

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.230/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12.2 of the Power Purchase Agreement dated 20.08.2019 for the development of 300 MW (reduced to 150 MW) ISTS connected Solar power project entered between Adani Solar Energy Jaisalmer Two Private Limited (*formerly known as SBSR Power Cleantech Eleven Private Limited*) and Solar Energy Corporation of India Ltd. seeking reliefs for the additional expenditure incurred due to occurrence of Change in Law events.
- Date of Hearing : **15.12.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Solar Energy Jaisalmer Two Private Limited (ASEJTPL)
- Respondents : Solar Energy Corporation of India Ltd. & Ors.
- Parties Present : Shri Hemant Singh, Advocate, ASEJTPL
Shri Mridul Chakravarty, Advocate, ASEJTPL
Shri Harshit Sing, Advocate, ASEJTPL
Shri Lakshyajit Singh Bagdwal, Advocate, ASEJTPL
Shri Shaurya Kumar, Advocate, ASEJTPL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the present Petition has been filed seeking reliefs for the additional expenditure incurred due to the occurrence of certain Change in Law events/ notifications in terms of the Power Purchase Agreement dated 20.8.2019, namely, (i) Department of Revenue, Ministry of Finance, Government of India's Notification No. 2/2020-Customs (SG) dated 29.7.2020 issued under the Customs Tariff Act, 1975 imposing the Safeguard Duty at the rate of 14.5%, (ii) Department of Revenue, Ministry of Finance, Government of India's Notification No. 7/2021-Customs dated 1.2.2021; Notification No. 3/2021-Customs dated 1.2.2021 read with the Ministry of Finance's letter No. D.O.F No. 334/2/2020-TRU dated 1.2.2021 increasing the rate of Basic Custom Duty from 5% to 20%, and (iii) Department of Revenue, Ministry of Finance, Government of India's Notification No. 8/2021-Central Tax (Rate) dated 30.9.2021 read with the Ministry of Finance, State of Rajasthan's Notification dated 30.9.2021 increasing the rate of GST from 5% to 12% along with the carrying costs at the applicable late payment surcharge rate computed on compounding basis for each Change in Law event.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

- (a) Admit. Issue notice to the Respondents.



(b) The Petitioner to serve a copy of the Petition on the Respondents and Respondents to file their replies, if any, within four weeks after serving a copy of the same to the Petitioner, who may file its rejoinder within four weeks thereafter.

3. The Petition will be listed for the hearing on **19.4.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)