

**BEFORE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION
K.P.F.C. BHAVANAM, C.V. RAMAN PILLAI ROAD, VELLAYAMBALAM
THIRUVANANTHAPURAM, KERALA**

PETITION NO. OF 2021

IN THE MATTER OF:

THDC India Limited,
Bhagirathi Bhawan, Top Terrace,
Bhagirathipuram, Tehri Garhwal - 249001 Petitioners

Versus

1. Kerala State Electricity Board Limited
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram- 695004.
2. Renewable Power Corporation of Kerala Limited
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram- 695004.
3. Solar Energy Corporation of India Limited
D-3, 1st Floor, Wing-A, Prius Platinum Building
District Centre, Saket
New Delhi-1100171 Respondents

**PETITION UNDER SECTION 86 (1) (b) OF THE ELECTRICITY ACT 2003,
KERALA STATE ELECTRICITY REGULATORY COMMISSION
(RENEWABLE ENERGY AND NET METERING) REGULATIONS 2020 AND
OTHER APPLICABLE REGULATIONS FOR APPROVAL OF THE POWER
PURCHASE UNDER THE POWER SALE AGREEMENT DATED 16.01.2019
ALONGWITH AMENDMENT DATED 12.07.2021 ENTERED INTO
BETWEEN KSEBL AND THDC.**

MOST RESPECTFULLY SHOWETH:

DESCRIPTION OF PARTIES

1. The Petitioner, THDC India Limited (hereinafter 'THDC') is a Public Sector Enterprise under the administrative control of the Ministry of Power, Government of India and registered as a Public Limited Company in July, 1988 under the Companies Act, 1956. THDC is a Government company within the scope of 2 (31)

of the Electricity Act, 2003. THDC is engaged in the business of generation and supply of electricity and is a generating company within the scope and meaning of Section 2(28) of the Electricity Act, 2003. The Equity of company was earlier shared between Govt. of India and Govt. Of Uttar Pradesh in the ratio of 75:25. Recently, the Share Purchase Agreement was executed between NTPC Limited and President of India on March 25, 2020, for acquisition of legal and beneficial ownership of equity held by the President of India in THDC India Limited which represents 74.496% of the total paid up share capital of THDCIL.

2. The Respondent No. 1, The Kerala State Electricity Board Limited, (hereinafter 'KSEB') is a company under the Companies Act, 2013 and is a distribution licensee within the meaning of Section 2(27) of the Electricity Act, 2003 undertaking distribution and supply of electricity in the State.
3. The Respondent No. 2, Renewable Power Corporation of Kerala Limited (hereinafter 'RPCKL') is a joint venture of KSEB and Respondent No.2, Solar Energy Corporation of India Limited, (hereinafter 'SECI'). RPCKL is a company under the Companies Act, 2013.
4. The Respondent No. 3, SECI, a Company under the Companies Act, 2013. SECI has been established with the objective to assist the Government of India and function as the implementing and facilitating arm of the National Solar Mission (NSM) for development, promotion and commercialization of solar energy technologies in the country.

BRIEF FACTUAL BACKGROUND

5. In respect of the 50 MW Project, THDC filed Petition being OP No. 26 of 2020 under Section 86 (1) (b) of the Electricity Act 2003 read with rule 8 of the Electricity Rules 2005 and the provisions of

Kerala State Electricity Regulatory Commission (renewable energy and net metering) Regulations 2020 before the Hon'ble Commission.

6. The Hon'ble Commission vide final Order dated 17.03.2021, decided OP No.26 of 2020 filed by THDC. The operative portion of the order dated 17.03.2021 reads as under:

Order of the Commission

44. The Commission after detailed examination of the petition filed by M/s THDC India Ltd, the counter affidavit filed by the respondent KSEB Ltd and M/s RPCKL, other documents submitted during the deliberations of the subject petition, as per the provisions of the Electricity Act, 2003, KSERC (Renewable Energy & Net Metering) Regulations, 2020 and other relevant documents wherever necessary, hereby issue the following Orders.

- (1) The levelized tariff for the electricity generated from the 50 MW Solar Project of M/s THDC India Ltd is approved @ Rs 3.10/unit, inclusive of all taxes and duties including tax on RoE.***
- (2) The levelized tariff approved as above is applicable for the entire electricity injected into the grid from the date of synchronization upto 25 years.***
- (3) Since the tariff of this petition is already determined as per Section 86(1)(b) by the State Commission, the Commission hereby directs THDC India Ltd not to pursue for tariff determination under Section 79(1)(a) of the Electricity Act before the Central Commission.***
- (4) Since the tariff approved for the project is the upper ceiling tariff mutually agreed by the petitioner M/s THDC India Ltd and the respondent KSEB Ltd, the petitioner is not eligible to reimburse the tax on RoE from KSEB Ltd, and also not eligible to pass through the taxes and duties to KSEB Ltd, as detailed under paragraph 42 and 43 of this order.***
- (5) As mentioned under Paragraph 18 of this Order, the present proceedings are limited to determination of tariff for the project as per Section 62 of the Electricity***

Act, 2003. The petitioner M/s THDC India Limited and the respondent KSEB Ltd is required to modify the initialled PSA with the approved tariff as above, and shall file a separate petition for approval of the PSA as per the provisions of the Electricity Act, 2003 and the Regulations notified by this Commission.

Petition disposed off.

A copy of the order dated 17.03.2021 passed by the Hon'ble Commission in OP No.26 of 2020 is attached hereto and marked as '**Annexure A**'.

7. In terms of the directions of the Hon'ble Commission, THDC and KSEB have signed an amendment dated 12.07.2021 to the PSA and a copy of the same is attached herewith and marked as '**Annexure B**'.

Further, in pursuance of the direction of the Hon'ble Commission in the final order dated 17.03.2021, the present Petition has been filed to seek approval of the Hon'ble Commission for procurement of power by KSEB from 50 MW Solar PV Power Project of THDC in terms of section 86 (1) (b) of the Electricity Act 2003.

9. The Solar Power Project of 50 MW capacity of THDC was duly commissioned on 31.12.2020. Since then, power is being supplied by THDC to KSEB under the PSA dated 16.01.2019.
10. In the facts and circumstances mentioned above, it is submitted that the procurement of power by KSEB at the tariff and terms of the PSA dated 16.01.2019 read amendment dated 12.07.2021 effective 31.12.2020 be considered and approved by the Hon'ble Commission as prayed for herein.

11. The Petitioner has paid the requisite court fees.
12. The Petitioner has not filed any other petition or proceedings relating to approval of procurement of power under the Power Sale Agreement dated 16.01.2019 read with amendment dated 12.07.2021 in any Court or Tribunal or other Commission.
13. It is, therefore, respectfully prayed that this Hon'ble Commission may be pleased to:
 - (a) Approve the Power Sale Agreement dated 16.01.2019 read with amendment dated 12.07.2021 by Kerala State Electricity Board Limited from THDC India Limited's Solar PV Power Project of 50 MW capacity established in the 105 MW Solar Park in Kasargod District in the State of Kerala at the tariff and terms of the PSA dated 16.01.2019 read amendment dated 12.07.2021 effective 31.12.2020;
 - (b) Pass any such further Order or Orders as this Hon'ble Commission may deem just and proper in the circumstances of the case.

PETITIONER
THDC INDIA LIMITED

PLACE: Thiruvananthapuram

DATED: 20.07.2021

