

**No. 283/56/2021-GRID SOLAR**  
भारत सरकार / Government of India  
नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy (MNRE)  
ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block-14, C.G.O. Complex,  
Lodi Road, New Delhi - 110003.  
Date: 3<sup>rd</sup> March, 2022

To:

Addl. Chief Secretaries / Pr. Secretaries / Secretaries of Power / Energy / Renewable Energy Departments of State Governments/ UT Govts./ Administrations

**Subject: Setting up Dispute Resolution Mechanism in states for renewable energy projects-reg.**

The Ministry of New & Renewable Energy (MNRE) has set up a Dispute Resolution Committee (DRC) consisting of eminent persons to deal with disputes between MNRE's Renewable Energy Implementing Agencies (REIAs) [(SECI/ NTPC Ltd./ NHPC Ltd.)] and Renewable Energy developers. These disputes include:

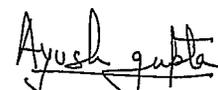
- All requests for 'Extension of Time' due to recognized 'Force Majeure' events.
- All requests of 'Extension of Time' not covered under the terms of contract.
- All disputes other than those pertaining to 'Extension of Time' between MNRE's REIAs and RE developers.

2. Details in this regard may be seen in MNRE's Order no. 283/124/2018-GRID SOLAR dated 18.06.2019 and subsequent amendments thereto dated 20.09.2019, 09.12.2019, 25.09.2020 (copies enclosed) and Procedural Guidelines issued thereunder vide MNRE's Letter No. 283/124/2018-GRID SOLAR dated 20.09.2019 (copy enclosed).



3. The 'Dispute Resolution Committee' (DRC) submits its recommendations to the Ministry of New & Renewable Energy (MNRE), which are examined by MNRE and the same, along with MNRE's observations thereupon, are placed before Hon'ble Minister (NRE) for final decision.
4. The mechanism of DRC has been successful in expeditious resolution of disputes and based on the recommendations of DRC, this Ministry has successfully decided upon 27 cases so far.
5. State Governments are requested to consider setting up similar mechanism for dispute resolution in respect of renewable energy projects directly bid out by them.
6. This is being issued with the approval of Hon'ble Minister (NRE & Power).

Yours faithfully,

  
(Ayush Gupta)  
Scientist-B

Email: ayush.mnre@gov.in

**Copy for internal circulation to:**

1. PS to Hon'ble Minister (NRE & Power)
2. PS to Hon'ble MoS (NRE)
3. Sr. PPS to Secretary, MNRE
4. All Joint Secretaries/ JS&FA/ All Scientist-G/Economic Advisor/All Group Heads in MNRE
5. DS (VD)
6. Sci-D (SK)
7. DS (IFD)/ US (IFD)
8. NIC, MNRE, for uploading on MNRE Website.

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नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

ब्लॉक संख्या 14, केंद्रीय कार्यालय परिसर,

लोदी रोड, नई दिल्ली - 110003

Block No. 14, C.G.O. Complex,  
Lodi Road, New Delhi – 110003

Dated: 18 June, 2019

### ORDER

**Sub: Setting up of a Dispute Resolution Mechanism to consider the unforeseen disputes between solar/ wind power developers and SECI/ NTPC, beyond contractual agreements – regarding.**

1. The Solar and Wind Industries have been demanding for setting up of Dispute Resolution Mechanism by MNRE for quite some time, to resolve expeditiously, unforeseen disputes that may arise beyond the scope of Contractual Agreements between solar power developers / wind power developers and SECI/ NTPC.

2. The issue has been considered and it is felt that there is need to erect a transparent, unbiased Dispute Resolution Mechanism, consisting of an independent, transparent and unbiased Dispute Resolution Committee (DRC), for resolving the unforeseen disputes that may arise in implementation of contractual agreements and also for dealing with issues which are beyond the scope of Contractual Agreements between solar power developers/ wind power developers and SECI / NTPC.

3. The Government after careful examination of the issues involved, issues the following orders:

(i) A three member Dispute Resolution Committee (DRC) will be set up with the approval of Hon'ble Minister (NRE), consisting of eminent persons of impeccable integrity. The upper age for the DRC members shall be 70 years. The Committee members of DRC shall be chosen from the eminent persons located in NCR of Delhi so as to avoid expenditure on Air Travel & accommodation. The selection of DRC Members would be such that there is no conflict of interest involved.

(ii) The mechanism of Dispute Resolution Committee (DRC) will be applicable for all solar/ wind Schemes/ Programmes/ Projects being implemented through/ by SECI/ NTPC.

(iii) The DRC will consider following kinds of cases:

(a) All cases of appeal against decisions given by SECI on Extension of Time requests based on terms of contract: All requests for extension of time due to recognized 'Force Majeure' events like flood, earthquake, delay in handing over of land by Solar Park

Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements. In all such cases, the solar power developers / wind power developers shall make an application for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement. If application is not made within the time limit prescribed in the Contractual Agreement, it shall be summarily rejected by SECI/ NTPC. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days from the date of application. No separate extension of time shall be granted for overlapping periods of effect by two or more causes. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order after paying a fee, to be decided by the DRC, which in any case shall not be less than 5% of the impact of SECI's/NTPC's decision being challenged. This fee shall be deposited into the Payment Security Fund maintained by SECI/ NTPC for the project concerned. In case, the Government upholds the appeal in toto, after taking into consideration the recommendation of DRC, and strikes down the SECI order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by SECI/ NTPC.

(b) All requests of Extension of Time not covered under the terms of contract: All cases involving unforeseen issues/ circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before the DRC for consideration and make recommendations to M/o New & Renewable Energy (MNRE) for appropriate decision.

(iv) The 'Dispute Resolution Committee' (DRC) will examine all such cases referred to it, including the cases where the developer is not satisfied with the decision of SECI/NTPC and it decides to appeal after paying the required fee as laid down under Para (ii) (a) above, in a time bound manner and submit its recommendations to the Ministry of New & Renewable Energy (MNRE), not later than twenty-one (21) days from the date of reference.

(v) The recommendations of the 'Dispute Resolution Committee' (DRC) along with MNRE's observations, will be placed before Hon'ble Minister (NRE) for final decision. The Ministry shall examine and put up such recommendations to Minister (NRE) with the comments of IFD within twenty one (21) days of receipt of recommendation from the DRC.

(vi) DRC members shall be paid Rs.4,000/- per sitting, not exceeding Rs.20,000/- per member per case referred. Cases involving similar issues will be treated as one case. The fee for DRC members shall be paid by SECI/ NTPC.

(vii) The meetings of DRC shall be organized in the premises of SECI/ NTPC respectively. All arrangements for the DRC meeting shall be made by SECI/ NTPC.

(viii) The DRC members shall be provided transportation from their place of residence to the venue of the meeting and back.

(ix) To arrive at any decision, Committee will be free to interact with the relevant parties of the case and shall record their views. For presenting the case before the DRC, no lawyers shall be permitted.

This issues based on approval of Hon'ble Minister (NRE).



**(Shobhit Srivastava)**  
Scientist-C

Tel: 011-24360707; Extn. No. 1016

**To:**

1. **The Chairman & Managing Director, NTPC Ltd.**, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Email: cmd@ntpc.co.in
2. **The Managing Director**, Solar Energy Corporation of India Limited (**SECI**), 1st Floor, D-3, A Wing, Prius Platinum Building, District Centre, Saket, New Delhi- 110017, Email: md@seci.co.in

Copy for internal circulation to:

1. PS to Hon'ble Minister (Power & NRE),
2. Sr. PPS to Secretary, MNRE
3. PPS to AS/ PPS to AS&FA
4. JS (BPY)/Adv (DN)
5. Dir (RG)/ DS (IFD)/ US (IFD)

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भारत सरकार / Government of India

**नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy**

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block-14, C.G.O. Complex,  
Lodi Road, New Delhi – 110003.

**Date: 20<sup>th</sup> September, 2019**

**Sub: Procedural Guidelines for Dispute Resolution Mechanism to consider the unforeseen disputes between solar/wind power developers and SECI/ NTPC, beyond contractual agreements –reg.**

Ministry of New and Renewable Energy(MNRE) vide Order of even No. dated 18.06.2019 has set up Dispute Resolution Mechanism to consider the unforeseen disputes between solar/ wind power developers and SECI/ NTPC and disputes relating to Extension of Time requests. In order to provide an implementation framework for the said Dispute Resolution Mechanism (DRM) and for the functioning of Dispute Resolution Committee (DRC), the present guidelines are being issued. The mechanism of Dispute Resolution Committee (DRC), will be applicable to Schemes/Programmes/Projects being implemented through/by SECI/NTPC. The details are as follows:

(1). SECI and NTPC will provide a Secretariat for the Dispute Resolution Committee, with its head being designated as Secretary (DRC/SECI) or Secretary (DRC/NTPC), as the case may be. SECI/NTPC will make available one officer each, not below the rank of General Manager, who shall function as the Secretary of the Dispute Resolution Committee. All the applications under the DRM, whether for appeal against the decisions given by SECI/NTPC based on the terms of contract or the requests not covering under the terms of contract, shall be addressed to the Secretary of the DRC. The names and contact addresses of Secretaries shall be prominently displayed on their respective websites. SECI/ NTPC shall also provide adequate support to the DRC Secretariat, in terms of supporting staff, IT support and other amenities, for processing the applications.

(2). All applications shall be addressed to the Secretary (DRC) at SECI/NTPC with a copy sent to MNRE's Division dealing with the DRM.

(3). All applications received in a particular week, whether appeal or otherwise, should be placed before the DRC as soon as possible, in the following week, in consultation with the members of DRC by the respective Secretaries (DRC) of SECI/NTPC.

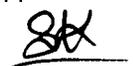
(4). The Secretaries (DRC) would club all applications of similar nature, involving similar issues in terms of Para 3(vi) of the DRM Order, before placing the same before DRC.

(5). The DRC at the first instance would come to a finding on whether the case is covered under the scope of work prescribed in the Order No. 283/14/2018 - Grid Solar dated 18/6/2019 setting up the DRM, read with subsequent amendments thereon. If the case does not fall under the scope or if the applicant has come directly to the DRC without first taking recourse to SECI/ NTPC, the application would be summarily rejected.

(6). Fee would be payable in all cases as per amendment to the Order No. 283/124/2018-GRID SOLAR dated 18/06/2019 issued vide Order No. 283/124/2018-GRID SOLAR dated 20/09/2019. If the fee is not paid, then the Secretary (DRC) shall return the application with request to the applicant to submit the required fee.

(7). In cases, involving clubbed applications requiring payment of mandatory fee, any default in payment of fee by one party will only render that application to be rejected and the outcome of DRC's decision on the main case will not have any bearing on this defaulting applicant.

(8). After the application is brought before it, the DRC shall hold hearings on the subject and submit its recommendations to MNRE not later than 21 days of such reference. Since a number of applications



may be received on similar issues in a particular week, for the purpose of these Guidelines and the DRM Order, the date of reference shall be the date of first hearing on the application(s).

(9). The DRC shall meet at least once every week, provided there are cases/ applications pending before DRC for resolution. The Secretary (DRC) of SECI/NTPC would ensure that the meetings of DRC are convened in a manner and frequency that can ensure adherence to 21 days period kept for decision on a case.

(10). In cases, where the DRC is unable to give their decision within the time frame of 21 days, the Secretary (DRC) appointed by SECI/ NTPC shall inform MNRE in this regard and MNRE may provide an additional 14 days within which the DRC will have to take a decision.

(11). In terms of Para 3 (ix) of the DRM Order, DRC will be free to interact with relevant parties of the case and shall record their views. No lawyers shall be permitted for presenting the case before DRC. SECI/ NTPC would also be permitted to present their views/ arguments on the pleas made by the applicant. If required, DRC may interact with MNRE, in which case, the MNRE's Division dealing with the DRM shall act as Ministry's nodal point.

(12). Since the order dated 18.06.2019, with amendments thereon dated 20.09.2019, in Para 3, allows the developer to appeal to DRC against the SECI/NTPC's order within 21 days of SECI/NTPC's order, any adverse financial impact coming on the developer in pursuance of such order by SECI/NTPC should be put in abeyance for 21 days subsequent to the issuance of such order. In case appeal, is not filed within the said period of 21 days, or appeal is rejected for want of requisite fee, action as appropriate can be taken by SECI/NTPC. Further, no coercive action shall be taken on cases brought before the DRC till the final disposal of the appeal by the DRC and Ministry, where applicable.

(13). The DRM has been set up to facilitate the resolution of disputes in the solar and wind sector, between SECI/NTPC and the developers. As the DRM will help in furtherance of SECI/NTPC's role as intermediary procurer by enhancing the investors' confidence, all expenses coming out of the Dispute Resolution Mechanism Order dated 18.06.2019, or these Guidelines, including the expenses related to the DRC and the secretariat thereof, shall be borne by SECI/NTPC and no recourse to any Payment Security Fund, if any, shall be made in this regard.

This issues with the approval of Hon'ble Minister (Power & NRE).



(Sanjay Karndhar)  
Scientist-C

Email: karndhar.sg@nic.in

To:

1. **The Chairman & Managing Director, NTPC Ltd.**, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Email: cmd@ntpc.co.in
2. **The Managing Director, Solar Energy Corporation of India Limited (SECI)**, 1st Floor, D-3, A Wing, Prius Platinum Building, District Centre, Saket, New Delhi 110017, Email: md@seci.co.in

**Copy for internal circulation to:**

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2. Sr. PPS to Secretary, MNRE
3. PPS to AS, MNRE/ PPS to AS&FA, MNRE
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Date: 20<sup>th</sup> September, 2019

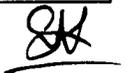
**ORDER**

**Sub: Dispute Resolution Mechanism to consider the unforeseen disputes between solar/ wind power developers and SECI/ NTPC, beyond contractual agreements – Amendment regarding.**

Reference is invited to this Ministry's Order of even no. dated 18.06.2019 on the above mentioned subject.

2. The undersigned is directed to convey that the said Order hereby stands amended as follows:

Para No. in Order dtd 18.06.2019	Existing Provision	Amended Provision
3(ii)	The mechanism of Dispute Resolution Committee (DRC) will be applicable for all solar/ wind Schemes/ Programmes/ Projects being implemented through/ by SECI/ NTPC.	The mechanism of Dispute Resolution Committee (DRC) will be applicable for all solar/ wind Schemes/ Programmes/ Projects being implemented through/ by SECI/ NTPC.  In case of all disputes, whether covered by PPA or not, application shall have to be made first to SECI/NTPC. SECI/ NTPC would pass speaking orders on such requests, with the objective being to give a just solution to the developers with a sense of justice and fair play, even in situations not covered by PPA, so that the aim of setting up renewable projects are achieved. If the applicant party is not satisfied with the orders of SECI/NTPC, then it can appeal to the DRC.
3(iii)	The DRC will consider following kinds of cases:  <u>(a). All cases of appeal against decisions given by SECI on Extension of Time requests based on terms of contract:</u> All requests for extension of time due to recognized 'Force Majeure' events like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements. In all such cases, the solar power developers/ wind power developers shall make an application for grant of Extension of Time	The DRC will consider all kinds of cases of appeal against decisions given by SECI/NTPC on disputes, as follows:  <u>(a). All requests for extension of time due to recognized 'Force Majeure' events</u> like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements, where applicable. In all such cases, the solar power developers/ wind power developers shall make an application to SECI/NTPC for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement.



Para No. in Order dtd 18.06.2019	Existing Provision	Amended Provision
	<p>(EoT) within the time specified in the Contractual Agreement. If application is not made within the time limit prescribed in the Contractual Agreement, it shall be summarily rejected by SECI/ NTPC. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days from the date of application. No separate extension of time shall be granted for overlapping periods of effect by two or more causes. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order after paying a fee, to be decided by the DRC, which in any case shall not be less than 5% of the impact of SECI's/NTPC's decision being challenged. This fee shall be deposited into the Payment Security Fund maintained by SECI/ NTPC for the project concerned. In case, the Government upholds the appeal in toto, after taking into consideration the recommendation of DRC, and strikes down the SECI order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by SECI/ NTPC.</p> <p><b>(b). All requests of Extension of Time not covered under the terms of contract:</b> All cases involving unforeseen issues/ circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before the DRC for consideration and make recommendations to M/o New &amp; Renewable Energy (MNRE) for appropriate decision.</p>	<p>If there is no time limit prescribed in the PPA for making such an application, then the application must be made within seven days of the cause of dispute taking place on the first occasion. If application is not made within the time limit prescribed, it shall be summarily rejected by SECI/ NTPC. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days by SECI/NTPC from the date of application. No separate extension of time shall be granted for overlapping periods of effect by two or more causes. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p><b>(b). All requests of Extension of Time not covered under the terms of contract:</b> All cases involving unforeseen issues/ circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before SECI/NTPC within seven days of the issue/ circumstance arising on the first occasion. The final decision shall be given to solar power developer/ wind power developer within twenty-one (21) days by SECI/ NTPC from the date of application. No separate extension of</p>

Para No. in Order dtd 18.06.2019	Existing Provision	Amended Provision
		<p>time shall be granted for overlapping periods of effect by two or more causes. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p><u>(c). All disputes other than those pertaining to 'Extension of Time' between SECI/NTPC and developers:</u> All other disputes, apart from those pertaining to Extension of Time shall also be dealt as detailed at (b) above.</p> <p><u>(d). All applications before DRC under (a), (b) and (c) above shall be accompanied with the applicable fee as detailed below:</u></p> <p><u>(i).</u> In case of Extension of Time dispute, the fee payable shall be 5% of the impact of SECI/NTPC's decision being challenged, with the impact being limited to the Performance Bank Guarantee (PBG) submitted for the project concerned. A minimum fee of Rs. 1,00,000/- (Rupees one lakh) would be payable even if the 5% of the impact of SECI/NTPC's decision being challenged, is less than Rs. one lakh.</p> <p><u>(ii).</u> Disputes not coming under the head, Extension of Time, in case there is a PBG covering the dispute, then the fee shall be same as in (i) above.</p> <p><u>(iii).</u> In case of disputes not coming under Extension of Time, in case there is no PBG covering the dispute, then the fee shall be 5% of the total impact of the dispute, which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 1,00,00,000/- (Rupees one crore).</p> <p><u>(e).</u> This fee shall be deposited into the Payment Security Fund maintained by SECI/NTPC for the project concerned. In case, the Government upholds the appeal in toto, after taking into consideration the recommendations of DRC, and strikes down the SECI order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the</p>

Para No. in Order dtd 18.06.2019	Existing Provision	Amended Provision
		Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by SECI/NTPC.

3. This issues with the approval of Hon'ble Minister (NRE).



**(Sanjay Karndhar)**

Scientist-C

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To:

1. **The Chairman & Managing Director, NTPC Ltd.**, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Email: cmd@ntpc.co.in
2. **The Managing Director, Solar Energy Corporation of India Limited (SECI)**, 1st Floor, D-3, A Wing, Prius Platinum Building, District Centre, Saket, New Delhi 110017, Email: md@seci.co.in

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Block-14, C.G.O. Complex,  
Lodi Road, New Delhi – 110003.

Date: 9<sup>th</sup> December, 2019

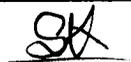
ORDER

**Sub: Dispute Resolution Mechanism to consider disputes between solar/ wind power developers and SECI/ NTPC – Amendment regarding.**

Reference is invited to this Ministry's Order of even no. dated 18.06.2019 and the subsequent amendment thereto dated 20.09.2019, on the above mentioned subject.

2. The undersigned is directed to convey that the said Order hereby stands amended as follows:

Para No.	Existing Provision	Amended Provision
3(iii)	<p>The DRC will consider all kinds of cases of appeal against decisions given by SECI/NTPC on disputes, as follows:</p> <p><b>(a).</b> All requests for extension of time due to recognized 'Force Majeure' events like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements, where applicable. In all such cases, the solar power developers/ wind power developers shall make an application to SECI/NTPC for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement. If there is no time limit prescribed in the PPA for making such an application, then the application must be made within seven days of the cause of dispute taking place on the first occasion. If application is not made within the time limit prescribed, it shall be summarily rejected by SECI/ NTPC. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days by SECI/NTPC from the date of application. No separate extension of time shall be granted for overlapping periods of effect by <b>two or more causes</b>. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p><b>(b).</b> All requests of Extension of Time not covered under the terms of contract: All cases involving unforeseen issues/</p>	<p>The DRC will consider all kinds of cases of appeal against decisions given by SECI/NTPC on disputes, as follows:</p> <p><b>(a).</b> All requests for extension of time due to recognized 'Force Majeure' events like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements, where applicable. In all such cases, the solar power developers/ wind power developers shall make an application to SECI/NTPC for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement. If there is no time limit prescribed in the PPA for making such an application, then the application must be made within seven days of the cause of dispute taking place on the first occasion. If application is not made within the time limit prescribed, it shall be summarily rejected by SECI/ NTPC. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days by SECI/NTPC from the date of application. No separate extension of time shall be granted for overlapping periods of effect <b>as a result of two or more causes</b>. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p><b>(b).</b> All requests of Extension of Time not covered under the terms of contract: All cases involving unforeseen issues/</p>



Para No.	Existing Provision	Amended Provision
	<p>circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before SECI/NTPC within seven days of the issue/ circumstance arising on the first occasion. The final decision shall be given to solar power developer/ wind power developer within twenty-one (21) days by SECI/ NTPC from the date of application. No separate extension of time shall be granted for overlapping periods of effect <b>by two or more causes</b>. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p>(c). <u>All disputes other than those pertaining to 'Extension of Time' between SECI/NTPC and developers:</u> All other disputes, apart from those pertaining to Extension of Time shall also be dealt as detailed at (b) above.</p> <p>(d). All applications before DRC under (a), (b) and (c) above shall be accompanied with the applicable fee as detailed below:</p> <p>(i). In case of Extension of Time dispute, <b><i>the fee payable shall be 5% of the impact of SECI/NTPC's decision being challenged, with the impact being limited to the Performance Bank Guarantee (PBG) submitted for the project concerned. A minimum fee of Rs. 1,00,000/- (Rupees one lakh) would be payable even if the 5% of the impact of SECI/NTPC's decision being challenged, is less than Rs. one lakh.</i></b></p> <p>(ii). Disputes not coming under the head, Extension of Time, in case there is a PBG covering the dispute, then the fee shall be same as in (i) above.</p> <p>(iii). In case of disputes not coming under Extension of Time, in case there is no PBG covering the dispute, then the fee shall be 5% of the total impact of the dispute, which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 1,00,00,000/- (Rupees one crore).</p>	<p>circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before SECI/NTPC within seven days of the issue/ circumstance arising on the first occasion. The final decision shall be given to solar power developer/ wind power developer within twenty-one (21) days by SECI/ NTPC from the date of application. No separate extension of time shall be granted for overlapping periods of effect <b>as a result of two or more causes</b>. If the developer is not satisfied with the decision of SECI/ NTPC, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of SECI/NTPC's order.</p> <p>(c). <u>All disputes other than those pertaining to 'Extension of Time' between SECI/NTPC and developers:</u> All other disputes, apart from those pertaining to Extension of Time shall also be dealt as detailed at (b) above.</p> <p>(d). All applications before DRC under (a), (b) and (c) above shall be accompanied with the applicable fee as detailed below:</p> <p>(i). In case of Extension of Time dispute, <b><i>the fee payable shall be 5% of the impact of SECI/NTPC's decision being challenged, with the impact being limited to the Performance Bank Guarantee (PBG) submitted for the project concerned, and which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 1,00,00,000/- (Rupees one crore).</i></b></p> <p>(ii). Disputes not coming under the head, Extension of Time, in case there is a PBG covering the dispute, then the fee shall be same as in (i) above.</p> <p>(iii). In case of disputes not coming under Extension of Time, in case there is no PBG covering the dispute, then the fee shall be 5% of the total impact of the dispute, which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not</p>

*SA*

Para No.	Existing Provision	Amended Provision
	<p>(e). This fee shall be deposited <b>into the Payment Security Fund maintained by SECI/NTPC</b>. In case, the Government upholds the appeal in toto, after taking into consideration the recommendations of DRC, and strikes down the SECI order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by SECI/NTPC.</p>	<p>more than Rs. 1,00,00,000/- (Rupees one crore).</p> <p>(e). This fee shall be deposited <b>into appropriate Payment Security Fund maintained by SECI/NTPC</b>. In case, the Government upholds the appeal in toto, after taking into consideration the recommendations of DRC, and strikes down the SECI order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by SECI/NTPC.</p>

3. This issues in line with the approval by Hon'ble Minister (NRE).



**(Sanjay Karndhar)**

Scientist-C

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Email: karndhar.sg@nic.in

To:

1. **The Chairman & Managing Director, NTPC Ltd.**, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Email: cmd@ntpc.co.in
2. **The Managing Director, Solar Energy Corporation of India Limited (SECI)**, 1st Floor, D-3, A Wing, Prius Platinum Building, District Centre, Saket, New Delhi 110017, Email: md@seci.co.in

**Copy for internal circulation to:**

1. PS to Hon'ble Minister (Power & NRE)
2. Sr. PPS to Secretary, MNRE
3. PPS to SS, MNRE/ PPS to AS&FA, MNRE
4. JS (AKS)/ JS (BPY)/ Adv (DN)
5. Dir (RG)
6. DS (IFD)/ US (IFD)
7. NIC, MNRE, for uploading on MNRE Website.

No. 283/124/2018 -GRID SOLAR-Part(1)

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block-14, C.G.O. Complex,  
Lodhi Road, New Delhi – 110003.

Date: 25<sup>th</sup> September, 2020

**ORDER**

**Sub: Dispute Resolution Mechanism to consider the unforeseen disputes between solar/ wind power developers and SECI/ NTPC/ NHPC, beyond contractual agreements – Amendment regarding.**

Reference is invited to this Ministry's Order no. 283/124/2018-GRID SOLAR dated 18.06.2019 and the amendments thereto dated 20.09.2019 and 09.12.2019 on the above mentioned subject.

2. The undersigned is directed to convey that the said Order hereby stands amended as follows:

Para No.	Existing Provision	Amended Provision
3 (iii)	<p>The DRC will consider all kinds of cases of appeal against decisions given by <b>SECI/NTPC</b> on disputes, as follows:</p> <p>(a). <u>All requests for extension of time due to recognized 'Force Majeure' events</u> like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements, where applicable. In all such cases, the solar power developers/ wind power developers shall make an application to <b>SECI/NTPC</b> for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement. If there is no time limit prescribed in the PPA for making such an application, then the application must be made within seven days of the cause of dispute taking place on the first occasion. If application is not made within the time limit prescribed, it shall be summarily rejected by <b>SECI/NTPC</b>. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power</p>	<p>The DRC will consider all kinds of cases of appeal against decisions given by <b>SECI/NTPC/NHPC</b> on disputes, as follows:</p> <p>(a). <u>All requests for extension of time due to recognized 'Force Majeure' events</u> like flood, earthquake, delay in handing over of land by Solar Park Developers, delay in connectivity, etc. will be dealt strictly as per Contractual Agreements, where applicable. In all such cases, the solar power developers/ wind power developers shall make an application to <b>SECI/NTPC/NHPC</b> for grant of Extension of Time (EoT) within the time specified in the Contractual Agreement. If there is no time limit prescribed in the PPA for making such an application, then the application must be made within seven days of the cause of dispute taking place on the first occasion. If application is not made within the time limit prescribed, it shall be summarily rejected by <b>SECI/NTPC/NHPC</b>. If application is made within the time limit, the request will be examined and final decision given to solar power developer/ wind power developer within twenty-one (21) days by</p>



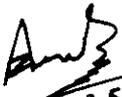
Para No.	Existing Provision	Amended Provision
	<p>developer within twenty-one (21) days by <b>SECI/NTPC</b> from the date of application. No separate extension of time shall be granted for overlapping periods of effect as a result of two or more causes. If the developer is not satisfied with the decision of <b>SECI/ NTPC</b>, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of <b>SECI/NTPC's</b> order.</p> <p>(b). <u>All requests of Extension of Time not covered under the terms of contract:</u> All cases involving unforeseen issues/ circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before <b>SECI/NTPC</b> within seven days of the issue/ circumstance arising on the first occasion. The final decision shall be given to solar power developer/ wind power developer within twenty-one (21) days by <b>SECI/ NTPC</b> from the date of application. No separate extension of time shall be granted for overlapping periods of effect as a result of two or more causes. If the developer is not satisfied with the decision of <b>SECI/ NTPC</b>, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of <b>SECI/NTPC's</b> order.</p> <p>(c). <u>All disputes other than those pertaining to 'Extension of Time' between <b>SECI/NTPC</b> and developers:</u> All other disputes, apart from those pertaining to Extension of Time shall also be dealt as detailed at (b) above.</p> <p>(d). All applications before DRC under (a), (b) and (c) above shall</p>	<p><b>SECI/NTPC/NHPC</b> from the date of application. No separate extension of time shall be granted for overlapping periods of effect as a result of two or more causes. If the developer is not satisfied with the decision of <b>SECI/NTPC/NHPC</b>, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of <b>SECI/NTPC/NHPC's</b> order.</p> <p>(b). <u>All requests of Extension of Time not covered under the terms of contract:</u> All cases involving unforeseen issues/ circumstances not covered under Contractual Agreements like cases where the site is to be procured by the developer but there is delay in land allotment due to policy change or registration by the Government, delays in grant of proposed connectivity due to court stays, etc., will be placed before <b>SECI/NTPC/NHPC</b> within seven days of the issue/ circumstance arising on the first occasion. The final decision shall be given to solar power developer/ wind power developer within twenty-one (21) days by <b>SECI/NTPC/NHPC</b> from the date of application. No separate extension of time shall be granted for overlapping periods of effect as a result of two or more causes. If the developer is not satisfied with the decision of <b>SECI/NTPC/NHPC</b>, then it may appeal to the Dispute Resolution Committee (DRC), within 21 days of <b>SECI/NTPC/NHPC's</b> order.</p> <p>(c). <u>All disputes other than those pertaining to 'Extension of Time' between <b>SECI/NTPC/NHPC</b> and developers:</u> All other disputes, apart from those pertaining to Extension of Time shall also be dealt as detailed at (b) above.</p> <p>(d). All applications before DRC under (a), (b) and (c) above shall be</p>



Para No.	Existing Provision	Amended Provision
	<p>be accompanied with the applicable fee as detailed below:</p> <p>(i). In case of Extension of Time dispute, <b><i>the fee payable shall be 5% of the impact of SECI/NTPC's decision being challenged, with the impact being limited to the Performance Bank Guarantee (PBG) submitted for the project concerned, and which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 1,00,00,000/- (Rupees one crore).</i></b></p> <p>(ii). Disputes not coming under the head, Extension of Time, in case there is a PBG covering the dispute, then the fee shall be same as in (i) above.</p> <p>(iii). In case of disputes not coming under Extension of Time, <b><i>in case there is no PBG covering the dispute, then the fee shall be 5% of the total impact of the dispute, which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 1,00,00,000/- (Rupees one crore).</i></b></p> <p>(e). This fee shall be deposited into appropriate Payment Security Fund maintained by <b><i>SECI/NTPC</i></b>. In case, the Government upholds the appeal in toto, after taking into consideration the recommendations of DRC, and strikes down the <b><i>SECI</i></b> order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by <b><i>SECI/NTPC</i></b>.</p>	<p>accompanied with the applicable fee as detailed below:</p> <p>(i). In case of Extension of Time dispute, <b><i>the fee payable shall be 1% (one percent) of the impact of SECI/NTPC/NHPC's decision being challenged, with the impact being limited to the Performance Bank Guarantee (PBG) submitted for the project concerned, and which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 50,00,000/- (Rupees fifty lakh).</i></b></p> <p>(ii). Disputes not coming under the head, Extension of Time, in case there is a PBG covering the dispute, then the fee shall be same as in (i) above.</p> <p>(iii). In case of disputes not coming under Extension of Time, <b><i>in case there is no PBG covering the dispute, then the fee shall be 1% (one percent) of the total impact of the dispute, which in no case be less than Rs. 1,00,000/- (Rupees one lakh) and not more than Rs. 50,00,000/- (Rupees fifty lakh).</i></b></p> <p>(e). This fee shall be deposited into appropriate Payment Security Fund maintained by <b><i>SECI/NTPC/NHPC</i></b>. In case, the Government upholds the appeal in toto, after taking into consideration the recommendations of DRC, and strikes down the <b><i>SECI/NTPC/NHPC</i></b> order, then the fee so collected shall be refunded, provided the DRC makes a recommendation for the same and the Government passes a specific order to that effect. The Fee which may be received and is not required to be refunded, shall be credited to the appropriate Payment Security Fund being maintained by <b><i>SECI/NTPC/NHPC</i></b>.</p>



3. This issues in line with approval from Hon'ble Minister (Power & NRE).

  
25/03/2020  
(Mohd Azmal Mansoori)  
Scientist-B  
Email: azmal.mnre@gov.in

To:

1. **The Chairman & Managing Director, NTPC Ltd.**, NTPC Bhawan, Scope Complex, 7. Institutional Area, Lodhi Road, New Delhi- 110003, Email: cmd@ntpc.co.in
2. **The Chairman & Managing Director, Solar Energy Corporation of India Limited (SECI)**, 1st Floor, D-3, A Wing, Prius Platinum Building, District Centre, Saket, New Delhi 110017, Email: md@seci.co.in
3. **The Chairman & Managing Director, NHPC Limited**, N.H.P.C Office Complex, Sector-33, Faridabad, Haryana.

**Copy for internal circulation to:**

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6. DS (IFD)/ US (IFD)
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