

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 176/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement dated 7.2.2018 between the Petitioner and NTPC Limited seeking relief on account of Change in Law event, viz. the imposition of Safeguard Duty by Notification No. 1/2018 Customs (SG) dated 30.7.2018 issued by the Department of Revenue, Ministry of Finance, Government of India.

Petitioner : Solairepro Urja Private Limited

Respondents : NTPC Limited and Anr.

Date of Hearing : 22.8.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member

Parties Present : Shri Jafar Alam, Advocate, Solairepro Urja
Shri Saahil Kaul, Advocate, Solairepro Urja
Ms. Sheela, Solairepro Urja
Shri Venkatesh, Advocate, NTPC
Ms. Nishtha Kumar, Advocate, NTPC
Shri Vikas Maini, Advocate, NTPC
Shri Suhael Buttan, Advocate, NTPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking, *inter-alia*, declaration that the issuance of Notification No.01/2018-Customs (SG) dated 30.7.2018 by the Department of Revenue, Ministry of Finance, Government of India, imposing Safeguard Duty on the import of solar cells, is a Change in Law under Article 12 of the Power Purchase Agreement executed between the Petitioner and Respondent NTPC Limited. Learned counsel requested the Commission to issue notice to the Respondents.

2. Learned counsel for the Respondent, NTPC, accepted notice and requested for four weeks' time to file reply to Petition.

3. After hearing the learned counsels for the Petitioner and NTPC, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Respondent, NTPC to submit the list of distribution companies to whom power would be or is being supplied by the Petitioner, by 27.8.2019. The Commission directed the Petitioner to implead the distribution companies as parties to the Petition and to file revised memo of parties by 31.8.2019.



5. The Commission directed the Petitioner to serve the copy of the Petition and the RoP on the Respondents and the distribution companies immediately. The Respondents including the distribution companies were directed to file their replies by 20.9.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 5.10.2019. The Commission directed that the due date of filing of replies and rejoinder should be strictly complied with.

6. The Petition shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

**sd/-
(T.D.Pant)
Deputy Chief (Law)**

