



नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No.72/MP/2020 along with
IA. No. 67 of 2021&
IA.No. 67 of 2022

कोरम/ Coram:

श्री जिष्णु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री आई. एस. झा, सदस्य/ Shri I. S. Jha, Member
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member
श्री पी. के. सिंह, सदस्य / Shri P. K. Singh, Member

आदेश दिनांक/ Date of Order: 22nd of September, 2023

IN THE MATTER OF:

Petition under Section 79 (1) (b) read with Section 79 (1) (f) of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief(s) to compensate for the increase in capital cost and associated costs due to (a) introduction of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017 and the State Goods and Services Tax Acts enacted by respective states and (b) imposition and introduction of Safe Guard Duty on the import of solar cells (whether or not assembled in modules or panels) by way of Notification No.01/2018- Customs SG dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance, in terms of Article 12 read with Article 16.3.1 of the Power Purchase Agreements dated 06.10.2017 between SB Energy Three Private Limited and Solar Energy Corporation of India Limited.

AND IN THE MATTER OF:

SB Energy Three Private Limited,
(Now known as Adani Solar Energy Jodhpur Four Private Limited)
1st Floor, Worldmark – 2, Asset Area – 8,

Hospitality District, Aerocity, NH – 8,
Delhi - 110037.

.....Petitioner

Versus

- 1. M/s Solar Energy Corporation of India Limited,**
1st Floor, D-3, A Wing,
Prius Platinum Building District Centre,
Saket, New Delhi- 110017
- 2. Rajasthan Urja Vikas Nigam Limited,**
Vidyut Bhavan, Janpath,
Jyoti Nagar,
Jaipur - 302005

.....Respondents

ADDENDUM ORDER

It was observed by the Commission that the Order dated 30.06.2023 passed in Petition No. 72/MP/2020 along with IA. No. 67 of 2021 & 67 of 2022 needs a clarification, in view of the order of the Hon'ble Supreme Court passed in the Civil Appeal no 8880 of 2022. In order to clarify, paragraph number 34 of the order dated 30.06.2023 in petition No. 72/MP/2020 will be substituted and will be read in the following manner:

Therefore, the directions issued in this Order so far as they relate to compensation for the period post Commercial Operation Date of the projects in question as also towards carrying cost shall not be enforced and shall be subject to further orders of the Hon'ble Supreme Court in Civil Appeal No. 8880/2022 in Telangana Northern Power Distribution Company Ltd. & Anr. V. Parampujya Solar Energy Pvt. Ltd. & Ors, and connected matters.

2. Except for the above, all other terms and conditions in the Order dated 30.06.2023 shall remain unaltered.

Sd/-
पी. के. सिंह
(सदस्य)

Sd/-
अरुण गोयल
(सदस्य)

Sd/-
आई. एस. झा
(सदस्य)

Sd/-
जिष्णु बरुआ
(अध्यक्ष)