

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 226/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 for approval of Change in Law and seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to off-set financial/ commercial impact of Change in Law event on account of 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 Solar Inverters imported into India, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 executed between Azure Power Corporation of India Limited.

Petitioner : Azure Power Forty One Private Limited (APFOPL) and Anr.

Respondent : Solar Energy Corporation of India Limited (SECI) and 3 Ors.

Petition No. 227/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 for approval of Change in Law and seeking an appropriate mechanism for grant of an appropriate adjustment/compensation to offset financial/ commercial impact of Change in Law event on account of 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 Custom Duty on Solar Inverters imported to India, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 executed between Azure Power Maple Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Maple Private Limited (APMPL) and Anr.

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

Date of Hearing : **28.6.2023**

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

Parties Present : Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI



Record of Proceedings

At the outset, the learned counsel for the Respondent, SECI, submitted that earlier these matters were disposed of by the Commission at the admission stage in view of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021. However, the matters are now re-listed in terms of the decision of the Appellate Tribunal for Electricity dated 5.4.2022 in OP No. 1 of 2022 and Ors. The learned counsel further submitted that the matters are yet to be admitted and that the Respondent be permitted to file its reply in the matters.

2. None was present on behalf of the Petitioners despite notice.
3. After hearing the learned counsel for the Respondents, the Commission ordered as under:
 - (a) Admit and issue notice to the Respondents.
 - (b) The Petitioners to implead the distribution licensees as parties to the Petitions. The Petitioners to serve copies of the Petitions on the Respondents including the distribution licensees, and the Respondents to file their replies, if any, within three weeks with a copy to the Petitioners, who may file their rejoinders, if any, within three weeks thereafter.
4. The Petitions shall be listed for hearing on 8.9.2023.

By order of the Commission

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