

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing 10.1.2019

Petition No. 184/MP/2018

Petitioner : Azure Sunshine Private Limited (Azure Sunshine)

Respondents : Solar Energy Corporation of India Limited (SECI) and Other.

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 5.2.2015 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petition No. 185/MP/2018

Petitioner : Azure Sunshine Private Limited (Azure Sunshine)

Respondents : Solar Energy Corporation of India Limited (SECI) and Others.

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.03.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petition No. 188/MP/2018

Petitioner : Azure Solar Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Limited and Others

Subject : Petition for revision of tariff as a result of introduction of Goods and Services Tax Act, 2017.

Petition No. 190/MP/2018

Petitioner : Azure Greentech Private Limited

Respondents : Solar Energy Corporation of India Limited and others.

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.3.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petition No. 191/MP/2018

Petitioner : Azure Clean Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and others

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.3.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the effective date of the Power Purchase Agreement.

Petition No. 211/MP/2018

Petitioner : Azure Power (Rajasthan) Private Limited

Respondents: NTPC Vidyut Vyapar Nigam Limited and Others

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioner and NTPC Vidyut Vyapar Nigam Limited dated 10.1.2011 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the effective date of the Power Purchase Agreements.

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Parties Present: Shri Vishal Binod, Advocate for ACEPL, AGPL, ASPL, APML, APPL
Shri Ram Pratap, Advocate for RVVNL
Shri S. K. Agarwal, Advocate, RVVNL
Ms. Swapna Seshadri, Advocate, PSPCL, HPPTCL
Ms Neha Garg, Advocate, PSPCL, HPPTCL
Shri M. G. Ramachandran, Advocate, NTPC, SECIL and NVVNL
Ms. Poorva Saigal, Advocate, NTPC, SECIL and NVVNL
Ms Anushree Bardhan, Advocate, NTPC, SECIL and NVVNL

Record of Proceedings

At the outset, learned counsel for the Petitioners submitted that certain other group of companies of the Petitioners have filed appeals before the Appellate Tribunal for Electricity against the Commission`s orders dated 19.9.2018 and 9.10.2018 in Petition Nos. 50/MP/2018, 52/MP/2018 and 188/MP/2017. Learned counsel further submitted that in the above appeals, similar issues have been raised which arise in the present Petitions and vide letter dated 9.1.2019 has requested for adjournment of the Petitions till the disposal of the appeals. The Commission indicated that the Petitioners can withdraw the Petitions and file fresh Petitions after disposal of the appeals and directed learned counsel to seek instructions from the Petitioners in this regard.

2. Learned counsel on instructions from the Petitioners has submitted vide letter dated 10.1.2019 that the Petitioners seek permission to withdraw its letter of adjournment and requested the Commission to list the Petitions for final hearing on any convenient date.

3. The Commission directed to list the Petitions for hearing in due course for which separate notice will be issued.

By order of the Commission
Sd/-

(T. Rout)
Chief (Law)