

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 454/MP/2019 and IA No.19/2020

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions contained in order dated 9.10.2018

Petitioners : ACME Kaithal Solar Power Private Limited and Ors.

Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.

Petition No. 457/MP/2019 and IA No.18/2020

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions contained in order dated 9.10.2018

Petitioners : ACME Bhiwadi Solar Power Private Limited and Ors.

Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.

Petition No. 500/MP/2019 and IA No.20/2020

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions contained in order dated 2.5.2019.

Petitioners : ACME Rewa Solar Energy Private Limited and Anr.

Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.

Date of Hearing : 7.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Hemant Sahai, Advocate, ACME
Shri Shreshth Sharma, Advocate, ACME
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Manoj Mathur, SECI
Shri Ajay Kumar Sinha, SECI
Shri Abhinav Kumar, SECI
Shri Udaypavan Kumar Kruthiventi, SECI



Record of Proceedings

The matters were heard through video conferencing.

2. At the outset, learned counsel for the Petitioners submitted that the reconciliation process of the Petitioners' claims towards GST Laws (Petition Nos. 454/MP/2019 and 457/MP/2019) and safeguard duty (Petition No. 500/MP/2019) has been completed with the Respondent No. 1, Solar Energy Corporation of India Limited (SECI). Learned counsel submitted that the issues that remain to be addressed are the annuity rate considered by SECI in its proposed methodology i.e. 10.41%, which is incorrect and not as per the Central Electricity Regulatory Commission (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2017 and the carrying cost. Learned counsel further submitted that similar issues are already pending before the Commission in Petition Nos. 373/MP/2020 and 158/MP/2020. Therefore, SECI may be directed to file its reply with regard to the annuity rate and the present Petitions may be tagged with the said Petitions.

3. Learned counsel for the Petitioners further submitted that the Petition No. 500/MP/2019 involves an additional point to effect that certain consignments of solar modules have been imported by the Petitioners after executing the bonds for payment of safeguard duty to the Customs Department, wherein the Petitioners in addition to the such duty will also be liable to pay interest thereon. Accordingly, SECI ought to be directed to pay such bond amount including interest as applied by Customs Department to the Petitioners in advance on lump sum basis.

4. Learned senior counsel for the Respondent No.1, SECI, submitted that the issue of annuity rate in the methodology proposed by SECI is already under consideration of the Commission in Petition No. 158/MP/2020 which has been tagged with Petition No. 373/MP/2020. Learned senior counsel further submitted that SECI has also filed Petition No. 536/MP/2020 in respect of the methodology for annuity proposed by SECI, by impleading all the Solar Power Developers and the same may be listed for hearing along with the instant Petitions. Learned senior counsel submitted that as an interim measure, SECI has released the provisional annuity payment along with the lump-sum amount to the Petitioners based on the annuity rate of 10.41% from COD. He added that SECI is also contesting the claims of the Petitioners towards carrying cost/late payment surcharge and the payment of bond amount including interest thereon. However, these issues may be dealt with together with annuity rate while taking up the matters.

5. After hearing the learned counsel for the Petitioners and learned senior counsel for SECI, the Commission observed that since similar issue is pending for adjudication in Petition Nos. 158/MP/2020 and 373/MP/2020, the instant Petitions shall be tagged with the Petition Nos. 158/MP/2020 and 373/MP/2020.

6. The Commission further directed SECI to file its reply to the additional affidavit filed by the Petitioners, if any, by 24.7.2020 with advance copy to the Petitioners who may file their rejoinder, if any, by 10.8.2020.



7. The Petitions and IAs shall be listed for hearing along with the Petition Nos.158/MP/2020, 373/MP/2020 and 536/MP/2020 in due course for which separate notice will be issued.

By order of the Commission

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

