

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.109/MP/2023**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Articles 12.2 of the Power Purchase Agreements dated 31.12.2019 for the development of 450 MW ISTS connected Wind-Solar Hybrid power project, entered between Adani Solar Energy Jaisalmer One Private Limited (formerly known as SBE Renewables Ten Projects Private Limited) and Solar Energy Corporation of India Ltd. seeking Change in Law compensation along with Carrying Cost.

Date of Hearing : **3.1.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Petitioner : Adani Solar Energy Jaisalmer One Private Limited (ASEJOP)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Parties Present : Shri Amit Kapur, Advocate, AHEJOL  
Ms. Sakshi Kapoor, Advocate, AHEJOL  
Ms. Priyakshi Bhatnagar, Advocate, AHEJOL  
Shri Subham Bhut, Advocate, AHEJOL  
Shri Ravi Sinha, AHEJOL  
Ms. Sonia Madan, Advocate, HPPC  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Anushree Bardhan, Advocate, SECI  
Ms. Surbhi Kapoor, 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) imposition of a requirement to install bird diverters as per the directives of the Hon'ble Supreme Court in Order dated 19.4.2021 in IA No. 85618 of 2020 in M.K Ranjitsinh v. UoI, (ii) increase in rate of Basic Customs Duty on solar inverters to 20% in terms of the Notifications of the Ministry of Finance, Government of India, and (iii) increase in Goods and Service Tax on renewable energy devices and plants from 5% to 12% in terms of the Notifications of the Ministry of Finance, Government of India.

2. Learned counsel for Respondent, HPPC, submitted that the Respondent has filed a separate Petition (Diary No. 540 of 2023), *inter alia*, seeking a declaration that abolition of Safeguard Duty w.e.f. 30.7.2021 is a Change in Law event and for a consequential compensation on account thereof in respect of the Project of the Petitioner involved in this case. Learned counsel, however, added that since the Petitioner has not made any claim regarding the imposition of Safeguard Duty as 'Change in Law' in the present case, there may not be any need to tag the Petition

filed by the Respondent with this case and the Commission may proceed to reserve while permitting the Respondent, HPPC to file its written submissions in present mater.

3. Considering the submissions made by the learned counsel for the Petitioner and the learned counsel for the Respondent, HPPC, the Commission permitted the Respondent, HPPC, to file its written submissions within a week, and the Petitioner may file its written submissions, if any, within a week thereafter.

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

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Joint Chief (Law)**