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. Ltd.,
Unit No. 305, Pioneer Urban Square,
Third Floor, Tower B, Sector 62,
Gurgaon, Haryana – 122 005.

Represented by : Ld. Advocates Mr. Aniket Prasoon
and Ms. Sunanda Chowdhury.

V/s.

Respondent : Gujarat Urja Vikas Nigam Ltd.,
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara – 390 007.

Represented by : Ld. Advocate Ms. Harsha V. Rao
along with Mr. K. T. Shah.

CORAM:

Pankaj Joshi, Chairman

Hiren Shah, Member

Jatin N. Thakkar, Member

Date: 24/08/2026

DAILY ORDER

1. The present matter was kept for hearing on 20.08.2026 through Hybrid Mode.

2. Ld. Advocate Mr. Aniket Prasoon, appearing on behalf of the Petitioner, submitted that the present Petition has been 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 a declaration that the imposition of Safeguard Duty vide Notification No. 02/2020-Customs (SG) dated 29.07.2020 issued by the Department of Revenue, Ministry of Finance, Government of India, constitutes a Change in Law Event, together with the grant of consequential reliefs.

2.1. He submitted that pursuant to the Commission's daily order dated.08.10.2025, Petitioner had furnished the requisite documents to GUVNL under the reconciliation process on 15.06.2026, and that GUVNL, vide its communication dated 12.08.2026, raised certain queries and called upon the Petitioner to furnish: (i) a revised Certificate of a practicing Chartered Accountant substantiating and supporting the claim in respect of the supply of solar PV modules, (ii) relevant documents establishing a one-to-one correlation between the Project, the importation of Solar Modules, Cells etc. and the invoices and other relevant documents for proof of Safeguard Duty and the IGST paid, and (iii) a Certificate from an Independent Engineer, empanelled

by MNRE, certifying that the modules that have been imported have actually been installed at the Project.

2.2. He further submitted that the Petitioner seeks six weeks' time to furnish the revised Chartered Accountant's certificate substantiating and supporting the claim in respect of the supply of solar PV modules. He submitted that the documents establishing the one-to-one correlation between importation of Solar Modules and the Safeguard Duty and the IGST paid have already been furnished to Respondent GUVNL, and that the Petitioner has placed on record all supporting documents on affidavit viz. the GEDA commissioning certificate, the CEI solar plant charging approval certificate, copies of the module supply agreements, module purchase invoices and Safeguard Duty payment challans, Bills of Lading as proof of quantity, marine and inland transit insurance, customs-assessed Bills of Entry, invoices of all imported solar modules, Safeguard Duty payment challans evidencing payment of duty to Customs; customs out of charge orders, copies of the lorry receipts (LRs) for inland transportation from the port to the Project site and e-way bills.

2.3. With respect to the Certificate of an Independent Engineer, he submitted that such a Certificate is issued only after a site inspection, and that on account of the destruction of the power project by Cyclone Tauktae in May 2021, and 50% of the damaged Solar Modules have been replaced so that the Petitioner is unable to furnish this Certificate. He accordingly requested that the requirement of furnishing the said Certificate be dispensed with, all other relevant documents having already been placed on record.

2.4. He further submitted that, during the reconciliation process with Respondent GUVNL, the Safeguard Duty claim stands reduced to Rs. 16,91,53,396.15 and the IGST component to Rs. 84,57,669.81, aggregating to Rs. 17,76,11,065.96, as against the amount of Rs. 23,59,39,823.10 originally claimed in the Petition.

3. Ld. Advocate Ms. Harsha V. Rao, appearing on behalf of the Respondent submitted that the certificate of an Independent Engineer is a relevant and critically important document to establish that, the modules imported, and on which duty has been paid, have been installed at the Project, and that its production is essentially required.

3.1. She further submitted that the Safeguard Duty Notification is dated 29.07.2020, and that the Petitioner was well aware of the requirement of such a document at the time the Project was commissioned in April 2021.

3.2. She further submitted that the incremental cost, if any, ought to be allowed only with reference to the contracted AC capacity of 50 MW, whereas the Petitioner has installed 70 MW DC capacity and is claiming Safeguard Duty together with IGST on the DC installed capacity. She further submitted that, at the time of submission of the bid, the Safeguard Duty Notification of 2018 was already in existence, and that the Petitioner had therefore factored the same while quoting its rates under competitive bidding; consequently, the Petitioner's claim under Change in Law is not acceptable. She also submitted that the Petitioner's claim towards carrying cost is not acceptable, inasmuch as the terms of the PPA do not contain any provision for restitution or carrying cost.

3.3. She further submitted that the Respondent's submission is pending due to queries raised during the reconciliation process and that the Petitioner is yet to furnish the requisite documents including Independent Engineer's Certificate.

4. In response, Ld. Adv. Mr. Aniket Prasoon for the Petitioner submitted that the Safeguard Duty Notification is dated 29.07.2020, the Project was commissioned on 23.04.2021 and the Petition was filed on 02.11.2021. He submitted that the Respondent did not call for the Independent Engineer's certificate in its reply or in its subsequent pleadings, nor was the same referred to in the Commission's Daily Order dated 09.06.2022, and that the requirement of furnishing the said certificate was directed for the first time vide the Commission's Daily Order dated 10.08.2023. He submitted that the Petitioner became aware of the said requirement only on that date, and that the requirement could not have been anticipated at the time of commissioning of the Project on 23.04.2021. He submitted that nearly 50% of the Project was destroyed by Cyclone Tauktae in May 2021 shortly after commissioning on 23.04.2021. He submitted that the GEDA Commissioning Certificate already placed on record reflects the make, number and capacities of the solar modules, and prayed that the Petitioner be permitted to furnish additional documents in support of its claim, other than Independent Engineer's Certificate.

4.1. He further submitted that the Hon'ble Commission, in matters forming part of the same Respondent GUVNL tender, has allowed the Safeguard Duty claim and the IGST claim, and has conditionally allowed the carrying cost claim subject to the outcome of the matters pending before the Hon'ble Supreme Court, in Petition Nos. 1940 of 2021, 1941

of 2021 and 2010 of 2021. He accordingly prayed that the Commission be pleased to take into consideration the precedent of the matters regarding claim of Safeguard Duty on DC capacity Solar Modules and carrying cost, while deciding the present Petition.

5. Ld. Advocate for the Respondent submitted that they have not received copies of the last submissions made by the Petitioner, and reiterated that the Independent Engineer's Certificate establishing that the modules in respect of which the claim is made have been installed at the Project is essential and requires to be produced.

6. The Petitioner sought six weeks' time to furnish the Chartered Accountant Certificate, to complete the reconciliation process with Respondent GUVNL and file its submissions. Ld. Advocate for Respondent GUVNL raised no objection thereto, and sought a period of two weeks after receipt of the Petitioner's submissions to file its submissions.

7. Heard the parties. We note that the Petitioner has sought time of six weeks to submit the additional documents as required by the Respondent, to complete the reconciliation with the Respondent and to place further documents on record, to which the Respondent has no objection. We accordingly direct that the reconciliation of data be completed between the Parties. As Petitioner sought time to complete the reconciliation and file additional submission and Respondent has no objection to it, the matter is adjourned. We direct the Petitioner to file its submission together with the outcome of the reconciliation carried out between them on or before 01.10.2026 with a copy to the

Respondent, and the Respondent to file its reply thereafter on or before 15.10.2026.

8. Next date of hearing will be intimated separately.

9. Order accordingly.

Sd/-	**Sd/-**	**Sd/-**
[Jatin N. Thakkar]	**[Hiren Shah]**	**[Pankaj Joshi]**
Member	**Member**	**Chairman**

Place: Gandhinagar

Date: 24/08/2026