

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 320/MP/2025

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate mechanism for appropriate compensation to offset financial impact of Change in Law events on account of Hon'ble Supreme Court of India's Order dated 19.4.2021 passed in Writ Petition (Civil) No. 838 of 2019 titled MK Ranjithsinh & Ors. v. Union of India & Ors. and Order dated 19.3.2024 passed in Writ Petition (Civil) No. 1312 of 2023 titled ACME Solar Holdings Private Limited & Ors. v. Union of India & Ors. whereby pursuant to the directions issued the Petitioners have incurred additional expenditure, in terms of Article 12 of the Power Purchase Agreements executed between the Petitioners and Solar Energy Corporation of India Limited.

Petitioner : ACME Solar Holdings Limited (ACME) and Ors.

Respondent : Solar Energy Corporation of India (SECI) & 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. Mannat Waraich, Advocate, ACME
Ms. Ananya Goswami, Advocate, ACME
Ms. Poorva Saigal, Advocate, HPPC
Ms. Pallavi Saigal, Advocate, HPPC
Ms. Shree Dwivedi, Advocate, HPPC
Shri Anand K. Shrivastava, Advocate, TPDDL
Shri Ankit Bhandari, Advocate, TPDDL
Shri Kshitij Ujala, Advocate, TPDDL
Ms Anusha Nagarajan, Advocate, SECI
Shri Rahul Ranjan, Advocate, SECI

Record of Proceedings

The learned counsel for the Petitioners submitted that the instant Petition has been filed *inter alia* seeking compensation on account of Change in Law events on account of two orders passed by the Hon'ble Supreme Court, viz. (i) Order dated 19.4.2021 in WP(C) No. 838 of 2019 titled as M K Ranjitsinh & Ors. v. Union of India & Ors. ("GIB Order"), which mandated the installation of bird diverters on the Petitioners' existing 400 kV transmission lines, and (ii) Order dated 19.3.2024 in Writ Petition (Civil) No.1312 of 2023 titled as Acme Solar Holdings Pvt. Ltd & Ors. v. Union of India & Ors., which mandated re-routing of the Petitioners' existing transmission lines. The learned counsel further circulated her note of arguments and made detailed submissions on the aforesaid Change in Law events.



2. The learned counsel for Respondent No. 6, TPDDL, mainly submitted that, while the Commission has recognised the GIB Order as Change in Law, the claims based thereupon must establish one-to-one correlation with the projects and the invoices as supported by the auditor's certificate. The Petitioners have not submitted any invoice supported by an auditor's certificate, purchase order or any document showing that they had incurred the additional cost towards installation of bird diverters and re-routing of the transmission line during 19.4.2021 and 21.3.2024. The learned counsel also submitted that the bids invited by SECI were not location-specific, and that the Petitioners could have set-up the project anywhere in the State, and the successful bidder had the option to change the location of the project within the same State prior to the deadline of financial closure. The learned counsel further submitted that the Petitioners achieved financial closure on 16.2.2021, i.e., after the NGT order dated 23.12.2020 in OA No. 385 of 2019 directing the undergrounding of all existing and future powerlines. Thus, the Petitioners were aware of measures being taken to protect the GIB, and if they failed to factor in the cost of laying underground lines, they should have diligently exercised their right to change the location of their project to avoid the additional expenditure.

3. The learned counsel for the Respondent, HPPC, submitted that, while the Orders dated 19.4.2021 and 21.3.2024 passed by the Hon'ble Supreme Court would qualify as a Change in Law, the Petitioners need to provide the comprehensive and verifiable details establishing their impact to claim any Change in Law reliefs. However, the Petitioners have not furnished the requisite information and supporting documentation, as requested by the HPPC *vide* its reply dated 18.9.2025, to enable an informed assessment of the implications of the Hon'ble Supreme Court's GIB Order and Order dated 19.3.2024, in relation to the Petitioners' respective projects. The learned counsel also added that, as regards the installation of bird diverters in terms of the GIB Order, it is also not forthcoming whether the transmission lines of the Petitioners would qualify as 'existing lines' as envisaged in the GIB Order.

4. The learned counsel for the Respondent, SECI, submitted that SECI has already filed its reply in the matter, and the same may be considered by the Commission.

5. In response, the learned counsel for the Petitioner sought liberty to file an affidavit on the information/ details, as sought by the Respondents.

6. Considering the submissions made by the parties, the Commission directed the Petitioners to file their additional affidavit(s), as above, within three weeks, with a copy to the Respondents.

7. The Petition remained part-heard and will be listed for hearing on **7.7.2026**.

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