

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.232/MP/2021

- Subject : Petition under Section 79(1)(f) read with Section 142 of the Electricity Act, 2003 in terms of the orders passed by this Commission vide order dated 9.10.2018 passed in Petition No. 232/MP/2017, Petition No. 233/MP/2017 & Petition No. 13/MP/2018, order dated 12.4.2019 passed in Petition No.209/MP/2018, order dated 27.3.2020 passed in Petition No. 395/MP/2018 and order dated 5.2.2019 passed in Petition No. 187/MP/2018, seeking recovery of the amount to the tune of Rs. 52 crore approximately from Distribution Companies of Telangana, paid by the Petitioner as an Intermediary Procurer to the various Solar Power Developers towards the claim on account of the 'Change in Law' allowed by this Commission.
- Date of Hearing : **16.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : NTPC Limited (NTPC)
- Respondents : Northern Power Distribution Co. of Telangana Limited and 7 Ors.
- Parties Present : Shri Venkatesh, Advocate, NTPC
Shri Anant Singh, Advocate, NTPC
Ms. Nehal Jain, Advocate, NTPC
Shri D. Abhnav Rao, Advocate, Telangana Discoms
Shri Devadipta Das, Advocate, Telangana Discoms
Shri Rahul Jajoo, Advocate, Telangana Discoms

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking necessary direction from the Respondents 1 & 2, Telangana Discoms, in terms of the orders passed by the Commission in the various Petitions filed by the Respondents 4 to 8 ('GST Orders'), wherein the Commission had upheld the promulgation of GST w.e.f. 1.7.2017 as a Change in Law event and consequent thereto Telangana Discoms are under mandatory legal obligations to reimburse to the Petitioner the amount paid by the Petitioner as an intermediary procurer towards the claim of Change in Law compensation to the Solar Power Developers, on a back-to-back basis. Learned counsel submitted that out of the total cumulative claim of Rs. 52.20 crore, Telangana Discoms have made a part payment of Rs. 24.8 crore and, vide a letter dated 27.6.2023, indicated that the balance payment towards the GST amount would be released under the scheme of the LPSC Rules, 2022. Learned counsel, however, pointed out that, Telangana Discoms have, as such, not provided any justification/breakup for the amount of Rs. 61.02 crore as indicated in the said letter. Learned counsel added that vide Record of Proceedings



for the hearing dated 28.6.2023, the Commission had specifically directed the Telangana Discoms to file on an affidavit the details of payment made and outstanding dues to the Petitioner towards GST compensation under GST Orders of the Commission within three weeks. However, Telangana Discoms have not filed any such affidavit furnishing the information called for.

2. Learned counsel appearing on behalf of Telangana Discoms, citing a lack of instructions on merits, sought a week's time to take necessary instructions and to file an affidavit indicating the details of payment under the GST Orders.

3. The Commission expressed strong displeasure over the conduct of the Respondents, Telangana Discoms in completely disregarding the direction in filing their affidavit indicating the details of payment under GST Orders. However, keeping in view the request of learned counsel for Telangana Discoms, the Commission permitted one last opportunity to the Respondents to comply with the directions issued under the Record of Proceedings for the hearing dated 28.6.2023 within two weeks with a copy to the Petitioner, who may file its response thereon, within two weeks thereafter.

4. The Petition shall be listed for hearing on **4.10.2023**.

By order of the Commission

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