

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 365/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for (i) declaration of 'Change in Law' event; and (ii) grant of consequential relief to compensate for the increase in capital cost due to introduction and imposition of Safe Guard Duty by way of Notification No.01/2018- Customs SG dated 30.7.2018 issued by the Department of Revenue, Ministry of Finance, in terms of Article 17 of the power purchase agreement dated 17.4.2017 between Mahindra Renewables Private Limited and M.P. Power Management Company Limited and power purchase agreement dated 17.4.2017 between Mahindra Renewables Private Limited and Delhi Metro Rail Corporation.

Petitioner : Mahindra Renewables Private Limited

Respondents : M.P. Power Management Company Limited and others

Date of hearing : 25.11.2019

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

Parties present : Ms. Anukriti Jain, Advocate, MRPL
Shri Aditiya Kumar Singh, Advocate, MRPL
Shri Ankur Pathak, MRPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed inter-alia for seeking declaration that introduction of Safeguard Duty qualifies as 'Change in Law' in terms of Article 17 of the PPAs executed between the Petitioner and the Respondents and accordingly, the Petitioner is entitled to relief. Learned counsel requested to issue notice to the Respondents.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately if not served already. The Respondents were directed to file their replies, by 13.12.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.12.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with.

4. 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)