



Representative credentials

# Regulatory & Policy

# About HSA

The legal profession is changing rapidly in light of market disruption, changing client expectations and technological developments. Established in 2003, HSA's focus on continuing evolution has enabled us to constantly adapt to emerging market dynamics and deliver consistent value to clients.

We are a full-service law firm that prides itself on combining knowledge, experience and expertise to create outcome-oriented solutions and ensure our clients stay ahead of emerging opportunities and risks. Our areas of expertise include Projects, Energy & Infrastructure; Banking & Finance; Restructuring & Insolvency; Corporate & Commercial; Regulatory & Policy; Defence & Aerospace; Dispute Resolution; Environment, Health & Safety; Real Estate; Securities & Capital Markets; Technology, Media & Telecommunications; Taxation and Investigations.

We are a law firm built around people. We embrace collaboration while advising our clients and assemble teams of experts to bring the right talent to address every client issue. Our belief in delivering legal advice that recognizes each clients' strategic goals and business requirements allows us to offer pragmatic and implementable support across our platform of practices and sectors.

We measure our success by the service we provide to clients, irrespective of the size, scope and scale of the matter at hand. We are a team of 30+ partners and over 150 professionals based out of four offices across India's major cities – Delhi, Mumbai, Bangalore and Kolkata.

# Regulatory & Policy practice

## OUR SERVICES

- Specialized support on regulatory and
- Specialized support on regulatory policy aspects across multiple industry sectors
- Assistance on entire range of proceedings before regulators and judicial fora
- Pre-emptive risk assessment, policy formulation and impact assessment
- Industry representation and advocacy to help clients prepare for regulatory changes, manage relationships with regulators and, where possible, help to achieve regulatory change or clarifications
- Product regulation, authorization and licensing proceedings

## HSA ADVANTAGE

- Award-winning team with a demonstrated history of delivering successful outcomes while representing and advising clients before diverse regulators
- Preferred Firm for matters related to the energy sector including policy, regulatory compliances, tariff filings and representing clients before diverse fora, such as the appropriate commissions, APTEL, High Courts and the Supreme Court
- Regular interface with regulators and relevant authorities built over the course of representing and advising diverse government owned utilities, authorities and institutions



# Practice highlights

The following list is indicative of the depth and breadth of our capabilities in Regulatory & Policy practice area.

## **ACME SOLAR HOLDINGS, TATA POWER RENEWABLE ENERGY, WALWAHAN RENEWABLE ENERGY AND MYTRAH ENERGY AND ITS SPV**

In relation to writ appeals filed before AP High Court challenging Single Judge's order dated September 24, 2019 to the extent that it directed APERC to decide upon the issue of reduction of tariff which has been duly determined in terms of the provisions of the Electricity Act and the relevant regulations. The Single Judge also directed that as interim measure till the time issue of tariff reduction is determined by the APERC, AP Discoms should clear all pending payments of generators at the rate of Rs.2.44 per unit. Since the interim direction for payments was not being adhered to by AP Discoms, generator sought direction for implementation of said interim directions. A bench of AP High Court, headed by the Chief Justice vide order dated December 12, 2019 directed the AP Discoms to release the undisputed amount of INR 1450 Crores within 4 weeks to the renewable generators

In relation to challenging the notification dated July 1, 2019 issued by the State Government of AP and consequent communication dated July 12, 2019 issued AP Discoms, whereby it was stated that either renewable power generators should reduce tariff for supply of power under their respective power purchase agreement or else the agreement would be terminated.

## **AYANA RENEWABLE, SPRNG ENERGY AND SB ENERGY**

On representing before APTEL urging it to exercise its supervisory powers under Section 121 of the Electricity Act, 2003. HSA successfully represented the client and by the order given by APTEL saved their projects and investments in the Kadappa Solar Park (Phase-II – 750 MW) and Ananthpuramu Solar Park (Phase-II - 750 MW) in Andhra Pradesh

## **GREENKO GROUP, RENEW POWER VENTURES, MYTRAH ENERGY, ORANGE RENEWABLE POWER, OSTRO ENERGY, STERLING AGRO INDUSTRIES AND HERO FUTURE ENERGIES**

Before Andhra Pradesh Electricity Regulatory Commission (APERC) in relation to a petition filed by Southern Power Distribution Company of Andhra Pradesh and Eastern Power Distribution Company of Andhra Pradesh (collectively APDISCOMs) seeking amendment of wind tariff orders dated August 1, 2015 and March 26, 2016 issued by the APERC, to the extent that the wind power developers be directed to pass on 'Generation Based Incentive' (GBI) amount, available to the developers under the Central Government's GBI Scheme, to APDISCOMs in accordance with clause 20 of Regulation 1 of 2015 of the APERC

## **KALPATARU POWER TRANSMISSION**

Advising, strategizing and representing Alipurduar Transmission (a wholly owned subsidiary of Client) in a Petition proposed to be filed before CERC seeking extension of SCOD inter alia relating to the Transmission Service Agreement dated September 22, 2015 executed between the client & counter parties

## **MOSER BAER ENERGY & DEVELOPMENT, SUNBORNE ENERGY GUJARAT ONE AND WELSPUN ENERGY**

On successfully defending before APTEL and GERC in an appeal filed by GUVNL is seeking truing up of normative/generic solar tariff based on actuals.

## **NABHA POWER**

Successfully represented before the Supreme Court in the civil appeal filed by it against the APTEL's judgment dated December 14, 2016 on the issue of interpretation of energy charges formula under the PPA and non-payment of washing charges, loss due to GCV degradation, etc.

## **RENASCENT POWER VENTURE**

On representing the client before UPERC, APTEL and Supreme Court of India in relation to takeover of Prayagraj Power Generation Company. The takeover was result of a resolution process undertaken by State Bank of India/Lenders under the umbrella of the RBI Guidelines

## **RENEW POWER VENTURES**

In a writ petition filed before the AP High Court, pertaining to pass-through of Generation Based Incentive to Discoms. The writ petition challenged the provisions of Tariff Regulations of Andhra Pradesh Electricity Regulatory Commission basis which the Commission has allowed pass through of the Generation Based Incentives to Discoms

## **TATA POWER DELHI DISTRIBUTION (TPDDL)**

On representing before the Delhi High Court in a writ proceeding challenging the provisions of the Delhi Electricity Regulatory Commission (DERC) Tariff Regulations

## **TIMARPUR-OKHLA WASTE MANAGEMENT COMPANY**

In various petitions filed before DERC regarding various issues arising from power purchase agreement entered with BSES Rajdhani Power for sale of power generated from waste to energy plant

## **UTTAR PRADESH POWER CORPORATION**

Before UPERC, CERC, APTEL and Supreme Court in several matters on diverse regulatory matters involving varied issues like tariff determination, deemed generation, concept of coercion/undue influence/dominant position under commercial contracts, breach of contract, etc



# Our credentials

Please see below exhaustive list of matters handled by HSA and its attorneys in Regulatory & Policy practice area.

## Private sector

### ACME CHITTORGARH SOLAR ENERGY

On applicability of Force Majeure Clause as provisioned in the PPA in case of delay in completion of evacuation infrastructure by PGCIL

### ACME GROUP AND MYTRAH ENERGY

In multiple petitions filed before the petitions filed before the Telangana State Electricity Regulatory Commission for the extension of SCOD and applicable tariff

### ACME SOLAR ROOFTOP SYSTEMS

On the legal tenability of the proposed termination by PEDAs of the Implementation agreement between PEDAs and ACME on account of non-installation of poly sheets by it on the sheds, and drafting relevant correspondences in relation thereto

### ADANI GREEN ENERGY (TAMIL NADU)

On evacuation issues relating to the 640 MW solar project of Adani Green Energy (Tamil Nadu)

### ADANI POWER

On representing before the Supreme Court in an issue pertaining to the right of Adani to terminate the PPA

### ALIPURDUAR TRANSMISSION (WHOLLY OWNED SUBSIDIARY OF KALPATARU POWER TRANSMISSION)

On representing before Central Electricity Regulatory Commission in relation to grant of transmission license and adoption of transmission charges for its inter-state transmission project

### ATRIA POWER

On open access and banking issues in connection with its 25 MW captive solar project in Andhra Pradesh

### ACME SOLAR HOLDINGS

In relation to petitions before the Telangana State Electricity Regulatory Commission seeking an extension of Scheduled Commissioning Date of its projects on account of force majeure events

In relation to seeking implementation of the order wherein GST was declared as change in law and National Thermal Power Corporation and Discoms were directed to make the payment. NTPC took a stand that it is only an intermediary/a mere 'conduit' which buys electricity from Generators and re-sells the same on a back-to-back basis to DISCOMs and hence it will make the payment only when Discoms pay NTPC. CERC clarified the concept of "back-to-back" holding that PPA and PSA being back-to-back imply that the DISCOMs are liable to pay to NTPC all that NTPC has to pay to the ACME Entities, however NTPCs obligation to pay generator is not dependent upon Discoms making the payment to NTPC

In relation to petitions before the Central Electricity Regulatory Commission seeking approval of GST as "Change in Law" under the PPAs and consequent compensation for the increase in capital cost of the projects due to introduction of GST

On the imposition of the electricity duty on generation of power from its respective solar power projects located in the states of Bihar, Punjab, Uttarakhand, Rajasthan, Uttar Pradesh, Chhattisgarh, Odisha, Telangana, Andhra Pradesh, Karnataka and Madhya Pradesh

On a conditional LOI issued by NTPC attempting to modify the tariff discovered through competitive bidding route under Section 63 of the Electricity Act, 2003 and other related issues

### ASSOCIATION OF POWER PRODUCERS

In a petition filed before CERC in relation to the under-recoveries of energy charges by IPPs due to delay in publication of Wholesale Price Index (WPI) for Non-Coking Coal series for power sector based on power grade coal prices

### AURAD SOLAR

On drafting of Petition to be filed before the Karnataka Electricity Regulatory Commission on behalf of Aurad Solar seeking directions for approval of extension of the scheduled commission date granted by GESCOM and approval of supplemental agreement dated March 16, 2017

### AYANA RENEWABLE

On representing in public hearings being conducted by the APERC for adoption of tariff and approval of capacity of power procurement of AP Discoms from the solar power projects in Ananthapuramu & Kadapa Solar Parks

### BHARTI INFRA TEL

Analysis of current business model and contractual relationships and advice on efficiency and optimization of business processes and suggesting business model option to suit the requirement of the client

### CLP WIND FARMS

In a petition for adjudication of disputes arising out of the Power Purchase Agreement dated May 13, 2016 between Ostro Urja Wind and Madhya Pradesh Power Management Company in view of discrepancy in imposition/calculation of reactive power charges by Madhya Pradesh Power Management

### **CARGO POWER & INFRASTRUCTURES**

On representing before APTEL in an appeal filed by Gujarat Urja Vikas Nigam against an order passed by the Gujarat Electricity Regulatory Commission allowing Cargo's prayer for extension of SCOD on the ground of force majeure

On representing before APTEL in relation to certain disputes relating to COD under the PPA

### **DGEN TRANSMISSION COMPANY**

On representing before CERC in relation to grant of transmission license for its inter-state transmission project

### **ENERGY EFFICIENCY SERVICES**

On providing legal services to Energy Efficiency Services in relation to the letter sent by Electric Lamp and Component Manufacturers' Association of India on February 5, 2016 with respect to the online retail sale of LED bulbs by EESL on Snapdeal's website

### **ESSAR POWER**

On representing before CERC in a tariff petition filed by Power Grid Corporation in relation to issues arising out of relinquishment of long terms open access and financial implications arising therefrom

### **ESSAR POWER JHARKHAND**

In an appeal filed in APTEL against Central Electricity Regulatory Commission (CERC's) order dated July 29, 2016

### **ESSAR POWER MP**

On representing before Madhya Pradesh Electricity Regulatory Commission in relation to the suo-moto proceedings initiated by it for downward revision of energy charges

### **FORTUM SOLAR INDIA**

For change in law on account of safeguard duty under the power purchase agreements with the Distribution Companies, in connection with 250 MW (5x50MW) project(s) in Karnataka, before the Karnataka Electricity Regulatory Commission

### **GMR POWER PROJECT**

Before CERC in a dispute with Power Grid Corporation of India

### **GREENKO BUDHIL HYDRO POWER**

Before CERC in a petition under Section 142 of the Electricity Act. Greenko is challenging the coercive actions undertaken by GPCIL under the garb of recovery of outstanding transmission charges

### **GUJARAT URJA VIKAS NIGAM (GUVNL)**

In a petition filed before CERC for approval of amendments to original PPAs executed between GUVNL and Adani Power Mundra for supply of 2000 MW power to GUVNL (2 PPAs of 1000 MWs each) from Adani's Thermal Power Plant at Gujarat, by way of supplemental PPAs

With respect to petitions proposed to be filed before CERC and GERC seeking approval of amendments to the PPAs

### **HERO FUTURE ENERGIES**

Before CERC in a petition filed by Suzlon Power Infrastructure (SPIL), seeking directions to Power Grid Corporation of India (PGCIL) to allow utilization of connectivity and LTA granted to SPIL (for development of 249.90 MW wind power project awarded to SPIL) by the project SPV incorporated by SPIL in consortium with Green Infra Wind Energy

In a petition filed by PGCIL under Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 33B of the CERC Connectivity Regulations, 2009 and Regulation 111 of the CERC Regulations, 1999

In relation to filing a petition for clarification and/or modification of Regulation 28(3) of the Punjab State Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access) Regulations, 2011

Petition for adjudication of disputes arising out of the Power Purchase Agreement dated May 13, 2016 between Ostro Urja Wind and Madhya Pradesh Power Management Company in view of discrepancy in imposition/calculation of reactive power charges by Madhya Pradesh Power Management

### **HINDUSTAN CLEAN ENERGY**

On representing before Punjab State Electricity Regulatory Commission for refund of the Extension fee paid by Magnet Buildtech for delay in commissioning of Project

### **H ENERGY**

On Petroleum and Natural Gas Regulatory Board rules regarding grant of access to common carrier pipelines for natural gas while acting against GAIL and GGCL in relation to some of their pipeline operations in the Western region

### **HINDUSTAN POWER (ERSTWHILE MOSER BAER POWER) AND ITS SUBSIDIARIES**

On various regulatory issues with respect to its solar, thermal and hydropower projects before different adjudicatory forums

### **HIMACHAL SORANG POWER**

Before CERC for extension of the date for commencement of open access under the BPTA

### **HIGH POWER COMMITTEE CONSTITUTED BY GOVERNMENT OF GUJARAT**

In order to formulate and crystallize the recommendations for reviving the financial Liability of the Projects i.e. thermal power plants by Adani Power for 4620 MW, and Coastal Gujarat Power for 4150 MW in Mundra, District Kutch, Gujarat; and Essar Power Gujarat Power for 1200 MW in Salaya, District, Jamnagar, Gujarat in consultation with Generators, Discoms and L

### **IDFC FIRST BANK**

Opinion evaluating the liability towards Haryana Discom regarding liquidated damages levied due to delay in COD, liability towards Water Resources Department for levy of water conservation fund and liability in relation to contribution towards Environment Management

### **INOX WIND INFRASTRUCTURE SERVICES**

Opinion on sharing of Connectivity and Long Term Access by a holding company and its SPVs under the current regulatory framework

### **INDEPENDENT SOLAR POWER PRODUCERS ALLIANCE**

Research, Analysis and Drafting of representation to be submitted to the Secretary, MNRE in relation to issues concerning effect of change in law in connection with Projects concerning National Solar Mission Phase-II, Batch-IV, Tranche-III in Bhadla Phase-III, Solar Park, Rajasthan

### **INDIAN WIND POWER ASSOCIATION**

In a writ petition proposed to be filed before High Court of AP and Telangana, pertaining to pass-through of Generation Based Incentive to Discoms

### **JAIPRAKASH POWER VENTURES**

On representing before MPERC in relation to the treatment of additional levy on coal imposed by Supreme Court and pass-through of cost of mining and additional premium payable on coal under the terms of auction carried out by the Government of India under recent Coal Ordinance

On representing before MPERC in relation to the determination of tariff for its thermal power project in MP

On representing before MPERC in relation to the re-determination of energy charges pursuant to the policy directions of the state Government for re-opening PPA in relation to fuel charges

### **JINDAL SAW**

On strategizing the financial revival of Jindal's Waste to Energy Project

### **JMC PROJECTS (INDIA)**

On Section 17 of Electricity Act in respect of seeking approval for creation of security in favour of the lenders and the security trustee

### **KINDLE**

Before GERC against a dispute with Torrent Power Ltd. relating to development of a 50MW solar project

Before Gujarat High Court in a writ petition against the arbitrary decision of Government of Gujarat in declining Kindle to establish a solar power project in Gujarat

### **LANCO KONDAPALLI**

On representing before APTEL in relation to the interpretation and computation of incentive provided to the company under the incentive clause under the PPA

On representing before CERC in relation to challenging the method of computation of zonal PoC charges under the CERC Regulations for Sharing of Transmission Charges and Losses

On representing before the Supreme Court in a matter that has led to a landmark judgment on the applicability of the laws of limitation to the Electricity Act, 2003

### **LANCO AMARKANTAK POWER**

Before CERC in a proceeding filed by PGCIL for cancellation of open access of PTC through whom Lanco is supplying power due to the non-submission of payment security mechanism

### **LANCO SOLAR**

On representing before CERC in a petition seeking re-adjustment of the commissioning date and tariff fixed under a competitive bidding process held under the Jawaharlal Nehru National Solar Mission

### **LANCO TEESTA HYDRO POWER**

In a review petition filed under Section 94(1) (f) of the Electricity Act, 2003 read with Regulation 103 of the CERC Regulations, 1999 for review of the Order dated July 30, 2016 issued by this Hon'ble Commission

### **LALPUR WIND ENERGY**

Before Karnataka Electricity Regulatory Commission in relation to carrying forward of its banked energy to next wind year

### **LANCO ANPARA**

Before CERC seeking relaxation from the connectivity regulations (MTOA issue)

Filing petition before the UP Electricity Regulatory Commission, Lucknow for grant of appropriate relief to LAPL on account of material deviations in assurances made at bid stage and/or occurrence of force majeure & change in law events

### **LANCO POWER**

On all the major provisions/clauses in the Model PSA including those related to Conditions Precedent, Supplier's Obligations, Force Majeure, consequences of failure to meet the CPS, outcome of FM events and extended FM as well as Termination provisions relating to DBFOO Case 1

### **MYTRAH (BHRAHMAPUTRA)**

On drafting of communications, applications and representing before various forums, if need be, for return of BG submitted at various stages of obtaining LTA and related issues for the project located at Sokkannur, Tamil Nadu (SECI-IV Projects)

### **MAHINDRA RENEWABLES**

On impact of certain events resulting in increase in project related costs under the terms of the Standard Format of Power Purchase Agreement and if the same may qualify as a Change in Law event under the terms of the Power Purchase Agreement

In a matter filed before CERC by MP Power Management Company for formulating appropriate tariff in respect of power drawn by solar projects during night hours and during shutdown periods

### **MAHINDRA SUSTEN**

Petitions before CERC for approval of Change in Law events being introduction of GST and Safeguard Duty and consequential relief

### **MAITHON POWER**

In seeking an in-principle approval from the Central Electricity Regulatory Commission for the proposed expenditures towards installation of the Flue Gas Desulphurization Plant in compliance of the norms set by the Ministry of Environment, Forests and Climatic Change. This was a first petition of its kind which was filed under the CERC Tariff Regulations of 2019 and serves as a precedent for all thermal generating plants which propose to install the FGD

### **MYTRAH ENERGY**

Opinion on whether Mytrah and Telangana DISCOMs (TSSPDCL and TSNPDCL) can extend the SCOD without seeking approval of the State Electricity Regulatory Commission

In petitions before the Telangana State Electricity Regulatory Commission seeking Change in Law on account of the introduction of GST

On representing before the Appellate Tribunal for Electricity to successfully secure its rights to sign the Power Purchase Agreement for the total capacity allotted to it under the Rajasthan Wind Policy

On representing various SPVs of Mytrah in petitions before Karnataka Electricity Regulatory Commission seeking extension of SCOD for Solar Power projects being set up in Karnataka

### **MYTRAH VAYU (SABARMATI)**

On drafting of letters, applications, representing before various forums seeking extension of SCOD for the project located at Maniyachi, Tamil Nadu (SECI- I Projects)

On the issue of non-scheduling of power by UPPCL due to non-adoption of tariff by Appropriate Commission

### **MYTRAH AADHYA POWER**

In an appeal by Punjab State Power Corporation Limited against the order dated December 21, 2018 passed by PSERC in Petition No. 12 of 2017 on the wrongful reopening of the PPA and extension of the applicability of the tariff

### **MUMBAI INTERNATIONAL AIRPORT (MIAL)**

In matters of tariff setting for the CSI Airport Mumbai and levy of development fee towards the pre-funding of capital expenditure at the airport

On drafting a petition under Section 86 (1)(k) of the Electricity Act, 2003 seeking clarification regarding applicability of Power Factor Incentive to MIAL for electricity procured through Open Access as well

On an opinion pertaining to whether gross revenue forms a part of the Annual Fee from Revenue Share Assets for the purpose of calculation of "S" which is a factor to be considered for the purpose of computation of target revenue as given in OMDA

In negotiating terms and conditions for buying power through open access from TPTCL

On the exclusion of MIAL from government's policy to liberalize land use for airport developers under the National Civil Aviation Policy 2016

### **MYTRAH VAYU (SOM)**

In a writ petition filed before the Hon'ble High Court of Rajasthan (Jodhpur Bench) in respect of arbitrary and unlawful delay in executing the power purchase agreements by the Rajasthan Discoms and applicability of RERC Generic Tariff Order for Wind Power Plants

### **MIYAR HYDRO ELECTRIC POWER COMPANY**

Opinion for Auditor on the issue of the possibility of termination of 90 MW Miyar Hydro Electric Project earlier allotted to HPPPL by the Government of Himachal Pradesh

### **MOSER BAER CLEAN ENERGY**

On representing before APTEL in relation to issues arising out of the PPA with DPL and also issues pertaining to COD, Connectivity and Open Access

### **MB POWER**

On the scope of jurisdiction of UPERC to adjudicate on the 'Change in Law' Petition to be filed by MB Power in relation to its 1200 MW power project which is supplying power to discoms in more than one state

On representing before CERC seeking change in the law in terms of NCDP amendment

On representing before CERC seeking revision of methodology for computing escalation rates for domestic coal

On representing before MPERC for determination of tariff for its Anuppur Thermal Power project in Madhya Pradesh

On determination of transmission tariff for MB TPS (Anuppur)-Jabalpur Pooling station 400 KV D/C triple snowbird line only under transmission system for connectivity of MB Power in western region for tariff block 2014-19 period

On the issues of determination of stranded capacity and calculation of relinquishment charges which are emancipating from the Order dated March 8, 2019 issued by Ld. CERC in Petition No. 92/MP/2015

On the issue of wrongful and unlawful conduct of Power Grid Corporation of India by raising invoices towards payment of Transmission Charges (144 MW of LTA) without operationalization of the LTA

In an Appeal along with a separate petition before the Hon'ble Appellate Tribunal for Electricity and CERC separately, on the issues of determination of stranded capacity and calculation of relinquishment charges

In an appeal preferred by Power Grid Corporation of India challenging the Order of CERC directing return of Bank Guarantee and payment of Reverse Transmission Charges in favour of MB Power

### **NABHA POWER AND L&T POWER DEVELOPMENT**

On representing before PSERC, APTEL and Supreme Court in relation to 'Change in Law' claims based on availability of similar fiscal benefits to its 1400 MW Rajpura power project under Mega Power Policy 2009 and Foreign Trade Policy 2009-14

### **NABHA POWER**

In a dispute against Punjab State Power Corporation Limited involving the power of the State Regulatory Commission to refer a dispute between a genco and a discom for arbitration under the Electricity Act, 2003

Before APTEL in relation to a matter involving ascertainment of responsibility for arranging fuel for its 1400 MW Rajpura power project being set up under the Case 2 route of the Competitive Bidding Guidelines

Before the Supreme Court defending a 'Change in Law' claim made under the PPA on account of change in approvals by Indian Railways provided for setting up railway siding and associated infrastructure

### **OPG POWER GENERATION**

Contesting the vires of the Tariff Regulations, 2014/Tariff Order(s) issued by Ld. Karnataka Electricity Regulatory Commission

On various Change-in-Law claims under multiple Power Purchase Agreements executed with the State Distribution Companies of Karnataka

Representing Group Companies of OPG Group before APTEL against the Order of KERC allowing Karnataka DISCOMs to deduct Liquidated Damages from the monthly energy invoices raised by OPG Group Companies

### **OPGS POWER GUJARAT**

Petition filed by OPGS before Maharashtra Electricity Regulatory Commission against arbitrary and wrongful refusal of grant of distribution open access by MSEDCL

To review the BPTA signed by OPGS with GETCO and to advise on how to mitigate the liabilities thereunder, including ways & means of relinquishing the same

In an appeal filed before Supreme Court in relation to dispute regarding extension of effective date of BPTA and transmission charges payable thereunder

### **ORANGE ANANTAPUR WIND POWER**

On opinion regarding applicable methodology for considering the depreciation in generating assets of the Orange Anantapur Wind Power under the regulatory framework

### **ORANGE RENEWABLE POWER**

On whether the consent of landowners is required, in accordance with Section 10 of Telegraph Act read with Section 164 of the Electricity Act, 2003, for laying the transmission lines

### **ORANGE URAVAKONDA WIND POWER**

In relation to Petition u/s 86 (1) (f) for adjudication of disputes arising out of PPA dated May 31, 2016 between Orange and Southern Power Distribution Corporation

### **OSTRO ENERGY**

On the risk involved in buying into a Phase-1 Solar Project in light of the GUVNL appeal pending before the Supreme Court

In a petition filed by PGCIL under Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 33B of the CERC Connectivity Regulations, 2009 and Regulation 111 of the CERC (Conduct of Business) Regulations, 1999

On issue of the payment obligation of charges for import and export of reactive power from and to the grid under the PPA with Madhya Pradesh Paschim Kshetra Vidyut Vitran Company

On possible implications of the revised Tariff Policy (dated January 28, 2016) on the process of procurement of wind energy power by discoms/trading licensee in the States of Andhra Pradesh, Madhya Pradesh, and Karnataka

### **OSTRO ENERGY, MYTRAH ENERGY, CLP INDIA, ORANGE RENEWABLE, TANOT WIND FARM, HERO FUTURE ENERGIES AND RENEW POWER**

Before Rajasthan Electricity Regulatory Commission RERC in petitions under Section 86(1)(f) seeking relief against State Load Despatch Center for backing down the developers in contravention of the Grid Code

### **PIONEER GAS**

Before MERC in a petition seeking grant of certain benefits to gas based power plants in Maharashtra

### **PARAMPUJYA SOLAR ENERGY**

In an appeal filed against Order dated May 8, 2018 issued by Chhattisgarh Electricity Regulatory Commission wherein the Commission refused to direct Discom to rectify invoices for the drawl of power by APTEL for its auxiliary consumption. Tariff Order applicable to the area Discom specifically mentions a schedule for tariff for auxiliary consumption, however Discom refused to comply with the reliefs against NTPC Limited for (10 X 5 MW) projects specific terms of the Tariff Order

Before CERC seeking extension of SCOD and other declaratory and substantive situated in the State of Telangana in terms of the PPA dated August 4, 2016.

### **POWER EXCHANGE INDIA**

Before CERC and APTEL in various petitions concerning the implementation of CERC Power Market Regulations, 2010

Before the Bombay High Court in a writ petition filed by MSEDCL challenging the open access being given by MERC to customers buying power through power exchanges

Before the Supreme Court of India in a dispute between the Forwards Market Commission and CERC over regulatory control of future contracts of trading in electricity

### **POWER GRID CORPORATION**

On issues in relation to the Western Region Strengthening System Schemes II

On the drafting of transmission service agreement, revenue sharing agreement for implementation of CERC (Sharing of Transmission Charges and Losses) Regulations 2010 and providing for payment of transmission charges on Point of Collection method

Drafting of transmission service agreement, revenue sharing agreement for implementation of CERC (Sharing of Transmission Charges and Losses) Regulations 2010 and providing for payment of transmission charges on Point of Collection method

### **PRICEWATERHOUSECOOPERS**

Preparation of draft Toll Policy and drafting amendments to the relevant acts for Government of West Bengal

### **RUNWAL DEVELOPERS AND R-MALL DEVELOPERS**

Before the Maharashtra Electricity Regulation Commission in a dispute pertaining to making good/compensating the Petitioner in terms of the financial benefits which would have accrued to the Petitioners had the open access permission been granted to the Petitioners diligently and on time in accordance with the provisions of the Electricity Act, 2003

### **RURAL ELECTRIFICATION CORPORATION**

Before CERC in a dispute qua construction of Transmission Line with PGCIL

### **RAJASTHAN TEXTILE MILLS ASSOCIATION**

Before the Supreme Court in an SLP challenging the levy of Renewable Purchase Obligation on captive generation plants in Rajasthan

### **RENEW POWER AND INDIAN WIND POWER ASSOCIATION**

In writ petitions filed before the Andhra Pradesh High Court on the Generation Based Incentive issue

### **RENEW POWER VENTURES**

On drafting of Section 63 Petition to be filed before Jharkhand State ERC for adoption of tariff discovered through competitive bidding

### **RENEW POWER VENTURES AND TATA POWER RENEWABLE ENERGY**

On issues relating to the commissioning of wind power projects in Madhya Pradesh against the post-facto objections raised by MPPMCL/MPPTCL

### **RENEW POWER, ORANGE GROUP, OSTRO ENERGY, CLP INDIA, MYTRAH ENERGY, HERO FUTURE ENERGIES AND GREENKO GROUP**

The seven renewable energy companies/groups who collectively own 19 (Nineteen) wind power projects in the State of Rajasthan before the Rajasthan Electricity Regulatory Commission in relation to the common issue of 'forced backing down of generation' despite having a status of 'Must Run' plant

### **RENEW WIND ENERGY (VAREKARWADI)**

On an issue of extension of SCOD due to Force Majeure eventualities faced during the implementation of its Wind Power Project in the State of Gujarat.

### **SOUTH EAST UTTAR PRADESH POWER TRANSMISSION COMPANY (SEUPPTCL)**

On representing before Uttar Pradesh Electricity Regulatory Commission for seeking extension of Scheduled Commercial Operation Date (SCOD) of a transmission project located in the state of Uttar Pradesh on account of certain unforeseeable and uncontrollable delays in execution of the Project. The transmission project was awarded to ISOLUX by UP Power Transmission Corporation Limited by way of bidding conducted under Section 63 of the Electricity Act for construction, operation and maintenance of the transmission lines on 'Build, Own, Operate, Maintain and Transfer' basis

In an Appeal before APTEL against Order dated December 13, 2018 passed in Petition No. 1328 of 2018 seeking substantive and declaratory reliefs against the Respondents

### **SPRNG ENERGY**

In four Change in Law Petitions to be filed before the CERC for claiming impact on account of Change in Law as a result of the introduction of GST and Safeguard Duty

### **STERLITE ENERGY**

Before CERC in relation to seeking enhancement of tariff of a transmission project due to change in scope of the project

### **STERLITE POWER TRANSMISSION**

On options to promote PPP projects in Intra-State Transmission System

### **SURYATAAP ENERGIES & INFRASTRUCTURE**

Regarding their tariff filing before Assam Electricity Regulatory Commission

### **SUNMARK ENERGY PROJECTS**

On representing in a petition under Section 86(1)(f) of the Electricity Act before Bihar Electricity Regulatory Commission for adjudication of disputes arising out of the Power Purchase Agreement

### **SOLITAIRE POWERTECH**

In relation to its 'Change in Law' claim under the 30 MW PPA executed by it with SECI on August 2, 2018 in Karnataka

### **SEMBCORP ENERGY INDIA (ERSTWHILE THERMAL POWERTECH CORPORATION OF INDIA)**

In a petition filed before CERC for seeking change in law on account of issuance of Flue Gas Desulphurization (FGD) Notification dated December 7, 2015 by Ministry of Environment, Forest and Climate Change Government of India. Sembcorp Energy India has sought for the approval in order to comply to the revised emission norms with respect to the Sulphur Dioxide and Nitrogen Oxide in line with the notification dated December 7, 2015. The petitions have been heard and are reserved for orders by the CERC

In a civil appeal wherein the Hon'ble Supreme Court dealt with the issue of jurisdiction of CERC to adjudicate upon disputes arising out of such power purchase agreements which were executed between power generators and the distribution licensees of United Andhra Pradesh, and such power purchase agreements were approved by APERC. Post bifurcation of Andhra Pradesh in terms of Andhra Pradesh Reorganization Act, 2014, the erstwhile state of Andhra Pradesh was bifurcated into two new states i.e. State of Andhra Pradesh and State of Telangana, therefore, the issue that which Regulatory Commission will have jurisdiction arose first by way of a writ petition before the High Court of Andhra Pradesh and subsequently by way of the above mentioned civil appeal before the Supreme Court. Finally, the Hon'ble Supreme Court by way of an Order dated February 4, 2020 held that since post bifurcation of erstwhile State of Andhra Pradesh, Power Generators are providing electricity to two different States, therefore, as per Electricity Act, read with Andhra Pradesh Reorganization Act, 2014, CERC shall have the jurisdiction over any proceeding emerging from the said power purchase agreements

In a petition filed before CERC for seeking compensation on account of change in law under Section 79 of the Electricity Act read with the relevant provision of the power purchase agreement dated April 1, 2013, with distribution licensees of State of Telangana and State of Andhra Pradesh for supply of total of 500 MW of power. The 'Change in Law' events, as claimed by Sembcorp amongst other events include expenses incurred due to increase in clean energy cess, imposition of excise duty on coal, increase in development surcharge, etc

### **SB ENERGY**

Before CERC in relation to 'Change in Law' Petitions. Advising on the legal and strategic issues in the matter and appearing and managing the dispute resolution process before the CERC

On the cancellation of 2400 MW solar capacity auctioned by SECI pursuant to RFS Document dated February 27, 2018 for "Selection of Solar Power Developers for Setting up of 3000 MW (250 MW x 12) ISTS-Connected Solar Power Projects under Global Competitive Bidding'

Before APTEL in relation to the solar power projects in Ananthapuramu & Kadapa Solar Parks (Andhra Pradesh)

In public hearings being conducted by the Andhra Pradesh Electricity Regulatory Commission for adoption of tariff and approval of capacity of power procurement of AP Discoms from the solar power projects in Ananthapuramu & Kadapa Solar Parks (Andhra Pradesh)

### **SHIVALAKHA SOLAR ENERGY (ERSTWHILE SOLAR SEMICONDUCTOR POWER COMPANY)**

Before APTEL in relation to a matter involving the extension of control period of the relevant Tariff Order under which project was awarded to it

### **TATA CAPITAL FINANCIAL SERVICES**

Opinion on queries pertaining to the legal sanctity of 'must-run' status given to renewable energy projects, possibility of changes in the legislation granting such status and provisions of PPAs in relation thereto

### **TATA POWER TRADING COMPANY (TPTCL)**

Filing petition before MERC challenging the demand notice issued by MSEDCL dated 16.11.2018 for payment against a shortfall in supply of power pursuant to a bid issued by MSEDCL seeking short term power supply

Before CERC seeking passing appropriate orders/ directions to enable it to import power from the hydro generation project being developed by Dagachhu Hydro Power Corporation in Bhutan

### **TATA POWER DELHI DISTRIBUTION (TPDDL)**

On representing before DERC in a matter involving re-working approval of means of finance for the development of distribution network considering deposits received from consumers for various exclusive works

On representing before APTEL in various appeals relating to the determination of its distribution tariff by DERC for various years

On representing before DERC in relation to a matter involving a challenge to directions/guidelines issued by DERC on the process to be adhered by TPDDL in short term power procurement/sales of power

On representing before Delhi High Court challenging the regulations issued by DERC for the determination of distribution tariff

On representing before DERC and APTEL in relation to the annual performance review of the company for different years

On representing before DERC in relation to issues arising out of the de-capitalization of distribution assets and its accounting treatment in terms of depreciation and value of assets

On representing before CERC in a petition filed by NTPC seeking relief on account of Change in Law event involving the issuance of direction by Delhi Pollution Control Committee on December 6, 2016 leading to shutdown of 2x210 MW Units

In a petition to be filed before the DERC seeking the adoption of tariff and the approval of the PSA entered into with SECI for procurement of 50 MW power based on the tariff discovered pursuant to competitive bidding undertaken by SECI for 2000 MW Wind Power Projects

### **TATA POWER RENEWABLE ENERGY**

In a petition filed approval and determination of compensation on account of Change in Law for the Solar project in Pavagada

### **TATA POWER COMPANY**

On representing before Maharashtra Electricity Regulatory Commission (MERC) and APTEL in a series of disputes with the competing distribution licensees on issues arising out of parallel licensing in Mumbai

In a petition filed under Regulation 101 read with Regulation 102 of the MERC multiyear tariff regulations 2015 before the Maharashtra Electricity Regulatory Commission

In an appeal challenging the Solar Tariff Order passed by Tamil Nadu Electricity and Regulatory Commission (TNERC) for the FY 2015-16

On operating procedure to be adopted by electricity distribution companies operating in the same license area by sharing of distribution network. This is the first time that such sharing of distribution network has been affected in India

On several matters before the Hon'ble Supreme Court of India, High Court of Judicature at Bombay, APTEL, CERC, MERC, and PSERC

On the Network Rollout petition for which public hearing is scheduled for June 21, 2016, engage with consumers/representatives/ external stakeholders of Tata Power and help them in preparation of appropriate responses

On whether a TG Unit with the supply of steam from third party meets the requirement of "captive generating plant" under the Electricity Act, 2003 (Act) and the Electricity Rules, 2005 (Rules)

Transfer of its regulatory assets (land) for monetization

Opinion to TPC-G setting out the mechanism/procedure to recover the cost of unutilized fuel stock and spares procured for Unit 6 of Trombay plant not going to be used on account of its economic shut down and drafting a letter to convey the same to MERC

### **THERMAL POWER CORPORATION INDIA**

In a petition filed before CERC seeking certain reliefs with regard its 2x660 MW thermal power on account of Change in Law events occurred during the Operation Period and also advising on amendment of the said petition to include additional issues of GST, pass-through of cost of imported coal

On a memorandum on queries raised by client in relation to restricting supply of power up to normative availability under the PPA and the possibility of selling surplus power to third parties

### **UDUPI POWER COMPANY**

Before CERC in a matter relating to the determination of generation tariff

In a petition filed before CERC for seeking change in law on account of issuance of Flue Gas Desulphurization Notification dated December 7, 2015 by Ministry of Environment, Forest and Climate Change Government of India. CERC while declaring installation of FGD as change in law highlighted the importance of installation of Selective Non-Catalytic system for abatement of Sox and NOx emissions along with the treatment of flue gases by FGD system. UPCL also obtained the approval of additional cost required for augmentation of the FGD system

### **WARDHA SOLAR (MAHARASHTRA)**

Filing of appropriate Petition before CERC claiming recovery of amounts deducted towards Liquidated Damages. 7 Nos. of similar Petitions arising from 7 different PPAs, have to be filed seeking said amounts deducted towards LD among other declaratory/substantive relief

### **WELSPUN ENERGY**

Before Tamil Nadu Electricity Regulatory Commission in its PPA related dispute with Tamil Nadu Generation & Distribution Corporation

Filing petition under Section 79 of the Electricity Act, 2003 before the CERC, for seeking stay against prospective termination of the PPA by SECI

Before the Karnataka Electricity Regulatory Commission in its dispute with Bangalore Electricity Supply Company regarding signing of supplementary PPA for increase in maximum Capacity Utilisation Factor of its Solar PV plant

## **Government**

### **CENTRAL ELECTRICITY REGULATORY COMMISSION (CERC)**

Before the Supreme Court in a matter where the constitutional validity and the rationale of developing UI vector for unscheduled interchange charges were challenged

Before Lucknow High Court and Delhi High Court in writ petitions filed by various state utilities challenging the introduction of grid congestion charges by CERC for the Northern Region

### **CALCUTTA ELECTRIC SUPPLY CORPORATION**

On the issue, whether CESC should wait for the Ministry of Coal to cancel its coal linkage and the FSAs, and should continue to receive coal under the coal linkage till such time the linkage is cancelled by the Ministry of Coal or proactively seek the cancellation

### **DELHI ELECTRICITY REGULATORY COMMISSION**

Before Delhi High Court in a matter regarding the application and implications of the Transfer Scheme notified by the Delhi Government for unbundling of the power sector in Delhi

### **DEPARTMENT FOR INTERNATIONAL DEVELOPMENT**

On diverse issues related to the restructuring of State Electricity Boards in the states of Haryana and Andhra Pradesh which included transfer of undertakings, assets, properties, liabilities, personnel, and proceedings to generation, transmission and distribution utilities which includes regulatory issues, commercialization issues, privatization process issues, and corporatization issues

### **WELSPUN RENEWABLES ENERGY PRIVATE LIMITED AND NATIONAL SOLAR ENERGY FEDERATION OF INDIA**

In appeals filed before APTEL against the generic solar tariff order issued by the TNERC. HSA challenged the methodology and computation of specific components of solar tariff and was successful in obtaining specific directions to the TNERC for redetermination of the tariff components, including, capital cost, return on equity and depreciation

### **EAST CENTRAL RAILWAY**

Before CERC in a petition filed by Bhartiya Rail Bijli Company for determination of tariff of its 250x4 MW Nabinagar Thermal Power Plant

### **HARYANA VIDYUT PRASARAN**

Before the Haryana Electricity Regulatory Commission in relation to the development and award on PPP basis of the Jhajjar transmission line

### **HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION**

On various regulatory issues, including drafting of the open-access regulation, conduct of business regulation, etc. that are to be published by the Commission in terms of the provisions of the Electricity Act, 2003

### **JHARKHAND ELECTRICITY REGULATORY COMMISSION AND GOVERNMENT OF JHARKHAND**

On regulatory and tariff issues arising in relation to Damodar Valley Corporation, post-Electricity Act, 2003

### **MADHYA PRADESH POORV KSHETRA VIDYUT VITARAN COMPANY**

Development and execution of Distribution Agreements. The geographical area of operation of the Franchisee shall comprise of Damoh Town Distribution Center

### **MP POWER MANAGEMENT**

Before MPERC and APTEL in two matters involving aggregate claims in excess of INR 125 crores by it against two separate traders in respect of certain PPAs for the evacuation of surplus power

### **WIND INDEPENDENT POWER PRODUCERS ASSOCIATION**

To discuss possibility of reduction in the feed-in-tariff on the basis of which PPAs have been executed and drafting relevant correspondences in relation thereto

Before APERC seeking appropriate direction of APERC to AP SLDC and AP TRANSCO to restore the Uravakonda Substation and form a committee to enquire and examine the conduct of AP SLDC and AP TRANSCO

### **NORTHERN RAILWAY**

On representing before APTEL on certain tariff determination issues

### **POWER TRANSMISSION COMPANY OF UTTARAKHAND**

Before CERC for grant of permission to build, own and operate an inter-state transmission system within the state of Uttarakhand without an inter-state transmission license. This was the first time such permission was issued by CERC

### **PUNJAB STATE ELECTRICITY BOARD**

Before APTEL in certain regulatory matters before the APTEL which involved complex tariff determination issues

### **PUNJAB STATE ELECTRICITY REGULATORY COMMISSION**

Before APTEL in relation to adoption tariff for thermal power generation under Section 63 of the Electricity Act, 2003

### **REC TRANSMISSION PROJECTS COMPANY**

Before CERC in relation to the adoption of transmission charges under Section 63 of the Electricity Act, 2003 for Nagapattinam Madhugiri Transmission Company to establish transmission system associated with IPPs of Nagapattinam/Cuddalore Area

**STATE GOVERNMENTS OF HARYANA, ANDHRA PRADESH, GOA, MADHYA PRADESH, AND CHHATTISGARH**

On the implementation of the provisions of the Electricity Act, 2003 including restructuring the sector and provided full regulatory and restructuring support

**UTTARAKHAND JAL VIDYUT NIGAM**

On various issues such as provisions of the Electricity Act, 2003 applicable to generation companies, statutory approvals and legal compliances to be complied with by the generating companies, regulatory jurisdictional issues and on the issue of trading in its surplus energy. Successfully represented the entity before the Hon'ble Commission in various matters. Prepared the Aggregate Revenue Requirement filings, Tariff filings, and other regulatory instruments for the entity and has been giving advice on all day-to-day issues faced by the entity

**UTTAR PRADESH POWER CORPORATION LIMITED (UPPCL)**

On advising on strategy, drafting pleadings, and contesting the matter on behalf of UPPCL before the UPERC in a petition filed by Jaiprakash Power Ventures Limited (JPVL) in respect of its 400 MW Vishnuprayag Hydro Electric Project challenging the recovery initiated by UPPCL on account of excess reimbursement made by UPPCL of taxes on income and payment of secondary energy charges in the tariff paid to JPVL and securing a favourable order for UPPCL

On advising on the strategy, drafting the pleadings, appearing before various forums with respect to numerous Supplementary PPAs being executed between Lalitpur Power Generation Company and UPPCL and securing a favourable order

**WEST BENGAL POWER DEVELOPMENT COMPANY**

In an ongoing investigation initiated by the Central Bureau of Investigation on improper allocation and usage of coal block

**WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY**

On various matters before APTEL, CERC, and WBERC on issues relating to compliance of Grid Code, distribution tariff, challenging the vires CERC Transmission Sharing Regulations, and grants of open access by CERC

# HSA at a glance

## Full-service capabilities



## Global recognition



## Pan-India presence

### New Delhi

81/1 Adchini  
Sri Aurobindo Marg  
New Delhi – 110 017

**Phone:** (+91) (11) 6638 7000  
**Email:** [newdelhi@hsalegal.com](mailto:newdelhi@hsalegal.com)

### Bengaluru

Aswan, Ground Floor, 15/6  
Primrose Road  
Bengaluru – 560 001

**Phone:** (+91) (80) 4631 7000  
**Email:** [bengaluru@hsalegal.com](mailto:bengaluru@hsalegal.com)

### Mumbai

Construction House, 5th Floor  
Ballard Estate  
Mumbai – 400 001

**Phone:** (+91) (22) 4340 0400  
**Email:** [mumbai@hsalegal.com](mailto:mumbai@hsalegal.com)

### Kolkata

No. 14 S/P, Block C,  
Chowringhee Mansions  
Kolkata – 700 016

**Phone:** (+91) (33) 4035 0000  
**Email:** [kolkata@hsalegal.com](mailto:kolkata@hsalegal.com)

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[www.hsalegal.com](http://www.hsalegal.com)



[mail@hsalegal.com](mailto:mail@hsalegal.com)



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