

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.91/MP/2024

Subject : Petition under Section 79 of the Electricity Act 2003 before this Commission for (i) an in-principle approval of certain events as events of Change in Law and (ii) an appropriate mechanism for appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events in terms of Article 12 of the Power Purchase Agreements signed between the Petitioners and Solar Energy Corporation of India Limited along with carrying cost and interest on carrying cost.

Petitioners : ACME Deoghar Solar Power Pvt. Ltd. and Ors.

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

Date of Hearing : **13.1.2026**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Sujit Ghosh, Sr. Advocate, ACME
Ms. Mannat Waraich, Advocate, ACME
Ms. Ananya Goswami, Advocate, ACME
Shri Manish Kumar Choudhary, Advocate, Bihar Discoms
Shri Ashutosh Kumar, Advocate, Bihar Discoms
Ms. Ishita Jain, Advocate, TPDDL
Shri Mudassir, Advocate, TPDDL
Ms. Shikha Ohri, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Shri Aditya Singh, Advocate, HPPC

Record of Proceedings

During the hearing, the learned senior counsel for the Petitioners referred to his note of arguments and made detailed submissions. He *inter alia* submitted as under:

(a) Both the Change in Law events, i.e., increase in the rate of GST from 5% to 12% *vide* Notification Nos. 8/2021 dated 30.9.2021, and imposition of BCD @ 40% on imports of solar modules *vide* Notification No. 15/2022 dated 1.2.2022 have already been recognised as a Change in Law by this Commission in several orders;

(b) The Petitioners have already furnished CA certificates certifying the additional expenditure incurred due to these Change in Law events, and have

undertaken to submit all the documents as required by the Respondents for reconciliation of the claims as per the direction of the Commission;

(c) The expenditure towards BCD has been incurred on the limited capacity of modules installed in the non-MOOWR area;

(d) The Petitioners are eligible for carrying cost;

(e) The rate of annuity ought to be the weighted average rate of debt and equity;

(f) The averment that there was a drastic decline in Solar PV module price after the bid submission date is irrelevant as the present claim is limited to changes in rates of taxes and duties applicable on equipment required to set-up the project after the bid submission date and the Respondents cannot question the prices of equipment and assumptions taken by the Petitioners in a project awarded through competitive bidding under Section 63 of the Act.

2. Learned counsel for Respondent No. 2, HPPC, at the outset, submitted that the arguing counsel of the Respondent is unavailable for about a month due to medical exigency, and accordingly, requested another opportunity for making oral arguments. Learned Counsel for the Respondents, SECI and TPDDL, also made a similar request and sought liberty to make their respective oral arguments on the next date of hearing. The learned counsel for the Respondent, TPDDL, also pointed out that pursuant to the deletion of BRPL and BYPL from the array of the Parties, the Petitioner is yet to file a revised memo of Parties. In response, the learned senior counsel sought liberty to file an amended memo of the Parties.

3. Considering the submissions made by the learned counsel for the Respondents, the Commission adjourned the matter to afford a last opportunity of oral hearing to all the Respondents. Further, the Petitioners and the Respondents were directed to file their respective written submissions at least a week before the next date of hearing. The Petitioner was further directed to file an amended memo of parties within a week.

4. The matter remained part-heard and will be listed for hearing on **3.2.2026**.

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