

No. 23/03/2022-R&R
Government of India
Ministry of Power

Shram Shakti Bhawan, Rafi Marg,
New Delhi, 12th May, 2023

To

1. The Chairperson, Central Electricity Authority, R. K. Puram, New Delhi
2. CMD, PFC Ltd New Delhi
3. CEO, PFCCL, New Delhi

Subject: Amendments in the Revised Model Agreement for Procurement of Power under Medium Term on Finance, Own and Operate (FOO) Basis–Reg

Sir/Madam,

I am directed to refer the **Revised Model Agreement for Procurement of Power under Medium Term on Finance, Own and Operate (FOO) basis**, issued on 19th December, 2022 (Copy enclosed).

2. Based on the suggestions received from some of the stakeholders, certain amendments are hereby made in the said Model Agreement as follows:

i. The Footnote \$\$ of Schedule-E-Letter of Credit

“\$\$ As provided in the Agreement for Procurement of Power, this amount shall be equal to 20% of the annual Capacity Charge payable by the Utility to the Supplier for Normative Availability of the power station during a period of one month. The Letter of Credit shall be modified and renewed once every year to reflect the revision in Monthly Payment in accordance with the provisions of the Agreement.”

Shall be substituted as under:

“\$\$ The Letter of Credit shall be modified and renewed once every year to reflect the revision in Monthly Payment in accordance with the provisions of the Agreement”

- ii. The Para 11.4.4 of Model Power Purchase Agreement given below shall be deleted:

~~“11.4.4 .In the event that any shortfall in supply of electricity to the Utility occurs on account of shortage of Fuel, Availability shall be deemed to be reduced in accordance with the provisions of Clause 11.5.3. Provided, however, that the Non-Availability arising as a consequence of shortage of Fuel caused by any event of Force Majure shall, for the purpose of payment of Fixed Charge, be deemed to be availability to the extent of 30% (thirty per cent) of the Non-Availability hereunder.”~~

3. This issues with the approval of competent authority.

Yours faithfully,

Encl:- As above


(Narendra Kumar)
Director
Tele No. 2373 6275

Copy to:

1. Secretary, Power/ACS of all the States/UTs
2. Secretary, CERC, SERCs and JERC

Copy for information to:-Sr. PPS to Secy.(P), PPS to JS(Thermal) , PSO to CE(R&R)