

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A No.43/2021  
In  
Petition No. 626/MP/2020**

**Coram:  
Shri P.K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member**

**Date of Order: 19<sup>th</sup> June, 2021**

**In the matter of**

Application seeking direction for extension of time to comply with the directions issued by the Commission in its Record of Proceedings dated 26.3.2021 passed in Petition No. 626/MP/2020.

**And  
In the matter of**

NTPC Limited  
NTPC Bhawan, SCOPE Complex,  
7 institutional Area, Lodhi Road,  
New Delhi-110 003

**..Applicant**

**Vs**

SB Energy Solar Private Limited  
1<sup>st</sup> Floor, Worldmark-2  
Asset Area-8 Hospitality district  
Aerocity , NH-8,  
New Delhi-110 037

**...Respondent**

**ORDER**

The Applicant, NTPC Limited, has filed the instant Interlocutory Application (IA) seeking six weeks' time to comply with the direction vide Record of Proceedings dated 26.3.2021 to complete the process of reconciliation with the Respondent, namely, SB Energy Solar Private Limited (in short 'SB Energy').

2. SB Energy has set up a 250 MW solar power project (hereinafter referred to as 'the Project') at Ananthapuram Ultra Mega Solar Park in the State of Andhra Pradesh and entered into a Power Purchase Agreement dated 5.7.2018 with the Applicant further NTPC Limited (in short 'NTPC'). NTPC has entered in to Power Sale Agreement with Andhra Pradesh Eastern Power Distribution Co. Ltd. and Andhra Pradesh Southern Power Distribution Co. Ltd.( in short 'AP Discoms').

3. SB Energy has filed Petition No. 626/MP/2020, *inter alia*, seeking relief on account of occurrence of Change in Law, namely, the issuance of Notification No.1/2018-Customs (SG) dated 30.7.2018 issued by Department of Revenue, Ministry of Finance, Government of India imposing the Safeguard Duty. It has been submitted by SB Energy that consequent to the imposition of Safeguard Duty by the Central Government w.e.f. 30.7.2018 and in terms of the directions of Ministry of New and New Renewable Energy dated 12.3.2020 and 23.3.2020, SB Energy provided all necessary documentary evidence to NTPC to substantiate its claims on account of Safeguard Duty by establishing one to one correlation between levy of duty on the goods imported and requested NTPC to reimburse the said amount. However, till date, NTPC has neither confirmed nor reconciled the claims of the Petitioner.

4. The matter was heard on 26.3.2021 through video conferencing. After hearing the submissions of the parties, the Petition was admitted and notice was issued to NTPC to file its reply. By Record of Proceedings for the hearing dated 26.3.2021, the Applicant (NTPC) was directed to complete the possible reconciliation process in respect of the claims of SB Energy within 15 days.

5. Against the above backdrop, the Applicant has filed present IA with the following prayers:

*“(a) Extend the period of 15 days as mentioned in Para 7 of the ROP dated 26.3.2021 and grant six weeks’ time to comply with the directions to complete the process of reconciliation with SB Energy; and*

*(b) Pass such other order(s) or direction (s) as this Commission may deem fit and proper in the interest of justice..”*

6. The Applicant has submitted that it vide its letter dated 23.4.2021 requested AP Discoms to facilitate NTPC in the process of reconciliation with SB Energy in respect of claims towards Safeguard Duty and validate the said claims. NTPC further requested AP Discoms to suggest a suitable mechanism for payment of compensation sought by SB Energy. The Applicant has submitted that NTPC vide its letter dated 23.4.2021 brought these facts to the knowledge of SB Energy.

7. The Applicant has submitted that since the process of reconciliation requires participation of AP Discoms, it would require six weeks’ time to complete the process of reconciliation with SB Energy.

8. The IA is admitted by circulation.

9. We have considered the submission of the Applicant. It has been submitted by the Applicant that the process of reconciliation has already been started with AP Discoms and SB Energy and would be completed within six weeks’ time. Considering the request, the Applicant is permitted to complete the reconciliation process on or before 30.6.2021. We would like to clarify that grant of additional time in completing the reconciliation process as requested by the Applicant NTPC would not entitle it to claim any relief whatsoever as regards payment of compensation to SB Energy.

10. The IA No.43/2021 in Petition No. 626/MP/2020 is disposed of in terms of the above.

**Sd/-  
(P.K. Singh)  
Member**

**sd/-  
(Arun Goyal)  
Member**

**sd/-  
(I.S. Jha)  
Member**

**sd/-  
(P.K. Pujari)  
Chairperson**