

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.40/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 and Article 16.3.1 of the Power Purchase Agreement dated 21.1.2020 for the development of 300 MW ISTS connected Wind-Solar Hybrid power project, entered between Adani Hybrid Energy Jaisalmer Two Limited (earlier known as Adani Green Energy Seven Limited, an SPV of Adani Renewable Energy Park (Gujarat) 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 : **16.5.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Hybrid Energy Jaisalmer Two Limited (AHEJTL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Ms. Priyakshi Bhatnagar, Advocate, AHEJTL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Amal Nair, Advocate, SECI
Ms. Kritika Khanna, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed seeking reliefs for the Change in Law events viz. (i) increase in rate of Basic Custom Duty (BCD) on Solar Inverters from 5% to 20%, (ii) increase in rate of BCD on trackers from 5% to 7.5% due to withdrawal of Concessional Customs Duty, (iii) increase in Goods and Services Tax on 'renewable energy devices and parts' from 5% to 12%, and (iv) imposition of the requirement to install bid diverters 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. UoI, Writ Petition (Civil) No. 838 of 2019, all of which have resulted in additional expenditure to the Petitioner.

2. Learned senior counsel for the Respondent, SECI accepted the notice and sought time to file reply to the Petition. Learned senior counsel further pointed out that as per the provisions of the Power Purchase Agreement, Custom Duty on the imported equipment has been excluded from the scope of Change in Law.

3. After hearing the learned counsel for the Petitioner and the learned senior counsel for Respondent, SECI, the Commission ordered as under:
- (a) Admit. Issue notice to the Respondents.
 - (b) The Petitioner to serve copy of the petition on the Respondents and the Respondents to file their reply, if any, within four weeks with copy to the Petitioner who may file its rejoinder, within four weeks thereafter.
 - (c) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.
4. The Petition be listed for hearing on 20.9.2023.

By order of the Commission

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