

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 13/MP/2018**

Subject : Petition seeking relief on account of Change in Law viz. the introduction of Goods and Services Tax laws at the Central and State levels, resulting in additional recurring and non-recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreements.

Date of Hearing : 14.3.2018

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

Petitioner : Azure Power Thirty Seven Private Limited

Respondents : NTPC Limited and Others

Parties present : Shri Deep Rao. Advocate, APTS(P)L  
Shri Jafar Alam, Advocate, APTS(P)L

**Record of Proceedings**

Learned counsel for the petitioner submitted that present petition has been filed for seeking declaration that promulgation of the Integrated Goods and Services Tax, 2017, the Central Goods and Services Tax, 2017 and the Telangana Goods and Services Tax, 2017 are Change in Law events under Article 12 of the Power Purchase Agreement dated 10.8.2016 executed between the petitioner and NTPC Limited which is effective from 19.7.2017. Learned counsel further submitted as under:

- a) The petitioner is setting up ten solar power plants of 10 MW each in the State of Telangana.
- b) NTPC Limited is the nodal agency for facilitating purchase and sale of solar photo- voltaic power under National Solar Mission. As per the NSM Guidelines, RfS and the PPA, NTPC is required to purchase solar power from the petitioner through NTPC Vidyut Vyapar Nigam Limited and sell it to the various distribution licensees after bundling such solar power with thermal power generated at NTPC's generating stations.
- c) The promulgation of GST laws after the effective date of PPA has incurred additional recurring and non- recurring expenditure upon the petitioner, which is a change in law event under Article 12 of the PPA.

2. After hearing the learned counsel for the petitioner, the Commission directed NTPC to submit the list of distribution companies to whom power would be supplied by the petitioner. The Commission directed the petitioner to implead the distribution companies as parties to the petition and to file revised memo of parties.

3. The Commission directed the petitioner to serve the copy of the petition and RoP on the respondents immediately. The respondents including distribution companies were directed to file their replies on the maintainability of the petition by 28.3.2018, with an advance copy to the petitioner, who may file its rejoinders, if any, by 13.4.2018. The Commission directed that due date in filing replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on maintainability on 26.4. 2018.

**By order of the Commission**

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