Hyderabad – 500 063.

... Petitioner.

And

1. M/s. Enrich Energy Private Limited, 201-A,  
The Orion Building, 5 Koregaon Park Road,  
Pune, Maharashtra – 411 001.
2. M/s. Abbas Construction Private Limited,  
D. No. 141-135 / 66, Flat No. XI-LA,  
J.K. Modern Homes, Maharani-peta,  
Nowroji road, Visakhapatnam,  
Andhra Pradesh – 530 002.
3. M/s. Minopharm Laboratories Private Limited,  
105, B-Block, Usha Enclave, Navodaya Colony,  
Near Satya Sai Nigam, Srinagar Colony,  
Hyderabad – 500 073.

... Respondents.

(Added by the Commission as Respondents).

This petition came up for hearing on 23.01.2017 and 27.01.2017. Sri. Y. Rama Rao, Counsel for the petitioner along with Smt. Priya Iyengar, Advocate, Smt. Dipali Sheth, Advocate for the Respondent No.1, Sri. V. Venkat Naga Raju, Advocate for Respondent No.2 and Sri. K. Anup Koushik, Advocate for the Respondent No.3 are present on both days. The petition having stood for consideration to this day, the Commission passed the following:

## ORDER

M/s. Southern Power Distribution Company Limited of Telangana State (petitioner) has filed a petition under sec 63 of the Electricity Act, 2003 (Act, 2003) seeking adoption of tariff for individual generators of the solar power park developed by M/s. Enrich Energy Private Limited (EEPL).

2. The petitioner stated that the Commission by order dated 03.12.2016 in R. P. (SR) No. 62 (a) of 2016 in O. P. No. 11 of 2016 to the effect that the reliefs (a),(c) and (d) are rejected and the relief (b) is allowed that is to the extent of SCOD timeline upto 31.12.2016 to enable the projects which were due for completion or already completed to get the benefit of the government orders.

3. The petitioner stated that the following individual solar power developers of open offer route – 2013 who are part of the solar park developed by M/s. EEPL have not commissioned the projects by 31.03.2016.

Sl. No.	Name of the Project	Capacity	Date of PPA	COD
1.	M/s Enrich Energy Private Limited.	3 MW	05.05.2015	27.05.2016
2.	M/s Abbas Constructions Private Limited	2.5 MW	29.04.2015	Yet to be commissioned
3.	M/s Minopharm Laboratories Private Limited.	2.5 MW	29.04.2015	Yet to be commissioned
4.	M/s Enrich Energy Private Limited.	2 MW	05.05.2015	Yet to be commissioned

The above individual solar power developers have approached the TSSPDCL through open offer route – 2013. For convenience the background of open offer route – 2013 is briefly stated in subsequent paragraphs.

4. The petitioner stated about the Open Offer Route – 2013 for setting up of solar power plants at designated substations:

*Background (Competitive Bidding Route – 2012):* In FY 2012 – 13, after careful examination of the recommendations of the group of Ministers (GoM) the then Government of Andhra Pradesh (GoAP) vide G. O. Ms. No. 46 dated 27.11.2012 has issued policy orders on the purchase of solar power by DISCOMs and requested Chairman, APPCC to conduct bidding process of competitive bidding to ensure that

1,000 MW of solar power plants are set up before June'13. Accordingly, the then APPCC / APTRANSCO has floated tenders under the competitive bidding route vide Bid No. 01 / 2012-13 / CE – IPC – APPCC / Vidyut Soudha / Khairatabad / Hyderabad, the then Government of Andhra Pradesh vide letter dated 12.07.2013 had determined the lowest tariff of ₹. 6.49/- unit on the recommendation of a Committee of the GoM.

*Open Officer Route – 2013:* As the sufficient bidders did not approach for sale of power to DISCOMs, the Government of Andhra Pradesh vide letter dated 12.07.2013 had authorized APPCC / APTRANSCO to invite open offer to all prospective solar power developers at ₹. 6.49/- unit (L1 rate of solar competitive bidding – 2012). Accordingly, the then APTRANSCO / APPCC had notified open offer guidelines on its official website inviting the prospective solar power developers to establish solar power plants at the identified substations including 132 / 33 kV SS Zaheerabad. Subsequent to the finalization of the financial bids and on issue of letter of intent to the solar power developers (SPDs) by the then APPCC, 14 (Individual SPDs) + 31 (Individual SPDs of solar park developed by EEPL) + 1 (Individual SPD of solar park developed by RPIPL) = Total 46 Nos SPDs have entered into the Power Purchase Agreements (PPA) with TSSPDCL for a total capacity of 202 MW under the open offer route – 2013.

5. The petitioner stated that the Commission vide letter No. TSERC / Secy / ACC / F. No. T-51 / D. No. 636 / 16, dated 14.10.2016 in respect of solar power projects selected under the open offer route – 2013 had given its consent for extension of SCOD timelines upto 31.12.2016 at a tariff of ₹ 6.45/- unit in respect of individual solar power developer under open offer route – 2013 except the solar park concept.

Fixation of tariff for individual solar power projects of solar park developed by EEPL which are commissioned or yet to be commissioned after 31.03.2016.

6. The petitioner stated that all the individual generators of the solar parks developed by EEPL and RPIPL were selected and covered under the open offer route – 2013 as mentioned above. It is stated that four individual / corporate generators mentioned above are in the solar park developed by EEPL. They were requested vide letters D. No. 1180 / 31 to 34 / 16, dated 26.09.2016 to submit their willingness to sell the power to TSSPDCL under the long term PPA route and their proposals on fixation of tariff for their solar power projects.

7. The individual solar power developers in the solar park developed by EEPL has informed that the Government of Telangana had considered the extension of SCOD upto 31.12.2016 to the solar project developers under the open offer route – 2013 with a tariff of ₹ 6.45/- per unit. They are being under the open offer route – 2013 requested to consider the same tariff of ₹ 6.45/- per unit for their projects which are commissioned / scheduled to commission after 31.03.2016.

8. Therefore, the petitioner requests the Commission to consider the tariff of agreed price that is ₹ 6.45 per unit for the solar power projects of individual / corporate generators of the solar park commissioned or yet to be commissioned after 31.03.2016 on par with other individual solar power developers of open offer route – 2013.

9. The petitioner has sought the following prayer in the petition:

“Adopt the tariff at ₹ 6.45/- unit in respect of the individual solar power projects namely M/s Enrich Energy Private Limited, 3 MW, M/s Abbus Constructions Private Limited, 2.5 MW, M/s Minopharm Laboratories Private Limited, 2.5 MW and M/s Enrich Energy Private Limited, 2 MW who commissioned or yet to commission after 31.03.2016; which has been determined by the Hon'ble Commission in respect other solar power developers in open offer route – 2013.”

10. The respondent No.1 has filed its written submission, which will be considered at the time of passing the final orders.

11. The respondent No.1 further stated that as per section 63 of the Electricity Act, 2003 (“EA 2003”) the competitive bidding was conducted to adopt the lowest tariff, however due to limited bidders an open offer was conducted wherein the tariff discovered was the price of ₹ 6.49 per unit, pursuant to which open Offer was given. It is submitted that pursuant to the order dated 16.07.2016 read with the letter dated 26.07.2016 the tariff was reduced from ₹ 6.49 per unit to ₹ 6.45 per unit. It is further submitted that the others solar power developers which were allowed extension upto 31.12.2016 have also been given a tariff price of Rs. 6.45 per unit under the same open offer route.

12. The respondent No.1 further stated that as per the above order dated 03.12.2016 read with letters dated 26.07.2016 and 14.10.2016, the tariff of Rs. 6.45 per unit was fixed and hence the same shall apply in the present case and the respondents are entitled to tariff of Rs. 6.45 per unit as allowed to the other solar power developers.

13. The respondent has not filed any written submissions but though its counsel orally submitted no objection in allowing the petition.

14. The respondent No. 3 has filed its reply affidavit, stating that the respondent No. 3 got to know from the respondent No.2 about the original petition filed by the petitioner. Consequent to the information received, the respondent No. 3 out of abundant caution had taken notice of the captioned petition through the information informally provided by respondent No. 2 and had filed its Vakalatnama with this Commission on 23.01.2017.

14.1 It is the submission of the respondent No. 3 that the PPA was executed by it with the DISCOM with an assumption that such PPA and the tariff mentioned therein is already approved by this Commission. However, nearly 4 months after the execution of the PPA, the respondent No.3, for the first time got to know that the PPAs were defective and were not approved by this Commission. Further, it is pertinent to note that this Commission while acknowledging that the PPAs were not approved had ordered the DISCOM not to release any payments to any of the power generators irrespective of the status of the projects. Consequently, when the respondent No. 3 had sought for financial assistance from the bankers for completion its 2.5 MW project, the bankers have imposed the approval of this Commission to the solar power park proposal as a pre-condition for the release of the amounts against the sanctioned loans.

14.2 It is relevant to note that the respondent No. 3 even in the absence of financial closure due to the inaction of the DISCOM and EEPL had continued to develop the 2.5 MW project with the limited resources it could collate. It is pertinent to note that the respondent No. 3 had never received any communication neither in relation to the sanctioning of the project by this Commission nor had it received any information in relation to the final tariff fixation under the PPA.

Further, it is also relevant to note that there has been no intimation about the cancellation or extension of timelines for commissioning of the project under the PPA.

14.3 As the things stood thus, to the respondent No. 3's utter surprise, it had been informally informed by the respondent No.2 that this Commission had posted a petition filed by the DISCOM for hearing and for the tariff fixation on 23.01.2017. Consequently, the counsel on behalf of the respondent No.3 had out of abundant caution appeared before this Commission on the said date and had taken service of the petition filed by the DISCOM.

14.4 After perusing the documents handed over to respondent No. 3, it has come to the knowledge of respondent No.3 that the DISCOM without giving any intimation to respondent No. 3, had filed a review application before this Commission seeking extension of time for commercialization and approval of the proposed amendments to the PPA. This Commission upon considering the various factors had extended the time for commercialization of the projects till 31.12.2016 and rejected the proposed amendments advising the DISCOM to file separate fresh petitions for the same through its order dated 03.12.2016. It is relevant to note that while deciding the said review application, this Commission had rejected the DISCOM's prayers in relation to approving of the proposed amendments to the PPAs and fixing of tariffs in relation to four parties which included the respondent No.3 and had suggested that a fresh petition may be filed with regard to the said prayers.

14.5 It is pertinent to note that for the first time it has come to the knowledge of the respondent No.3, that this Commission had fixed the timelines to complete the project before 31.12.2016, is on the date of the hearing on 23.01.2017. Consequently, the respondent No. 3 upon noting the above information, immediately through its letter dated 23.01.2017, intimated the DISCOM about the completion of its project and have sought for the DISCOM to come forth to grant permission for the synchronization since the respondent No.3 had already completed the 2.5 MW project.

14.6 It is pertinent to note that the DISCOM had not only failed to inform the Respondent No.3 about the order dated 03.12.2016, of this Commission but had also failed to communicate the proposed amendments to the PPAs to the respondent No.3.

14.7 Consequent to the aforesaid advice of this Commission, DISCOM without informing about the time for commercialization extended by this Commission and also without taking any consensus about the proposed amendments of PPA from the respondent No.3 had filed another fresh petition with this Commission on 13.12.2016, for the approval of the proposed amendments. Thereafter, on 27.12.2016 another petitioner was filed for fixation of tariff in relation to the projects commissioned after 31.03.2016.

14.8 In light of the aforesaid facts, the respondent No.3 hereby makes the following submissions detailing its grievances for the convenience of this Commission.

14.9 No intimation to respondent No.3 as required consequent to the order of the Commission.

- i. DISCOM has not ever informed about the orders passed by this Commission approving the solar power park scheme and fixation of tariffs.
- ii. It is noted that this Commission through its letter dated 14.10.2016 to the DISCOM had communicated that the time for the commercialization of the project is extended till 31.12.2016 subject to compliance of conditions mentioned therein. In order to fulfil the said conditions imposed by this Commission the DISCOM arbitrarily had proposed the amendments to the PPAs' and had filed the review application before this Commission. It is noted that this Commission rightly had rejected the prayers sought by the DISCOM in relation to the approval of the amendments proposed by the DISCOM.
- iii. DISCOM has thoroughly failed to communicate the order of this Commission appropriately to the respondent No.3 in relation to extension of time for commercialization of the project.
- iv. DISCOM without intimating and obtaining any consensus from the respondent No.3, had again filed a fresh petition before this Commission for the approval of the proposed amendments to PPA.
- v. It is also relevant to note that the DISCOM had not only failed to communicate to the respondent No.3 about the extension of time for

commercialization but had also failed to amend the PPA to effect such extension.

Non-Fixation of Tariff has clearly incapacitated the respondent No.3 to arrive at financial closure and complete the project within a period as contemplated under the PPA:

14.10 It is pertinent to note that the respondent No.3 was subjected to serious financial stress as the financial institutions were not inclined to disburse the sanctioned loans due to the uncertainty in the tariff proposed to be fixed.

14.11 It is also submitted that the respondent No. 3 while not objecting to the fixation of the tariff to Rs. 6.45 per unit is constrained to seek for a direction from this Commission against the DISCOM to synchronize the project as the same is completed and is ready for synchronization.

14.12 Given the above state of affairs, it is humbly prayed that this Commission may be pleased to fix the tariff for the project to be Rs. 6.45 per unit as was sanctioned for the other projects.

- a) Direct the DISCOM to put forth the proposed amendments to the PPA before the respondent No. 3 and appropriately approach this Commission after taking consensus of the parties involved.
- b) To direct the DISCOM to synchronize the project as the same stands completed as on date.

14.13 The respondent No.3 further stated that in addition to the above observation, this Commission had directed the respondent herein to file a document that proves that the project of respondent No.3 was completed before 31.12.2016 through which the solar power generating unit established by the respondent herein was approved for generation. It is pertinent to note that the said certificate was given to the respondent herein after conducting inspection on 28.12.2016.

14.14 The respondent N.3 further stated that it is evident from the above document that the project of the respondent No.3 was indeed complete prior to 28.12.2016 and the same is acknowledged in the above certificate. However, as there was no clear communication in relation to the last date for synchronization of the project from the

petitioner herein, the respondent continued to make requests to the petitioner for synchronization by meeting the concerned authorities of the petitioner.

14.15 The respondent No.3 further stated that the respondent herein may be permitted to synchronize its project and that the tariff as suggested by the petitioner may be adopted to it as the project was indeed completed on par with the other respondents by it before 31.12.2016.

14.16 The respondent No.3 further stated that it is prayed that this Commission may be pleased to take this submission along with the certificate annexed thereto and pass the following reliefs.

- a) Fix the tariff for the project to be Rs.6.45 per unit as was sanctioned for the other projects.
- b) To direct the DISCOM to synchronize the project as the same stands completed as on 31.12.2016.

15. The petitioner has filed its report dated 01.02.2017 as per the directions of the Commission after inspecting the plant of the respondent N.3 informing that the following items are missing in the plant.

- i. Solar panels were removed due to right of way issue and land related dispute.
- ii. 33 KV CTs and PTs structure were removed from the structure.
- iii. ABT meters were not erected at the site.
- iv. PTRs and Inverter are erected.”

15.1 The petitioner further stated in its report that as per the terms of PPA (Clause 3.10.1), the Solar Power Developer shall give a written notice to the concerned SLDC and DISCOM, at least sixty (60) days in advance to the date on which it intends to synchronize the project to the grid system whereas the TSSPDCL has not received any letter or communication from the M/s. Minopharm Laboratories Private Limited regarding completion of works towards installation and commissioning of 2.5 MW Solar Power Plant at Hoti-B, Zaheerabad (M), Medak District.

16. In view of the facts narrated by the parties, the following issues arise for consideration.

- a) Whether the petitioner is entitled to pay the tariff of Rs.6.45 per unit as discovered under competitive bidding?
- b) Is the Commission required to adopt the tariff in respect of all the respondents?
- c) The petition is required to be rejected insofar as respondent No.3 since the said company has not satisfied the conditions and directions passed by the Commission earlier.
- d) To any other relief.

17. The present petition is filed by the petitioner pursuant to the directions of this Commission in O. P. No. 11 of 2016 on 16.07.2017 and also the observations made in the order dated 03.12.2016 in R. P. (SR) No. 62 (a) of 2016 in O. P. No. 11 of 2016. The petition filed by the petitioner did not show the parties that is solar projects in respect of whom the tariff approval is sought by the petitioner. In order to facilitate transparency in our action as well as following principles of natural justice, we thought it fit to add the projects mentioned in the prayer of the petitioner as party respondents to this case as shown in the title above.

18. We had observed in the order dated 16.07.2016 at paragraphs 44 and 48 respectively as follows:

*“44. Therefore, the Commission hereby determines the tariff (price) of Rs.6.49 per unit for the individual generators of the solar park developed by M/s. EEPL and M/s. Rays who entered into the PPAs with the TSSPDCL and commissioned their projects on or before 31.03.2015. The Commission also hereby directs to make the necessary amendment to the PPAs of the individual generators (i) commissioned after 31.03.2015 up to 31.03.2016 and are willing to sell the power to the TSSPDCL under the long term PPA route, with a tariff of Rs.6.45 per unit (ii) For the projects commissioned or yet to be commissioned after 31.03.2016 , and are willing to sell the power to the TSSPDCL under the long term PPA route, the DISCOMs are directed to approach the Commission for proper fixation of tariff for the projects commissioned post 31.03.2016. The DISCOMs are also directed to submit the copies of the PPAs of the projects commissioned as on 31.03.2016 to the Commission for approval.*

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48. *The Commission has examined the issue based on the provisions contained in the Electricity Act, 2003 about the validity of the Tri-partite agreement vis-à-vis the provisions in the PPA entered between the TSSPDCL and the individual generators. The TSSPDCL stated in their letter that the solar park concept is developed based on the pooling concept of the model cluster wind power PPA. But in the model cluster wind PPA, there is no provision for taking the meter reading of the generators and the allocation of losses by any third party. Even in the PPA of the individual generators in the solar park, there is no mention of the Tri-partite agreement and taking of the meter reading by a third party. In the PPA it is indicated that the individual generators meters are the property of TSSPDCL and shall be sealed by it. The Individual generators' meters are used as the standby meters as per the metering regulations issued by the Central Electricity Authority. Further, the meter reading has to be taken in the presence of the generators. If the meter readings of individual generators are not taken and the allocation of losses up to the point of pooling substation is not done by the TSSPDCL and any disputes arise on account of this including billing disputes, the individual generators may face the problems. And as per the section 86(f) of the Electricity Act, 2003, the state Commission has to adjudicate the disputes between the licensee and the generators. The TSSPDCL cannot make payment on the bills raised based on the energy account done by a third party (M/s. EEPL) which is not a party in the PPA entered into between the individual generators and the TSSPDCL., but disputes arising due to the third party cannot be adjudicated by the Commission under the section 86(f) of the Act. Considering the above points, the Commission is of the view (i) not to recognize the third party under the PPA and (ii) energy accounting (meter reading and losses allocation) has to be done by the TSSPDCL (iii) the meter readings have to be taken by the TSSPDCL in the presence of the individual generators. Hence the Commission hereby directs to amend the PPA wherever required and reject the Tripartite Agreement.”*

19. As seen from the order dated 16.07.2016, we had agreed to extension SCOD up to 31.03.2016 and directed the licensee to approach the Commission for determination of tariff for the projects, which have been commissioned or yet to be commissioned post 31.03.2016. It has been brought to our notice by the licensee that

the Government of Telangana State had issued a letter dated 26.07.2016, wherein it has extended the SCOD to 31.12.2016. The said letter stated as follows:

*“In the circumstances reported by the Chairman, TSPCC & C&MD, TSTRANSCO in the reference 2<sup>nd</sup> cited and after careful consideration of the matter, Government hereby extends the time up to 31.12.2016 as a last chance for Scheduled Commercial Operation Date (SCOD) to the Solar Power Projects in the State who have concluded PPAs:*

- (i) Under Competitive bidding 2012 & Open Offer Route during 2013 on the agreed price of Rs.6.45 per unit; and*
- (ii) Under Competitive bidding 2014.*

*2. The above extension shall be final as last chance on the agreed price.”*

20. To give effect to the directions given to the licensee by the government being its owner, the licensee has filed a petition to review the order dated 16.07.2016 and to extend the SCOD up to 31.12.2016 alongwith certain other prayers. The Commission having considered the petition and after hearing the petitioner alongwith the respondent No. 1, whom it had made a party, had passed an order on 03.12.2016 on the following lines.

*“25. Despite all the above, infirmities and irrelevant actions, this Commission being the Regulator of the electricity industry is bound to secure the interest of all the stakeholders. Keeping in mind this objective, we deem it appropriate that prayer (b) of the petition needs consideration.*

*26. In order to encourage renewable energy and more particularly solar energy, it is noticed by the Commission that the Government of Telangana has been issuing orders extending the timeline for achieving SCOD of the projects being setup in the State of Telangana. It is stated that the Government had earlier extended the timeline twice in the year 2015 upto 31.03.2016. Now further time has been extended upto 31.12.2016 in the letter issued in June / July, 2016. Keeping this in view only, we had directed the licensee to approach the Commission with a separate petition as the said communication is addressed to the licensee only.*

*27. Since we had ourselves required the licensee to file a fresh petition, even though a review petition is filed, we are inclined to dispose of the same at SR stage itself. Accordingly, while leaving other prayers and the infirmity in filing*

*the petition aside, we hereby allow the SCOD to be extended up to 31.12.2016. This extension is allowed to enable the projects, which were due for completion or already completed to get the benefit of the government orders. Therefore, we allow this extension up to 31.12.2016 in order to encourage the renewable energy source of solar power in the State of Telangana u/s 86(1) (c) of the Electricity Act, 2003.*

*28. At the same breath, we refuse the prayers at (a), (c) and (d) in this petition. However, this does not preclude either of the parties to come before the Commission on the respective issues except the above relief, if they are so advised by filing separate and fresh petitions.*

*29. Since the petition filed by the petitioner for review has itself been disposed of, we deem it appropriate to close the Interlocutory Application filed for condoning the delay in filing review petition and pending on the file of the Commission.”*

21. Pursuant to the above observations and directions, the petitioner has filed the present petition, seeking approval of the tariff discovered insofar as four projects of three companies, of which synchronization has taken place in respect of one unit of M/s. Enrich Energy Private Limited. The rest of the three units were yet to be commissioned.

22. At the time of hearing, the petitioner has confirmed that COD has been achieved in respect of three units except the plant established by M/s. Minopharm Laboratories Private Limited. Since, the petitioner has confirmed the achieving of COD and as the government has already accepted the price discovered at Rs. 6.45 per unit, the proposal of the licensee to approve the tariff can be accepted under section 63 of the Electricity Act, 2003 insofar as the above three units.

23. Coming to the case of the respondent No. 3, the first pleading of the said company is that it has completed the project and was ready for synchronization to the grid and the second argument is that the DISCOM has not informed to it that the period for SCOD has been extended up to 31.12.2016 by the government and confirmed by the Commission. It is also the case of the respondent No. 3 that the Commission fairly made it a party but it did not receive a notice of the present proceedings. Even in the earlier proceedings also, it was not made a party, though the other company has been

added by the Commission. We notice from the record and as stated by us supra, the respondent No. 3 was not a party made by the petitioner and it was made so by the Commission for the reasons explained. The notice sent by the Commission returned unserved with an endorsement that "as addressee left". When the same was confronted to the counsel for the respondent No. 3, there was no reply except confirming the address mentioned on the envelope.

24. The petitioner has already stated that the respondent No.3 has not completed the project. In reply and during the course of argument, the counsel for the respondent No. 3 contended that the project is completed in all respects by 31.12.2016 and in support thereof has filed additional submissions enclosing a certificate of the Chief Electrical Inspector to the Government of Telangana dated 31.12.2016. Since contradictory statements have been made by the petitioner and the respondent No. 3, we had directed the petitioner to do physical verification of the project and file a report thereof. The petitioner, by letter dated 01.02.2017, has stated as follows:

- i. Solar panels were removed due to right of way issue and land related disputes.
- ii. 33 KV CTs and PTs structure were removed from the structure.
- iii. ABT meters were not erected at the site.
- iv. PTRs and inverter are erected."

25. The respondent No. 3 sought to rely on the certificate issued by the Chief Electrical Inspector to the Government to advert that the project is completed by 31.12.2016. It is seen from the said letter of the Chief Electrical Inspector to the Government that the request was made by the respondent No. 3 for inspection on 31.12.2016 and the inspection itself took place on 28.12.2016. It is also noticed from the enclosure that while no date is recorded at the top of the inspection report, the signature is dated as 31.12.2016. Nonetheless, this certificate does not constitute or amount to a declaration of completion of the project, as this inspection is relating to and concerned with installation of equipment and the wiring part only. As noticed above for a project to be complete, not only the equipment and wiring should be in place but also the metering part and the synchronization system should be available for the petitioner licensee to undertake synchronization of the project by treating the

project as complete. Thus, it cannot be said on the basis of Chief Electrical Inspector report that the project is completed.

26. To our dismay, we notice from the enclosures to the reply filed in this petition that the respondent No. 3 has chosen to inform and request for synchronization of the project only after the hearing took place on 23.01.2017. By this very act, it is clear that the project was not complete by 31.12.2016, which has been confirmed by the physical inspection of the petitioner licensee. Therefore, the contentions of the respondent No. 3 are rejected.

27. Although the extension granted by the government for achieving SCOD upto 31.12.2016 was made in July, 2016 itself, the respondent No. 3 failed to take advantage of the time granted and to get the project synchronized to the grid. In the absence of the same, the approval sought by the petitioner for tariff under section 63 of the Act, 2003 cannot be acceded in favour of the petitioner insofar as the agreement with the respondent No. 3.

28. Suffice it to state that the present petition has to be disposed of keeping the factual matrix as narrated above. Therefore, the petition is allowed and the tariff discovered in the competitive bidding that is Rs. 6.45 per unit is approved insofar as the projects established by the respondent Nos. 1 and 2. Insofar as the respondent No. 3, the present petition is refused.

29. The office is directed to number the petition. The petition is disposed of in part as noted in the earlier paragraph. The parties are to bear their own costs.

***This order is corrected and signed on this the 08<sup>th</sup> day of February, 2017.***

**Sd/-  
(H. SRINIVASULU)  
MEMBER**

**Sd/-  
(ISMAIL ALI KHAN)  
CHAIRMAN**

**CERTIFIED COPY**