

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.308/MP/2022

Subject : Petition under Section 79 of Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 8.6.2020 seeking declaration that change in Goods and Services Tax from 5% to 12% w.e.f. 1.10.2021 on account of amendment to Notification Nos. 1/2017- Central Tax (Rate), 1/2017- Integrated Tax (Rate) dated 28.6.2017 and Finance Department (Govt. of Rajasthan) Notification No. F.12(56)FD/Tax/2017-Pt- I-40 dated 29.6.2017 by way of Notification No. 8/2021- Central Tax (Rate), Notification No. 8/2021- Integrated Tax (Rate) dated 30.9.2021 and Finance Department (Govt. of Rajasthan) Notification No. F.12(1)FD/Tax/2021-60 dated 30.9.2021 as a Change in Law event and to direct Solar Energy Corporation of India Limited to compensate along with applicable carrying cost towards additional expenditure incurred on account of increase in rate of Goods and Services tax, paid by the Petitioner and to restitute Avaada Sustainable RJ Project Private Limited to the same economic position as it would have been prior to the Notifications dated 30.9.2021.

Date of Hearing : **12.7.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Avaada Sustainable RJ Project Private Limited (ASRJPPPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 3 Ors.

Parties Present : Shri Shubham Mudigl, Advocate, ASRJPPPL
Shri Abhishek Kumar, Advocate, ASRJPPPL
Shri Amit Oja, ASRJPPPL
Ms. Disha, ASRJPPPL
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the Petitioner has received the reply of the Respondent No.1, SECI, only yesterday and the Petitioner may, therefore, be permitted 3 weeks' time to file a rejoinder thereof.



2. The Commission expressed its displeasure at the considerable delay in the filing of the reply by SECI. In response, learned counsel for the Respondent No.1, SECI prayed to be excused for the delay on the part of SECI and assured that SECI would avoid such an occurrence in the future.
3. Learned counsel for the Respondent No.2, TANGEDCO, submitted that the Respondent does not wish to file a reply in the matter.
4. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Petitioner to file its rejoinder within three weeks.
5. The Petition shall be listed for hearing on 22.9.2023.

By order of the Commission

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