

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.381/MP/2023

Subject : A petition under section 79 of the Electricity Act 2003 before the Central Electricity Regulatory Commission for declaration of certain events as “Change in Law” and subsequent reimbursement in terms of Article 12 of the Power Purchase Agreement dated 31.08.2020 executed between Altra Xergi Power Private Limited and NHPC Limited along with carrying cost and interest on carrying cost

Date of Hearing : **15.3.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri P. K. Singh, Member

Petitioner : Altra Xergi Power Private Limited.

Respondents : NHPC Limited & Ors.

Parties Present : Shri Sujit Ghosh, Advocate, AXPPL
Ms. Ananya Goswami, Advocate, AXPPL
Ms. Ananya Goswami, Advocate, AXPPL
Shri Dharmendra Gupta, Advocate, AXPPL
Shri Rajiv Shankar Dwivedi, Advocate, NHPC
Shri Rishabh Jain, Advocate, NHPC
Shri Rajesh Joshi, Advocate, NHPC
Shri Nitin Gaur, Advocate, MPPMCL
Shri Sagar Parashar, MPPMCL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking declaration of certain events, namely (a) order of the Supreme Court dated 19.4.2021 in W.P (Civil).No. 838 of 2019 (GIB Order) in the matter of *M.K. Ranjitsinh & Ors v. UOI & Ors.*, (b) increase in the rate of CGST / IGST on renewable energy devices and parts for their manufacture imposed vide Notification No. 8/2021-Central Tax (Rate) and Notification No. 8/2021-Integrated Tax (Rate) dated 30.9.2021, and (c) increase in the rate of Basic Customs Duty on Solar Modules and consequent increase in quantum of social welfare surcharge and IGST on account of rescission of Notification No. 24/2005- Customs dated 1.3.2005 vide Notification No. 15/2022 - Customs dated 01.02.2022, as Change in Law events in terms of Article 12 of the Power Purchase Agreement dated 31.8.2020 executed between Altra Xergi Power Private Limited and NHPC Limited along with carrying cost and interest thereon. Learned counsel further submitted that the present case is covered by the Commission’s earlier orders passed in similar Petitions. He added that vide Record of Proceedings for the hearing dated 19.1.2024, Respondents were granted a liberty to file their replies. However, no reply has been filed by the Respondents in the matter and hence, the

Commission may reserve the matter for order after permitting the parties to file their written submissions in the matter.

2. Learned counsel for Respondent No.2, Madhya Pradesh Power Management Company Limited (MPPMCL) sought an additional two weeks' time to file its reply in the matter.

3. Learned counsel for Respondent No.1, NHPC Limited endorsed the submissions of the learned counsel for the Petitioner and prayed that the parties may be permitted to reconcile the amount claimed in the matter as per the CIL Rules.

4. After hearing the learned counsels for the parties, the Commission permitted Respondent No.2, MPPMCL to file its reply to the Petition, if any, within two weeks, with a copy to the other side, who may file their response, if any, within a week thereafter. The Commission directed the parties to file their respective written submissions within a week with a copy to the other side.

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

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)