

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.226/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 for approval of Change in Law and seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to off-set financial/ commercial impact of Change in Law event on account of 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 an increase in the rate of Basic Customs Duty on Solar Inverters imported into India, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 executed between Azure Power Corporation of India Limited.

Petitioner : Azure Power Forty One Private Limited (APFOPL) and Anr.

Respondents : Solar Energy Corporation of India Limited (SECI) and 3 Ors.

Petition No.227/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 for approval of Change in Law and 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 6.1.2011 vide Notification No. 7/2021- Customs dated 1.2.2021, which has resulted in an increase in the rate of Basic Custom Duty on Solar Inverters imported to India, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 executed between Azure Power Maple Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Maple Private Limited (APMPL) and Anr.

Respondents : Solar Energy Corporation of India Limited (SECI) and 3 Ors.

Date of Hearing : **10.11.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri B Patil, Sr. Advocate, Azure Power
Shri Rahul Chouhan, Advocate, Azure Power
Ms. Shikha Sood, Advocate, Azure Power
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Shri Arijit Maitra, Advocate, BRPL



Record of Proceedings

During the course of the hearing, the learned senior counsel for the Petitioner and learned counsels for the Respondents, SECI and BRPL, made their respective submissions in the matters in detail.

2. Considering their request, the Commission permitted the Respondent, BRPL to upload its reply in Petition No. 226/MP/2021 on the e-filing portal within two days. The Commission further permitted the parties to file their respective written submissions, if any, within two weeks with a copy to the other side. Learned counsels agreed that any further formal oral hearing is not required.
3. Subject to the above, the Commission reserved the matters for order.

By order of the Commission

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