

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 435/MP/2024

- Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003; read with the applicable provisions of the Power Purchase Agreements dated 26.09.2017 seeking directions to the Respondents to reinstate the already reconciled amount pertaining to the 'Change in Law' compensation towards GST Laws and SGD Notification respectively payable to the Petitioners pursuant to the common Order dated 05.02.2019 in Petition Nos. 178/MP/2018 and 189/MP/2018 and the common Order dated 02.05.2019 in Petition Nos. 342/MP/2018 and 343/MP/2018 passed by this Hon'ble Commission respectively; and to forthwith release the already deducted amount by the Respondents towards the same to the Petitioners along with interest.
- Petitioners : ACME Jodhpur Solar Power Private Ltd. and Anr.
- Respondents : Solar Energy Corporation of India Ltd. and Anr.
- Date of Hearing : **28.1.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Aniket Prasoon, Advocate, ACME
Shri Aman Sheikh, Advocate, ACME
Shri Vinit Kumar, Advocate, ACME
Ms. Archita Kashyap, Advocate, ACME
Shri Adarsh Kumar, Advocate, ACME
Shri Shubham Singh, Advocate, ACME
Ms. Sanjeevani Mishra, Advocate, ACME
Ms. Rashmi Vaish, Advocate, ACME

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking directions to the Respondents to re-instate the already reconciled amount pertaining to the 'Change in Law' compensation towards GST Laws and SGD Notification respectively payable to the Petitioners pursuant to the common Order dated 5.2.2019 in Petition Nos. 178/MP/2018 and 189/MP/2018 and the common Order dated 2.5.2019 in Petition Nos. 342/MP/2018 and 343/MP/2018 passed by this Commission, respectively, and to forthwith release the already deducted amount by the Respondents towards the same to the Petitioners along with interest. Learned counsel submitted that in the said orders dated 5.2.2019 and 2.5.2019, the Commission has held that the imposition of GST and SGD are Change in Law events under the Power Purchase Agreements, and pursuant thereto, the Petitioners submitted their Change in Law claims towards GST and SGD to SECI, which then evaluated such claims and issued the confirmation for the annuity computation. The said reconciliation and annuity computation were also forwarded to RUNVL, which did not provide any comments/ observations in response thereof within the timelines specified by the Commission in the above orders. Learned counsel further

submitted that after the Petitioners had accepted the reconciled amounts, SECI commenced the disbursing of the compensation from 30.5.2020 on an annuity basis. However, after a period of more than 3 years from the date of commencement of the payment by SECI, RUVNL, vide its letters dated 1.6.2023 and 22.6.2023, revised the already reconciled amount to a much lesser amount and, based on this downward revised reconciled amount by RUVNL, SECI also revised and deducted the amounts payable to the Petitioners in terms of the aforesaid orders. Learned counsel further pointed out that the primary reason communicated by RUVNL for the downward revising of the reconciled amount was the mismatched between watt-peak modules installed at the site vis-à-vis the invoice(s) submitted by the Petitioners in relation to the solar modules. Learned counsel, however, submitted that as per the site visit conducted by the Petitioners, there is no mismatch in the number of modules installed at the Projects site and the invoices submitted, and the Petitioners have also moved IA No.93/2024 requesting interim directions to the Respondents to carry out a joint inspection of the site of the Projects to ascertain the status of alleged mismatch of the solar modules installed at the Projects vis-à-vis the invoices submitted by the Petitioners.

2. After hearing the learned counsel for the Petitioners, the Commission ordered as under:

(a) Admit and issue notice to the Respondents, subject to just exceptions.

(b) The Respondents to file their respective replies to the Petition as well as IA, if any, within six weeks with a copy to the Petitioners, who may also file their rejoinder, if any, within six weeks thereafter.

3. The Petition, along with IA No. 93/2024, will be listed for hearing on **8.5.2025**.

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