

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing: 24.10.2018

Petition No. 191/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.3.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the effective date of the Power Purchase Agreement.

Petitioner : Azure Clean Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 190/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.3.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petitioner : Azure Greentech Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 226/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 27.7.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : NTPC Limited and Another

Petition No. 189/MP/2018

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 for the approval of Change in Law and consequent revision in capital cost due to introduction of the Central Goods and Services Tax Act, 2017

promulgated by the Department of Revenue, Ministry of Finance notified by way of notification dated 28.6.2017.

Petitioner : ACME Rewa Solar Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 188/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioner and NTPC Vidyut Vyapar Nigam Limited dated 25.1.2012 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional 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..

Petitioner : Azure Solar Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Limited and Others

Petition No. 185/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 28.3.2014 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petitioner : Azure Sunshine Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 184/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 5.2.2015 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the effective date of the Power Purchase Agreement.

Petitioner : Azure Power Mars Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 178/MP/2018

Subject : A Petition under Section 79(1)(b) of the Electricity Act, 2003 for the approval of 'Change in Law' and consequent revision in capital cost due to introduction of the Central Goods and Services Tax Act, 2017 promulgated by the Department of Revenue, Ministry of Finance notified by way of notification dated 28.06.2017.

Petitioner : ACME Jodhpur Solar Power Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 165/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 2.8.2016, executed between the Parampujya Solar Energy Pvt. Ltd. (PSEPL) and Solar Energy Corporation of India Limited for seeking approval of change in law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 164/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 27.7.2016, executed between Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : NTPC Limited and Others

Petition No. 157/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 18.5.2016 executed between Prayatna Developers Pvt. Ltd. and NTPC Ltd., for seeking approval of change in law events due to enactment of the GST Laws.

Petitioner : Prayatna Developers Private Limited

Respondents : NTPC Limited and Others

Petition No. 212/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 19.7.2016,

executed between the Parampujya Solar Energy Pvt. Ltd. and Solar Energy Corporation of India, for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 211/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioner and NTPC Vidyut Vyapar Nigam Limited dated 10.1.2011 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional 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.

Petitioner : Azure Power (Rajasthan) Private Limited

Respondents : NTPC Vidyut Vyapar Nigam Limited and Others

Petition No. 210/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 209/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 23.8.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and NTPC Limited for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : NTPC Limited and Others

Petition No. 207/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 22.9.2016,

executed between Wardha Solar (Maharashtra) Private Limited and Solar Energy Corporation of India Limited, for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited

Respondents : Solar Energy Corporation of India Limited and Others

Petition No. 206/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 26.12.2016, executed between Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited

Respondents : NTPC Limited and Others

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Parties Present : Shri Syed Jafar Alam, Advocate, Azure Power
Shri Divyanshu Bhatt, Advocate, Azure Power
Ms. Poonam Verma, Advocate PSEPL, PDPL & WSMPL
Ms. Apoorva Saxena, Advocate, PSEPL, PDPL & WSMPL
Ms. Abiha zaidi, Advocate, PSEPL, PDPL & WSMPL
Ms. Mazag Andrabi, Advocate, ACME
Shri Varun Kapur, Advocate, ACME
Shri S. K. Agarwal, Advocate, RUVNL
Ms. Varsha Tandon, Advocate, RUVNL
Shri Apoorv Kurup, Advocate, CSPDCL
Ms. Nidhi Mittal, Advocate, CSPDCL
Ms. Ranjitha Ramachandran, Advocate, NTPC, SECI & NVVNL
Shri Shubam Arya, Advocate, NTPC, SECI and NVVNL
Ms. Poorva Saigal, Advocate, NTPC, SECI and NVVNL
Ms. Swapna Seshadri, Advocate, PSPCL
Ms. Neha Garg, Advocate, PSPCL
Shri Balaji Srinivasan, Advocate, BESCOM
Ms. Pallavi Sengupta, Advocate, BESCOM

Record of Proceedings

Learned counsel appearing on behalf of BESCOM requested for two weeks time to file its reply in Petition Nos. 226/MP/2018, 188/MP/2018, 164/MP/2018, 212/MP/2018, 211/MP/2018, 210/MP/2018, 207/MP/2018 and 206/MP/2018. Learned counsel appearing on behalf of Azure Power submitted that in Petition Nos. 191/MP/2018, 190/MP/2018, 226/MP/2018, 188/MP/2018, 185/MP/2015 and 184/MP/2018, Solar Energy Corporation of India Limited (SECI) has already filed its reply and requested for time to file a common rejoinder. Request was allowed by the Commission.

2. Learned counsel for Rajasthan Urja Vikas Nigam Limited (RUVNL) requested for one week time to file copy of reply in Petition Nos. 189/MP/2018 and 178/MP/2018.
3. Learned counsel for the Petitioners requested for adjournment in Petition Nos.165/MP/2018, 157/MP/2018 and 209/MP/2018. Request was allowed by the Commission.
4. After hearing the learned counsels for the parties, the Commission directed respondents to file their replies by 9.11.2018, with an advance copy to the Petitioners, who may file their rejoinders, if any, by 26.11.2018. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.
5. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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