



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

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Abstract

PSA initialled between THDCIL and KSEBL for 5 MW capacity Solar PV project at Nellithadam in Ambalathara village of Kasargod District - Termination of Agreement -Sanctioned - Orders issued.

CORPORATE OFFICE (Planning)

B.O. (FTD) No. 349/2021 (CE(C&P)/Solar-THDCIL/2021-22) dated Tvp, 10.05.2021

Read: 1. PSA initialled between KSEBL and THDCIL on 25.09.2019.

2. Letter No. THDC/NCR/Solar/5MW/2757 dated 13.03.2020 of M/s THDCIL to Director (T&SO).

3. B.O (FTD) No.148/2021/D (T&SO)/T4/Solar/2020-21 dated 19.02.2021.

4. Note No. LA&DEO/R/22/2021/38 dated 16.03.2021 of the LA and DEO.

5. Note No. CE (C&P)/Solar-THDCIL/2021-22/82 dated 21.04.2021 of the Deputy Chief Engineer (C&P) with full powers of Chief Engineer. (Agenda No. 57/4/21).

ORDER

The Solar park scheme was declared by the Ministry of New and Renewable Energy (MNRE), Government of India and accordingly 200 MW Solar Power Park was proposed in the Kasargod district of Kerala. For the development and management of proposed Solar Park, a Joint Venture company between KSEBL and SECI with 50% equity for both partners was incorporated on 15th January 2016 under the name "Renewable Power Corporation of Kerala Limited (RPCKL)" under the Companies Act, 2013. 500 acres of land was allocated by the Government of Kerala in two 250 acres plot respectively in Ambalathara and Paivalike regions in Kasargod for setting up 105 MW Solar Park under Phase I. Out of this 105 MW, 100 MW has been developed (50 MW at Ambalathara by IREDA and 50 MW at Paivalike by THDCIL) and at the 27 acres of unutilised land at Nellithadam in Ambalathara village, a 5 MW Solar plant was proposed, which is yet to be developed.

KSEBL and THDC India Limited (THDCIL) have initialled PSA read as 1st above for the procurement of 5 MW solar power from the power project at Kasargod Solar Park proposed to be developed by THDCIL at Nellithadam. THDCIL has not filed any petition before the KSERC for the approval of PSA and tariff, for the 5 MW Solar PV project at Nellithadam and hence no approval of the initialled PSA has been obtained from the KSERC. THDCIL as per letter read as 2nd above intimated that they are not in a position to take up the 5 MW Solar PV project at Nellithadam in

Ambalathara and therefore requested to terminate the Power Sale Agreement initialled on 25.09.2019 for 5 MW Solar PV project at Nellithadam.

Meanwhile as per Board Order read as 3rd above, sanction has been accorded to develop the 5 MW Solar PV project at Nellithadam by KSEBL on its own with MoU with RPKKL. The LA and DEO as per note read as 4th above has opined that there is no legal impediment in terminating the initialled Agreement in line with Article 12.3.4 of the PSA by giving a written termination notice of 30 days to THDCIL with copy to the KSERC.

In view of the opinion of the LA and DEO, the Deputy Chief Engineer (Commercial and Planning) with full powers of Chief Engineer as per note read as 5th above has suggested that KSEBL may terminate the initialled Power Supply Agreement dated 25.09.2019 for 5 MW capacity Solar PV project at Nellithadam by giving a written termination notice of 30 days to THDCIL as stipulated in Clause 12.3.4 of the PSA, with copy to KSERC.

Having considered the matter in detail, the Full Time Directors in its meeting held on 23.04.2021, resolved to accord sanction to terminate the initialled Power Supply Agreement dated 25.09.2019 for 5 MW capacity Solar PV project at Nellithadam in Kasargod Solar Park by giving a written termination notice of 30 days to THDCIL as stipulated in the PSA. Further resolved to approve the draft termination notice annexed.

Orders are issued accordingly

By Order of the Full Time Directors,
Sd /-
LEKHA.G
Company Secretary in-charge

To

1. The Chief Safety Commissioner with addnl charge of Chief Engineer (Commercial & Planning)
2. The Deputy Chief Engineer (TRAC)

Copy to:

1. The Financial Advisor/Chief Internal Auditor/LA & DEO
2. TA to CMD/ Director (T& SO)/ (SCM &Gen-E)/ (D, IT& HRM)/ Gen (Civil) /(Plg&Safety)
3. PA to Director (Finance)
4. Senior CA to Secretary/Company Secretary i/c/The Fair Copy Superintendent
5. Library / Stock File.

Forwarded by order

Assistant Executive Engineer