

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 171/MP/2021

- Subject : 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 ReNew Sun Waves Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : 11.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : ReNew Sun Waves Private Limited (RSWPL)
- Respondents : Solar Energy Corporation of India Ltd. (SECI) and 3 Ors.
- Parties Present : Shri Mridul Gupta, Advocate, RSWPL
Ms. Mannat Wariach, Advocate, RSWPL
Ms. Tanya Sareen, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for approval of Change in Law and seeking appropriate mechanism for grant of adjustment/compensation to offset the 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 6.1.2021 vide Notification No.7/2021-Customs dated 1.2.2021 which resulted in increase in rate of Basic Custom Duty on import of solar inverters. Learned counsel submitted that the matter had already been argued at length by the Petitioner and SECI on 10.1.2023 and the Petitioner had been further directed to implead the concerned distribution licensees, namely, North Bihar Power Distribution Co. Ltd. (NBPDC) and South Bihar Power Distribution Co. Ltd. (SBPDC) while also permitting them to file reply to Petition, if any. Learned counsel submitted that in compliance with the said direction, the Petitioner has already impleaded NBPDC and SBPDC as party to the Petition by filing a revised memo of parties. However, no reply has been filed by NBPDC and SBPDC.



2. Learned counsel for the Respondent, SECI submitted that SECI had already made its submissions on 10.1.2023 and has filed its reply in the matter.
3. None was present on behalf of NBPDCCL and SBPDCL despite notice.
4. Considering the submissions made by the learned counsel for the parties, the Commission deemed it appropriate to give one more last opportunity to the Respondents, NBPDCCL & SBPDCL to file their reply, if any, within two weeks with copy to the Petitioner who may file its rejoinder, if any, within two weeks thereafter. The Commission also desired that SECI should also pursue with the distribution licensees for filing of their reply, if any, in such matter(s).
5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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