

**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 : **11.10.2023**
- 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  
Shri Subham Bhut, Advocate, AHEJOL  
Shri Ravi Sinha, AHEJOL  
Shri Aditya Singh, Advocate, HPPC  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Anushree Bardhan, Advocate, SECI  
Ms. Surbhi Kapoor, Advocate, SECI  
Ms. Srishti Khindaria, Advocate, SECI  
Shri Aneesh Bajaj, Advocate, SECI

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking relief of the Change in Law events viz. (i) imposition of Safeguard Duty on the solar cell whether or not assembled in modules or panels @ 14.5% vide the Ministry of Finance's Notification No. 2/2020-Customs (SG) dated 29.7.2020, (ii) increase in rate of Basic Custom Duty on solar inverters to 20% vide the Ministry of Finances' Notification Nos. 7/2021-Customs and 3/2021-Cusotms dated 1.2.2021 and the Ministry of Finance's letter No. DOF No. 334/02/2020-TRU dated 1.2.2021, (iii) increase in Goods and Service Tax on renewable energy devices & parts to 12% vide the Ministry of Finance's Notification No. 8/2021-Central Tax (Rate) dated 30.9.2021 read with Ministry of Finance' (State of Rajasthan) Notification dated 30.9.2021, and (iv) imposition of a requirement to install bird diverters and underground cables as per the directives of the Hon'ble Supreme Court in Order dated 19.4.2021 in IA No. 85618 of 2020 in the case of M.K Ranjitsinh v. Union of

India ('GIB Order'). All these events occurred after the last date of submission of bid i.e. 20.11.2018.

2. Learned senior counsel for Respondent No.1, SECI submitted that, insofar as the Petitioner's Change in Law claims at Sr. (i) to (iii) above are concerned, SECI has no objection to them amounting to Change in Law events under the Power Purchase Agreements. Learned senior counsel further submitted that, as regards the Petitioner's Change in Law claim at Sr. (iv), the Commission, vide Record of Proceedings for the hearing dated 16.3.2023 had directed the Petitioner to furnish certain details in relation thereto. However, the Petitioner has not furnished all the requisite details as called for by the Commission in the said Record of Proceedings. Learned senior counsel submitted that the Petitioner has also not furnished the recommendation & decision of the Committee (constituted by the Hon'ble Supreme Court under the GIB Order) with regard to the Petitioner's Projects including its existing transmission lines.

3. In response, the learned counsel for the Petitioner submitted that, by affidavit dated 17.7.2023, the Petitioner has already filed the details as called for by the Commission vide Record of Proceedings for the hearing dated 16.3.2023. Learned counsel further referred to the route map of the Petitioner's 220 kV and 33 kV lines vis-à-vis GIB demarcated area and submitted that, upon passing the GIB Order, the Petitioner took the necessary action and immediately installed the bird diverters on the 220 kV and portion of the 33 kV lines which were already erected by that time, and the Petitioner further executed the remaining 9 km portion of the 33 kV line as an underground line in compliance with the directions issued by the Hon'ble Supreme Court. As regards, the recommendation of the Committee to the Petitioner's existing/already erected transmission lines, the learned counsel sought liberty to seek necessary instructions in this regard. Learned counsel submitted that if the Commission so directs, the Petitioner will also furnish the additional details as may be required in this regard. The Commission directed the Petitioner to file the recommendations of the Committee (constituted by the Hon'ble Supreme Court under the GIB Order), if any, with regard to the Petitioner's project on an affidavit within three weeks.

4. Learned counsel for the Respondent, HPPC, sought liberty to file written submissions in the matter.

5. The Commission permitted the Respondent, HPPC, to file its written submissions in the matter within three weeks.

6. The Petition will be listed for hearing on **20.12.2023**.

**By order of the Commission**

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