

Date: 01.02.2025

Commission Secretary,
Telangana Electricity Regulatory Commission,
Vidyut Niyamtran Bhavan, G.T.S. Colony,
Kalyan Nagar, Hyderabad, 500 045.
Email ID: secy@tserc.gov.in

Sub: Submission of Suggestions / Objections / Comments on the TGDISCOMS proposals for amendment to model solar PPA for billing of imported energy from grid by the solar power developers.

Ref: Hon'ble TSERC notice dated 31.12.2024 issued in O.P. No. 33 of 2024

Dear Sir,

This has reference to the Suggestions / Objections / Comments invited by the Hon'ble TSERC on the TGDISCOMS proposals for amendment to model solar PPA for billing of imported energy from grid by the solar power developers.

In this regard, we submit our comments as follows for the kind consideration of this Hon'ble Commission:

- 1) At the outset we submit that the PPAs that have been concluded through competitive bidding process U/s Sec.63 of the Electricity Act, 2003 can be amended only through mutual consent. The terms of such PPAs cannot be changed unilaterally. It is also settled principle of law that even Courts have no power to tinker with the terms and conditions of a contract concluded U/s 63 of the Electricity Act. In the light of this legal position, the proposal of Telangana Discoms cannot be made applicable to PPAs signed through competitive bidding.
- 2) Without prejudice to the above, even if it is assumed that this Hon'ble Commission is empowered to revise the terms of Sec.63 PPAs, though not admitted by us, it is submitted that, there are mainly two kinds of PPAs which have been executed by with the TGDISCOMS. One category having a limit on drawl of power for auxiliary consumption to the extent mentioned in the Schedule 1 therein duly specifying the rates applicable for power drawn beyond such limit; the other category of PPAs do not have any specific limit for the power drawal. As the request or proposal of Telangana Discoms is only to revise the 1st category of PPAs to specify the billing of excess energy to be considered for billing on the basis of KVAH instead of KWH, we humbly submit that the proposed changes shall be confined to the 1st category of PPAs.

We look forward to your kind consideration in the matter.

Thanking You,
For **Adani Green Energy Ltd**



Ravi Sinha
Sr. Manager- Regulatory & Legal

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