

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 373/MP/2019

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for (i) approval of 'Change in Law' and (ii) seeking an appropriate mechanism for grant of an appropriate adjustment/compensation to offset financial/commercial impact of change in law events on account of imposition of safeguard duty on solar cell/modules in terms of Article 12 read with Article 16.3.1 of the Power Purchase Agreements dated 27.4.2018 between SB Energy Four Private Limited and Solar Energy Corporation of India Limited.

Petitioner : SB Energy Four Private Limited (SBEFPL)

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 Sujit Ghosh, Advocate, SBEFPL
Ms. Mannat Waraich, Advocate, SBEFPL
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 matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking declaration that the imposition of safeguard duty is a Change in Law event in terms of the PPAs executed between the Petitioner and the Respondent, Solar Energy Corporation of India Limited (SECI). Learned counsel submitted that in terms of Ministry of New and Renewable Energy's letters dated 12.3.2020 and 23.3.2020, the Petitioner is already engaged with SECI for reconciliation of its claims and accordingly, requested to adjourn the matter till the outcome of reconciliation.



3. Learned senior counsel for the Respondent, SECI, submitted that the issue involved in the Petition stands covered by the Commission's earlier orders relating to Change in Law event arising out of imposition of safeguard duty. Accordingly, the Commission may dispose of the present Petition in line with its earlier orders. Learned senior counsel added that as such SECI has no objection towards the Petitioner's request for adjournment pending the reconciliation of the claims.

4. After hearing the learned counsel for the Petitioner and the learned senior counsel for the Respondent, SECI, the Commission observed that the Petitioner and the Respondent, SECI are already in discussion for reconciliation of the Petitioner's claims arising out of the Change in Law event, namely, imposition of safeguard duty, as per MNRE's letters dated 12.3.2020 and 23.3.2020. Accordingly, based on the request of the Petitioner, the Commission adjourned the matter sine die. The Petitioner may get the Petition revived based on the outcome of the discussion or settlement reached, if any, amongst the parties.

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

