

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.209/MP/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Electricity (Timely Recovery of Cost due to Change in Law) Rules, 2021 for seeking an appropriate adjustment/compensation to offset financial/commercial impact of change in law events on account of increase in the rate of goods and service tax from 5% to 12% by way of Notification No.8/2021-Central Tax (Rate) dated 30.9.2021 in terms of the Article 21 of the Power Purchase Agreement dated 25.10.2019 between Ostro Energy Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : **8.6.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Ostro Energy Private Limited (OEPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Ms. Mannat Waraich, Advocate, OEPL
Shri Mridul Gupta, Advocate, OEPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking appropriate adjustment/compensation to offset the financial/commercial impact of the Change in Law event, namely, the introduction of Notification No. 8/2021-Central Tax (Rate) dated 30.9.2021 which has resulted in an increase in the rate of Goods and Service Tax (GST) on renewable energy devices and parts, specifically windmills, wind operated electric generators from 5% to 12%. Learned counsel for the Petitioner further submitted that none of the Respondents have filed any reply in the matter.

2. None was present on behalf of the Respondents despite notice.
3. After hearing the learned counsel for the Petitioner, the Commission deemed it appropriate to permit the Respondents, as a last opportunity, to file their respective written submissions, if any, within two weeks with a copy to the Petitioner who may file its written submissions, within two weeks thereafter.
4. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**

