

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 314/MP/2022**

- Subject : Petition under Section 79 of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief to offset the financial/ commercial impact of the 'Change in Law' event i.e., increase in the rate of Goods and Services Tax from 5% to 12% by way of Notification No. 8/2021- Central Tax (Rate) dated 30.09.2021 issued by Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 21.01.2019 between Netra Wind Private Limited and Solar Energy Corporation of India Limited.
- 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
- Petitioner : Netra Wind Private Limited (NWPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Ms. Mazag Andrabi, Advocate, NWPL  
Ms. Tajali Andrabi, Advocate, NWPL  
Ms. Anushree Bardhan, Advocate, SECI  
Ms. Srishti Khindaria, Advocate, SECI

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed for (i) approval of the Change in Law, and (ii) consequential relief to offset the financial / commercial impact of the Change in Law event i.e. increase in the rate of Goods and Services Tax from 5% to 12% by way of Notification No.8/2021-Central Tax (Rate) dated 30.9.2021 issued by Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 21.1.2019 between the Petitioner and SECI. Learned counsel further submitted that matter is squarely covered by the earlier order(s) of the Commission including the recent order dated 21.4.2023 in Petition No. 219/MP/2022 titled Ayana Renewable Power One Private Ltd. v. SECI and Anr.

2. Learned counsel for the Respondent, SECI accepted the notice and sought time to file brief reply to the petition.

3. After hearing the learned counsel for the Petitioner and the Respondent, SECI the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if

any, within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

(c) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

4. The Petition to be listed for hearing on 7.7.2023.

**By order of the Commission**

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