

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 722/MP/2020**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for the declaration of 'Change in Law' event due to introduction and imposition of safeguard duty by way of Notification No. 2/2020-Customs (SG) dated 29.7.2020 issued by the Department of Revenue, Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 executed between the Petitioner and the Respondent No.1.

Petitioner : Azure Power Forty One Private Limited (APFOPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

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Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for the declaration of 'Change in Law' event due to introduction and imposition of safeguard duty by way of Notification No. 2/2020-Customs (SG) dated 29.7.2020 issued by the Department of Revenue, Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 executed between the Petitioner and the Respondent No.1.

Petitioner : Azure Power Maple Private Limited (APMPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Date of Hearing : 24.1.2022

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

Parties Present : Shri Shashwat Kumar, Advocate, APFOPL and APMPL  
Shri Rahul Chouhan, Advocate, APFOPL and APMPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Neha Singh, SECI  
Shri Manoj Kumar Das, GRIDCO  
Shri Mahfooz Alam, GRIDCO

**Record of Proceedings**

Cases were called out for virtual hearing.



2. Learned counsel for the Petitioners submitted that the present Petitions have been filed seeking approval of Change in Law event that has occurred due to coming into force of the Notification No. 2/2020- Customs (SG) dated 29.7.2020 issued by Department of Revenue, Ministry of Finance, Government of India and for determination of suitable mechanism to compensate the Petitioners for the expenditure incurred/ to be incurred by the Petitioner due to such Change in Law along with carrying cost in terms of Article 12 of the Power Purchase Agreements.

3. Learned counsel further submitted that if the Commission, in line with the recent orders passed in the matters relating to Change in Law, decides to direct the Petitioners to comply with the provisions of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021, the filing fees paid by the Petitioners be adjusted against the Petitions to be filed in future in terms of the Change in Law Rules.

4. After hearing the learned counsel for the Petitioners, the Commission reserved the order in the matters.

**By order of the Commission**

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