

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.91/MP/2024**

Subject : Petition under Section 79 of the Electricity Act 2003 before this Commission for (i) an in-principle approval of certain events as events of Change in Law and (ii) an appropriate mechanism for appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events in terms of Article 12 of the Power Purchase Agreements signed between the Petitioners and Solar Energy Corporation of India Limited along with carrying cost and interest on carrying cost.

Petitioners : ACME Deoghar Solar Power Pvt. Ltd. and Ors.

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

Date of Hearing : **19.5.2025**

Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member  
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Sujith Gosh, Sr. Advocate, ACME  
Ms. Mannat Waraich, Advocate, ACME  
Ms. Ananya Goswami, Advocate, ACME  
Shri Shivam Sinha, Advocate, TPDDL  
Shri Chetan Saxena, Advocate, TPDDL  
Shri Manish Kumar, Advocate, BSPHCL  
Shri Ashutosh Kumar, Advocate, BSPHCL  
Ms. Srishti Choudhary, Advocate, BSPHCL  
Ms. Shikha Ohri, Advocate, SECI  
Shri Kartik Sharma, Advocate, SECI  
Shri Aditya Jalan, Advocate, BRPL & BYPL  
Ms. V. Mishra, Advocate, BRPL & BYPL  
Shri Suneel Kumar, Advocate, BRPL & BYPL  
Ms. Khushi Mittal, Advocate, BRPL & BYPL  
Shri Aditya Singh, Advocate, HPPC

**Record of Proceedings**

Learned senior counsel for the Petitioners submitted that the present Petition has been filed *inter alia* seeking compensation on account of Change in Law consequent to (i) increase in rate of CGST/IGST from 5% to 12% on renewable energy devices and parts for their manufacture imposed vide Notification No. 8/2021- Central Tax (Rate) and Notification No. 8/2021-Integrated Tax (Rate) dated 30.9.2021, and (ii) imposition of Basic Custom Duty on solar modules and PV Cells along with social welfare charge, IGST on account of amendment of Notification No. 24/2005-Customs dated 1.3.2005 vide Notification No. 15/2022-Customs dated 1.2.2022, with effect from



1.4.2022. Learned counsel further submitted that in compliance with the direction of the Commission, the Petitioners have also placed on record the auditor certificates indicating the actual impact incurred by the Petitioners on account of the aforesaid Change in Law.

2. Learned counsel for Respondent Nos. 6 & 7 pointed out vide Record of Proceedings for the hearing dated 21.1.2025, the Petitioners were permitted to amend their prayers, if required. However, instead of moving an appropriate IA for amendment to the prayers as required under the Commission's Conduct of Business Regulations, the Petitioners have sought to amend the prayers by merely filing an additional affidavit, which is impermissible.

3. In response, the learned senior counsel for the Petitioners submitted that given the prayers were amended in terms of the direction of the Commission vide Record of Proceedings for the hearing dated 21.1.2025, the Petitioners were as such not required to move an IA seeking a leave of the Commission to amend the prayers and in such circumstances, the Petitioners were not precluded from amending the prayers by way of an affidavit. Learned senior counsel also submitted that Respondents 6 & 7 are persona non grata - having no locus standi to raise any such objections - as the Power Supply Agreements entered into between them and SECI stand terminated. The Petitioners are, therefore, seeking the deletion of their name from the array of the Respondents.

4. Learned counsel for Respondent Nos. 6 & 7 opposed the said submission as advanced by the learned senior counsel for the Petitioners and further added that even for deletion of their name from the array of the Respondents, no formal application has been moved by the Petitioners.

5. In response, learned senior counsel for the Petitioners submitted that as per Order I Rule 10 (2) of the Civil Procedure Code, the Court may, at any stage of proceedings, either upon or without the application of either party, order that the name of any party improperly joined be struck out. In this regard, the learned senior counsel relied upon the judgment of the Hon'ble Supreme Court in the case of Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre & Hotels & Ors., [2010(7) SCC 417]. Learned senior counsel added that it is well settled that the rules of procedure are the handmaiden of justice, and the Petitioners having already incurred the impact of Change in Law events, which have already been recognised by this Commission in its past orders, the Respondents ought not to be permitted to raise such objections. Learned senior counsel, accordingly, urged the Commission to take a holistic view rather than a pedantic view as sought to be urged by the Respondents.

6. After hearing the learned senior counsel and learned counsel for the parties, the Commission directed as under:

(a) The Petitioners shall move appropriate applications seeking (i) amendment of the prayers, and (ii) deletion of the names of Respondents 6 & 7 from the array of the Respondents, as urged, within two weeks.

(b) The Respondents to file their reply to the above IAs, if any, within two weeks with a copy to the Petitioners, who may file their rejoinder, within two weeks thereafter.

7. The Petitions, along with IAs to be filed by the Petitioners, will be listed for hearing on **24.7.2025**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**