

**NOTICE**

Subject:- Petition of Azure Power Thirty Four Private Limited seeking appropriate relief on Account of Change in Law due to introduction and imposition of safeguard duty on import of solar Panel/Modules, through Notification No. 01/2018 – Custom (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance Government of India, in terms of Article 9 of the Power Purchase Agreement dated 30.10.2018 executed between the Petitioner and the Respondent.

- **Case No. 259 of 2019**

The Petitioner Azure Power Thirty Four Private Limited has filed the Petition on 27.09.2019 under the provision of the Electricity Act, 2003 and more particularly Section 86(1)(b), 86(1)(f) and 86(1)(k) of the Electricity Act, 2003, seeking appropriate relief on Account of Change in Law due to introduction and imposition of safeguard duty on import of solar Panel/Modules, through Notification No. 01/2018 – Custom (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance Government of India, in terms of Article 9 of the Power Purchase Agreement dated 30.10.2018 executed between the Petitioner and the Respondent.

The main prayers of the Petitioner are as under-

- a) *Direct the Respondent to reimburse the Petitioner for the corresponding increase in the Project cost due to imposition of safeguard duty aggregating to INR 686,436,389.76 (Rupees Six Hundred Eighty Six Million Four Hundred Thirty Six Thousand Three Hundred and Eighty Nine point Seventy Six Paise);*
- b) *Allow carrying costs amounting to INR 900,000 (Rupees Nine Hundred Thousand) on reimbursement of Safeguard Duty calculated as on 22nd September 2019 plus the carrying costs upto the date of the order of the Hon'ble Commission;*
- c) *Direct the Respondent to pay the above mentioned amount as (i) lump sum payment within a period of 30 days of the Hon'ble Commission's order; or (ii) compensatory tariff of INR 0.34 per kWh for the period of the PPA;*
- d) *Direct the Respondent to pay the additional carrying costs if the lump sum payment or payment of the carrying cost is delayed for a period beyond 30 days of the Hon'ble Commission's order;*
- e) *Direct Respondent 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 **Friday, 18 October, 2019 at 10.00 hrs** in the office of the Commission at 13<sup>th</sup> 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