

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.49/MP/2023

Subject : Petition under Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 read with Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 along with Article 12 of the Power Purchase Agreement dated 3.5.2021 executed between the Petitioner with Solar Energy Corporation of India Limited, inter alia, seeking declaratory relief/ in-principle approval of Change in Law events prayed by the Petitioner in the present petition to be recognised as Change in Law events under the Power Purchase Agreement and consequential order(s).

Date of Hearing : **16.5.2023**

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

Petitioner : Vena Energy Vidyuth Private Limited (VEVPL)

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

Parties Present : Ms. Molshree Bhatnagar, Advocate, VEVPL
Shri Nimesh Jha, Advocate, VEPL
Shri Rishabh Sehgal, Advocate, VEPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking declaration/ in-principle approval of the Change in Law events viz. introduction of Basic Custom Duty and the change in rate of Goods & Services Tax and Safeguard Duty after the cut-off date in terms of the Article 12 of the Power Purchase Agreement (PPA) dated 3.5.2021 as executed between the Petitioner and SECI. Learned counsel submitted that the Petitioner has also impleaded the buying entity/distribution licensee, Madhya Pradesh Power Management Corporation Limited as party to the Petition.

2. Learned senior counsel for the Respondent, SECI accepted the notice and sought time to file reply to the Petition. Learned senior counsel submitted that the Respondent supports the prayers of the Petitioner as the PPA in this case specifically provides that the change in rates of Safeguard Duty, GST and Basic Custom Duty after 28.7.2020 will be treated as Change in Law subject to the provision that the Commission recognizes the same at the time of adoption of tariff.

3. After hearing the learned counsel for the Petitioner and the learned senior counsel for Respondent, SECI, the Commission ordered as under:
- (a) Admit. Issue notice to the Respondents.
 - (b) The Petitioner to serve copy of the petition on the Respondents and the Respondents to file their reply, if any, within four weeks with copy to the Petitioner who may file its rejoinder, within four weeks thereafter.
 - (c) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.
4. The Petition be listed for hearing on 20.9.2023.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)