

**JOINT ELECTRICITY REGULATORY COMMISSION FOR  
THE STATE OF GOA AND UNION TERRITORIES  
GURGAON**

Coram  
Dr. V.K. Garg, Chairperson  
Sh. S.K.Chaturvedi, Member  
**Petition No. 39/2011**

**In the matter of**

Petition for determination of tariff for 1.0 MW Power from Roof top PV & Small Solar Power Generation Programme (RPSSGP) for supply to ED- UT Puducherry.

**And in the matter of:**

M/S Saheli Export Private Limited, Chennai.

**And**

1. Electricity Department, Puducherry
2. Renewable Energy Agency Puducherry (REAP)

**Present:**

For the Petitioner

1. Shri Anand K Ganeshan, Advocate.

For the Respondents

1. Shri K. Mathivanan, Superintending Engineer, ED- Puducherry.
2. Shri R. Murali, Executive Engineer, ED- Puducherry.
3. Shri T. Chanemourjan, Executive Engineer ED-Puducherry.

**ORDER**

**10.10.2012**

M/S Saheli Export Private Limited filed Petition No. 39 of 2011 for determination of tariff for 1.0 MW Power from Rooftop PV & Small Solar Power Generation Programme for supply to Electricity Department of Puducherry. The JERC vide Order dated 02.01.2012 dismissed the Petition. The petitioner filed Appeal No. 22 of 2012 titled Saheli **Export Private Limited Versus JERC and others** before Hon'ble APTEL against the Order dated 02.01.2012 of the JERC. Hon'ble APTEL vide judgment dated 29.03.2012 allowed the appeal while observing in Para No. 27 of the judgment as under:-

“To conclude, our findings are that the signing of a valid PPA between the generator and the distribution licensee is not a pre-condition for determination of tariff by the Joint Commission. An MOU or initialed draft PPA would suffice. Accordingly, the Joint Commission is directed to determine the tariff for sale of energy from the Solar Project of the Appellant to the Respondent No. 2 within 45 days from the date of this judgment.”

The Commission in compliance of the judgment dated 29.03.2012 of the Hon’ble APTEL restored the petition No.39 Of 2011 and vide order dated 02.07.2012 determined tariff for 1.0 MW Power from Rooftop PV & Small Solar Power Generation Programme for supply to Electricity Department of Puducherry.

Now M/S Saheli Export Private Limited-Petitioner has filed a petition stating that ED- Puducherry- Respondent be directed to execute Power Purchase Agreement (PPA) as per the initialled draft PPA.

Notice of the present petition for execution of PPA was sent to ED-Puducherry. Representative of the respondent submitted that the terms and conditions of the initialled draft PPA were discussed between the licensee and project proponent. The licensee is not ready to execute the PPA in line with the initialled PPA as per the Minutes of Meeting between the Licensee and Project Proponent. They suggested some modification in the PPA. The project proponent is not agreeing to the modifications suggested by the licensee. Therefore, the draft initialled PPA is not valid. The licensee is willing to execute PPA after modification in the initialled PPA.

Electricity Department – Puducherry, want minimum guaranteed supply quantity or minimum number of million units of solar power from the petitioner to be supplied by the petitioner as the licensee is to meet its RPO obligations. Representative of ED- Puducherry submitted that in case of non-supply of the minimum committed quantity of power by the petitioner, the licensee will have to purchase the same from open market or they will have to purchase RECs. Which can be on higher or lower cost than the tariff of the present project.

Representative of the petitioner further submitted that the number of units to be generated in a particular period is purely dependent on weather conditions amongst other things. Therefore the petitioner can't agree to a committed minimum guarantee clause.

Counsel for the petitioner and representative of ED- Puducherry submitted that the project proponent and licensee are ready to discuss the clause to be incorporated in the draft PPA to be initialled by them so as to arrive at a workable solution.

Both the parties prayed for one month time for discussing the modification to incorporate the same in the draft PPA to be initialled by them and submit to the Commission for approval.

The Commission considered the request and acceded the same. The parties are directed to file the initialled PPA after necessary amendments on or before 9.11.2012.

Scheduled for hearing on 19.11.2012 at 11.00 AM.

Sd/-  
(S.K.Chaturvedi)  
Member

Sd/-  
(Dr. V.K.Garg)  
Chairperson