

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.282/MP/2023**

- Subject : Petition under Section 79 of the Electricity Act, 2003, and the Power Purchase Agreement dated 6.12.2018 executed between ACME Phalodi Solar Energy Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Power Purchase Agreement dated 6.12.2018 executed between ACME Raisar Solar Energy Pvt. Ltd. and Solar Energy Corporation of India Ltd. and the Power Purchase Agreement dated 7.12.2018 executed between ACME Deoghar Solar Power Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Power Purchase Agreement dated 7.12.2018 executed between ACME Dhaulpur Powertech Pvt. Ltd. and Solar Energy Corporation of India Ltd. seeking declaration that the condition of undergrounding of internal 33kV transmission lines pursuant to Order dated 19.4.2021 passed by the Hon'ble Supreme Court in WP(c) No. 838 of 2019 is a Change in Law event and directions to SECI to compensate the Petitioners towards the additional cost incurred due to such Change in Law event.
- Date of Hearing : **18.10.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioners : ACME Deoghar Solar Power Pvt. Ltd. and 4 Ors.
- Respondents : Solar Energy Corporation of India Limited and 7 Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, ACME  
Shri Girik Bhalla, Advocate, ACME  
Ms. Priyanka Vyas, Advocate, ACME

**Record of Proceedings**

Learned counsel for the Petitioners submitted that the present Petition has been filed, *inter alia*, seeking a declaration that undergrounding of low voltage internal lines (which includes 33 kV lines) passing through the Potential and Priority GIB habitat is a Change in Law event under the various Power Purchase Agreements entered into by the Petitioners with SECI and consequent direction to SECI to compensate the Petitioners for the additional cost incurred towards the aforesaid Change in Law event. Learned counsel submitted that the undergrounding of the power lines is pursuant to the mandate in terms of the Order dated 19.4.2021 passed by the Hon'ble Supreme Court in WP (c) No. 838 of 2019 (GIB Order).

2. In response to the specific query of the Commission with regard to the Projects of the Petitioners having achieved commercial operation, the learned counsel for the Petitioners submitted that the Projects of the Petitioners are substantially ready and are yet to achieve commercial operation due to certain

issue(s) relating to the charging of lines from the Pooling Station to the nearest ISTS substation.

3. In response to another query of the Commission with regard to the approval in respect of the Petitioners' 33 kV lines by the Committee constituted by the Hon'ble Supreme Court, learned counsel submitted that such Committee was required to examine only where the technical feasibility of the undergrounding of overhead lines was an issue, and since the concerned lines of the Petitioners were at low voltage levels (thus, being technically feasible to lay underground lines), the Petitioners were, in terms of the GIB Order, required to lay such lines by underground cables only.

4. After hearing the learned counsel for the Petitioner, the Commission ordered, as under:

(a) Admit. Issue notice to the Respondents.

(b) The Respondents to file their reply to the Petition, if any, within six weeks with a copy to the Petitioners, who may file their rejoinder, if any, within four weeks thereafter.

5. The Petition will be listed for hearing on **14.2.2024**.

**By order of the Commission**

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