



NLSIU-CEERA
THREE-DAY CERTIFICATE COURSE
ON
**“ENERGY SECTOR: CONTRACTUAL, FINANCIAL &
REGULATORY GOVERNANCE IN INDIA”**



ORGANISED BY
**CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND
ADVOCACY [CEERA],**

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY BENGALURU

AT

Venue: NLSIU Campus, Nagarbhavi, Bengaluru

ON

Date: November 11 to 13, 2019

About The Course

The growth of the Power Sector in India is unprecedented. The dominance by the erstwhile central and state government enterprises has seen a decline and there is an increasing upscale of private participation in the various tenets of activities, especially in the Generation Companies and Distribution Companies. Due credit for such growth of privatisation is to the regulatory framework that has made it convenient as they are not merely diversified, but are also evolved overtime. However, the practices of contracting and acquiring interests in the power sector, requires deliberation and discussion.



Sailing through, what we now call, as the Energy Transition phase, the mode and source of generating electricity is changing rapidly, from largely conventional, to mostly renewable. The Economic Survey of 2017-18 reiterates that the renewable sector requires investment of over USD 350 billion over the period of the next decade, in order to achieve the target of the Indian economy becoming a USD 5 trillion economy.

The renewable energy sector received a staggering \$20 billion USD investment in the year 2018 alone and this sets the hopes and aspirations for the growth of this sector on a much higher ground. However, a number of challenges and hurdles remain in the development and growth of this sector, which make the question of achieving energy security, a very recurring one. For example, the risk to the Indian Renewable Energy Sector is the risk associated with State-owned utilities defaulting on their contractual liabilities to pay the power producing private companies. Numerous cases have occurred in the recent past, where the Public Discoms who are one of the largest off-takers for the renewable energy sector have sought to repudiate or renegotiate Power Purchase Agreements (PPAs) at pre-decided tariffs with independent power producers. Recently in July 2019, the Andhra Pradesh Government has issued a Circular to unilaterally renegotiate the terms and conditions of the contracts relating to revising the tariffs and the private wind energy producers have filed a writ in the High Court opposing the same. The issue has led to the government towards closing down of over twenty wind energy projects, citing extensive costs to the exchequer.

While there has been diverse deliberations on policy matters, comparatively little or no significant efforts have been directed towards strengthening of the legal, regulatory and institutional framework. While we would like to reiterate on reformulating and revisiting the critical clauses in the PPAs as signed in the Renewable sector and make them contemporary enough to include and protect rights of investors and regulate the tariffs to the extent that it doesn't mar the future investments in this sector, but makes the participation in this area of

power generation and distribution more harmonious. The Press Information Bureau report of 2015 discussed the Ujwal Discom Assurance Yojana (UDAY) programme, a programme that envisaged a financial turnaround, operational improvements and the reduction in power generation costs which looks like a positive step. The initiative now, is to take legal measures in promoting this policy directive. The gap in between the policy making and the legal regime must be filled, in order to achieve an overall progress. One area within clean energy sector which has seen the most turbulence and the least growth in the past decade has been the hydropower industry. Numerous projects have been left abandoned and stalled, due to insufficient funds and gross cost overruns. There are defunct contractual obligations here as well, which are not highlighted in the everyday news segment. However, with NHPC recently being granted the Subansiri project worth hundreds of megawatts, once more the attention is drawn to the contracts which arise here and importantly, the security for investment protection. Another important issue which arises but as the effects of the same are not quite visible now, it manages to escape the eye is that of the piling up of Environmental Costs of the renewable energy projects. . Contracts in the electricity sector are generally long term

agreements that may have rummaging impact on its various stakeholders including the Producer of Electricity, Distributors including State-run Discoms and the end consumer, a common man. While there are advantages thereto, there may be several challenges and issues that crop up during the operation stage of such long-term contracts. In India and across the world, we have come across inter alia, issues such as Change in Law, Shortage of Fuel Supply or raw materials as a plea for non-performance of the contracts, and on numerous occasions the judicial interpretation on the same has caused business hardship to private participants, and an international embarrassment in a particular instance.

While the policy makers have already started with the journey of increasing solar panel production by removing the import duty on products required to make solar panels¹ so that the domestic producers are aided, the solar energy industry is steadily increasing in quantum every year. What goes unnoticed is that under the E-Waste Management Rules of 2016, the Extended Producer's Responsibility mandates the producers of hazardous E-waste to take back their waste at a cost. This cost, shall be borne sooner or later, by the consumer of this energy as the producer shall have to undertake expenditure to reuse and/or dispose of this solar panel e-waste, which would then affect the production cost. The tariffs now capped by the Government of India, for solar energy, this whole situation proves to be no less than a ticking time bomb, waiting to re-transition the economy from renewable energy back to majorly carbon-oriented. Such issues, need be addressed on a legal note through rephrasing and redrafting the contracts which are signed by various stakeholders and it must be ensured that the law evolves at a relatively faster pace than the policy.

¹ Enabling Inclusive Growth through Affordable, reliable and Sustainable Energy, Chapter 9, Economic Survey of India 2018-19, pg 175

Deliberations on Following Broad Themes:

- ❖ PPA and Critical Clauses (Change-in-law clause within the PPAs)
- ❖ Renewable Purchase Obligations/Tariff Regulation and Consumer Interests
- ❖ Regulators, Adjudication and Dispute Redressal
- ❖ Energy Conservation Act 2001 and Energy Efficiency in India
- ❖ Energy Security and Foreign Investment Policy in India
- ❖ Financial Regulations in the Energy Sector (State/Central, Private Players & PPP Ventures)
- ❖ Scope of Public Private Partnership in the Energy Sector
- ❖ Solar Power and the Energy Sector
- ❖ Environmental Standards and Challenges faced in the Energy Sector, vis a vis Thermal Power
- ❖ Nuclear Energy: Implementation and Policy Challenges

The Course Co-ordinator, setting Foot-Print:

DR. SAIRAM BHAT

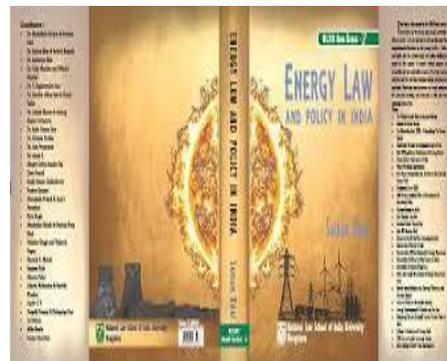
*Professor of Law, National Law School of India University (NLSIU),
Bengaluru;*

*Coordinator, Centre for Environmental Law Education, Research and
Advocacy (CEERA), NLSIU, Bengaluru*



Prof. Dr. Sairam Bhat is one of the pioneer trainers on the Law on Infrastructure Contracts and Contracting in the Energy Sector, and has conducted several training programmes and workshops for various officers of Government of India, and other State Governments under the aegis of various government bodies including the Mistsubishi Power Corporation, Reliance Energy Management Institute, Mumbai;

Gujarat Energy Training & Research Institute; Administrative Training Institute, Mysore; National Academy of Direct Taxes, Delhi; Vaizag Steel; Central Silk Board; National Productivity Council; GIPARD, Goa and Fiscal Policy Institute, Bengaluru and is the Editor of the book on Energy Law and Policy in India published in 2016 which encompasses a comprehensive analysis on various regulatory matters and contractual issues on Energy, Electricity its regulation and dispute resolution.



About NLSIU

The National Law School of India University, the Nation's premier law university, came into existence through a Notification under the National Law School of India University Act (Karnataka Act 22 of 1986). It signified the culmination of efforts by the Judiciary, the Bar Council of India, the Karnataka Bar Council, the Bangalore University and the Government of Karnataka to reform legal education and to establish a centre of excellence for legal education and research in India. The Law School has undertaken many research projects funded by the UGC, the Government of India, the Government of Karnataka, the Department of Women and Child Development, UN agencies, the World Bank, HIVOS, Department of Justice etc.



The Projects have served to strengthen research and teaching at the Law School. The National Law School of India University since its inception has taken proactive steps in organizing conferences, seminars, workshops, refresher courses and certificate courses to update academicians, law teachers, students, industry personnel in different subject areas.

About CEERA

Centre for Environmental Law Education, Research and Advocacy (CEERA), established in 1997 is a benefactor of the Ministry of Environment and Forest (MoEF), Government of Karnataka, the Bar and the Bench in India and several Institutions and Universities in India and abroad. Building an environmental law database, effectively networking among all stakeholders, building up an environmental law community and policy research in the area of environment are CEERA's main objectives.



To achieve the aforesaid, CEERA has incessantly and successfully been able to build functional and professional linkages, CEERA attempts to create functional and professional linkages with government agencies and non-governmental organisations in India, the South Asian Region and at International levels. Apart from handling and furthering India's environmental conservation work involving policy analysis, campaigning, community capacity building and strategic level intervention on critical environmental issues, CEERA serves as a rich resource centre for environmental law teaching and research for both the bachelors and masters courses at NLSIU.

The Centre has consistently been associated with some of the pioneering research work in all of educational institutions in the country. One of the first to successfully be granted a World Bank project and thereafter being a steady choice for the Ministry of Environment Forest and Climate Change, CEERA has been entrusted with some of the most fundamental training of important Forest Officers, Revenue Officers, Officers of the Central Pollution Control Board and also of the Government of Karnataka, the Centre has been approached steadily for carrying out effective research and conduct effective training programmes. CEERA is proud to have been consistently associated with and has become a preferred resource centre for carrying out research and training programmes in the most effective and constructive manner. CEERA also organises, annually, a UGC recognized, One-week Law Teacher's Refresher Course for the past few years, and the Training Programme for IAS, IES cadre Officers, Officers of the Pollution Control Board and other Government Agencies.

CEERA has also made several publications in the area of environmental law, the law and public policy along with Newsletters, CEERA March of the Environmental Law, NLSIU's first e-Journal – Journal on Environmental Law, Policy and Development and manages two websites viz., www.nlsenlaw.org, wherein the law and policy on Environment is regularly updated, and www.Nlsabs.com, a dedicated portal wherein the law and policy on Access to Benefit Sharing is updated periodically. All our publications are duly updated on our online portal www.nlspub.ac.in, which is open for subscription to all readers.



Looking back only to leap forward: A memoir of few initiatives of the organizers dealing with the Law, Policy and Contracts in the Energy Sector in India.

Course Fees

| Non-Residential | Residential (Twin-Sharing) | Residential (Single-Sharing) |
|--|---|--|
| INR 23,600/-[Rupees Twenty-Three Thousand and Six Hundred only] | INR 33,600/- [Rupees Thirty-Three Thousand and Six Hundred only] | INR 39,600 [Rupees Thirty-Nine Thousand and Six Hundred only] |
| Student Fee [Non-Residential only]: INR 12,500/- [Rupees Twelve Thousand and Five Hundred only]. | | |
| This fee is applicable only to Undergraduate Students or Masters Students and does not apply to Ph.D. Scholars or Researchers. | | |

Course Fees may be paid by NEFT/RTGS/IMPS/Demand Draft in favour of **DIRECTOR NLSIU SCHEMES AND PROJECTS**, payable at Bengaluru along with the Registration Form attached. Upon remittance of Course Fees, the participant(s) shall send the Transaction Details along with a duly filled Registration Form to MS. Susheela on susheela@nls.ac.in

Course fee covers the following: Admission to all sessions, reading material, Tea/Coffee and lunch. Breakfast and Dinner shall be provided only to Residential Participants.

Boarding/Lodging/Accommodation:

Non-Residential Participants will need to make their own arrangements for boarding/lodging/Accommodation on the days of the Programme.

Residential Participants will only be provided accommodation on campus, on first come first serve basis, subject to availability of rooms. The rooms at the NLSIU Training Centre are Air conditioned with TV and other facilities, including a gym. The Residential costs shall include the provision of Breakfast and Dinner for the Residential Participants for the duration of the course.

Further, Residential Participants are requested to plan their itinerary to arrive on their own cost, at the Venue not prior to 5:00 P.M. on 10th November, 2019 and depart latest by 12:00 P.M. on 14th November, 2019.

Code of Conduct expected from the participants

NLSIU does not permit smoking or consumption of liquor on campus. Attendance to all the sessions is mandatory for issue of certificate. Participants, seeking accommodation at Venue are requested to refrain from accompanying with their spouse to the Venue. The Organisers notify that any request for accommodation for a Non-Participants will not be entertained.

Any request for sightseeing/local shopping will not be encouraged.

Reading material shall be sent only in softcopy format. Presentation made by the speakers may be shared only if the speakers agree for the same.

For Further Details, Please Contact

Ms. Susheela Suresh,
Secretary, CEERA, NLSIU
Email: susheela@nls.ac.in

Sd/-

PROF. DR. SAIRAM BHAT
Coordinator, CEERA
Professor of Law, NLSIU

THREE-DAY CERTIFICATE COURSE ON
“Energy Sector: Contractual, Financial & Regulatory Governance in India”

REGISTRATION FORM
PART-A: DETAILS OF PARTICIPANT

| | |
|---|--------------------------------------|
| Full Name: Dr./Mr./Ms./ Mrs.: (Kindly tick the Appropriate Title) | |
| Company/ Organization/School/College | |
| Designation: | |
| Office Address: | |
| Email: | |
| Contact No.: | |
| a) Mobile: | |
| b) Work: | |
| Payment details | NEFT Transaction ID and Date: |

PART-B: PAYMENT OF REGISTRATION FEE DETAILS

NEFT Transaction ID:

NEFT Transaction Date:

Amount:

Kindly send a **scanned copy** of the Registration Form and NEFT Transaction ID to **Ms. Susheela** at **email id: susheela@nls.ac.in**.

The **original document** of the Registration Form shall be sent via courier/post to:

Ms. Susheela
 CEERA, NLSIU
 PO Bag 7201, National Law School of India University,
 Nagarbhavi, Bengaluru 560 072

**ELECTRONIC CLEARING SERVICE (CREDIT CLEARING) / REAL TIME GROSS
SETTLEMENT (RTGS) FACILITY FOR RECEIVING PAYMENTS**

DETAILS OF ACCOUNT HOLDER:

| | |
|----------------------------------|---|
| NAME OF ACCOUNT HOLDER | DIRECTOR NLSIU SCHEMES AND PROJECTS |
| COMPLETE CONTACT ADDRESS | NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, P.B.NO.7201, NAGARBHAVI, BANGALORE - 560 072 |
| TELEPHONE NUMBER/FAX/MAIL | 23213160, 23160532, 23160533 / Fax 23160534 / registrar@nls.ac.in |
| PAN | AAAJN0185F |

BANK ACCOUNT DETAILS: -

| | |
|--|--|
| BANK NAME | CORPORATION BANK |
| BRANCH NAME WITH COMPLETE ADDRESS, TELEPHONE NUMBER AND EMAIL | NLSIU BRANCH, NLSIU CAMPUS, NAGARBHAVI, BANGALORE - 560 072, Ph.: 080- 23218130 & 23218115 EMAIL - cb2144@corpbank.co.in |
| IFSC CODE / NEFT CODE / RTGS CODE / BRANCH CODE | CORP0002144 |
| TYPE OF BANK ACCOUNT (SB/CURRENT/CASH CREDIT) | SAVINGS BANK |
| COMPLETE BANK ACCOUNT NUMBER (LATEST) | 520101045115075 |
| MICR CODE OF BANK | 560017060 |