

Subject: Seeking clarification for further course of action concerning the evacuation infrastructure in the GIB area of Rajasthan and Gujarat.

Ref: The Hon'ble Supreme Court vide order dated 19.04.2021 with respect to the writ Petition (Civil) No.838 Of 2019 (M.K. Ranjitsinh & Ors. V. Union Of India & Ors.)

Greetings from Solar Power Developers Association.

This letter is concerning the Hon'ble Supreme Court order 19.04.2021 which is a public interest litigation (PIL) filed by Mr. M.K, Ranjitsinh against Union of India. The writ petition seeks protection of two critically endangered species of birds (the Great Indian Bustard ('GIB') and the Lesser Florican) in their habitat region, due to the existence of overhead power lines causing death of birds on account of collision. As per the Hon'ble Supreme Court order, a Committee has been set up to evaluate the feasibility of deployment of underground high voltage transmission lines in potential GIB areas. Until the committee submits it's report to the Hon'ble Supreme Court, a considerable delay is expected in the construction of evacuation infrastructure by PGCIL/ CTU/ STU.

The Renewable Energy sector welcomes the Hon'ble Supreme Court's decision to protect the endangered bird species. Also, it is important to note that the GIB area covers a large geographical expanse. The main areas of conservation of GIB in western Rajasthan and Gujarat also overlaps with one of the main renewable energy hubs of the country and is very crucial for green energy supply of the country. However, the current Supreme Court order is lopsided and the lacunae in the order will cause major moral hazard to the development of RE sector. The Technical and commercial implications on the RE developers have been provided in a separate Annexure-I for your kind reference. We would humbly request you that it should be given due consideration before arriving at any final decision.

As per the MOEF&CC, the main areas of conservation of GIB have been in development since 2004 and around 1500 MW of major Solar and wind power generation stations have already been commissioned in Gujarat and Rajasthan. Although, this area has huge RE source potential, only 2400 MW of additional renewable projects are under execution in the area which will play a critical role for India's clean energy transition and meet it's energy security. This will not only contribute to meet the 175 GW target of RE capacity addition by 2022 but also plays a pivotal role in India's commitment of meeting Nationally Determined Contribution under the Paris Climate Agreement to achieve 40% of installed electric power capacity from non-fossil sources by 2030.

Recommendations/Suggestions:

If the present Order of the Hon'ble Court is implemented without any modifications, then practically the western region of Kutch area would be completely unavailable for bidding which is a high solar resource area.

1. Developers should only be required to install bird-diverters on existing and/or under construction overhead transmission lines, if such transmission line are in GIB Potential Area and underground laying should be mandated if transmission lines pass through GIB priority area.
2. Thus, it is recommended that bird diverters be installed for the existing projects, and further if all the stakeholders are not able to come up with a better alternative/solution and if this is the only solution that is reached, then it is further recommended that such mandate should only be made applicable on upcoming tenders and not existing/bid out ones.
3. Further, it is requested that potential areas be excluded from the ambit of this order as was envisaged earlier.

Request/ Prayers:

In view of the present circumstances and explanation given above, hence the RE developers requests your humble office to kindly advise MNRE, MoP and the Hon'ble Supreme Court to

1. Provide clarification as to whether developers should continue transmission & connectivity work or wait till the issuance of the Committee's decision particularly because in the current scenario transmission line works has been stalled until the feasibility report is reviewed by the Supreme Court from Committee.
2. Seek clarification and modification of the Order from the Hon'ble Supreme Court.
3. File an appropriate review petition/ application seeking clarification w.r.t. Priority and Potential habitats since, no relief has been sought by the Petitioner or the Wildlife Institute with respect to the Potential area.
4. Priority area itself is 12,000 sq km for 100 birds, hence, to exclude Potential area from the said order. Rather, proper hatching measures to be taken in this 12,000 km of priority area where industry can contribute under CSR.
5. Seek permission and exemption from the Hon'ble Court for 132/220/400 kV and above O/H transmission line for the existing awarded and are under implementation with special safety measures (with bird diverters etc.) including projects which are upcoming and being planned to be set up as part of renewable energy target set by Govt of India.
6. Seek exemption, form the Hon'ble Court for 132 kV and above (High Voltage line) O/H transmission line for the projects which are already commissioned and are operating. The developers can use special safety measures like bird diverters etc for these projects.
7. Seek report from the committee appointed by the SC that laying of underground cables is not technically feasible for HV and EHV transmission lines that undergrounding of power lines would also entail land acquisition. Timelines need to be fixed and fund requirement and sources of funds need to be ascertained to complete the process.
8. Seek clarification/ modification of the order as per suggestions above or any other solution as may deem fit for enabling continuance of project implementation in the area.
9. Seek clarity from Hon'ble Court on the mechanism for compensation of projects whose power purchase contracts do not have provision for pass through of incremental cost due to undergrounding of cables.

The RE developers assures to act responsibly and have continued to work diligently, commission RE capacities to meet the State's clean energy target while bracing the unforeseen circumstances posed by COVID-19 alongwith the policy, regulatory and market uncertainty that continues to intensify. Therefore, kindly consider the above recommendations or suggestions to seek further clarifications which are not only

important but also imperative to decide further course of action to either continue the work of Transmission lines in new projects or wait till the recommendation of committee. We look forward to your kind support in the matter.

Yours Sincerely,

Shekhar Dutt

To,
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