

**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 : **19.1.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri P. K. Singh, Member
- Petitioner : Altra Xergi Power Private Limited.
- Respondents : NHPC Limited & Ors.
- Parties Present : Ms. Ananya Goswami, Advocate, AXPPL
Ms. Mannat Waraich, Advocate, AXPPL

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.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve a copy of the Petition on the Respondents, who may file their replies to the Petition, if any, within three weeks, with a copy to the Petitioner, who may file its rejoinder within three weeks thereafter.

(b) Parties are to comply with the above directions within the specified timeline, and no extension of time shall be granted.

3. The Petition shall be listed for hearing on **15.3.2024**.

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