

**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 33 kV 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 : **24.4.2026**

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

Parties Present : Ms. Suparna Shrivastava, Advocate, ACME
Shri Girik Bhalla, Advocate, ACME
Ms. Priyanka Vyas, Advocate, ACME
Shri Anand Shrivastava, Advocate, TPDDL
Shri Ankit Bhandari, Advocate, TPDDL
Shri Kshitij, 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. Anusha Nagarajan, Advocate, SECI
Shri Rahul Ranjan, Advocate, SECI

Record of Proceedings

At the outset, the learned counsel for the Respondent, Haryana Utilities, while apprising of the subsequent developments, submitted that the Hon'ble Supreme Court in its judgment dated 19.12.2025 in WP(C) No. 838 of 2019 has categorically distinguished the potential area and priority areas. The areas in which the Petitioners' solar power plants are now entirely excluded from the purview of the GIB order, and there was no requirement for undergrounding of lines. Learned counsel sought liberty to place on record the said judgment of the Hon'ble Supreme Court.

2. Learned counsel for the Petitioners mainly recapitulated the background of the Petition and mainly submitted as under:

- a) The undergrounding of power lines is pursuant to the mandate in terms of the Order dated 19.4.2021 passed by the Hon'ble Supreme Court in WP(C) No. 838 of 2019 ('GIB Order'). The undergrounding of low voltage internal lines, including 33 kV lines, qualifies as a Change in Law under Article 12 of the PPA and Rule 3 of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules, 2021') since the requirement of undergrounding transmission lines was not mandatory as on the last date of submission of the bids.
- b) As per the GIB order, the preservation is done by undergrounding the powerlines, and if the cost is incurred in such undergrounding, the same is permissible to be passed for that portion of such expenses to the ultimate consumer, subject to approval of the Competent Regulatory Authority.
- c) The Supreme Court has directed that where there are existing powerhead lines, divertors are to be installed, and for all future cases of transmission lines, a study shall be conducted on the aspect of the feasibility of undergrounding such lines. All low-voltage power lines in priority and potential areas of GIB shall be laid underground in future. All existing low-voltage powerlines in priority and potential areas should be converted into underground powerlines.
- d) The expert committee was also constituted by the Ministry of Power under the Chairmanship of Member-CEA, for the preparation of a report on the technical feasibility of a transmission system that can be installed in GIB areas in compliance with the GIB Order. The said Committee in its report highlighted that undergrounding of 66kV & above was not feasible. In respect of 33 kV and below lines used for short distances, the Committee noted that undergrounding is feasible and can be adopted for distances governed by power handling capacity and voltage regulations.
- e) In compliance with the GIB order dated 19.4.2021, the Petitioners have laid underground lines connecting the inverter control room to the main control room by using cables. Before the GIB order, the Petitioner had planned for the said lines as overhead lines using conductors.
- f) The original plan involved 106.46 km of 33 kV overhead transmission lines using conductors. However, to match the transmission capacity using underground

cables, the total required cable length was increased to approx. 322.55 km, roughly three times the original, leading to higher costs. The Petitioner had originally envisaged Rs 26.08 crores, however, after the GIB order the Petitioners incurred Rs 74.22 crores for undergrounding. Hence, the Petitioner has sought the differential additional cost of Rs 48.14 crores on the ground of change in law. The total cost incurred for undergrounding of the entire 33 kV line from ICR to MICR is Rs 764.21 crores for the entire 1200 MW capacity.

- g) As per the MoP affidavit, the cost of each bird divertor is Rs 3000/- (including installation) and that the same would be a recurring expenditure to be incurred every 3-4 years.
- h) Reliance was placed on the order dated 3.5.2024 in Petition No. 197/MP/2023 to submit that the Petitioner is entitled to additional expenditure in compliance with SC GIB order as a Change in Law event as per Article 12 of the PPA, and the Petitioner has to carry out a one-to-one correlation in case the Commission directs. Regarding the issue of mode of payment, a one-time payment may be granted to the Petitioner.

3. Learned counsel for the Respondent, TPTDL, sought liberty to place on record the judgment dated 19.12.2025 and other additional important documents and argue the matter on the next date of hearing.

4. Learned counsel for the Respondent, Haryana Utilities, also submitted that the Petitioner has not placed on record any details pertaining to the commencement of the undergrounding of lines, the order details and as to when the work was finished. Learned counsel further submitted that the Petitioner has not placed on record the cost-benefit analysis to show that the Petitioner has incurred additional costs of around Rs. 48.14 crore.

5. After hearing the learned counsel for the parties, the Commission directed the Petitioner to furnish the following information:

(a) A chart mapping the chronology of events vis-à-vis the activities undertaken by the Petitioners for the development of the Projects.

(b) To confirm whether the Committee constituted in terms of the SC GIB Order had permitted any developer to lay 33 kV overhead lines with bird diverters in the GIB Potential area.

6. The matter remained part-heard and will be listed for the hearing on **11.6.2026**.

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