

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 52/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 21.10.2016 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central and State levels, resulting in additional recurring and nonrecurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Date of Hearing : 19.4.2018

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

Petitioner : Azure Power Venus Private Limited (APVPL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Parties present : Shri Jafar Alam, Advocate, APVPL
Shri Vishal Binod, Advocate, APVPL
Shri M.G. Ramachandran, Advocate, SECI
Ms. Ranjitha Ramachandran, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed *inter-alia* for seeking relief under Article 12 of the PPA dated 21.10.2016 on account of the occurrence of Change in Law events namely promulgation of the Integrated Goods and Services Tax Act, 2017, the Central Goods and Service Tax Act, 2017 and Uttar Pradesh Goods and Service Tax Act, 2017 w.e.f. 1.7.2017 thereby resulting in additional recurring and non-recurring expenditure in the form of tax burden. Learned counsel for the Petitioner further submitted that the Petitioner is entitled to compensatory relief due to promulgation of GST Laws.

2. Learned counsel for SECI accepted the notice on behalf of SECI and requested for four weeks time to file reply to the Petition. Learned counsel for SECI submitted that the distribution companies should be made parties to the petition.

3. After hearing the learned counsels for the Petitioner and SECI, the Commission admitted the petition and directed to issue notice to the respondent.

4. The Commission directed SECI 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 by 17.5.2018.

5. The Commission directed the Petitioner to serve the copy of the Petition and the RoP on the respondent and the distribution companies immediately. The respondent including distribution companies were directed to file their replies by, by 24.5.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 21.6.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The Petition shall be listed for hearing on 5.7.2018.

By order of the Commission

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