



सोलर एनर्जी कॉर्पोरेशन ऑफ इंडिया लिमिटेड  
(भारत सरकार का उपक्रम)  
**Solar Energy Corporation of India Ltd.**  
(A Government of India Enterprise)

स्वच्छ भारत - स्वच्छ ऊर्जा



SECI/PT/UPPCL/2020

Date: 28.03.2020

To  
The Chairman  
Uttar Pradesh Power Corporation Limited  
Shakti Bhawan  
14, Ashok Marg  
Lucknow-226001

Sub: Your Notice No.485/UPPCL/PPA/PLNG dated 27.03.2020 -Force Majeure event notification -Power Purchase Agreement- Regarding order issued by State and Central Government for containment of outbreak of COVID-19 Epidemic in the Country

Sir,

1. This has reference to your above notice claiming Force Majeure in the performance of the obligations under the Power Purchase Agreement/Power Sale Agreement (**PSA**) executed between Uttar Pradesh Power Corporation Limited (**UPPCL**) and Solar Energy Corporation of India Limited (**SECI**) on account of Covid-19 . It has been stated that there shall be no cause of action for breach or liability on UPPCL as a consequence of the above Force Majeure event. It has been further stated that, UPPCL, is unable to determine as to how long the alleged Force Majeure event will continue.
2. The obligation in respect of which the Force Majeure is purportedly sought is not in regard to availing the power generated by the non-conventional energy sources but for not being able to collect the amount due from your consumers to remit to SECI under the PSA. The same may not be covered under Article 7 of the PSA. This is particularly when “*insufficiency of Finances or Funds*” has been treated as a Force Majeure Exclusion in terms

of Article 7.4 of the PSA. This is also when UPPCL is not claiming Force Majeure in scheduling or otherwise, in taking delivery of electricity from the generating station and/or consuming the electricity in maintaining the supply of electricity in the state of Uttar Pradesh.

3. The remedies available to UPPCL on account of Covid-19 are restricted to the relief measures being notified by the Government of India for the power sector including the notification dated 28.03.2020. A copy of the notification dated 28.03.2020 of the Government of India is enclosed for your reference.
4. Without prejudice to the above, SECI is issuing the Notice of the claim of Force Majeure by UPPCL to the Project Developers who are generating and supplying electricity to SECI for onward sale to UPPCL under the PSA on a back to back basis. A copy of the notice issued by SECI to Project Developers is enclosed for your reference.

Thanking you,

**Enclosure:**

1. Notification dated 28.03.2010 of the Government of India
2. Notice dated 28.03.2020 of SECI to the Project Developer

Yours faithfully,

(Atulya Kumar Naik)  
Addl. General Manager (PS)