

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.176/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement dated 7.2.20-18 between the Petitioner and the NTPC Limited seeking relief on account of Change in Law event viz. the imposition of Safeguard Duty by Notification No. 1/2018 Custom 9SG) dated 30.7.2018 issued by the Department of Revenue, Ministry of Finance, Government of India with respect to the Solar Power PV Project having Project capacity of 140 MW at Bihaur, Uttar Pradesh.

Date of Hearing : 16.2.2023

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

Petitioner : Solairepro Urja Private Limited

Respondents : NTPC Limited & others

Parties Present : Mis. Molshree Bhatnagar, Advocate for the Petitioner

Record of Proceedings

During the course of hearing, learned counsel for the Petitioner mentioned the matter and submitted that the order dated 5.2.2020 in Petition No. 176/MP/2019 was passed by the Commission, which came to be challenged by the Andhra Pradesh Distribution Companies before the Hon'ble Andhra Pradesh High Court. Vide judgment dated 6.1.2013, the Hon'ble Andhra Pradesh High Court, has set aside the Commission's order dated 5.2.2020 and has remitted the matter back to the Commission with a direction to afford opportunity to the Petitioner to file their counters and to hear all the parties and consider their submissions and pass an appropriate order afresh in accordance with governing law and rules without being influenced by its earlier findings in the impugned order. Accordingly, learned counsel prayed to list the matter.

2. Considering the request of learned counsel for the Petitioner, the Commission directed to issue notice to the Respondents. The Respondents were directed to file their reply within two weeks with copy to the Petitioner who may file rejoinder thereof within two weeks thereafter.

3. The Petition shall be listed for hearing on 11.4.2023.

By order of the Commission

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