

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 31/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 and Article 16.3.1 of the Power Purchase Agreement dated 21.01.2020 for the development of 300 MW ISTS connected Wind-Solar Hybrid power project, entered between Adani Hybrid Energy Jaisalmer Three Limited (earlier known as Adani Green Energy Nine Limited, an SPV of Adani Renewable Energy Park (Gujarat) 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 : 28.3.2023

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

Petitioner : Adani Hybrid Energy Jaisalmer Three Limited (AHE(J3)L)

Respondents : Solar Energy Corporation of India Ltd. (SECI) & Ors.

Parties present : Shri Amit Kapur, Advocate, AHE(J3)L
Ms Priyakshi Bhatnagar, Advocate, AHE(J3)L
Shri Subham Bhut, Advocate, AHE(J3)L
Ms. Tanya Sareen, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Shri Anand K Ganeshan, Advocate, PSPCL
Ms Kritika Khanna, Advocate, PSPCL

Record of Proceedings

Learned counsel for the Petitioner, Adani Hybrid Energy Jaisalmer Three Limited (AHE(J3)L), 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 the rate of BCD on trackers, (iv) 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. 14.5.2018. Learned counsel sought permission to place



on record the details of the transmission lines and recommendations of Committee, etc.

2. Learned counsel for Respondent No.1, Solar Energy Corporation of India Ltd. (SECI), submitted that out of five Change in Law events claimed by the Petitioner, two claims relating to Customs Duty are not allowable in terms of the provisions of Article 12.1.1 of the PPA.

3. Learned counsel for Respondent No.2, Punjab State Power Corporation Limited (PSPCL), accepted the notice and requested for four weeks to file its reply.

4. After hearing the submissions of the learned counsels for the Petitioner and the Respondents, the Commission ordered 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 four 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 and 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. Petition shall be listed for hearing on 22.6.2023.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)