

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.91/MP/2024

- Subject : Petition under section 79 of the Electricity Act 2003 before this Commission for (i) an in-principle approval of certain events as events of Change in Law and (ii) an appropriate mechanism for appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events in terms of Article 12 of the Power Purchase Agreements signed between the Petitioners and Solar Energy Corporation of India Limited along with carrying cost and interest on carrying cost.
- Petitioners : ACME Deoghar Solar Power Pvt. Ltd. and Ors.
- Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.
- Date of Hearing : **21.1.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Mannat Waraich, Advocate, ACME
Ms. Ananya Goswami, Advocate, ACME
Ms. Shikha Ohri, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Shri Anand Shrivastava, Advocate, TPDDL
Shri Shivam Sinha, Advocate, TPDDL
Shri Ravi Nair, Advocate, TPDDL
Shri Devyanshu Sharma, Advocate, TPDDL
Shri Ashutosh Kumar, Advocate, Bihar Discoms
Shri Manish Kumar, Advocate, Bihar Discoms
Shri Vijayendra Pratap Singh, Advocate, BYPL
Ms. Urvashi Mishra, Advocate, BYPL
Shri Suneel Kumar, Advocate, BYPL
Shri Aditya Jalan, Advocate, BRPL
Ms. Khushi Mittal, Advocate, BRPL

Record of Proceedings

At the outset, the learned counsel for the Petitioners submitted that pursuant to the liberty granted by the Commission vide Record of Proceedings for the hearing dated 28.11.2024, Respondent Nos. 6 & 7 have filed their replies, and the Petitioners have also filed their rejoinders thereof.

2. Learned counsel for Respondent Nos. 6 & 7 submitted that the Respondents have also filed their note of arguments, and the Respondents are opposing the instant Petition. Learned counsel sought to point out that Petitioner No.3 has failed to disclose that after June, 2018, i.e., the last date of bid submission, there has been a drastic decline in the price of Solar PV Modules (more than 57%). Whereas, learned counsel for Respondent

No. 8, TPDDL, and Respondent No. 3 & 4, Bihar Discoms, sought liberty to file their replies in the matter.

3. In response to the Commission's specific query regarding the provision in which the Petitioner is seeking in-principle approval of certain Change in Law events. In response, the learned counsel for the Petitioner submitted that the instant Petition was filed way back in February 2024, and at the time of filing of the Petition, the Projects were in the implementation stage. However, the Petitioner's two Projects have already achieved the commercial operation; the balance two are expected to be commissioned very shortly. Therefore, there is no question of seeking in-principle approval now.

4. After hearing the learned counsels for the parties, the Commission directed as under:

(a) The Petitioner to amend its prayers, if required, within a week;

(b) Since the Projects of the Petitioners have already achieved the commercial operation and/or are on the verge of achieving the commercial operation, the Petitioners to file the details of the actual impact incurred by the Petitioner(s) on account of the Change in Law events so claimed, supported by the auditor certificate on an affidavit, within a week.

(c) The Respondents are to file their respective replies to the Petition, if not filed already, and the information to be furnished by the Petitioner as above, within three weeks thereafter. The Petitioners may file their rejoinder(s), if any, within two weeks thereafter.

5. The Petition will be listed for hearing on **20.3.2025**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)