

F.No. 283/3/2018-GRID SOLAR-Part(4)

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy (MNRE)

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Atal Akshay Urja Bhawan,
Lodhi Road, New Delhi – 110003

Date: 27th September, 2022

To

1. The Managing Director, Solar Energy Corporation of India (SECI), 6th Floor, Plate-B, NBCC Office Block Tower-2, East Kidwai Nagar, New Delhi-110023, Email: md@seci.co.in
2. The Chairman & Managing Director, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi, Email: cmd@ntpc.co.in
3. The Chairman & Managing Director, NHPC Limited, N.H.P.C Office Complex, Sector-33, Faridabad – 121003, Haryana, Email: cmd@nhpc.nic.in

Sub: Covering of imposition of Basic Customs Duty on import of solar PV cells and modules and hike in rates of GST, under 'Change-in-Law' – reg.

Madam / Sir,

With effect from April 1, 2022, a Basic Customs Duty (BCD) @ 25% has been imposed on import of solar PV cells (HS Code: 85414200) and a Basic Customs Duty @ 40% has been imposed on import of solar PV modules (HS Code: 85414300).

2. Further, as per Notification No. 8/2021 dated 30.09.2021, the GST rate for specified renewable energy devices and parts for their manufacture have increased from 5% to 12%.

3. The Renewable Energy (RE) Developers have represented to MNRE for treating the above two events as 'Change-in-Law'.

4. The matter has been examined in MNRE and MNRE's Renewable Energy Implementing Agencies (SECI/ NTPC Ltd./ NHPC Ltd.) are hereby requested that:

a) BCD imposition as Change-in-Law: W.r.t. solar PV / solar PV-wind hybrid power projects, wherein the last date of bid submission was on or before the announcement on March 9, 2021, regarding imposition of Basic Customs Duty (BCD) on import of solar PV cells and modules with effect from April 1, 2022, and wherein the Scheduled Commissioning Date (SCD), including time extensions granted, if any, was on or after April 1, 2022, REIAs may consider imposition of BCD on import of solar PV cells and modules with effect from April 1, 2022 under 'Change-in-Law' unless the same is disallowed by specific provisions in the tender documents/ contracts.

b) Hike in GST rate as Change-in-Law: W.r.t. RE power projects, wherein the last date of bid submission was on or before September 30, 2021, i.e. on or before



the issuance of notification regarding increase in GST rate for specified renewable energy devices and parts for their manufacture from 5% to 12%, and wherein the Scheduled Commissioning Date (SCD), including time extensions granted, if any, was on or after October 1, 2021, REIAs may consider this hike in GST rate from 5% to 12% under 'Change-in-Law' unless the same is disallowed by specific provisions in the tender documents/ contracts.

5. This issues with the approval of Hon'ble Minister (Power & NRE).

Yours faithfully,


(Mohd Azmal Mansoori)
Scientist-B
Email: azmal.mnre@gov.in

Copy to:

1. Addl. Chief Secretaries / Pr. Secretaries / Secretaries of Power / Energy / Renewable Energy Departments of State Governments/ UT Govts./ Administrations (*with a request for similar consideration*)
2. NIC, MNRE for uploading on MNRE's website

Copy for Internal Circulation:

PS to Hon'ble Minister (Power & NRE)/ PS to Hon'ble MoS (NRE)/ PSO to Secretary/ Sr. PPS to AS (VK)/ Sr. PPS to JS&FA/ DS (VD)