BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

Petition No. 2019 of 2021.

In the Matter of:

Petition under Section 86(1)(f) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement dated 22.05.2019 executed between the Petitioner and the Respondent seeking declaration of Change in Law Event, viz., the imposition of Safeguard Duty by Notification No. 02/2020-Customs (SG) dated 29.07.2020 issued by the Department of Revenue, Ministry of Finance, Government of India and grant of consequential reliefs.

Petitioner	:	Paryapt Solar Energy Pvt. Limited Unit No. 305, Pioneer Urban Square Third Floor, Tower B, Sector 62 Gurgaon, Haryana – 122 005.
Represented By	:	Ld. Advocates Mr. Aniket Prasoon and Mr. Vinit Kumar.
		V/s.
Respondent	:	Gujarat Urja Vikas Nigam Ltd. Sardar Patel Vidyut Bhavan Race Course Circle, Vadodara – 390 007.
Represented By	:	Ld. Adv. Mr. Utkarsh Singh along with Mr. Kamlesh Shah.

CORAM:
Mehul M. Gandhi, Member
S. R. Pandey, Member

Date: 08/10/2025.

DAILY ORDER

1. The present matter was kept for hearing on 25.08.2025.

2. Ld. Adv. Mr. Aniket Prasoon appearing on behalf of the Petitioner submitted that the present Petition is filed under Section 86(1)(f) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement dated 22.05.2019 executed between the Petitioner and the Respondent seeking declaration of Change in Law Event, viz., the imposition of Safeguard Duty by Notification No. 02/2020-Customs (SG) dated 29.07.2020 issued by the Department of Revenue, Ministry of Finance, Government of India and grant of consequential reliefs.

2.1. He submitted that pursuant to the last Daily Order of the Commission, reconciliation between the parties was to be completed, however it could not happen. He submitted that the number of solar panels replaced by the Petitioner are 151362.

2.2. He further submitted that as per the directions of the Commission to submit independent Engineer's certificate certifying that the imported modules have been installed at the project site, it is submitted that subsequent to the importation and installation of modules at the project site, the said power project was affected by the *Force Majeure* event, i.e., cyclone Tauktae, in May 2021 due to which the entire Project was destructed. The said Force Majeure event was duly informed by the Petitioner to Respondent GUVNL vide its email dated 18.05.2021.

3. Ld. Adv. Mr. Utkarsh Singh appearing for the Respondent GUVNL submitted that the Respondent has filed its reply, raising certain

queries and the Petitioner did not file its specific response on those queries.

4. In response to the above, Ld. Adv. Mr. Aniket Prasoon for the Petitioner submitted that MNRE has empanelled Independent Engineer's who issued certificate only after site inspection. Due to the destruction of the power project by cyclone Tauktae in May 2021 it was not possible for the Petitioner to submit a certificate from the independent engineer certifying that the solar modules imported by the Petitioner in 2021 have been installed at the Project. He further sought two weeks' time for reconciliation of the Solar Modules installed.

5. Ld. Adv. Mr. Utkarsh Singh appearing for the Respondent has no objection on the request of the Petitioner for providing the details to prove Change in Law claimed by it and grant of two weeks' time for it.

6. On the query of the Commission that whether earlier any reconciliation took place between the parties, both counsels jointly submitted that earlier the reconciliation could not take place between them.

7. Ld. Adv. Mr. Aniket Prasoon for the Petitioner submitted that earlier the Respondent sought for the details to establish one to one correlation by submitting summary along with page numbers demonstrating one to one link between container numbers mentioned in BOEs vis a vis transportation receipts for the solar modules installed at the project site. In response it is submitted that the details could not be verified due to cyclone Tauktae which again caused *Force Majeure* conditions. The *Force Majeure* notice is already provided to the Respondent.

8. Ld. Adv. Mr. Utkarsh Singh for the Respondent submitted that the Petitioner has to prove its case of Force Majeure and Change in Law in terms of PPA. However, as the Petitioner has raised a request for reconciliation of the installation of Solar Modules, hence the matter may be adjourned for two weeks' time for reconciliation.

9. Heard the parties. We note that the Petitioner has requested for submissions of certain details and reconciliation between the parties and the Respondent have no objection to it. Hence, let the reconciliation of data be done between the parties and ascertain regarding the Change in Law in terms of PPA occurred or not and whether claim of the Petitioner is real and genuine or not. As parties have requested to adjourn the matter and sought two weeks' time, the same is granted. We direct the parties to file the outcome of the said reconciliation between them within one week after the reconciliation is completed.

10. The next date of hearing would be intimated separately.

11. Order accordingly.

Sd/-

[S. R. Pandey]
Member

Sd/-

[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 08/10/2025.