

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 73/MP/2020 along with IA No.21/2021

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief to compensate for the increase capital cost due to introduction of the Central Goods and Service Tax Act, 2017, the Integrated Goods and Service Tax Act, 2017 and the State Goods and Services Tax Acts enacted by respective States, and (b) imposition and introduction of Safe Guard Duty on the import of solar cess (whether or not assembled in modules or panels) 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 read with Article 16.3.1 of the Power Purchase Agreements dated 6.10.2017 between SB Energy One Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : 26.3.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : SB Energy One Private Limited (SBEOPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, SBEOPL
Ms. Molshree Bhatnagar, Advocate, SBEOPL
Shri Samarth Kashyap, Advocate, SBEOPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Anand Ganesan, Advocate, RUVNL
Ms. Swapna Seshardri, Advocate, RUVNL
Shri Ashwin Ramanath, Advocate, RUVNL
Shri Sidhartha Mahapatra, SBEOPL
Shri Ajay Kumar Nayak, SECI
Shri Abhinav Kumar, SECI
Shri Uday Pavan Kumar Kruthiventi, SECI

Record of Proceedings

Case was called out for virtual hearing.

2. Learned senior counsel for the Petitioner submitted that vide Record of Proceedings for the hearing dated 4.6.2020, the matter was adjourned sine die by the Commission as the Petitioner and SECI were already in discussion for

reconciliation of the Petitioner's claims in terms of the directions of Ministry of New and Renewable Energy dated 12.3.2020 and 23.3.2020 and the Petitioner was further directed to revive the Petition based on the outcome of the discussion or settlement reached, if any, amongst the parties. Learned senior counsel submitted that pursuant thereto, the Petitioner and SECI have reconciled the claims of the Petitioner towards imposition of Safeguard Duty and that the Petitioner has also agreed to interim arrangement as proposed by SECI for the payment subject to outcome in Petition No. 536/MP/2020 filed by SECI. Accordingly, the IA No. 21/2021 has been filed by the Petitioner seeking revival of the Petition.

3. Learned senior counsel for the Respondent, SECI confirmed that the claims of the Petitioner towards safeguard duty have been reconciled between the Petitioner and SECI. It was further submitted that the reconciled claims had also been sent to the buying entity, namely. Rajasthan Urja Vikas Nigam Limited ('RUVNL') and unless RUVNL has any comments thereon, the Commission may pass an appropriate order in the matter subject to outcome in Petition No. 536/MP/2020 filed by SECI, whereby SECI has sought approval of annuity methodology including annuity rate. Learned senior counsel further sought liberty to file short submissions of SECI in the matter.

4. Learned counsel for the Respondent, RUVNL submitted that as per his instructions, the Respondent, due to not being mapped by the Petitioner, is yet to receive the copy of the Petition. Accordingly, the learned counsel requested for 10 days' time to file reply to the Petition including its comments on the reconciled claims.

5. The Commission observed that the Respondent, RUVNL has already been mapped on the e-filing portal of the Commission (on 19.2.2021) and consequently is in receipt of the copy of the Petition. The Commission directed SECI to file its submission within a week and the Respondent, RUVNL to file its reply including the comments on reconciled claims within ten days with advance copy to the Petitioner, who may file its response thereon, if any, within one week thereafter.

6. Subject to the above, the Commission reserved the order in the matter.

By order of the Commission

**SD/-
(T.D. Pant)
Joint Chief (Legal)**