

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 30/MP/2023

- Subject** : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 29.01.2019 entered between Sitac Kabini Renewables Private Limited and the Solar Energy Corporation of India Limited seeking compensation/ revision in tariff due to a Change in Law event.
- Date of Hearing** : 24.4.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member
- Petitioners** : Sitac Kabini Renewables Private Limited
- Respondents** : Solar Energy Corporation of India Limited
- Parties Present** : Ms. Ayshwarya Chandar, Advocate, SKRPL
Shri Kunwar Surya Pratap, Advocate, SKRPL
Ms. Anushree Bardhan, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the Petitioner is a generating company and currently setting up a 300 MW wind power project located at various villages in Taluk Lakhpat, District Kutch, in the state of Gujrat. In this regard the learned counsel submitted as follows:

- a) SECI has agreed to purchase 300 MW of wind power from the Petitioner as an intermediary seller and sell it to buying utilities. The Petitioner and SECI entered into a PPA on 29.1.2019 in this regard.
- b) As per the Ministry of Finance, Government of India notification dated 30.9.2021, GST on the "*Wind mills, Wind Operated Electricity Generator (WOEG)*" has increased from 5% to 12% leading to increase in the cost of the renewable energy devices and parts for their manufacture and components of



the Wind Turbines. This increase has caused an impact of ₹131762614/- on the costs to be borne by the Petitioner in setting up of the project.

- c) The difference of the amount increased due to higher GST should be allowed to be recovered from SECI by the Petitioner. The Petitioner has filed the present petition praying for relief in the nature of compensation/ revision in tariff on account of the Change in Law
 - d) Also requested to allow the carrying costs at the rate prescribed in the PPA under Clause 10.3.3. i.e. Late Payment Surcharge so as to reconstitute the Petitioner for the Change in Law event.
2. The learned counsel for SECI, who appeared in the matter, took notice, and prayed for time to file reply in the matter.
 3. After hearing the parties, the Commission directed as follows:
 - (a) Admit, issue notice.
 - (b) The Respondent shall file reply by 26.5.2023, after serving copy to Petitioner, who shall file its rejoinder, if any by 12.6.2023. Pleadings shall be completed within the due dates mentioned and no extension of time shall be granted.
 4. The Petition shall be listed for hearing on 19.7.2023.

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Law)

