

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of hearing 17.9. 2018

Petition No. 191/MP/2018

Petitioner : Azure Clean Energy Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 190/MP/2018

Petitioner : Azure Greentech Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 226/MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : NTPC Limited

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.

Petition No. 189/MP/2018

Petitioner : ACME Rewa Solar Energy Private Limited



Respondent : Solar Energy Corporation of India Limited and Others

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.

Petition No. 188/MP/2018

Petitioner : Azure Solar Private Limited

Respondent : NTPC Vidyut Vyapar Nigam Limited

Subject : Petition for revision of tariff as a result of introduction of Goods and Services Tax Act, 2017.

Petition No. 185/MP/2018

Petitioner : Azure Sunshine Private Limited

Respondent : Solar Energy Corporation of India Limited

Subject : Petition for revision of tariff as a result of introduction of Goods and Services Tax Act, 2017

Petition No. 184/MP/2018

Petitioner : Azure Power Mars Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 165MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 157/MP/2018

Petitioner : Prayatna Developers Private Limited

Respondent : NTPC Limited

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.

Petition No. 164/MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 212/MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 211/MP/2018

Petitioner : Azure Power (Rajasthan) Private Limited

Respondent : NTPC Vidyut Vyapar Nigam Limited

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.

Petition No. 210/MP/2018

Petitioner : Wardha Solar (Maharashtra) Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 209/MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : NTPC Limited

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.

Petition No. 207/MP/2018

Petitioner : Wardha Solar (Maharashtra) Private Limited

Respondent : Solar Energy Corporation of India Limited

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.

Petition No. 206/MP/2018

Petitioner : Parampujya Solar Energy Private Limited

Respondent : NTPC Limited

Subject : Petition for revision of tariff as a result of introduction of Goods and Services Tax Act, 2017.

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



Parties Present: Shri Jafar Alam, Advocate, ACEPL, AGPL, ASPL, APML, APPL
Shri Vishal Vinod, Advocate, ACEPL, AGPL, ASPL, APML, APPL
Ms. Poonam Verma, Advocate PSEPL, PDPL, WSMPL
Ms. Meghna Aggarwal, Advocate, ARSEPL
Shri S. K. Agarwal, Advocate, RVVNL
Dr A. P. Sinha, Advocate, RVVNL
Ms. Shristi Pandey, Advocate, RVVNL
Shri M. G. Ramachandran, Advocate, NTPC, SECIL and NVVNL
Shri Shubam Arya, Advocate, NTPC, SECIL and NVVNL
Ms. Poorva Saigal, Advocate, NTPC, SECIL and NVVNL

Record of Proceedings

Learned counsels for the Petitioners submitted that these Petitions have been filed inter-alia for seeking revision of tariff on account of increase in capital cost due to imposition of Central Goods and Service Tax, 2017 and Integrated Goods and Service Tax, 2017. Learned counsels requested to issue notices to the respondents. Learned counsel for NTPC, NVVNL and SECIL requested that the distribution companies should be impleaded as parties to petitions.

2. After hearing the learned counsels for the Petitioners and the respondents, the Commission directed to issue notices to the respondents. Learned counsel on the behalf of NTPC, SECIL, NVVNL and RVVNL accepted the notice.

3. The Commission directed NTPC, NVVNL and SECIL to submit the list of respective distribution companies to whom power would be supplied by the Petitioners. The Commission directed the Petitioner to implead the distribution companies as parties to the petitions and to file revised memo of parties by 24.9.2018.

4. The Commission directed the Petitioners to serve the copy of the Petitions and RoP on the respondents and distribution companies immediately. The respondents including distribution companies were directed to file their replies by 28.9.2018, with an advance copy to the Petitioner, who may file its rejoinders, if any, by 12.10.2018. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petitions shall be listed for hearing on maintainability as well as on merits in due course for which separate notices will be issued.

By order of the Commission

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

