

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Suo Motu Petition No. 8/SM/2022

Coram:

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of order: 14th June, 2022

In the matter of

Suo motu order in compliance with the directions of the Appellate Tribunal dated 5.4.2022 in Original Petition No.1 of 2022 & IA Nos. 21&296 of 2022, Original Petition No. 2 of 2022 & IA Nos. 19 &298 of 2022, Appeal No. 116 of 2022 (DFR No. 40 of 2022), Appeal No. 74 of 2022, Appeal No. 75 of 2022 and Appeal No. 76 of 2022 for restoration of the Petitions disposed of pursuant to notification of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021

And

In the matter of

Petition No. 293/MP/2018

In the matter of

Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioner and NTPC Limited dated 19.04.2016 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreements.

And

In the matter of

Azure Power India Private Limited,
Asset No.301-4, World Mark 3, Aerocity,
New Delhi -110037

....Petitioner

Vs.

1) NTPC Limited,

Core-7, SCOPE Complex, 7 Institutional Area, Lodi Road,
New Delhi – 110003

- 2) NTPC Vidyut Vyapar Nigam Limited,
NTPC Bhawan,
Core 7, SCOPE Complex, 7 Institutional Area, Lodhi Road,
New Delhi - 110 003
- 3) Andhra Pradesh Eastern Power Distribution Company,
Waltair Station, Approach Road,
Dolphin Area, Allipuram,
Vishakhapatnam,
Andhra Pradesh- 530050

....Respondents

Petition No. 294/MP/2018

In the matter of

Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 14.10.2015 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

And

In the matter of

Azure Power India Private Limited,
Asset No.301-4, World Mark 3, Aerocity,
New Delhi -110037

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited,
1st Floor, A-Wing, D-3, District Centre,
Saket, New Delhi – 110017
- 2) Public Works Department,
Players Building & East (M-253),
2nd Level, C-Wing, Delhi Secretariat,
New Delhi – 110002

....Respondents

Petition No. 70/MP/2019

In the matter of

A petition before the Central Electricity Regulatory Commission 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.

**And
In the matter of**

Solar Edge Power and Energy Private Limited,
SP Center, 41/44, Minoo Desai Marg,
COLOBA, Mumbai – 400 005

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited,
1st Floor, D-3, A Wing, Religare Building,
District Centre,
Saket, 110017, New Delhi

- 2) Maharashtra State Electricity Distribution Co. Limited,
Prakashgad Plot No. G9, Proj. Anad Kanehar Marg,
Bandra (East), Mumbai-400051

....Respondents

Petition No. 150/MP/2019

In the matter of

Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements dated 03.05.2016 and 08.05.2016 executed by the Petitioner with the Respondents, seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreements.

**And
In the matter of**

Azure Power India Private Limited,
Asset No.301-4, World Mark 3, Aerocity,
New Delhi -110037

....Petitioner

Vs.

- 1) Ordnance Factory Bhandara,
Jawaharnagar, Bhandara,
Maharashtra – 441 906

- 2) Ordnance Factory Ambajhari,
Ambajhari Defence Project,
Amravati Road, Nagpur,
Maharashtra–440021

....Respondents

Petition No. 240/MP/2019

In the matter of

Petition under Section 79(1)(b) of the Electricity Act, 2003 for claiming compensation on account of occurrence of „Change in Law“ event as per Article 10.1.1 of the Case -1 long-term Power Purchase Agreement dated 21.3.2013 entered into between GMR Warora Energy Limited and DNH Power Distribution Corporation Limited, thereby resulting into additional recurring/non-recurring expenditure to GMR Warora Energy Limited for supply of 200 MW Contracted Capacity from its 2×300 MW Thermal Power Station at Warora, Distt. Chandrapur in the State of Maharashtra to DNH Power Distribution Corporation Limited

And

In the matter of

GMR Warora Energy Limited,
701/704, 7th Floor,
Naman Centre, A-Wing,
Bandra Kurla Complex, Bandra,
Mumbai – 400 051

....Petitioner

Vs.

1. DNH Power Distribution Corporation Limited,
Vidhyut Bhavan, 66 KV Road,
Near Secretariat, Amlī,
Silvassa - 396230,
U.T. of Dadra & Nagar Haveli

2. Power Grid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

...Respondents

Petition No. 373/MP/2019

In the matter of

A 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.

And

In the matter of

SB Energy Four Pvt. Limited,
435 Regus Centre, 4th Floor,
Rectangle 1 Building, Saket District Centre,
New Delhi – 110017

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited,
D -3, First Floor, A Wing, District Centre,
Saket, New Delhi – 110017

- 2) Uttar Pradesh Power Corporation Limited,
Shakti Bhavan, 14, Ashok Marg,
Lucknow, UP, India

....Respondents

Petition No. 471/MP/2019

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 28.06.2016 and 04.01.2017, executed between Tata Power Renewable Energy Limited and NTPC Ltd., for seeking compensation on account of Change in Law events viz. introduction/ enactment of Central and State Specific Laws for implementing Goods & Services Tax

And

In the matter of

Tata Power Renewable Energy Limited,
Corporate Centre A,
34 Sant Tukaram Road,

Carnac Bunder,
Mumbai 400 009,
Maharashtra, India

....Petitioner

Vs.

- 1) National Thermal Power Corporation Limited,
Core – 7, SCOPE Complex,
7, Institutional Area, Lodi Road,
New Delhi – 110003
- 2) Hubli Electricity Supply Company Ltd. (HESCOM),
Corporate Office, Navanagar, P.B. Road,
Hubballi-580025, Karnataka
- 3) Bangalore Electricity Supply Company Ltd. (BESCOM),
BESCOM Corporate office, Nunegundlapalli,
AmbedkarVeedhi, KR circle,
Bengaluru, Karnataka 560001
- 4) Mangalore Electricity Supply Company Ltd. (MESCOM),
MESCOM Bhavan, Corporate Office,
MESCOM, Kavoor Cross Road, Bejai,
Mangalore – 575 004 Karnataka
- 5) Chamundeshwari Electricity Supply Corporation Ltd. (CESC),
No.29, Vijayanagara 2nd stage, Hinkal,
Mysore-570017, Karnataka
- 6) Gulbaraga Electricity Supply Company Ltd. (GESCOM)
Corporate Office, Station Road,
Kalaburagi – 585102

....Respondents

Petition No. 179/MP/2020

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 19.07.2016, 21.10.2016, 21.10.2016 and 13.01.2017 executed between Tata Power Renewable Energy Limited and Solar Energy Corporation of India Ltd., for seeking compensation on account of Change in Law events due to enactment of GST Laws.

And

In the matter of

Tata Power Renewable Energy Limited,
Corporate Centre A,
34 Sant Tukaram Road, Carnac Bunder,
Mumbai 400 009, Maharashtra, India

...Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited,
1st Floor, A-Wing, 0-3,
District Centre, Saket,
New Delhi- 110017
- 2) Maharashtra State Electricity Distribution Company Limited,
[Through its Chief Engineer (Power Purchase)]
Prakashgad, Plot No. G-9,
Anant Kanekar Marg, Bandra East,
Mumbai – 400 051
- 3) Southern Power Distribution Company of Andhra Pradesh Limited,
#19-13-65/A, Srinivasapuram, Tiruchanoor Road,
Tirupati – 517503, Chittoor District, Andhra Pradesh
- 4) Eastern Power Distribution Company of Andhra Pradesh Limited,
Corporate Office,
P&T Colony, Seethammadhara,
Visakhapatnam
- 5) Gujarat Urja Vikas Nigam Limited,
[Through its General Manager (Commerce)]
Sardar Patel Vidyut Bhavan, Race Course,
Vadodara – 390 007, Gujarat

....Respondents

Petition No. 374/MP/2020

In the matter of

Petition under 79(1)(f) of the Electricity Act, 2003 read with Article 17 of the Power Purchase Agreement dated 17.04.2017 executed by ACME Jaipur Solar Power Private Limited with M. P. Power Management Company Limited and Delhi Metro Rail Corporation Ltd and in terms of the directions issued by the Central Government vide its Notification bearing No. 23/43/2018-R&R dated 27.08.2018 for allowing pass through of additional expenditure incurred by the generator on account of events pertaining to 'Change in Law' along with this Hon'ble Commission order dated 09.10.2018.

And

In the matter of

ACME Jaipur Solar Power Private Limited,
B-4, Plot No. 12, Basement-2,
Gopi Nath Marg, Purohit ji ka Bagh, MI Road,
Jaipur- 302001, Rajasthan, India

....Petitioner

Vs.

- 1) M. P. Power Management Company Limited,
Shakti Bhawan, Rampur,
Jabalpur, Madhya Pradesh – 482008
- 2) Delhi Metro Rail Corporation Limited,
Metro Bhavan, Fire Brigade Lane,
Barakhamba Road, New Delhi
- 3) Rewa Ultra Mega Solar Limited,
Urja Bhawan, Link Road No, 2. Shivaji Nagar,
Bhopal - 462003, Madhya Pradesh

....Respondents

Petition No. 513/MP/2020

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 7.8.2008 entered with Haryana Utilities, Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees dated 19.1.2005, amended from time to time and revised Tariff Policy 2016, seeking compensation due to certain change in law events.

And

In the matter of

Adani Power (Mundra) Limited,
Adani House, near Mithakhali Six Roads, Navrangpura,
Ahmedabad, Gujarat – 380009

....Petitioner

Vs.

- 1) Uttar Haryana Bijli Vitran Nigam Limited,
Narela, New Delhi, Delhi - 131028

2) Dakshin Haryana Bijli Vitran Nigam Limited,
Shaheed Harikishan Marg, Block C,
Block G, New Industrial Twp 5,
New Industrial Town, Faridabad,
Haryana121001

....Respondents

Petition No. 538/MP/2020

In the matter of

Petition invoking Section 79(1)(d) and (f) of the Electricity Act,2003 read with Regulation 5(3) of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 seeking compensation/relief for increased construction cost due to certain Change in Law as per the applicable provisions of Transmission Service Agreement dated 24.6.2015.

And

In the matter of

Chhattisgarh WR Transmission Limited,
C-105, Anand Niketan,
New Delhi – 110019

....Petitioner

Vs.

- 1) Maharashtra State Electricity Distribution Company Limited,
Prakashgad, 4th Floor, Bandra (East),
Mumbai – 400 051
- 2) Chhattisgarh State Power Distribution Company Limited,
P.O. Sunder Nagar, Dangania,
Raipur – 492 013, Chhattisgarh
- 3) Gujarat Urja Vikas Nigam Limited,
Vidyut Bhawan, Race Course,
Vadodara – 390 007
- 4) Madhya Pradesh Power Management Company Limited,
Block No. 11, Ground Floor, Shakti Bhawan,
Vidyut Nagar, Rampur,
Jabalpur – 482 008, Madhya Pradesh
- 5) Electricity Department,
Government of Goa, Aquem Alto Margaon, Goa – 403 601

- 6) DNH Power Distribution Corporation Limited,
66kV, Amli Ind. Estate, Silvassa – 396 230,
Dadar Nagar Haveli
- 7) Electricity Department, Administration of Daman and Diu,
Plot No. 35, OI DC Complex, Near Fire Station, Somnath
Daman – 396 210
- 8) Power Grid Corporation of India Limited,
Saudamini, Plot No.2, Sector 29,
Gurgaon-122 001
- 9) Chhattisgarh State Power Transmission Company Limited,
Energy Info Tech Centre
Daganiya, Raipur-492 013, Chhattisgarh
- 10) Central Electricity Authority,
Sewa Bhawan, R.K. Puram, Sector-1,
New Delhi-110 066

....Respondents

Petition No. 562/MP/2020

In the matter of

Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Clause 4.7 of the Competitive Bidding Guidelines and Article 13 of the Power Purchase Agreements dated 7.8.2008 and 20.1.2009 entered into by Jhajjar Power Limited with Uttar Haryana Bijli Vitran Nigam Limited, Dakshin Haryana Bijli Vitran Nigam Limited and Tata Power Trading Company Limited respectively in relation to seeking compensation for decrease in revenues and increase in the costs as a result of Change in Law events.

And

In the matter of

Jhajjar Power Limited,
Village: Khanpur Khurd,
Tehsil: Matenhail,
District: Jhajjar-124142,
Haryana

....Petitioner

Vs.

- 1) Uttar Haryana Bijli Vitran Nigam Limited,
Vidyut Sadan, Plot No. C-16, Sector 6,
Panchkula, Haryana
- 2) Dakshin Haryana Bijli Vitran Nigam Limited,

Vidyut Nagar, Vidyut Sadan,
Hissar – 125005, Haryana

- 3) Tata Power Trading Company Limited,
Corporate Centre, 'A' Block, 34,
Sant Tukaram Road, Carnac Bunder,
Mumbai – 400006 and Head Office at B-12/13,
2nd Floor, Shatabdi Bhavan, Sector – 04,
Noida-201301, UP

....Respondents

Petition No. 700/MP/2020

In the matter of

Petition under Sections 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 for claiming compensation on account of the event pertaining to Change in Law as per Article 10 of the Power Purchase Agreement dated 29.6.2012 read with Addendum I to PPA dated 27.9.2017 executed between the Petitioner and TANGEDCO for 200 MW Medium term power supply (PPA-I) and as per the terms of the Power Purchase Agreement dated 23.8.2013 executed between the Petitioner and TANGEDCO for 400 MW long term power supply (PPA-II).

And

In the matter of

Jindal Power Limited,
Tamnar- 496107,
District Raigarh
Chhattisgarh

....Petitioner

Vs

Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maligai, 6th Floor,
Eastern Wing, 144, Anna Salai,
Chennai – 600 002

....Respondent

Petition No. 722/MP/2020

In the matter of

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.

**And
In the matter of**

Azure Power Forty One Private Limited
5th Floor, Southern Park, D-II,
Saket Place, Saket, New Delhi-110017

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited
1st Floor, A-Wing
D-3, District Centre
Saket, New Delhi, 110017
- 2) Grid Corporation of Odisha
Janpath, Bhubaneswar,
Odisha – 751022
- 3) BSES Rajdhani Power Limited
BSES Bhawan, Nehru Place,
New Delhi -110019

....Respondents

Petition No. 723/MP/2020

In the matter of

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.

**And
In the matter of**

Azure Power Maple Private Limited
5th Floor, Southern Park, D-II,
Saket Place, Saket, New Delhi-110017

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited
1st Floor, A-Wing
D-3, District Centre
Saket, New Delhi, 110017

- 2) Madhya Pradesh Power Management Company Limited
Shakti Bhawan, Rampur,
Jabalpur, Madhya Pradesh – 482008

....Respondents

Petition No. 16/MP/2021

In the matter of

Petition under Sections 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 1.4.2013 and amended Power Purchase Agreement dated 10.4.2015 entered into between Sembcorp Energy India Limited (formerly Thermal Powertech Corporation of India Limited) and the distribution licensees of States of Andhra Pradesh and Telangana, seeking compensation on account of the Change in Law event due to levy of Evacuation Facility Charges and Rapid Loading Charges imposed by Coal India Limited

And

In the matter of

Sembcorp Energy India Limited,
6-3-1090, A Block,
5th Floor, T.S.R Towers,
Rajbhawan Road, Somajiguda,
Hyderabad – 500082, Telangana

....Petitioner

Vs.

- 1) Southern Power Distribution Company of Telangana Limited,
Formerly, Central Power Distribution Company of Andhra Pradesh Limited),
Mint Compound, Hyderabad – 500063, Telangana

- 2) Northern Power Distribution Company of Telangana Limited,
(Formerly, Northern Power Distribution Company of Andhra Pradesh Limited),
Vidyuth Bhavan, Nakkalagutta,
Hanamkonda, Warangal-506001

- 3) Southern Power Distribution Company of Andhra Pradesh Limited
D.No.19-13-65/a, Kesavayanagunta,
Tiruchanoor Road, Tirupati

- 4) Eastern Power Distribution Company of Andhra Pradesh Limited,
P&T Colony, Seethammadhara,
Visakhapatnam-530013

....Respondents

Petition No. 167/MP/2021

In the matter of

Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 inter alia seeking compensation on account of occurrence of “Change in Law events” relating to Power Purchase Agreements dated 18.12.2013 and 19.12.2013 entered into between the Petitioner and the Respondents.

And

In the matter of

Adhunik Power and Natural Resources Limited,
9B, 9th Floor, Hansalaya Building,
15, Barakhamba Road, Connaught Place,
New Delhi – 110 001

....Petitioner

Vs.

- 1) Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maligai, 6th Floor,
Eastern Wing, 144, Anna Salai,
Chennai – 600 002
- 2) PTC India Limited,
2nd Floor, NBCC Tower,
15, Bhikaji Cama Place,
New Delhi – 110 066

....Respondents

Petition No. 168/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act, 2003 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 and rescission of Notification No. 1/2011-Customs dated 6.1.2011 vide Notification No. 7/2021- Customs dated 1.2.2021, which has resulted in increase in rate of basic customs duty on import of solar inverters, in terms of Article 12of the Power Purchase Agreement dated 18.11.2019

between ReNew Solar Energy (Jharkhand Three) Private Limited and Solar Energy Corporation of India Limited.

**And
In the matter of**

ReNew Solar Energy (Jharkhand Three) Private Limited,
138, Ansal Chambers II, Bhikaji Cama Place,
Delhi – 110066

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited,
6th Floor, Plate-B, NBCC Office Block Tower-2,
East Kidwai Nagar,
New Delhi – 110 023

- 2) M.P. Power Management Company Limited,
Block No.11, 1st Floor, Shakti Bhawan,
Rampur Jabalpur-482 008,
Madhya Pradesh

....Respondents

Petition No. 171/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act 2003 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 and rescission of Notification No.1/2011 - Customs dated 6.1.2011 vide Notification No. 7/2021-Customs dated 1.2.2021, which has resulted in increase in rate of basic customs duty on import of solar inverters, in terms of Article 12 of the Power Purchase Agreements dated 13.8.2019 between M/s ReNew Sun Waves Private Limited and Solar Energy Corporation of India Limited

**And
In the matter of**

Renew Sun Waves Private Limited
Commercial Block-1, Zone 6,
Golf Course Road, DLF City Phase-V,
Gurgaon, Haryana – 122 009

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
1st Floor, A Wing, O-3,
District Centre, Saket,
New Delhi, 110017

....Respondent

Petition No. 188/MP/2021

In the matter of

Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 seeking compensation on account of events pertaining to Change in Law events, read with Article 10 of the Power Purchase Agreement dated 19.12.20213 executed between the Petitioner and the Respondent No. 1.

And

In the matter of

Coastal Energen Private Limited,
7th Floor, Buhari Towers, 4, Moores Road,
Chennai-600 008

....Petitioner

Vs.

- 1) Tamil Nadu Generation and Distribution Corporation Limited,
6th Floor, Eastern Wing, 144, Anna Salai,
Chennai-600 002
- 2) My Home Power Private Limited,
5th Floor, 3rd Block, 'My Home Hub', Madhapur,
Hyderabad-500 081

....Respondents

Petition No. 206/MP/2021

In the matter of

Petition under Section 79 (1) (a) of the Electricity Act, 2003 read with Article 12.1.1 of the PPA dated 25.10.2019.

And

In the matter of

NTPC Bhawan
Core-7, Scope Complex 7,
Institutional Area, Lodhi Road
New Delhi – 110003

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Ltd.
Office Block Tower-2, East Kidwai Nagar,
New Delhi-110023
- 2) Jaipur Vidyut Vitran Nigam Ltd.
Janpath, Vidhayak Nagar,
Lalkothi, Jaipur,
Rajasthan 302005
- 3) Ajmer Vidyut Vitran Nigam Ltd.
Makarwali Rd, Panchsheel Nagar,
Ajmer,
Rajasthan 305004
- 4) Jodhpur Vidyut Vitran Nigam Ltd.
Gali Number 4, Opp. E.S.I. Hospital,
Kamla Nehru Nagar, 1st Pulia,
Jodhpur, Rajasthan 342001
- 5) Rajasthan Urja Vikas Nigam Ltd.
Vidyut Bhawan, Janpath,
Jyoti Nagar, Jaipur, Rajasthan- 302005

....Respondents

Petition No. 207/MP/2021

In the matter of

Petition under Section 79(1)(b), Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement(s) dated 25.06.2019 seeking issuance of appropriate order(s)/ direction(s)/declaration from this Commission that the imposition of safeguard duty on the import of solar cells, whether or not assembled in modules or panels, vide Notification No. 2/2020- Customs (SG) dated 29.07.2020 issued by the Department of Revenue, Ministry of Finance (Government of India) is an event of Change in Law and for seeking approval to the quantum and mechanism of compensation (along with interest) as submitted along with the present Petition in line with the methodology as settled by this Hon'ble Commission vide its order dated 20.08.2021 in Petition No. 536/MP/2020.

And

In the matter of

Eden Renewable Cite Private Limited,
Unit No. 236 B&C,
1st Floor, DLF South Court, Saket,
New Delhi-110017

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
6th Floor, Plate B NBCC Office,
Block Tower-2, East Kidwai Nagar,
New Delhi – 110023

....Respondent

Petition No. 214/MP/2021

In the matter of

A petition under section 79 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 event on account of rescission of Notification No. 1/2011 – Customs dated 06.01.2011 vide Notification No. 7/2021 – Customs dated 01.02.2021, which has resulted in increase in rate of basic customs duty on import of solar inverters, increase in quantum of social welfare surcharge and IGST in terms of Article 12 of the Power Purchase Agreement dated 10.08.2020 between M/s ReNew Solar Urja Private Limited and Solar Energy Corporation of India Limited

And

In the matter of

M/s ReNew Solar Urja Private Limited,
138, Ansal Chambers II, Bhikaji Cama Place,
Delhi – 110066

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
1st Floor, A Wing, D-3, District Centre,
Saket, New Delhi – 110017
Delhi

....Respondent

Petition No. 215/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2(b) of the Power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating Period.

**And
In the matter of**

Sasan Power Limited (SPL),
C/o- Reliance Power Ltd, 3rd Floor,
Reliance Energy Centre, Santacruz East,
Mumbai-400 055

....Petitioner

Vs.

- 1) MP Power Management Company Limited,
Shakti Bhawan, Jabalpur,
Madhya Pradesh-482008
- 2) Paschimanchal Vidyut Vitran Nigam Limited,
Victoria Park,
Meerut – 250001, Uttar Pradesh
- 3) Purvanchal Vidyut Vitran Nigam Limited,
Hydel Colony, Bhikaripur, Post-DLW,
Varanasi – 221004, Uttar Pradesh
- 4) Madhyanchal Vidyut Vitran Nigam Limited,
4A-Gokhale Marg, Lucknow – 226001, Uttar Pradesh
- 5) Dakshinanchal Vidyut Vitran Nigam Limited, 19
220 kV Vidyut Sub-Station, Mathura
Agra by-pass road, Sikandra, Agra-282007, Uttar Pradesh
- 6) Ajmer Vidyut Vitran Nigam Limited,
Hathi Bhata, City Power House,
Ajmer-305001, Rajasthan
- 7) Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan,
Jaipur – 302005, Rajasthan
- 8) Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur-342003, Rajasthan
- 9) Tata Power Delhi Distribution Limited,
Grid Sub-station Building, Hudson Lines, Kingsway Camp,
New Delhi-110009

- 10) BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi-110019
- 11) BSES Yamuna Power Limited,
Shakti Kiran Building, Karkardooma,
Delhi- 110092
- 12) Punjab State Power Corporation Limited,
The Mall, Patiala-147001, Punjab
- 13) Haryana Power Purchase Centre,
Room No. 239, Shakti Bhawan, Sector 6,
Panchkula-134109, Haryana
- 14) Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun-248001, Uttarakhand

....Respondents

Petition No. 226/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act, 2003 seeking approval of Change in Law event that has resulted in increase in rate of Basic Customs Duty on solar inverters being imported into India, on account of the rescission of Notification No. 1/2011 - Customs dated 6.1.2011 vide Notification No. 7/2021 - Customs dated 1.2.2021 issued by the Department of Revenue, Ministry of Finance, Government of India ("BCD Notification"). The BCD Notification rescinding the Notification No. 1/2011 dated 6.1.2011 has led to the increase in Basic Customs Duty from the existing 5% to 20% on the solar inverters being imported into India from 2.2.2021 (On admission)

And

In the matter of

- 1) Azure Power Forty One Private Limited,
5th Floor, Southern Park, D-II, Saket Place, Saket,
New Delhi-110017
- 2) Azure Power India Private Limited,
5th Floor, Southern Park, D-II, Saket Place, Saket,
New Delhi-110017

....Petitioners

Vs.

- 1) Solar Energy Corporation of India Limited,
1st Floor, A-Wing,
D-3, District Centre, Saket,
New Delhi, 110017
- 2) Grid Corporation of Odisha,
Janpath, Bhubaneswar,
Odisha – 751022
- 3) BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi -110019

....Respondents

Petition No. 227/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act,2003 seeking approval of Change in Law event that has resulted in increase in rate of Basic Customs Duty on solar inverters being imported into India, on account of the rescission of Notification No. 1/2011 - Customs dated 6.1.2011 vide Notification No. 7/2021 - Customs dated 1.2.2021 issued by the Department of Revenue, Ministry of Finance, Government of India ("BCD Notification"). The BCD Notification rescinding the Notification No. 1/2011 dated 6.1.2011 has led to the increase in Basic Customs Duty from the existing 5% to 20% on the solar inverters being imported into India from 2.2.2021

And

In the matter of

- 1) Azure Power Maple Private Limited,
5th Floor, Southern Park, D-II, Saket Place, Saket,
New Delhi-110017
- 2) Azure Power India Private Limited,
5th Floor, Southern Park, D-II, Saket Place, Saket,
New Delhi-110017

....Petitioners

Vs.

- 1) Solar Energy Corporation of India Limited,
1st Floor, A-Wing,
D-3, District Centre, Saket,
New Delhi, 110017

2) Madhya Pradesh Power Management Company Limited,
Shakti Bhawan, Rampur,
Jabalpur, Madhya Pradesh – 482008

....Respondents

Petition No. 228/MP/2021

In the matter of

Petition under Section 79(1)(b), Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement(s) dated 25.06.2019 seeking issuance of appropriate order(s)/ direction(s)/declaration from this Commission that the imposition of safeguard duty on the import of solar cells, whether or not assembled in modules or panels, vide Notification No. 2/2020- Customs (SG) dated 29.07.2020 issued by the Department of Revenue, Ministry of Finance (Government of India) is an event of Change in Law and for seeking approval to the quantum and mechanism of compensation (along with interest) as submitted along with the present Petition in line with the methodology as settled by this Hon'ble Commission vide its order dated 20.08.2021 in Petition No. 536/MP/2020.

And

In the matter of

Eden Renewable Cite Private Limited,
Unit No. 236 B&C,
1st Floor, DLF South Court, Saket,
New Delhi-110017

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
6th Floor, Plate B NBCC Office,
Block Tower-2, East Kidwai Nagar,
New Delhi – 110023

....Respondent

Petition No. 256/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act 2003 read with Article 12 of the Power Purchase Agreement dated 30.11.2018 seeking in-principle approval for Change in Law event i.e., Finance Department (Tax Division), Government of Rajasthan Notifications dated 19.11.2019 and 30.03.2020 in terms of which Land Tax is to be imposed upon Adani Solar Energy Four Private Limited (ASEFPL) 50 MW Solar Power Plant's land measuring 10,11,715 Sq. meter with effect from 19.11.2019.

**And
In the matter of**

Adani Solar Energy Four Private Limited
Adani House, Nr Mithakhali Six Roads,
Navrangpura, Ahmedabad- 380009,
Gujarat

....Petitioner

Vs.

Solar Energy Corporation of India Limited
1st Floor, A-Wing, D-3,
District Centre, Saket,
New Delhi-110017

....Respondent

Petition No. 268/MP/2021

In the matter of

Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 12 of the long-term Power Purchase Agreement dated 17.10.2019 entered into between M/s Powerica Limited and Solar Energy Corporation of India Limited for approval of Change in Law events and consequential compensation.

**And
In the matter of**

M/s Powerica Limited
9th Floor, Bakhtawar,
Nariman Point,
Mumbai – 400 021

....Petitioner

Vs.

- 1) Solar Energy Corporation of India Limited
1st Floor, A-Wing,
D-3, District Centre,
Saket, New Delhi-110 017
- 2) Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14 Ashok Marg,
Lucknow
Uttar Pradesh – 226 001

....Respondents

Petition No. 273/MP/2021

In the matter of

Petition under section 79 (1) (a) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 21.12.2018 executed between NTPC Ltd. and Uttar Pradesh Power Corporation Limited, seeking compensation due to increase in costs on account of change in rate of Goods & Services Tax amounting to a Change in Law event with respect to the Solar PV Power Project having project capacity of 140 MW at Bilhaur, Uttar Pradesh.

And

In the matter of

NTPC Ltd. NTPC Bhawan, Scope Complex,
7 Institutional Area,
Lodhi Road, New Delhi-110003

....Petitioner

Vs.

Uttar Pradesh Power Corporation Limited
Shakti Bhawan,
14 – Ashok Marg
Lucknow – 226001

....Respondents

Petition No. 274/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act 2003 read with Article 12 of the Power Purchase Agreements dated 06.10.2017 seeking in-principle approval for Change in Law event i.e., Finance Department (Tax Division), Government of Rajasthan Notifications dated 19.11.2019 and 30.03.2020 in terms of which Land Tax is to be imposed upon the Project land of 2 x 50 MW (100 MW) Solar PV Power Plants established by SB Energy Three Private Limited in the State of Rajasthan.

And

In the matter of

SB Energy Three Private Limited,
5th Floor, Worldmark-2, Asset Area-8,
Hospitality District, Aerocity, NH-8,
South Delhi, Delhi-110037

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
1st Floor, A-Wing, D-3,
District Centre, Saket,
New Delhi-110017

....Respondents

Petition No. 275/MP/2021

In the matter of

Petition under Section 79 of the Electricity Act 2003 read with Article 12 of the Power Purchase Agreements dated 27.04.2018 seeking in-principle approval for Change in Law event i.e., Finance Department (Tax Division), Government of Rajasthan Notifications dated 19.11.2019 and 30.03.2020 in terms of which Land Tax is to be imposed upon the Project land of 2 x 100 MW (200 MW) Solar PV Power Plants established by SB Energy Four Private Limited in the State of Rajasthan having land admeasuring 20,23,430 Sq. meter each with effect from 19.11.2019.

And

In the matter of

SB Energy Four Private Limited,
5th Floor, Worldmark-2, Asset Area-8,
Hospitality District, Aerocity, NH-8,
Delhi-110037

....Petitioner

Vs.

Solar Energy Corporation of India Limited,
1st Floor, A-Wing, D-3,
District Centre, Saket,
New Delhi-110017

....Respondents

ORDER

Consequent upon notification of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 (hereinafter referred to as “the Change in Law Rules”) by the Ministry of Power, Government of India on 22.10.2022, the Petitioners in the above Petitions were directed to approach the beneficiaries/LTTCs for settlement of Change in Law claims among themselves in terms of the Change in Law Rules and approach the Commission only in terms of Rule 3(8) of the Change in Law Rules.

Accordingly, the Commission disposed of the following Petitions vide orders as mentioned against each Petition:

- 1) Petition No. 293/MP/2018 disposed of vide order dated 3.1.2022
- 2) Petition No. 294/MP/2018 disposed of vide order dated 3.1.2022
- 3) Petition No. 70/MP/2019 disposed of vide order dated 28.2.2022
- 4) Petition No. 150/MP/2019 disposed of vide order dated 3.1.2022
- 5) Petition No. 240/MP/2019 disposed of vide order dated 18.1.2022
- 6) Petition No. 373/MP/2019 disposed of vide order dated 14.2.2022
- 7) Petition No. 471/MP/2019 disposed of vide order dated 31.12.2021
- 8) Petition No. 179/MP/2020 disposed of vide order dated 11.2.2022
- 9) Petition No. 374/MP/2020 disposed of vide order dated 14.2.2022
- 10) Petition No. 513/MP/2020 disposed of vide order dated 31.1.2022
- 11) Petition No. 538/MP/2020 disposed of vide order dated 22.12.2021
- 12) Petition No. 562/MP/2020 disposed of vide order dated 14.2.2022
- 13) Petition No. 700/MP/2020 disposed of vide order dated 19.1.2022
- 14) Petition No. 722/MP/2020 disposed of vide order dated 18.2.2022
- 15) Petition No. 723/MP/2020 disposed of vide order dated 18.2.2022
- 16) Petition No. 16/MP/2021 disposed of vide order dated 31.1.2022
- 17) Petition No. 167/MP/2021 disposed of vide order dated 13.12.2021
- 18) Petition No. 168/MP/2021 disposed of vide order dated 23.12.2021
- 19) Petition No. 171/MP/2021 disposed of vide order dated 23.12.2021
- 20) Petition No. 188/MP/2021 disposed of vide order dated 2.12.2021
- 21) Petition No. 206/MP/2021 disposed of vide order dated 15.2.2022

- 22)Petition No. 207/MP/2021 disposed of vide order dated 16.12.2021
- 23)Petition No. 214/MP/2021 disposed of vide order dated 17.12.2021
- 24)Petition No. 215/MP/2021 disposed of vide order dated 13.12.2021
- 25)Petition No. 226/MP/2021 disposed of vide order dated 16.12.2021
- 26)Petition No. 227/MP/2021 disposed of vide order dated 16.12.2021
- 27)Petition No. 228/MP/2021 disposed of vide order dated 6.12.2021
- 28)Petition No. 256/MP/2021 disposed of vide order dated 18.2.2022
- 29)Petition No. 268/MP/2021 disposed of vide order dated 14.2.2022
- 30)Petition No. 273/MP/2021 disposed of vide order dated 18.2.2022
- 31)Petition No. 274/MP/2021 disposed of vide order dated 9.2.2022
- 32)Petition No. 275/MP/2021 disposed of vide order dated 9.2.2022

2. Aggrieved by the decision of the Commission, NRSS-XXIX Transmission Limited, East-North Interconnection Co. Ltd., Raipur-Rajnandgaon-Warora Transmission Ltd., NER-II Transmission Ltd., Odisha Generation Phase II Transmission Ltd., Khargone Transmission Ltd. approached in the Appellate Tribunal for Electricity (APTEL). APTEL vide judgment dated 5.4.2022 in Original Petition No.1 of 2022 & IA Nos. 21&296 of 2022, Original Petition No. 2 of 2022 & IA Nos. 19 &298 of 2022, Appeal No. 116 of 2022 (DFR No. 40 of 2022), Appeal No. 74 of 2022, Appeal No. 75 of 2022 and Appeal No. 76 of 2022, APTEL directed as under:

“72. For the foregoing reasons,..... The said orders are thus set aside. In the result, the proceedings in claim cases (in which impugned orders were passed – and that includes the orders dated 04.02.2022 in the Original Petitions) remain inchoate. The Central Commission is duty-bound to consider each of them on the merits of the claims and adjudicate in accordance with law on the dispute(s) in proper exercise of its jurisdiction under Section 79 of the Electricity Act. It is directed to proceed to do so expeditiously.

74. Such that the affected parties do not suffer on account of faulty approach of adjudicatory authority, and this tribunal is not flooded by appeals raising identical issues against such other decisions as above, rendered in similar fact-situation by the Central Commission, it would be appropriate that it be asked to properly and fully perform its statutory function by exercise of its review jurisdiction, suo motu, in all similarly- placed claims for compensation founded on change in law events where similar decisions have been taken by the Central Commission after coming into force of CIL Rules on 22.10.2021 and, if such decisions are found running afoul of the view taken by this tribunal by this judgment, to vacate the same and restore the concerned Claim cases to its file and complete the process of adjudication thereupon in accordance with law. Needful action in above nature shall be initiated by the Central Commission within four weeks of this judgment. Of course, review can be undertaken even at the instance of the parties in question should they approach the Commission on their own. We may add that these directions are without prejudice to the remedy, if any, already pursued or intended to be pursued by the concerned parties vis-à-vis other such cases.”

3. Pursuant to direction of the APTEL, the matters were listed for hearing on 9.5.2022 and 17.5.2022. After hearing the suggestions put forth by the learned senior counsels and the learned counsels for the parties, the Commission is of the view that as per the directions of the APTEL in judgment dated 5.4.2022 in OP No. 1 of 2022 and Ors., in particular at paragraph 74, *suo-motu* order(s) are required to be issued to restore the petitions which were disposed by the Commission by applying the Change in Law Rules but which were not challenged before the APTEL. However, for the Petitions where the orders of the Commission have been set aside by the APTEL in terms of para 72 of the judgment, the petitions shall be restored on the records of the Commission for further necessary action.

4. Accordingly, as per the direction of The APTEL, in exercise of our *suo-motu* power of review, we hereby restore the Petitions mentioned in paragraph 1 above, on the record of the Commission at same stages, as were existing prior to the disposal of petitions. The parties are directed to complete the pleading in the Petitions which have been admitted,

within one month. The parties are also directed to file the information/subsequent development (within 15 days) if any.

5. The Petitions shall be listed for hearing in due course after completion of pleadings, for which notices will be issued separately.

6. The Petition No. 8/SM/2022 is disposed of in terms of the above.

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

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

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