

NOTICE

Subject:- Petition filed by M/s. Nisagra Renewable Energy Private Limited seeking declaration from the Hon'ble Commission of imposition of Safeguard Duty on the import of solar cells vide notification no. 1/2018-Customs (SG) dated 30.07.2018 of the Ministry of Finance as an event of Change in Law with effect from 30.07.2018 and seeking approval and determination of quantum and mechanism of compensation along with interest, if any on account of the said Change in Law event, alongwith supporting affidavit.

- **Case No. 124 of 2019**

M/s. Nisagra Renewable Energy Private Limited has filed a Petition on 27.05.2019 under Section 86(1)(b) and Section 86(1)(e) of the Electricity Act, 2003 and Article 9.2.1 of the (7) Power Purchase Agreement(s) dated 27.12.2018 filed on behalf of M/s. Nisagra Renewable Energy Private Limited seeking declaration from the Hon'ble Commission of imposition of Safeguard Duty on the import of solar cells vide notification no. 1/2018-Customs (SG) dated 30.07.2018 of the Ministry of Finance as an event of Change in Law with effect from 30.07.2018 and seeking approval and determination of quantum and mechanism of compensation along with interest, if any on account of the said Change in Law event, alongwith supporting affidavit.

The main prayers of the Petitioner are as under-

- a) *Declare imposition of Safeguard Duty by the Ministry of Finance vide its notification dated 30.07.2018 as a Change in Law event under Article 9.1 of the PPA with effect from 30.07.2018;*
- b) *Declare that the Petitioner is entitled to claim relief under Article 9.2 of the PPA for the additional expenditure incurred on account of the Change in Law Event, i.e. imposition of Safeguard Duty by the Ministry of Finance vide its notification dated 30.07.2018 with effect from 30.07.2018 along with GST thereon;*
- c) *Specify the mechanism for deciding the quantum of relief that the Petitioner is entitled to on account of the aforesaid Change in Law event under Article 9.2 of the PPA along with applicable interest from date of incurrance of Safeguard Duty;*
- d) *Direct the Respondent to pay the quantum of compensation as per said mechanism to the Petitioner on account of the aforesaid Change in Law event subsequent to specifying the mechanism under Article 9.2 of the PPA;*
- e) *Direct the Respondent to reimburse the legal and administrative costs incurred by the Petitioner in pursuing the instant Petition; and*
- f) *Pass such other orders that this Hon'ble Commission deems fit in the facts of this case.*

2. I am directed to communicate that the hearing in the above matter will be held on **Tuesday, 25 June, 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 Respondent before the scheduled date of hearing.

4. The Respondent is 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)

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Petitioner

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Respondent