

NOTICE

Subject:- Petition filed by Azure Power India Private Limited seeking appropriate relief on Account of change in law as provided in request for proposal documents dated February 08, 2018 due to the introduction of safeguard duty on import of solar panels/modules

- **Case No. 47 of 2019**

Azure Power India Private Limited has filed a Petition on 15.02.2019 for under Section 86(1)(b), Section 86(1)(f) and Section 86(1)(k) of The Electricity Act, 2003, seeking appropriate relief on Account of change in law as provided in request for proposal documents dated February 08, 2018 due to the introduction of safeguard duty on import of solar panels/modules.

The main prayers of the Petitioner are as under-

- a) *Declare the imposition of safeguard duty on the import of solar panels/modules as a 'Change in Law' event as according to the provisions of in the RfP Documents.*
- b) *Direct the Respondent No. 1 to include the provisions of 'Change in Law' and 'Relief for Change in Law' in the proposed PPAs which are to be entered into by the Petitioner and the Respondent No. 1 for the Projects.*
- c) *Direct the Respondent No. 1 to reimburse the Petitioner for the corresponding increase in the Project cost on account of Safeguard Duty as and when paid by the Petitioner no later than seven (7) days of claim(s) submitted by the Petitioner on the basis of each consignment of solar panel/modules or a make a provision regarding the same in the proposed PPAs;*
- d) *Allow carrying cost on reimbursement of safeguard duty in case of delay in reimbursement;*
- e) *Direct Respondent No. 1 to pay costs for the present Petition; and*
- f) *Pass such further order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

2. I am directed to communicate that the hearing in the above matter will be held on **Wednesday, 27 March, 2019 at 10.00 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard Copy) to the Respondents before the scheduled date of hearing.

Cont'd → 2

4. The Respondents are directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition immediately, with a copy to the Petitioner.

5. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

Azure Power India Private Limited,
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New Delhi – 110 037
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Petitioner

The Chief Engineer,
Maharashtra State Power Generation Company Ltd.
HDIL Towers, 4th Floor, A- Wing,
Bandra (East), Mumbai 400 051
E-mail: rcgen@mahagenco.in

Respondent No. 1

The Chief Engineer (Commercial),
Maharashtra State Electricity Distribution Co. Ltd
Prakashgad, Plot No G-9,
Anant Kanekar Marg,
Bandra (East), Mumbai - 400 051
E-mail:- cecommho@gmail.com

Respondent No. 2