

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 282/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003, and the Power Purchase Agreement dated 6.12.2018 executed between ACME Phalodi Solar Energy Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Power Purchase Agreement dated 6.12.2018 executed between ACME Raisar Solar Energy Pvt. Ltd. and Solar Energy Corporation of India Ltd. and the Power Purchase Agreement dated 7.12.2018 executed between ACME Deoghar Solar Power Pvt. Ltd. and Solar Energy Corporation of India Ltd., the Power Purchase Agreement dated 7.12.2018 executed between ACME Dhaulpur Powertech Pvt. Ltd. and Solar Energy Corporation of India Ltd. seeking declaration that the condition of undergrounding of internal 33kV transmission lines pursuant to Order dated 19.4.2021 passed by the Hon'ble Supreme Court in WP(c) No. 838 of 2019 is a Change in Law event and directions to SECI to compensate the Petitioners towards the additional cost incurred due to such Change in Law event.

Petitioner : ACME Deoghar Solar Power Private Limited and 4 Ors.

Respondents : Solar Energy Corporation of India Limited (SECI) and 7 Ors.

Date of Hearing : **13.8.2026**

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

Parties Present : Shri Vishrov Mukherjee, Advocate, ACME
Shri Girik Bhalla, Advocate, ACME
Ms. Priyanka Vyas, Advocate, ACME
Shri Anand Shrivastava, Advocate, TPDDL
Ms. Poorva Saigal, Advocate, HPPC
Ms. Pallavi Saigal, Advocate, HPPC
Ms. Shree Dwivedi, Advocate, HPPC
Shri Manish Kumar Choudhary, Advocate, BSPHCL
Shri Ashutosh Kumar, Advocate, BSPHCL
Ms. Shrishti Choudhary, Advocate, BSPHCL
Ms. Anusha Nagarajan, Advocate, SECI
Ms. Aakansksha Bhola, Advocate, SECI

Record of Proceedings

At the outset, the learned counsel for the Petitioners reiterated the background of the Petition and made detailed submissions pertaining to the requirement of undergrounding of low voltage internal lines, including 33 kV lines, which, as per the Petitioners, qualifies as Change in Law in terms of the Hon'ble Supreme Court's GIB Order dated 19.4.2021. He further apprised that the Petitioners do not wish to file any rejoinder to the reply filed by the Respondent, HPPC, on 12.8.2026. He submitted that the Petitioners also undertake to furnish all requisite documents in support of their Change in Law compensation claims during the reconciliation stage.

2. Learned counsel for the Respondent, SECI, submitted that SECI's reply is already on record and the Commission may take a view on the same. She further submitted that annuity methodology ought to be followed in the matter and that the claims of expenditure incurred after the Hon'ble Supreme Court's order dated 21.3.2024 ought not to be allowed by the Commission; however, the claims arising during the pendency of the Petition may be considered. She also sought liberty to file written submissions in the matter.

3. Learned counsel for the Respondent, HPPC, submitted that while the Commission has held that the GIB order is a Change in Law event *qua* requirement of installation of bird diverters, the Petitioners, in the present case, have sought to claim compensation in respect of undergrounding of their internal 33kV lines passing from the inverter room to main control rooms, which is not covered by the GIB order. She insisted that the Petitioners, on their own, who had decided to underground the internal lines. She further sought liberty to file written submissions in the matter.

4. Learned counsel for the Respondent, TPDDL, submitted that the Petitioner has only placed on record purchase orders pertaining to Rs 13 crore; however, the Petitioner has not placed on record any documentary evidence of the cost incurred by the Petitioner. He further added that the Petitioner has achieved financial closure on 16.2.2021 and thus, the NGT order dated 23.12.2020 was applicable to the Petitioner. He also sought liberty to file its reply in the matter. He also added that the RfS was not location-specific, and did not require the Petitioners to set up the Project in the GIB area. The learned counsel also sought liberty to file a reply to the additional affidavit filed by the Petitioners.

5. Learned counsel for the Respondent, Bihar Discoms, adopted the submissions of the other Respondents in the matter and sought liberty to file written submissions in the matter.

6. In response to the specific query of the Commission, the learned counsel for the Petitioners also submitted that the internal lines of the Project, in respect of which the Change in Law claims are made, were not originally conceived as underground cables and sought liberty to clarify this aspect in the written submissions.

7. Based on the request of learned counsels for the Petitioner and Respondents, the Commission permitted them to file their respective written submissions/ reply in the matter within two weeks.

8. Subject to the above, the matter was reserved for order.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)