

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 91/MP/2024 along with I.A. No. 60/2025

Subject : Petition under Section 79 of the Electricity Act, 2003 for an in-principle approval of certain events as events of Change in Law and 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.

Petitioner : ACME Deoghar Solar Power Private Limited & Ors.

Respondent : Solar Energy Corporation of India Limited & Ors.

Date of Hearing : **17.4.2026**

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 Shivam Sinha, Advocate, TPDDL
Shri Chetan Saxena, Advocate, TPDDL
Shri Manish Kumar Choudhary, Advocate, Bihar Discoms
Shri Ashutosh Kumar, Advocate, Bihar Discoms
Ms. Shikha Ohri, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Shri Aditya Singh, Advocate, HPPC

Record of Proceedings

During the hearing, learned counsel for the Petitioners and the Respondents, SECI, HPPC, TPDDL and Bihar Discoms, argued at length. Learned senior counsel for the Petitioners *inter alia* submitted that the present Petition has been filed seeking Change in Law relief on account of an increase in the rate of GST from 5% to 12% and imposition of BCD @ 40% on imports of solar modules, and that the Petitioners have already made their submissions on merits during the previous hearings. The learned senior counsel further added that insofar as the restitutive principle in PPA is concerned, the Petitioner is relying on the *Parampujya Judgement dated 15.9.2022* and for the rate of monthly annuity, the Petitioner is relying on the Commission's order dated 15.1.2026 in Petition no. 417/MP/2024, wherein an annuity percentage of 10.65 has been made available as per RE Regulation 2024 with respect to the Project commissioned during 2025, which also covers the Petitioner's Project.

2. Learned counsel for the Respondent, HPPC, has submitted that HPPC has filed a comprehensive written submission on 2.2.2026 wherein it was submitted that the



Petitioner cannot be treated as an aggrieved party as there has been an overall decrease in the price of the solar equipment, the Petitioner must have had a windfall gain due to such reduction in prices of the solar equipment. Further, there is a lack of complete details and a one-to-one correlation. Further, any admissible impact of the GST notification is confined only to the increase in GST on the goods portion from 5% to 12% since there is no change in the GST rate applicable to the service portion. The Petitioner has failed to establish any additional expenditure on account of the 40% increase in BCD on solar modules and 25% on solar cells.

3. Learned counsel for the Respondent, TPDDL, submitted that TPDDL has filed a note of submission dated 2.2.2026 wherein TPDDL mentioned the discrepancies and inadequacies in the documents submitted by the Petitioner, such as invoices, bill of entries and challans.

4. Learned counsel for the Respondent, SECI, submitted that in case the Commission grants any relief to the Petitioner, it may be made subject to a joint examination of the documents to be submitted by the Petitioner to SECI and the Discoms and the consequent reconciliation exercise based thereon. Learned counsel further requested the Commission to direct the Discoms to make payment to SECI and then SECI to make payment to the Petitioner.

5. Learned counsel for the Bihar Discoms adopted the submissions made by the other Respondents.

6. In rejoinder, learned senior counsel for the Petitioners mainly submitted that (i) the Petitioners have already undertaken to submit all the documents in support of their claims during the reconciliation once the Commission allows the Change in Law claims and directs the parties to reconcile, as being done so in similar cases; (ii) the Respondents cannot contend that having not produced the voluminous documents in these proceedings, the Petitioners cannot be allowed to furnish them subsequently; (iii) As regards the applicable GST on composite works contract, the Petitioners have already clarified that they signed two contracts, Module Contract, which is a pure supply contract, thereby 12% GST applies on the entire contract value, and the BOS contract which is a composite contract and the Petitioners have not claimed any Change in Law (12% GST) for the 30% service component therein; (iv) the contentions regarding the bill of entries not being in the name of SPV (but in the name of EPC contractor), veracity of the CA certificate, etc. are without any merit; (v) in the cases of competitive bid-based tariffs under Section 63 of the Act, the assumptions made at the time of the bidding are of no consequences for the considering the Change in Law relief; (vi) the Petitioners have presently claimed the impact of the BCD only in respect of certain solar modules installed in the land parcels falling within non-MOOWR area. However, if the Hon'ble Supreme Court allows SLP (C) No. 20274/2024 filed by Customs, the Petitioners will be liable to pay the applicable Customs Duty and IGST on the entire capacity and the Change in Law claim will be raised as and when they incur the same, and (vii) the Commission has already held that SECI is bound to pay the Petitioner, irrespective of whether SECI has received payment from the Discoms. Lastly, learned senior counsel also requested that an appropriate direction be passed for the time-bound completion of the reconciliation exercise.

7. After hearing the learned senior counsel and learned counsel for the parties, the Commission permitted both sides to file their respective written submissions, if any, within two weeks, with a copy to the other party.

8. Subject to the above, the Commission reserved the matter for order.

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