

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.13/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 for claiming relief under Change in Law on account of imposition of Safeguard Duty.

Date of Hearing : 2.5.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Mahoba Solar (UP) Private Limited (MSUPPL)

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

Parties Present : Shri Sourav Roy, Advocate, MSUPPL
Shri Prabudh Singh, Advocate, MSUPPL
Shri Kaushal Sharma, Advocate, MSUPPL
Shri Vishal Malik, Advocate, MSUPPL
Shri Ravi Sinha, MSUPPL
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present matter has been remanded by the Appellate Tribunal for Electricity vide judgment dated 15.9.2022 in Appeal Nos. 256 of 2019 and Ors. for passing the necessary order consequent to the findings rendered by the APTEL in the said judgment. The learned counsel submitted that similarly placed remand matters were already taken up by the Commission on 14.2.2023 and reserved for order. The learned counsel submitted that present matter may also be reserved for order. The learned counsel also added that the aforesaid judgment of APTEL has been challenged before the Hon'ble Supreme Court in Civil Appeal No. 8880 of 2022 wherein the Hon'ble Supreme Court vide order dated 12.12.2022 has observed that while the Commission shall comply with the directions issued vide the APTEL judgment, such order of the Commission shall not be enforced pending further order.

2. Learned counsel for the Respondent, SECI sought liberty to place on record the aforesaid order of the Hon'ble Supreme Court in the present proceedings. The Commission, however, indicated that the Commission has already taken note of the aforesaid order in its various order and as such filing of the said order by way of an additional affidavit would not require.

3. Considering the submissions made by the learned counsel for the parties, the Commission reserved the matter for order.

By order of the Commission

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