

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 484/MP/2026

Subject : Petition under Section 79(1)(f) read with Section 79(1)(a) of the Electricity Act, 2003, Regulation 65 of the CERC (Conduct of Business) Regulations, 2023 and the terms of the Power Purchase Agreements dated 3.6.2021 executed between Solar Energy Corporation of India Limited and NTPC Renewable Energy Limited, seeking adjudication of the dispute regarding non-payment of the Change in Law compensation in respect of the 150 MW Chhattargarh and 320 MW Bhainsara Solar PV Power Projects, along with carrying cost and late payment surcharge, and consequential reliefs.

Petitioner : NTPC Renewable Energy Limited (NREL)

Respondent : Solar Energy Corporation of India Limited (SECI) & Anr.

Date of Hearing : **6.10.2026**

Coram : Shri Ramesh Babu V, Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Venkatesh, Advocate, NREL
Ms. Anusha Nagarajan, Advocate, SECI
Shri Rahul Ranjan, Advocate, SECI

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* seeking determination of the compensation payable on account of the admitted Change in Law events and consequential directions to the Respondents to implement the provisions of Article 12 of the PPAs by paying and releasing the reconciled Change in Law compensation in respect of the Chhattargarh Project (150 MW), presently quantified at ₹178.87 crore corresponding to a tariff impact of Rs. 0.595/kWh, and the compensation in respect of the Bhainsara Project (320 MW) upon conclusion of reconciliation, together with carrying cost, late payment surcharge and all consequential reliefs. The learned counsel submitted that after the signing of the PPAs between the Petitioner and SECI and the back-to-back PSA between SECI and RUVITL, the RUVITL approached RERC for the adoption of tariff. The learned counsel submitted that since the PPAs provided for recognition of Change in Law events at the time of tariff adoption, the Petitioner and the other generators sought recognition of certain events as Change in Law events. However, RERC declined to consider such claims at that stage and, being aggrieved by the refusal, the generators approached APTEL, which, vide its order dated 12.10.2021, allowed the appeal and directed RERC to hear the parties and pass appropriate orders specifically in regard to the Change in Law claims. Following this, RERC recognised certain events (e.g. levy/ increase in



BCD) as Change in Law but refused to consider the claim of recognition of the GIB Judgment and GST Notification. Being aggrieved by this partial recognition and non-consideration of the remaining claims, the generators once again approached APTEL and, vide order dated 28.1.2022, APTEL directed RERC to pass further orders expeditiously on the remaining claims seeking declaration of Change in Law events having a bearing on the tariff to be adopted. The learned counsel submitted that in compliance with APTEL's directions, the RERC, vide order dated 31.8.2022, recognised Article 12.1.3 of the PPAs in its entirety and held that the levy/ changes in the rates of Safeguard Duty, GST and BCD occurring after the cut-off date constituted Change in Law events. The learned counsel further submitted that following the extensive correspondence and a protracted reconciliation exercise, SECI allowed a Change in Law tariff impact of Rs. 0.595/kWh; however, RUVITL returned the supplementary invoice on the ground that the quantum payable under the said Change in Law events has yet not been approved by the Appropriate Commission.

2. In response to the specific query regarding the maintainability of the Petition before this Commission, particularly, since its Change in Law events had been recognised by RERC, the learned counsel submitted that since the Petitioner is a generating company, owned and controlled by the Central Government, the jurisdiction to adjudicate the disputes in the present case vests in this Commission under Section 79(1)(f) read with Section 79(1)(a) of the Act.

3. The learned counsel for the Respondent/ SECI accepted the notice and sought time to file a reply in the matter.

4. Considering the submissions made by the learned counsels for the Parties, the Commission directed as under:

(a) Issue notice on maintainability.

(b) The Respondents to file their replies, if any, within four weeks with a copy to the Petitioner, who may file its rejoinder(s), if any, within three weeks thereafter.

5. The Petition will be listed for hearing on **24.11.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)