

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 64/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 along with Section 79 (1)(k) of the Electricity Act, 2003 for (i) declaration of events as 'change in law' under the Power Purchase Agreement dated 5.7.2018; 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 12 of the PPA dated 5.7.2018 executed between Sprng Agnitra Private Limited and NTPC Limited.

Petitioner : SPRNG Agnitra Private Limited (SAPL)

Respondent : NTPC Limited

Date of hearing : 12.6.2019

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

Parties present : Shri Apoorva Mishra, Advocate, SAPL
Ms. Molshree Bhatnagar, Advocate, SAPL
Ms. Poorva Saigal, Advocate, NTPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking declaration of events as 'Change in Law' and consequential relief to compensate for the increase in capital cost due to imposition of Safeguard Duty on the import of solar cells (whether or not assembled in modules or panels) by the Ministry of Finance, Department of Revenue in terms of Article 12 of the PPA dated 5.7.2018. Learned counsel for the Petitioner requested to issue notice to the Respondent.

2. Learned counsel for NTPC Limited accepted the notice and submitted that the distribution companies should be made parties to the petition.

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

4. The Commission directed NTPC to submit the list of distribution companies to whom power would be supplied by the Petitioner. The Commission directed the Petitioner to implead the distribution companies as parties to the Petition and to file revised memo of parties by 26.6.2019.

5. The Commission directed the Petitioner to serve copy of the Petition and the RoP

on the Respondent and the distribution companies immediately. The Respondent including distribution companies were directed to file their replies, by 3.7.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 17.7.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

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)**