

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.214/AT/2023

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for 600 MW Solar Power Projects (Tranche VIII) connected to the Inter-State Transmission System (ISTS) and selected through competitive bidding process as per the guidelines of the Government of India.
- Date of Hearing : **5.12.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Energy Corporation of India Limited (SECI).
- Respondents : SBE Renewables Fifteen Private Limited and 4 Ors.
- Parties Present : Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Shirsas Saraswati, Advocate, SECI
Shri Hemant Singh, Advocate, ASEJPL
Shri Lakshyajit Singh, Advocate, ASEJPL
Shri Mridul Chakravarty, Advocate, ASEJPL
Shri Ayush Raj, Advocate, ASEJPL
Ms. Alchi Thapliyal, Advocate, ASEJPL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that subsequent to the filing of the present Petition, SECI has signed the Power Sale Agreements (PSAs) dated 13.10.2023 with TANGEDCO for another 500 MW and on the basis of the said PSAs, SECI has signed the Power Purchase Agreement (PPA) with Eden Renewable Alma Private Limited on 28.11.2023 for 300 MW and the PPA dated 14.11.2023 with Renew Surya Vihaan Private Limited (SPV of Bidder- Renew Solar Power Private Limited) for 200 MW. As on date, SECI has signed the PPAs and the PSAs for 1100 MW tied up capacity out of the 1200 MW capacity. The learned counsel submitted that the Petitioner has already filed a revised memo of parties impleading them as a party to the Petition. The learned counsel submitted that SECI is in the process of signing the PPA and PSA for the remaining 100 MW capacity, and SECI will place on record the relevant PPA and PSA after the signing of the same.

2. Learned counsel for Respondent No.2, ASEJSPL submitted that the Respondent has already filed its reply in the matter. The learned counsel further submitted that the Commission, in its recent order dated 5.11.2023 in Petition No.224/AT/2023, did not recognize the Change in Law event spelt out by the Respondent in its written submissions. However, the Commission has proceeded to recognize the GIB Order of the Hon'ble Supreme Court as the Change in Law event during the tariff adoption stage in its order dated 8.3.2023 in Petition No. 245/AT/2022 even when there was no specific prayer of SECI for recognition of the said event as Change in Law nor was there any specific provision under the PPAs related to that particular Change in Law event. Learned counsel prayed before the Commission to consider for the same view as taken by this Commission in its order dated 8.3.2023 in Petition No. 245/AT/2022 regarding the Change in Law claims of the Petitioner and further prayed before the Commission for permission to file a short-written note of submissions in the matter and to place on record the certain judgements depicting that previous/older view taken by this Commission in its order dated 8.3.2023 in Petition No. 245/AT/2022 needs to be considered in the present claim of the ASEJSPL.

3. In response, learned counsel for the Petitioner submitted that the PPA does not provide any provision for considering the Change in Law claims of the Respondent, ASEJSPL at this stage. However, ASEJSPL can approach the Commission by a separate Petition for consideration of its Change in Law claims after adoption of the tariff in the present proceeding.

4. After hearing the learned counsel for the parties, the Commission permitted the parties to file their respective short written submissions, if any, within a week with a copy to the other side.

5. Subject to the above, the Commission reserved the matter for order.

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