

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 722/MP/2020**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for the declaration of 'Change in Law' event due to introduction and imposition of Safeguard Duty by way of Notification No. 2/2020-Customs (SG) dated 29.7.2020 issued by the Department of Revenue, Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 executed between the Petitioner and the Respondent No.1.

Petitioner : Azure Power Forty One Private Limited (APFOPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

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Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for the declaration of 'Change in Law' event due to introduction and imposition of Safeguard Duty by way of Notification No. 2/2020-Customs (SG) dated 29.7.2020 issued by the Department of Revenue, Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 executed between the Petitioner and the Respondent No.1.

Petitioner : Azure Power Maple Private Limited (APMPL)

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

Date of Hearing : 30.7.2021

Coram : Shri P. K. Pujari, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Parties Present : Shri Buddy Ranganadhan, Advocate, APFOPL and APMPL  
Shri Shashwat Kumar, Advocate, APFOPL and APMPL  
Shri Rahul Chouhan, Advocate, APFOPL and APMPL  
Ms. Akriti Gandotra, Advocate, APFOPL and APMPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Poorva Saigal, Advocate, SECI  
Shri Abhishek Kumar Ambasta, SECI  
Shri Uday Pavan Kumar Kruthiventi, SECI  
Shri Abhinav Kumar, SECI

## **Record of Proceedings**

Case was called out for virtual hearing.

2. Learned counsel for the Petitioners submitted that the present Petitions are filed for seeking relief on account of occurrence of Change in Law, namely, the issuance of Notification No.1/2018-Customs (SG) dated 30.7.2018 by Department of Revenue, Ministry of Finance, Government of India imposing the Safeguard Duty and for determination of suitable mechanism to compensate the Petitioners for the impact incurred/to be incurred by the Petitioner due to such Change in Law along with carrying cost in terms of Article 12 of the Power Purchase Agreements. Learned counsel further submitted that the Petitioners have already impleaded the distribution companies as Respondents.

3. Learned senior counsel for the Respondent, SECI accepted the notice. Learned senior counsel also added that the Petitioners may also furnish copy of the 2<sup>nd</sup> amendment to the Request for Selection (RfS), wherein the position qua Change in Law event has been further clarified in favour of Solar Power Developers.

4. After hearing the learned counsel for the Petitioners and learned senior counsel for SECI, the Commission ordered as under:

- a) Admit. Issue notice to the Respondents;
- b) The Petitioners to serve copy of the Petitions on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 18.8.2021 after serving copy of the same to the Petitioners, who may file its rejoinder, if any, by 10.9.2021;
- c) The Petitioners are also directed place on record the relevant Amendment(s) to RfS on affidavit by 10.8.2021; and
- d) Parties to comply with above direction within the specified timeline and no extension of time shall be granted.

5. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**