

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 13/SM/2017**

Subject : Abolition of Clean Energy Cess and Introduction of Goods and Service Tax Compensation cess.

Date of hearing : **16.1.2018**

Coram : Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Respondents : GMR-Kamalanga Energy Limited & Others

Parties present : Shri Alok Shankar, Advocate, GKEL & GWEL  
Ms. Nayantara Pandey, Advocate, GKEL & GWEL  
Shri Vishrov Mukerjee, Advocate, Sasan Power Ltd  
Ms. Ranjitha Ramachandran, Advocate, GUVNL & Haryana discoms  
Ms. Poorva Saigal, Advocate, GUVNL & Haryana discoms  
Shri Hemant Singh, Advocate, BALCO & ACB  
Shri Matrugupta Mishra, Advocate, BALCO & ACB  
Shri Raunak Jain, Advocate, TPDDL  
Shri Vishvendra Tomar, Advocate, TPDDL  
Ms. Swapna Sheshadri, Advocate, PSPCL  
Ms. Rhea Luthra, Advocate, PSPCL  
Ms. Parichita Chowdhary, Advocate, PSPCL  
Shri Sanjay Kumar, Advocate, PTC India  
Shri Aashish Anand Bernad, Advocate, PTC India  
Shri Paramhans, Advocate, PTC India  
Shri Deepak Khurana, Advocate, DB Power  
Shri Bijay Mohanty, CGPL  
Shri Jignesh Langalia, APL  
Shri Abhay Kumar, Tata Power  
Shri Umesh Singh, GMR  
Shri Girish, GMR  
Shri G M Gupta, GMR

**Record of Proceedings**

During the hearing, the learned counsel for GMR- Kamalanga Energy Ltd (GKEL) and Coastal Gujarat Power Ltd (CGPL) submitted that they have filed the additional information in a tabular form as directed by the Commission vide ROP of the hearing dated 21.12.2017 and accordingly, the Commission may take a view.

2. The learned counsel for GUVNL & Haryana discoms submitted that while generating companies namely, CGPL, GMR, Adani Power Ltd. (APL) have filed the information as directed by the Commission, no information had been filed by Sasan



Power Ltd (SPL). She further pointed out that APL and GKEL may be directed to confirm that there is no other levy of GST other than the taxes claimed under Change in law as per directions of the Commission.

3. The learned counsel for SPL pointed out that they have submitted the claims in the previous reply. He however, submitted that details would be filed in tabular form as directed by the Commission.

4. The learned counsel for DB Power submitted that the petition for Change in law filed by it had been decided by the Commission. He however, prayed that it may be permitted to file the details in tabular form as per the directions of the Commission and participate in the proceedings.

5. The learned counsel for the generating companies GKEL and CGPL prayed that the Commission may allow the GST Compensation Cess payable at Rs 400/MT on coal and lignite subject to the final determination of the claims by the parties as an interim measure.

6. The Commission after hearing the parties directed the generating companies who had filed petition for relief under Change in law due to imposition of taxes under GST and generating companies who are in process of filing petitions under Change in law are required to submit the details in tabular form as per directions contained in ROP of the hearing dated 21.12.2017. The said information/ details shall be filed by the generating companies on or before 5.2.2018 with copy to the respondent distribution companies procuring powers and the distribution companies shall file their responses with advance copy to the generating companies on or before 20.2.2018.

7. The Commission also directed the procuring distribution companies to submit their calculation with regard to the GST Compensation Cess which shall be payable after offsetting the receivable on account of subsuming of the various taxes in GST which were earlier allowed under Change in Law.

8. As regards the interim prayer of the generating companies to allow the GST Compensation Cess subject to final disposal of the petition, the Commission observed that the same would be considered after submission of the information by the parties as directed above.

9. Subject to above, order in the petition is reserved.

**By order of the Commission**

**-Sd/-  
(T. Rout)  
Chief (Law)**

