

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 541/MP/2020

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 15th August, 2023

In the matter of

Clarification Petition under Section 79 (1) (f) and Section 94 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Section 151 of Code of Civil Procedure seeking clarification of Order dated 05.02.2019 passed by this Commission in Petition No. 192/MP/2018.

And

In the matter of

**Phelan Energy India RJ Pvt. Limited,
(now known as 'Bhadla Renewable Power Private Limited)**

409, Southern Park Building Saket
District Centre, Saket. Landmark backside
of Select City Walk Mall New Delhi - 110017

...Petitioner

Versus

1. Solar Energy Corporation of India Limited,

D-3, First Floor, A wing, District Centre,
Saket, New Delhi - 110017

2. Jaipur Vidyut Vitran Nigam Limited,

Vidyut Bhawan, Janpath Jyoti Nagar,
Jaipur -302005

3. Ajmer Vidyut Vitran Nigam Limited,

Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer – 305004.

4. Jodhpur Vidyut Vitran Nigam Limited,

New Power House, Jodhpur – 342003.

5. Rajasthan Urja Vikas Nigam Limited,

Vidyut Bhawan, Janpath, Jyoti Nagar,
Jaipur- 302005, Rajasthan.

Parties present:

Shri Samarth Kashyap, Advocate, BRPPL
Ms. Anushree Bardhan, Advocate, SECI
MS. Surbhi Kapoor, Advocate, SECI

ORDER

The Petitioner, Phelan Energy India RJ Pvt. Limited, has filed the present Petition under Section 79 (1) (f) of the Electricity Act, 2003, seeking clarification of the order dated 5.2.2019 in Petition No. 192/MP/2018. The Petitioner has made the following prayers:

“(a) Allow the present clarification Petition;

(b) Allow Order dated 5.2.2019 in Petition No. 192/MP/2018 to allow for compensation on account of introduction of GST laws for goods and services which have been procured before and after commissioning of the Project

(c) Direct the Respondent SECI to make the payment to the Petitioner irrespective of whether the payment is received by SECI from the Discoms.

(d) Pass any such other and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”

2. The matter was called out for the hearing on 11.8.2023. During the course of the hearing, learned counsel appearing on behalf of Bhadla Renewable Power Private Limited submitted that the Petitioner company had been acquired by Bhadla Renewable Power Private Limited on 23.5.2023. Learned counsel sought permission to file Vakalatnama and for the grant of access to the e-filing portal in relation to the matter. Learned counsel for the SECI submitted that by way of subsequent orders, the Commission has already decided the principle. Therefore, the contracting parties may carry out a reconciliation as per the principle laid down by the Commission.

3. It is noticed that the Petitioner, Phelan Energy India RJ Pvt. Limited, has now been acquired by Bhadla Renewable Power Private Limited. Since Bhadla Renewable Power Private Limited is not in a position to pursue the present case and there have been subsequent developments on the issues raised in the prayers of the present petition, the Petition is disposed of with the liberty to Bhadla Renewable Power Private Limited to approach the Commission with a fresh Petition in accordance with law, if required.

4. Accordingly, the Petition No. 541/MP/2020 is disposed of in terms of the above.

**Sd/-
(P.K. Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(Jishnu Barua)
Chairperson**