

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.171/MP/2021**

Subject : Petition under Section 79 of the Electricity Act 2003 for (i) approval of "Change in Law" and (ii) seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events on account of imposition of safeguard duty on solar cells/modules and rescission of Notification No.1/2011 - Customs dated 6.1.2011 vide Notification No. 7/2021-Customs dated 1.2.2021, which has resulted in increase in rate of basic customs duty on import of solar inverters, in terms of Article 12 of the Power Purchase Agreements dated 13.08.2019 between M/s ReNew Sun Waves Private Limited and Solar Energy Corporation of India Limited.

Date of Hearing : 10.1.2023

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

Petitioner : ReNew Sun Waves Private Limited (RSWPL)

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

Parties Present : Shri Sujit Ghosh, Advocate, RSWPL  
Ms. Mannat Waraich, Advocate, RSWPL  
Shri Mridul Gupta, Advocate, RSWPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Anushree Bardhan, Advocate, SECI  
Shri Shubham Mishra, SECI  
Ms. Neha Singh, SECI  
Ms. Aditee Nitnavare, SECI

**Record of Proceedings**

During the course of hearing, learned counsel for the Petitioner and the learned senior counsel for the Respondent, SECI made their respective submissions of the various Change in Law claims & related aspects as raised in the petition.

2. Learned senior counsel for the Respondent, SECI further pointed out that while the Petitioner has impleaded the Bihar State Power Holding Company Limited as party to the petition, it has not impleaded the concerned distribution licensees, namely, North Bihar Power Distribution Company Limited (NBPDC) and South Bihar Power Distribution Company Limited (SBPDC) with whom the Power Supply Agreement has been signed by SECI and accordingly, in order to avoid any procedural lacuna, the Petitioner may be directed to implead them as party to the Petition and notice be issued to them.

3. After hearing the learned senior counsel and learned counsel for the parties, the Commission ordered as under:
- (a) The Petitioner to implead NBPDCCL and SBPDCL as party to the Petition and to file a revised memo of parties within a week.
  - (b) The Petitioner to serve the copy of the Petition on NBPDCCL & SBPDCL and these Respondents to file their reply to the Petition, if any, within three weeks after serving copy of the same to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.
  - (c) Parties to comply with the above direction within the specified timelines and no extension of time shall be granted.
4. The Petition shall be listed for hearing on 11.4.2023.

**By order of the Commission**

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