

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 204/MP/2026

Subject : Petition under Sections 61, 63, 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 and Article 12 of Power Purchase Agreement dated 05.10.2020 (PPA) and Supplementary PPA dated 16.07.2021 for approval of Change in Law events and seeking a corresponding declaration and consequential relief in the form of compensation on account of the Change in Law events, in terms of the PPA.

Petitioner : ABC Renewable Energy (RJ-02) Private Limited (ABC RJ 02)

Respondents : NHPC Limited and Anr.

Date of Hearing : **27.5.2026**

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

Parties Present : Shri Deep Rao, Advocate, ABC RJ 02
Ms. Shikha Sood, Advocate, ABC RJ 02
Ms. Iqra Khan, Advocate, ABC RJ 02

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed seeking (a) declaration and approval of Change in Law events under Article 12 of the Power Purchase Agreement dated 05.10.2020 (PPA) and Supplementary PPA dated 16.07.2021 (Supplementary PPA); and (b) consequential relief to the Petitioner, being payment of compensation on account of the said Change in Law events, including carrying cost and time value of money, on account of the various Change in Law events that have occurred after the Bid Deadline and have materially affected the Project's capital cost and operational cost. The learned counsel submitted that of the four Change in Law events claimed the Petitioner, three of them, namely, increase in GST rates, imposition of BCD, Social Welfare Surcharge and Agriculture Infrastructure and Development Cess, and the direction for mandatory installation of bird diverters in terms of the Hon'ble Supreme Court's order dated 19.4.2021 in WP (C) No. 838 of 2019, have already been recognised/ approved as Change in Law events by the Commission in several orders, including in order dated 11.5.2024 in Petition No. 381/MP/2023 (Altra Xergi Power Private Ltd. v. NHPC and Anr.), wherein the provisions of the PPA are identical to the current one as both the Projects are set-up under the same tender and the only additional Change in Law event claimed by the Petitioner in this Petition is the imposition of GST @ 18% on land lease rent paid by the Petitioner to the landowners. The learned counsel also added that the Petitioner has already furnished an auditor certificate and the relevant invoices/ receipts

demonstrating the additional expenditure incurred by the Petitioner due to the above Change in Law events, and if at all, the Respondents require any particular information not provided already, they may be asked to point out the same.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notice to the Respondents.

(b) The Respondents to file their replies, if any, within six weeks with a copy to the Petitioner, who may file its rejoinder(s), if any, within four weeks thereafter.

(c) As requested by the Petitioner, the Respondents may also point out in their respective replies any specific information/ clarification they require regarding the Petitioner's Change in Law claims/ compensation.

3. The Petition will be listed for hearing on **25.8.2026**.

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