

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.224/AT/2023

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for 334 MW Solar Power Plants connected to the Interstate Transmission System linked with Setting-up of Solar Manufacturing Plant, Selected through Competitive Bidding Process as per the Guidelines dated 3.8.2017 of the Central Government as amended from time to time and interpreted and modified by the Central Government vide subsequent communications.
- Date of Hearing : **9.10.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Energy Corporation of India Limited (SECI)
- Respondents : Azure Power India Private Limited and 5 Ors.
- Parties Present : Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Ms. Nikita Choukse, Advocate, BEST
Shri Hemant Singh, Advocate, AGETSAL
Shri Lakshyajit Singh, Advocate, AGETSAL
Shri Harshi Singh, Advocate, AGETSAL

Record of Proceedings

At the outset, learned counsel for Respondent No.4, Adani Green Energy Twenty-Six A Ltd. (AGETSAL), pointed out that the Respondent has neither been mapped on the e-filing portal of the Commission nor been served with a copy of the Petition. Accordingly, the learned counsel submitted that the Petitioner may be directed to map the Respondent on the e-filing portal of the Commission, and the Respondent may be permitted to file its reply in the matter. Learned counsel submitted that, by its reply, the Respondent wishes to bring on record certain Change in Law events that have occurred after the bid cut-off date and, consequently, their recognition as Change in Law events at the stage of adoption of the tariff itself.

2. Learned senior counsel for the Petitioner submitted that the Respondent has already been served with a copy of the Petition by e-mail. Learned senior counsel further submitted that the Commission vide its order dated 2.4.2022 in Petition No. 286/AT/2021 has already examined the entire bid process while adopting the tariff

for 8900 MW and by the present Petition, the Petitioner is seeking the adoption of the tariff for the additional 334 MW capacity that has been tied up after passing the aforesaid order. Learned senior counsel submitted that PPAs and PSAs to the above extent have already been signed and placed on the record. Learned senior counsel also submitted that, insofar as recognition of Change in Law events at this stage is concerned, the Commission, in its recent order dated 13.9.2023 in Petition No. 213/AT/2023 has refused to do so on the basis of the order of APTEL dated 31.7.2023 in Appeal No. 625 of 2023 and IA No. 1677 of 2023. Accordingly, the learned senior counsel submitted that any further oral hearing may not be required and the matter can be reserved for order while permitting the parties to file their respective written submissions, if any.

3. In response, the learned counsel for Respondent, AGETSAL, urged for one more oral hearing in the matter after affording the Respondent to file its reply in the matter. Learned counsel submitted that the order of APTEL dated 31.7.2023 was in the context of a dispute between the parties therein (i.e. in adjudicatory proceedings), whereas the present proceedings are regulatory in nature.

4. Learned counsel for Respondent No.5, BEST also sought liberty to file a reply in the matter.

5. Considering the above submissions, the Commission directed the Petitioner to ensure that all Respondents are properly mapped on the e-filing portal of the Commission. The Commission permitted the Respondents to file their replies, if any, on or before **13.10.2023** with a copy to the Petitioner who may file its rejoinder, if any, by **16.10.2023** thereafter.

6. The Petition will be listed for hearing on **18.10.2023**.

By order of the Commission

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