

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Diary (Petition) No.420/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 seeking for in-principle approval qua occurrence of Change in Law events in terms of Article 12 of the Power Purchase Agreements executed by the Petitioner with Solar Energy Corporation of India Limited (SECI), amongst other reliefs.
- Date of Hearing : **9.10.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Greenko AP01 IREP Private Limited (GAPIPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and 3 Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, GAPIPL
Ms. Ruth Elwin, Advocate, GAPIPL
Ms. Neha Dabral, Advocate, GAPIPL
Shri Hemant Singh, Advocate, GAPIPL
Shri Lakshyajit Singh, Advocate, GAPIPL
Shri Harhit Sinhg, Advocate, GAPIPL
Shri Saurya Kumar, Advocate, GAPIPL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking in-principle approval of Change in Law events viz. (i) Notification No. 54/2022-Customs dated 19.10.2022 issued by the Central Board of Indirect Taxes and Customs, Ministry of Finance, Government of India, whereby the Project Import Regulations, 1986 issued under the Customs Act, 1962 have been amended, (ii) Notification No. 8/2021-Central Tax (Rate) and Notification No.8/2021-Integrated Tax (Rate) dated 30.9.2021 issued by the Ministry of Finance, Government of India, whereby the rate of Goods & Service Tax on Solar Photovoltaic (PV) modules and other renewable energy equipment has been increased to 12% from the earlier 5% in terms of Article 12 of the Power Purchase Agreements executed between the Petitioner and the Respondent No.1, SECI.

2. In response to the specific query of the Commission with regard to the Petitioner having followed the process & procedure laid down under the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2022, in respect of the Change in Law event at Sr.(i) above, learned senior counsel for the Petitioner submitted that the present Petition has been filed seeking only in-principle approval of such Change in Law events. He further added that Respondent No.1, SECI, has already denied the Change in Law claim of the Petitioner at Sr.(i) based on the

waiver/undertaking given by the Petitioner dated 24.6.2021 which was in the context of the imposition of Basic Customs Duty in terms of the MNRE's OM dated 9.3.2021.

3. Considering the submissions made by the learned senior counsel for the Petitioner, the Commission ordered as under:

(a) Issue notice on the maintainability as well as on merits.

(b) The Respondents to file their reply on maintainability especially with regard to following process as per the CIL rules as well as on merits within four weeks with a copy to the Petitioner who may file its rejoinder within three weeks thereafter.

4. The Petition will be listed for hearing on **5.1.2024**.

By order of the Commission

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