

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 197/MP/2023

- Subject** : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law event on account of Hon'ble Supreme Court of India's Order dated 19.04.2021 in Writ Petition (Civil) No. 838 of 2019 titled M.K. Ranjitsinh & Ors. v. Union of India & Ors. whereby it has issued certain directions in terms of which all existing and future overhead low and high voltage power lines in the Priority and Potential habitats of Great-Indian Bustard are necessarily required to be laid under-ground, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 between M/s Azure Power Maple Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing** : 3.8.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Azure Power Maple Private Limited (APMPL)
- Respondents** : Solar Energy Corporation of India Limited & Anr.
- Parties present** : Ms. Mannat Waraich, Advocate, Azure Power
Shri Mridul Gupta, Advocate, Azure Power
Ms. Ananya Goswami, Advocate, Azure Power

Record of Proceedings

Learned counsel for Azure Power Maple Private Limited (APMPL) submitted that the Hon'ble Supreme Court vide order dated 19.4.2023 in Writ Petition (Civil) No. 838 of 2019 directed the Petitioner to takes steps to install bird diverters in the existing overhead power lines and further to conduct feasibility of laying underground cables in all future cases for installation of transmission lines. She submitted that the directions of the Hon'ble Supreme Court amounts to 'change in law' event and, therefore, the prayer to compensate the Petitioner for the increase in the expenditure incurred by the Petitioner towards installation of bird diverters as provided in the PPA has been made.



2. After hearing the learned counsel for the Petitioner, the Commission directed as follows:

- a. Admit.
- b. Issue notice to the Respondents.
- c. The Respondents to file their reply, on an affidavit by 1.9.2023, with an advance copy to the Petitioner and
- d. The Petitioner to file its rejoinder, if any, by 25.9.2023.

3. The Commission also observed that the parties should adhere to the timeline specified for filing the reply and rejoinder.

4. The petition be listed for hearing tentatively on 15.11.2023.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

