

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.109/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Articles 12.2 of the Power Purchase Agreements dated 31.12.2019 for the development of 450 MW ISTS connected Wind-Solar Hybrid power project, entered between Adani Solar Energy Jaisalmer One Private Limited (formerly known as SBE Renewables Ten Projects Private Limited) and Solar Energy Corporation of India Ltd. seeking Change in Law compensation along with Carrying Cost.

Petitioner : Adani Solar Energy Jaisalmer One Private Limited (ASEJOPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Petition No.345/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 and Article 16.3.1 of the Power Purchase Agreements dated 28.11.2019 for the development of 390 MW (2x195 MW) ISTS connected Wind-Solar Hybrid power project(s), entered between Adani Hybrid Energy Jaisalmer One Limited (earlier known as Adani Green Energy Eighteen Limited, an SPV of Mahoba Solar (UP) Private Limited) and Solar Energy Corporation of India Ltd. seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law events.

Petitioner : Adani Hybrid Energy Jaisalmer One Limited (AHEJOL)

Respondent : Solar Energy Corporation of India Limited (SECI) and Anr.

Date of Hearing : 18.12.2023

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Amit Kapur, Advocate, AHEJOL
Shri Sakshi Kapoor, Advocate, AHEJOL
Shri Shubam Bhut, Advocate, AHEJOL
Shri Ravi Sinha, AHEJOL
Ms. Sonia Madan, Advocate, HPPC
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Sirsha, Advocate, SECI



Record of Proceedings

At the outset, the learned counsel for the Respondent, HPPC, submitted that the Respondent has also filed two separate Petitions against the Petitioner herein seeking, *inter-alia*, recovery of an amount on account of the Change in Law event resulting in a decrease in the Safeguard Duty paid by the Petitioner herein. Learned counsel submitted that although HPPC in its reply to Petition No. 345/MP/2022 has raised the aforesaid issue, in the aforesaid Petitions filed by the HPPC, has also computed the compensation required to be passed on to HPPC by the Petitioner herein on account of the decrease in Safeguard Duty required to be paid by the Petitioner. Learned counsel further submitted that since in Petition No. 345/MP/2022, the Petitioner has specifically raised the issue of imposition of Safeguard Duty as Change in Law event, the Petitions filed by HPPC may also be taken up along with the present Petitions.

2. In response to the specific observation of the Commission regarding the past order(s) of the Commission already dealing with the issue of reduction in Safeguard Duty by Notification No.2/2020-Customs (SG) dated 29.7.2020 vis-à-vis Notification No.1/2018-Customs (SG) dated 30.7.2018, learned counsel for HPPC submitted that the facts of the present cases are distinguishable from those involved in the prior cases and sought liberty to demonstrate the same. Learned counsel further submitted that any decision taken in these cases will have an impact on the Petitions filed by HPPC, and therefore, they may be taken up along with the present Petitions.

3. Learned counsel for the Respondent, SECI, submitted that SECI is yet to examine the Petitions filed by HPPC, and since the imposition of the Safeguard Duty has been raised in one of the Petition herein, the Petitions filed by HPPC with regard to the Safeguard Duty may have some bearing on the present cases.

4. Learned counsel for the Petitioner, however, opposed the request of the learned counsel for the Respondent, HPPC and pointed out no such Petitions have been served so far on the Petitioner. Learned counsel also submitted that since pleading in the present matters are already completed and the Respondent, HPPC having already raised the issue of reduction in Safeguard Duty in its reply, there is no need to take up the Petitions filed by HPPC along with the present cases. Learned counsel submitted that the present cases have been filed long back and the Petitions filed by HPPC can take its own course.

5. Considering the submissions made by the learned counsel for the parties, the Commission deemed it appropriate to permit HPPC to demonstrate the need to tag the present cases with the Petitions filed by it, and for that purpose, the Commission directed to list the present matters and the Petitions filed by HPPC on 3.1.2024.

6. These matters and the Petitions filed by HPPC will be listed for the hearing on **3.1.2024**.

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