

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.310/MP/2022

Subject : Petition under Section 79(1)(b), 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 seeking compensation against additional cost incurred on account of implementation of the Goods and Service Tax Law vide Notification No.12/2017 as "Change in Law Even" in terms of Article 12 of the Power Purchase Agreement dated 5.10.2016 executed between Indigrd Solar-I (AP) Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Indiagrid Solar-I (AP) Private Limited (ISAPPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 4 Ors.

Petition No.362/MP/2022

Subject : Petition under Section 79(1)(b), 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 for seeking compensation against additional cost incurred on account of implementation of the Goods and Service Tax Law vide Notification No.12/2017 as a "Change in Law Event" in terms of Article 12 of the Power Purchase Agreements dated 5.10.2016 executed between Indigrd Solar-II (AP) Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Indiagrid Solar-II (AP) Private Limited (ISAPPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 4 Ors.

Date of Hearing : **10.8.2023**

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

Parties Present : Shri Sanjay Sen, Sr. Advocate, ISAPPL
Ms. Roberta Elwin, Advocate, ISAPPL
Ms. Aparajita Upadhyay, Advocate, ISAPPL
Ms. Anukriti Jain, Advocate, ISAPPL
Shri Vinit Kumar, Advocate, ISAPPL
Shri Saurav Kr Jha, ISAPPL
Ms. Anushree Bardhan, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

Learned senior counsel for the Petitioners submitted that the present Petitions have been filed, *inter alia*, seeking approval of the introduction of Central Goods and



Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Andhra Pradesh Goods and Services Tax Act, 2017 ('GST Laws') as Change in Law events in terms of Article 12 of the Power Purchase Agreements dated 5.10.2016, and for compensation for additional costs incurred on account of the same, along with consequential reliefs thereto.

2. Learned counsel for the Respondent No.1, SECI, submitted that SECI has already filed its reply in these matters. Learned counsel further submitted that insofar as the impact of Change in Law for the period post Commercial Operation Date is concerned, the finding of the Appellate Tribunal for Electricity in judgment dated 15.9.2022, in Appeal No. 256 of 2019 and batch in the matter of Parampujya Solar Energy Pvt. Ltd. and Ors. v. CERC and Ors. has been stayed by the Hon'ble Supreme Court by its order dated 12.12.2022 in Civil Appeal No. 8880/2022 in the case of Telangana Northern Power Distribution Co. Ltd. & Anr. v. Parampujya Solar Energy Pvt. Ltd. & Ors. Learned counsel also added that insofar as the methodology for payment of the claim amount is concerned, the reconciled amount be permitted to be paid on a monthly annuity basis unless the distribution licensees agree to make a lump-sum payment.

3. None was present on behalf of the Respondent Nos. 2 to 5, i.e. Distribution licensees, despite notice. However, they are at liberty to file any written submissions, if any, within a week.

4. Considering the submissions made by the learned senior counsel for the Petitioners and the learned counsel for the Respondent, SECI, the Commission permitted the parties to file their respective written submissions, if any, within two weeks. The Commission also permitted the Petitioners to upload their rejoinder(s) in these matters, if any, within a week.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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