

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 202/MP/2023

Subject : Petition under Section 79(1)(b) &(f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 12 of Power Purchase Agreement dated 8.12.2021 seeking Working Group Report 2022 as Change in Law Event.

Petitioner : TP Saurya Limited (TPSL)

Respondents : Kerala State Electricity Board Limited (KSEBL) and Ors.

Petition No. 272/MP/2023

Subject : Petition under section 79(1)(a) & (f) of the Electricity Act, 2003, read with regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and article 12 of the power purchase agreement seeking Working Group Report, 2022 as a Change in Law event.

Petitioner : NTPC Limited (NTPC)

Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and Ors.

Petition No. 286/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 read with appropriate provisions of applicable law *inter-alia* seeking extension of time to comply with the directions of the Respondent No. 2 to install the required reactive power compensation device for the Petitioner's 300 MW solar power project situated at Village: Sonanda, Shekhasar, Bandhari, and Kesarpura, Tehsil Bap, District Jodhpur, Rajasthan; and consequently, restrain the Respondent No. 2 from taking coercive action against the Petitioner till such time.

Petitioner : Azure Power Maple Private Limited (APMPL)

Respondents : Northern Regional Load Despatch Centre (NRLDC) and Ors.

Petition No. 335/MP/2023

Subject : Petition under section 79(1)(a) & (f) of the electricity act, 2003 read with regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 10 of the Power Usage Agreements seeking Working Group Report, 2022 as Change in Law event.

Petitioner : NTPC Limited (NTPC)



Respondents : Southern Power Distribution Co. of Telangana Ltd. and Ors.

Petition No. 16/MP/2024

Subject : Petition under Section 79(1)(b) & (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 12 of the Power Purchase Agreement dated 30.10.2019 executed between the Petitioner and Solar Energy Corporation of India ("SECI"/Respondent No. 1") seeking declaration of the 'Report of the Working Group in respect of Data Submission Procedure and Verification of Compliance to CEA Regulation on Technical Standards for Connectivity to the Grid by RE Generators' ("Working Group Report, 2022") issued by the Central Electricity Authority as a Change in Law Event, and consequently devise an appropriate mechanism for compensation to the Petitioner along with carrying costs and interest on carrying cost.

Petitioner : Ostro Kannada Power Private Limited (OKPPL)

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

Petition No. 40/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 (Change in Law) of the Power Purchase Agreements dated 21.07.2017 executed for the development of 50 MW ISTS connected wind project between Adani Wind Energy Kutchh One Limited [Formerly known as Adani Green Energy (MP) Limited] and PTC India Limited, seeking relief for the additional expenditure incurred due to occurrence of Change in Law event.

Petitioner : Adani Wind Energy Kutchh One Ltd. (AWEKOL)

Respondents : PTC India Limited (PTCIL) and Ors.

Petition No. 81/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 of the Power Purchase Agreement dated 29.12.2017 for the development of 50 MW ISTS connected wind project between Adani Wind Energy Kutchh One Limited [Formerly known as Adani Green Energy (MP) Limited] and Solar Corporation of India Limited seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law event.

Petitioner : Adani Wind Energy Kutchh One Ltd. (AWEKOL)

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

Petition No. 82/MP/2024



Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 of the Power Purchase Agreements dated 25.10.2019 for the development of 250 MW ISTS connected wind project between Adani Wind Energy Kutchh Three Limited [Formerly known as Adani Green Energy Three Limited] and Solar Energy Corporation of India Ltd. seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law event.

Petitioner : Adani Wind Energy Kutchh Three Ltd. (AWEKTL)

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

Petition No. 25/MP/2024

Subject : Petition under section 79(1)(a) & (f) of the Electricity act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 10 of the Power Usage Agreements seeking Working Group Report, 2022 as Change in Law Event.

Petitioner : NTPC Green Energy Limited (NGEL)

Respondents : Southern Power Distribution Co. of Telangana Limited and Ors.

Petition No. 43/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 of the Power Purchase Agreement dated 19.11.2019 entered between Adani Wind Energy Kutchh Five Limited (formerly known as Adani Green Energy Five Limited) and Solar Energy Corporation of India Ltd. seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law event.

Petitioner : Adani Wind Energy Kutchh Five Limited (AWEKFL)

Respondents : Solar Energy Corporation of India Limited and Ors.

Petition No. 49/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003; read with applicable provisions of Power Purchase Agreement dated 14.09.2021 executed between the Petitioner and the Respondent No. 1 and the relevant provisions of the applicable law inter alia seeking Change in Law claims with respect to the mandate of installing reactive power compensation devices for the Petitioner's 300 MW Wind Power Project in Gadag, Karnataka and reliefs for seeking extension of time to comply with the aforesaid requirements.

Petitioner : Ayana Renewable Power Six Private Limited (ARPSPL)

Respondents : Solar Energy Corporation of India Limited and Ors.



Petition No. 57/MP/2024

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Article 12 of Power Purchase Agreement dated 21.10.2016 seeking in-principle approval of the occurrence of Change in Law events, i.e., issuance of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) (Amendment) Regulations, 2019 and the Working Group Report, 2022.

Petitioner : Tata Power Renewable Energy Limited (TPREL)

Respondents : Solar Energy Corporation of India Limited and Ors.

Petition No. 139/MP/2024

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Regulation 65 of the CERC (Conduct of Business) Regulations, 2023 and Article 17 of Power Purchase Agreements dated 25.11.2021 seeking in-principle approval of the occurrence of Change in Law event, i.e., issuance of the Working Group Report, 2022.

Petitioner : Talettutayi Solar Projects Nine Private Limited (TSPNPL)

Respondents : M. P Power Management Co. Limited and Ors.

Date of Hearing : **28.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Venkatesh, Advocate, TPSL, NTPC, NGEL, TPREL & TSPNPL
Shri Suhael B., Advocate, TPSL, NTPC, NGEL, TPREL & TSPNPL
Ms. Priya D., Advocate, TPSL, NTPC, NGEL, TPREL & TSPNPL
Shri Nikunj B., Advocate, TPSL, NTPC, NGEL, TPREL & TSPNPL
Ms. Drishti Rathi, Advocate, TPSL, NTPC, NGEL, TPREL & TSPNPL
Shri Aniket Prasoon, Advocate, APMPL & ARPSPL
Shri Aman Sheikh, Advocate, APMPL & ARPSPL
Ms. Archita Kashyap, Advocate, APMPL & ARPSPL
Shri Mridul Gupta, Advocate, OKPPL
Ms. Poonam V Sengupta, Advocate, AWEKOL, AWEKTL & AWEKFL
Ms. Sakshi Kapoor, Advocate, AWEKOL, AWEKTL & AWEKFL
Shri Pradyumn Sharma, Advocate, AWEKOL, AWEKTL & AWEKFL
Shri M. G. Ramachandran, Sr. Advocate, CTUIL
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Shri Prabhas Bajaj, Advocate, KSEBL
Shri Rithvik Mathur, Advocate, KSEBL
Shri Aditya Singh, Advocate, UPPCL

Ms. Tanya Sareen, Advocate, UPPCL
Shri D Abhinav Rao, Advocate, Telangana Discoms
Shri Rahul Jajoo, Advocate, Telangana Discoms
Shri Anand Ganesan, Advocate, RUVITL
Shri Amal Nair, Advocate, RUVITL
Ms. Shivani Verma, Advocate, RUVITL
Shri Keshav Gaur, Advocate, PTCIL
Shri Ravi Kishore, Advocate, PTCIL
Ms. Shikha Ohri, Advocate, SECI
Ms. Ritika Singh, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Ms. Mandakini Ghosh, Advocate, SECI
Shri Rahul Ranjaj, Advocate, SECI
Ms. Abhiha Zaidi, Advocate, WRLDC/GCIL
Shri Anuj Bhave, Advocate, WRLDC/GCIL
Shri Hitendra Nath Rath, Advocate, GRIDCO
Ms. Laxmi, Advocate, GRIDCO
Shri Udit Gupta, Advocate, AP Discoms
Shri Anup Jain, Advocate, AP Discoms
Shri Vyom Chaturvedi, Advocate, AP Discoms
Ms. Pragya Gupta, Advocate, AP Discoms
Ms. Nishtha Goel, Advocate, AP Discoms
Shri Amarnath Sahoo, Advocate, AP Discoms
Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL
Shri Alok Mishra, NLDC
Shri Asohk Rajan, NLDC
Shri Rahul Shukla, NLDC
Shri Sunil Kannaujia, NLDC
Shri A K Yadav, NLDC
Shri Asif, NLDC
Shri Abhishek Anand, NPCL

Record of Proceedings

Since all these Petitions involved a common issue, i.e., whether the Working Group Report 2022 constitutes a Change in Law event under the Power Purchase Agreement(s), they are taken up together for the hearing.

2. Learned counsels for both sides in these cases fairly agreed that, keeping in view the common issue involved, these cases may be heard together. However, they also pointed out that some of these cases may involve case-specific issue(s), which may be taken up after hearing the common issue. Learned counsels also suggested that for the sake of convenience, the parties may frame the common issue(s) and also the case-specific issues that need to be addressed in these cases. Additionally, the parties may also tender a common compilation of documents to be referred to while addressing the common issues involved.

3. Learned counsel for the parties in Petition Nos. 202/MP/2023, 272/MP/2023, and 286/MP/2023 also submitted that although these matters also involve a maintainability issue, the Commission may proceed to deal with the aspects of maintainability as well as merits together.

4. Learned counsel for the parties also submitted that the parties may be permitted to complete the pleadings in these cases if not already done so.

5. Considering the submissions made by the learned counsel for the parties, the Commission directed as under:

(a) The Respondents to file their respective replies, if not filed already, within four weeks with a copy to the Petitioner, who may file its rejoinder(s) within three weeks thereafter.

(b) The parties, after the necessary coordination at their end, are also at liberty to file the common as well as case-specific issue(s) involved in these cases and also a common compilation of documents one week before the next date of the hearing.

6. The Commission directed the parties except in Petition No. 286/MP/2023 to file the following information on an affidavit within four weeks with a copy to the Respondent:

(a) The following information with the relevant supporting documents:

RE plant Particulars						
Project Details	Project Name					
	Installation Capacity (in MW)					
	Bid Cut-Off Date					
	SCOD					
	COD (date-wise with capacity declared COD)					
	Technology (Solar/Wind/Hybrid)					
	Project Location					
Nearest IMD Station						
		Design Parameters				
Parameter			Considered while bidding	As per CEA Regulations	As per WGR report	Corresponding clause of applicable CEA regulation and WGR
Point of Reference						
Point of Interconnection (POI)						
Ambient Temperature considered	Temperature (°C)					
	Basis for consideration of such temperature					
Temperature extreme considered	Temperature (°C)					
	Basis for consideration of such temperature					
Rated active power at ambient and at extreme temperature						
Reactive power						

capability at Rated active output at ambient and at extreme temperature						
Reactive Power Capability* at temperature extreme	Dynamic	Capacity (MVar)				
		Equipments ^{\$}				
	Static	Capacity (MVar)				
		Equipments ^{\$}				
Particular			Considered while bidding	Post WGR 2022		
Financial implication against Reactive Power equipments (Copy of Purchase Orders to be enclosed, where placed) in Rs crore	Towards installation of Dynamic compensation devices					
	Towards installation of Static compensation devices					
Date of submission of Reactive Power study report to CTUIL/ concerned RLDC #						
Status of Compliance to Reactive Power Capability						
* - Provide supporting study report, showing required MVar capability.						
^{\$} - Reactive Power support equipment's installed/planned to be installed (as per design) before Working Group Report, 2022 and additional equipment's installed/ to ithe nstalled after the Working Group Report, and financial impact thereof.						
[#] - Detailed Study Reports to be submitted.						

(b) Regulation B2(1) of the CEA (technical standards for Connectivity to the Grid) Regulations 2013 provides that the RE generating station shall be capable of supplying dynamically varying reactive power support to maintain the power factor within the limits of 0.95 lagging to 0.95 leading. Clarify whether the Petitioner's plant was compliant with the above requirement before the issuance of the working group report. If yes, what equipments were installed/ proposed to be installed (as per the design of the plant) by the Petitioner for meeting the requirement of the dynamic reactive power support and, if not, the reasons for the same.

(c) A copy of the relevant technical standards (IEC/IS standards) specifying the criteria for the design of the wind/ solar generators.

(d) Grid-India to file the following information on an affidavit in regard to the Petitioners project:

Project Details	Installed Capacity (in MW)			
	COD			
Project Particulars		Compliance status before issuance of Working Group Report	Changes, if any, after issuance of Working Group Report for compliance	Corresponding CEA Regulation
Temperature for compliance of Dynamic Reactive Power capability (in °C)				
Reactive Power Compensation device (in MVar)	Dynamic			
	Static			
Date of submission of Reactive Power compliance report				
Status of Compliance of Reactive Power Capability. *				

* Enclose the Action taken report in case of non-compliance.

Petition No: 202/MP/2023

7. The Petitioner is directed to file the following information on an affidavit within three weeks:

(a) The Petitioner, in its submission, has stated that the requirement for designing the solar generating station at 51 degrees against the existing design temperature considered of 50 degrees requiring a change in configuration of the project. Clarify the basis for consideration of the design temperature of 50 degrees. Also clarify the design temperature of inverters of its plant considered before the issuance of the working group report along with the documentary proof.

(b) According to the Petitioner, it has installed a capacitor bank and additional inverters (static devices) and has duly complied with the requirements of the working group report 2022. Clarify how it will meet the requirement of dynamically varying reactive power support, by way of installing a static compensation device.

(c) The Petitioner has submitted that it has installed a capacitor bank and additional inverters (static devices) and has duly complied with the requirements of the working group report 2022. In this regard, Grid-India is directed to submit a report within three weeks with regard to compliance with the provisions under the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007, and amendment thereof by the Petitioner.

Petition No: 272/MP/2023 and Petition No: 335/MP/2023

8. The Petitioners are directed to implead the Grid-India-NRLDC and CTUIL as a party to the present Petition and to file the revised memo of parties within a week. Grid-India-

NRLDC and CTUIL are directed to file their respective replies within three weeks with a copy to the Petitioners, who may file their rejoinders, if any, within two weeks thereafter.

Petition No: 286/MP/2023

9. The Petitioner is directed to submit on an affidavit within three weeks the current status of the project.

Petition No: 16/MP/2024

10. The Petitioner to implead the North Bihar Power Distribution Company Limited and South Bihar Power Distribution Company Limited as party to the present Petition and to file a revised memo of parties within a week. The impleaded Respondents are directed to file their respective replies within three weeks with an advance copy to the Petitioner, who may file its rejoinder within two weeks thereafter. According to the Petitioner, it has planned and executed the aforesaid Project in strict compliance with the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007, and its amendments thereof as it stood on the last date of the bid submission, i.e., 5.2.2019. The Petitioner has also submitted that the requirement for designing the inverters at 51 degrees centigrade as against the existing design temperature of 50 degrees centigrade is a new requirement. The Petitioner to submit on an affidavit within three weeks the basis for consideration of design temperature of 50 degrees centigrade.

Petition Nos. 40/MP/2024, 43/MP/2024, 81/MP/2024, and 82/MP/2024

11. The Petitioners to clarify on an affidavit within three weeks how the installation of 'Capacitor Bank' fulfils the requirement of providing dynamically varying reactive power support as per provision of the CEA (Technical Standard for connectivity to the Grid) Regulations and/ or CEA Working Group Report, 2022.

12. These Petitions will be listed for hearing on **16.1.2025**.

By order of the Commission

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