

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 454/MP/2019

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.

Petitioner : 1. ACME Kaithal Solar Power Private Limited
2. ACME Koppal Solar Energy Private Limited
3. ACME Vijaypura Solar Energy Private Limited
4. ACME Babadham Solar Power Private Limited

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

Petition No. 457/MP/2019

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.

Petitioner : 1. ACME Bhiwadi Solar Power Private Limited
2. ACME Karnal Solar Power Private Limited
3. ACME Hisar Solar Power Private Limited

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

Petition No. 500/MP/2019

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.

Petitioner : 1. ACME Rewa Solar Energy Private Limited
2. ACME Jodhpur Solar Power Private Limited

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

Date of hearing : 14.1.2020

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

Parties present : Shri Shreshth Sharma, Advocate, ACME
Ms. Jyotsana Khatri, Advocate, ACME
Ms. Molshree Bhatnagar, Advocate, ACME

Record of Proceedings

Learned counsel for the Petitioners submitted that the instant Petitions have been filed under Section 142 of the Electricity Act, 2003 (Act) for non-compliance of the Commission's orders dated 9.10.2018 in Petition Nos.201/MP/2017 and batch, dated 9.10.2018 in Petition Nos. 188/MP/2017 and batch and dated 2.5.2019 in Petition No. 342/MP/2018 and Anr., wherein the Commission had allowed the compensation to the Petitioners on account of Change in Law events, namely, GST Laws and Safeguard Duty.



2. Learned counsel for the Petitioners submitted that in terms of the above orders, the Petitioners raised the supplementary invoices on the Respondent, SECI, which have not been paid by it on the ground that SECI is required to settle the claims on back--back basis i.e. after receipt of the payment from the distribution licensee/utilities, which is according to the Petitioner, is against the orders of the Commission. Learned counsel for the Petitioners, referring to the Petition No. 454/MP/2019, submitted that the Petitioners therein had raised the supplementary invoices for Rs.39.79 crore pursuant to the Commission's order dated 9.10.2018. However, SECI in its letters dated 13.9.2019 admitted the claims of Rs. 26.04 crore only and despite having admitted to such amount, SECI has not even paid the amount so far.

3. Learned counsel for the Petitioners submitted that similarly, in Petition No. 457/MP/2019, the Petitioners have raised the supplementary invoices for Rs. 38.21 crore against which SECI vide its letters dated 13.9.2019 admitted the amount of Rs. 27.56 crore only and has not even paid such amount. Learned counsel submitted that in Petition No. 500/MP/2019, the Petitioners have raised the supplementary invoices for Rs. 55.42 crore, which has not been paid by the Respondent, SECI. Accordingly, the learned counsel requested to issue direction to Respondent, SECI under Section 142 of the Act for non-compliance of the Commission's orders.

4. After hearing the learned counsel for the Petitioners, the Commission admitted the Petitions and directed to issue notices to the Respondents. The Commission directed the Petitioners to serve copy of the Petitions on the Respondents, if not served already. The Respondents were directed to file their replies by 6.2.2020 with an advance copy to the Petitioners who may file their rejoinders on or before 21.2.2020.

5. The Commission directed the Respondent, SECI to explain the reason, by 28.1.2020 for non-payment of the outstanding dues to the Petitioners despite admitting its liability in its various letters particularly, in Petitions No. 454/MP/2019 and 457/MP/2019.

6. The Petitions shall be listed for hearing in due course, for which separate notice will be issued.

By order of the Commission

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