

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR**

PETITION NO. 2053 OF 2022

In the matter of:

Petition under Section 86 (1) (b) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement dated 12.05.2021 executed between Torrent Power Limited (Distribution) and Adani Renewable Energy Eight Limited and Power Purchase Agreement dated 12.05.2021 executed between Torrent Power Limited (Distribution) and Torrent Saurya Urja 2 Private Limited for adjustment in tariff under the claim of Change in Law.

Petitioner : Torrent Power Limited – Distribution

Represented by : Ld. Adv. Mr. Abhishek Munot along with
Adv. Mr. Kunal Kaul, Mr. Jignesh Langalia
and Ms. Luna Pal

V/s.

Respondent No. 1 : Adani Renewable Energy Eight Limited

Represented by : Mr. Dipak Kumar Panchal

Respondent No. 2 : Torrent Saurya Urja 2 Private Limited

Represented by : Mr. Nisarg Shah and Mr. Bhushan Shah

CORAM:

Shri Mehul M Gandhi, Member

Shri S.R. Pandey, Member

Date: 04/09/2025

DAILY ORDER

1. The matter was kept for hearing on 26.08.2025.

2. Ld. Adv. Mr. Abhishek Munot appearing on behalf of the Petitioner, Torrent Power Limited – Distribution, submitted that the present Petition is filed for adjustment in tariff under the claim of ‘Change in Law’ event under Section 86 (1) (b) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreements (PPA) dated 12.05.2021 executed by the Petitioner with the Respondents (i) Adani Renewable Energy Eight Limited (Respondent No. 1) and (ii) Torrent Saurya Urja 2 Private Limited (Respondent No. 2).

2.1. It is submitted that pursuant to Competitive Bidding Process initiated by the Petitioner vide tender dated 23/24.12.2020 for procurement of 300 MW power from grid connected Solar Photovoltaic Power Project followed by e-reverse auction followed by addendum dated 08.01.2021 regarding ‘Greenshoe Option’ for additional 300 MW capacity, the Petitioner had entered into Power Purchase Agreement on 12.05.2021 with the Respondent No. 1 for 150 MW capacity at a tariff of Rs. 2.22 per unit. Moreover, the Petitioner also executed PPA with the Respondent No. 2 on 12.05.2022 for base capacity of 150 MW plus ‘Greenshoe Capacity’ of 150 MW totalling to 300 MW at tariff of Rs. 2.22 per unit. Subsequently, the Petitioner has also executed Supplemental PPAs with said Respondents.

2.2. It is further submitted that the Petitioner has received notice regarding ‘Change in Law’ event from the Respondent No. 1 vide letter No. ARE8L/TPL-D/GST CIL/20211210 dated 10.12.2021 under the PPA on account of change in GST Rate on Renewable Energy Devices and parts as per Ministry of Finance (Revenue Department), Government of India Notification dated 30.09.2021. Similarly, Respondent No. 2 vide its Letter No. TPL/300 MW TPL-D-Solar/10/2021-02 dated 02.11.2021 has issued notice to the Petitioner regarding ‘Change in Law’ under the PPA on account of (i) increase in custom duty on solar inverters pursuant to Ministry of Finance Notification dated

01.02.2021 (ii) imposition of basic Customs Duty on solar modules and cells as per MNRE OM dated 09.03.2021 (iii) change in GST Rate on RE Equipment as per Ministry of Finance (Revenue Department), Government of India notification dated 30.09.2021.

2.3. It is submitted that pursuant to above representations received by the Petitioner from the Respondents, the Petitioner has approached this Commission with a prayer to consider the claim of the Respondents in terms of "Change in Law" for declaration of same and to provide 'in-principle' dispensation thereon in terms of the Statutory provisions. It is also submitted that this Commission had earlier approved the deviations sought by the Petitioner in bidding documents and thereafter, adopted the tariff discovered under competitive bidding process vide its Order dated 12.07.2021.

2.4. It is submitted that the Respondent No. 2, Torrent Saurya Urja 2 Private Limited, has commissioned the project in December 2024. It is submitted that all actual data in terms of the impact of the Change in Law provisions has been computed, and those documents, data and computation needs to be brought on record. It is submitted that the Petitioner have to effectively modify its petition for amending the prayers for a final computation rather than an in-principle approval, as far as Respondent No. 2 is concerned. It is submitted that the Petitioner would file an Amended Petition

2.5. It is submitted that the Respondent No. 1 is going to commission its plant in March 2026. It is submitted that the original SCOD was 12.11.2022, which was extended due to Force Majeure.

3. Heard the parties.

4. We note that the present Petition is filed by the Petitioner under Section 86 (1) (b) of the Electricity Act, 2003 read with Article 9 of two separate Power

Purchase Agreements dated 12.05.2021 executed with the Respondents for considering the claim of the Respondents in terms of Change in Law Events notice for declaration of same and to provide 'in- principle' dispensation thereon in terms of the Statutory Provisions.

5. We note that the Petitioner has requested to file an amended petition in the present matter, as the plant of Respondent No. 2 is commissioned and plant of Respondent No. 1 is anticipated to be commissioned in March 2026. Let the details and documents be submitted on record as stated by the Petitioner. The Petitioner is directed to file its submission within 10 days' time from the date of this Order with a copy to the Respondents. Further, the Respondents are also at liberty to file their rejoinder reply, if any, within 10 days' time after the receipt of reply from the Petitioner.
6. The next date of hearing will be intimated separately.
7. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar

Date: 04/09/2025