

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 345/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 and Article 16.3.1 of the Power Purchase Agreements dated 28.11.2019 for the development of 390 MW (2x195 MW) ISTS connected Wind-Solar Hybrid power project(s), entered between Adani Hybrid Energy Jaisalmer One Limited (earlier known as Adani Green Energy Eighteen Limited, an SPV of Mahoba Solar (UP) Private Limited) and Solar Energy Corporation of India Ltd. seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law events.

Date of Hearing : 16.3.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Adani Hybrid Energy Jaisalmer One Limited (AHEJOL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Parties Present : Shri Amit Kapur, Advocate, AHEJOL
Ms. Priyakshi Bhatnagar, Advocate, AHEJOL
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking reliefs for the Change in Law events viz. (i) imposition of Safeguard Duty on the solar cell whether or not assembled in modules or panels, (ii) increase in rate of Basic Custom Duty on solar inverters, (iii) increase in Goods and Service Tax on renewable energy devices & parts, and (iv) imposition of requirement to install bird diverters and underground cables as per the directives of Hon'ble Supreme Court in Order dated 19.4.2021 in IA No. 85618 of 2020 in M.K Ranjitsinh v. Union of India ('GIB Order'), all of which have occurred after the last date of submission of bid i.e. 20.11.2018. learned counsel also pointed out that in the petition, the last date of bid submission has been inadvertently mentioned as 20.9.2018 instead of 20.11.2018 and the Petitioner may be permitted to rectify the same.

2. In response to the specific query of the Commission with regard to the dedicated transmission line built by the Petitioner, learned counsel for the Petitioner submitted that in terms of Article 4.1 of the Power Purchase Agreements, the Petitioner was also responsible for connecting the Project switchyards with the interconnection facilities at the Delivery Point and thus, the Petitioner's obligations under the PPAs were not only confined to construction of Power Plant but also

included laying of transmission line and other interconnection facilities. Learned counsel further submitted since the Petitioner's Project and Project locates is falling with the region covered by the GIB order, in compliance with the said order, the Petitioner had to install bird diverters and lay the transmission lines underground.

3. Learned counsel for the Respondent No.1, SECI accepted the notice and sought time to file reply to the petition.

4. After hearing the learned counsel for the Petitioner and the Respondent, SECI, the Commission directed as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder within two weeks thereafter.

(c) The Petitioner to file the following details on an affidavit within two weeks:

(i) Route-map of the Petitioner's dedicated transmission line(s) clearly depicting the overhead segment, underground segment, GIB habitat areas, etc.; and

(ii) Recommendations of Committee constituted by Hon'ble Supreme Court by GIB Order in respect of the Petitioner's dedicated transmission lines.

iii) COD of the Petitioner's dedicated transmission line.

(d) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

5. The Petition shall be listed for hearing on 8.6.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**