

**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 cells/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
- Date of Hearing : 21.12.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : SB Energy Four Private Limited (SBEFPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.
- Parties Present : Shri Sujit Ghosh, Advocate, SBEFPL  
Ms. Mannat Waraich, Advocate, SBEFPL  
Ms. Pratiksha Chaturvedi, Advocate, SBEFPL  
Shri Toshin Bishnoi, Advocate, SBEFPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Poorva Saigal, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Neha Singh, SECI

**Record of Proceedings**

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the Change in Law claims of the Petitioner arising out of the imposition of Safeguard duty on solar cells/ modules have already been reconciled between the Petitioner and SECI and that SECI has already started making payment of such reconciled amounts. Accordingly, the Commission may pass an appropriate order in the matter.

3. The learned senior counsel and the learned counsel for the Respondent, SECI also confirmed that SECI has reconciled the claims of the Petitioner and started making payments to the Petitioner in terms of the direction of the Appellate Tribunal for Electricity vide order dated 23.11.2020 in OP No. 12/2020. However, the buying entity, Uttar Pradesh Power Corporation Limited is yet to reconcile the said amounts.

4. In response to the specific query of the Commission regarding passing the order in terms of Rule 3(8) of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules') in the present case since the claims have already been reconciled, the learned senior counsel for the Respondent, SECI submitted that the present case is covered by the order of the Commission dated 20.8.2020 in Petition No. 536/MP/2020, whereby the Petitioner was also party to the said Petition (Respondent No. 30) and the present Petition had been taken note of therein. Hence, in the present case, the Commission may pass an order in line with the said order as the cases covered thereunder are not being re-opened under the Change in Law Rules. The learned senior counsel also submitted that considering the present case, under Rule 3(8) of the Change in Law Rules may give rise to certain other issues including the issue of not following the procedure prescribed therein.

5. After hearing the learned senior counsel for the Respondent, SECI and the learned counsel for the Petitioner, the Commission reserved the matter for order.

**By order of the Commission**

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