

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.373/MP/2019**

- Subject : Petition under section 79 (1)(f) of the Electricity Act 2003 before the Central Electricity Regulatory Commission 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 27.04.2018 between SB Energy Four Private Limited and Solar Energy Corporation of India Limited
- Date of Hearing : 14.7.2022
- Coram : 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 Anr.
- Parties Present : Shri Sujit Ghosh, Advocate, SEPEPL  
Ms. Mannat Waraich, Advocate, SEPEPL  
Shri Mohd Munis, Advocate, SEPEPL  
Shri Mridul Gupta, Advocate SEPEPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Shikha Sood, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Neha Singh, SECI

**Record of Proceedings**

Case was called out for virtue hearing.

2. Learned counsel for the Petitioner submitted that the Safeguard Duty claims of the Petitioner have already been reconciled and the payments are being made by the Respondent, SECI. Learned counsel, accordingly, requested to pass an appropriate order in the matter.

3. Learned senior counsel for the Respondent, SECI submitted that SECI has already reconciled the Safeguard Duty claims of the Petitioner and the relevant details have already been furnished by SECI vide affidavit dated 13.7.2022. Learned senior counsel further submitted that while SECI has considered the Safeguard Duty claims of the Petitioner upto the commercial operation date in accordance with the Commission’s order dated 20.8.2021 in Petition No. 536/MP/2020, the distribution licensee, Uttar Pradesh Power Corporation Limited (UPPCL), in its reconciliation, has limited the consideration of claims till the scheduled commissioning date only. Learned senior counsel added that UPPCL is yet to make payment to SECI and hence, the



Commission may issue direction to UPPCL to make payment towards reconciled and evaluated claims of Safeguard Duty payable by SECI to the Petitioner on a back-to-back basis under the Power Supply Agreement.

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

**By order of the Commission**

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