

## CENTRAL ELECTRICITY REGULATORY COMMISSION

## SKV Law Offices Successfully Represents TP Saurya Limited Before CERC in Securing Extension for Infirm Power Injection and Third-Party Sale of 100 MW Solar Power

SKV Law Offices successfully represented TP Saurya Limited (“TPSL”), a Tata Power group entity, before the Central Electricity Regulatory Commission (“CERC”) in Petition No. 301/MP/2025, decided by way of an order dated 03.07.2026. The Petition was filed seeking an extension of the period for injection of infirm power from the 100 MW solar component of TPSL’s 600 MW SECI Wind-Solar Hybrid Project till the Project became eligible for part/early commissioning.

### Background

The 100 MW solar component of the Project at Bikaner-II, Rajasthan, was technically ready, having received first-time charging approval and a successful trial run certificate. However, the 200 MW wind component at Gadag-II, Karnataka, was delayed owing to the non-readiness of the Gadag-II substation, on account of which SECI extended the Scheduled Commercial Operation Date of the Project up to February 2026. Since the PPA with SECI does not permit commissioning of a single source of generation, the ready solar capacity could operate only as infirm capacity, and TPSL had exhausted the 45-day period and the further three-month extension available at the RLDC level under Regulation 19 of the Grid Code.

The matter was further complicated by the stand of the buying utilities, MPSEZ Utilities Limited and CESC Limited, who, while not opposing the extension, claimed a first right of refusal over the power at the PPA tariff and sought withdrawal of the No Objection Certificate (“NoC”) issued by SECI to TPSL for third-party sale. The case thus involved intricate questions on the interplay between the RfS, the PPA, the PSA and the infirm power regime under the Grid Code.

### Submissions made by SKV

SKV Law Offices played a central role in positioning the case around the special structure of the RfS and the commercial purpose behind Clause 10.2. SKV Law Offices demonstrated that Clause 10.2 of the RfS specifically contemplated a scenario where one component of a hybrid project is ready but the other is delayed due to non-operationalization of LTA/connectivity for reasons beyond the developer’s control, permitting the developer, at

its sole discretion, to sell such power to third parties outside the PPA, and that such ready capacity could not be stranded merely because the PPA did not permit single-component commissioning. The firm further established that the power from the 100 MW solar component remained outside the PPA framework until part/early commissioning, that the buying utilities had not accepted TPSL’s tariff proposal and their responses amounted, at best, to counter-offers, and that their belated claim of a first right of refusal, raised after remaining silent for nearly a year following the issuance of the NoC by SECI, was not supported by the contractual framework.

### Order

The CERC accepted the position advanced by SKV Law Offices on behalf of TPSL. The Commission permitted continued injection of infirm power from the 100 MW solar component until the Project becomes eligible for part/early commissioning upon readiness of the required wind capacity, and further held that TPSL was within its contractual rights under Clause 10.2 of the RfS to sell such power to third parties outside the PPA, rejecting the buying utilities’ claim of a first right of refusal.

### Significance

The decision is significant for renewable energy developers executing hybrid projects, as it recognises that ready renewable capacity should not remain stranded due to transmission delays affecting another component of the project. The outcome also provides important clarity on the interplay between a specially structured RfS, the PPA and the Grid Code framework, and secured immediate commercial benefit for TPSL, with broader relevance for similarly placed hybrid renewable energy developers.

### Team

The matter was led by Mr. Shri Venkatesh (Founding Partner) and Mr. Suhael Buttan (Partner), along with Ms. Priya Dhankhar (Associate Partner), Mr. Nikunj Bhatnagar (Senior Associate), and Ms. Drishti Rathi (Associate) of SKV Law Offices.

The Judgment can be accessed [here](#).