

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 70/MP/2019

- Subject : Petition 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 Goods and Service Tax.
- Date of Hearing : 11.1.2022
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Edge Power and Energy Private Limited (SEPEPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Shri Sujit Ghosh, Advocate, SEPEPL
Ms. Mannat Waraich, Advocate, SEPEPL
Ms. Pratiksha Chaturvedi, Advocate, SEPEPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Shri Ravi Nair, Advocate, SECI
Ms. Neha Singh, SECI

Record of Proceedings

Order was reserved in the matter. However, consequent upon issuance of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('the Change in Law Rules') by the Ministry of Power, Government of India providing for procedure dealing with the Change in Law cases, the matter is re-listed.

2. During the course of hearing, learned counsel for the Petitioner submitted that after the matter was reserved for order, the Petitioner has received a letter from the buying utility, namely, Maharashtra State Electricity Distribution Company Limited ('MSEDCL') on 19.11.2021 in the matter of reconciliation of its Change in Law claims, which was replied to by the Petitioner by its letter dated 22.11.2021. The learned counsel submitted that in respect of its Change in Law claims relating to three Projects, the concerns were raised by MSEDCL only for the two Projects and that too for amount of Rs.13,821.88 and Rs.8,353.13 against the claims of approximately Rs.8.33 crore and Rs.5.00 crore, respectively. Thus, except for the above miniscule amount, the claims have already been finalized and frozen with SECI as well as with buying utility, MSEDCL. Hence, in the present case, at this stage, the parties ought not to be directed to follow the procedure prescribed in the Change in Law Rules, as the case can be covered under Rule 3(8) of Change in Law Rules.

3. After hearing the learned counsel for the Petitioner, the Commission directed SECI to confirm that except for the above miniscule amounts as stated by the Petitioner, all the balance claims have been reconciled with MSEDCL, so that the case can be dealt with under Rule 3(8) of Change in Law Rules.
4. In response, the learned senior counsel for the Respondent, SECI requested a week's time and liberty to file an affidavit in this regard. Accordingly, the Commission directed SECI to file an affidavit to the above effect within a week.
5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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