

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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

Date of order: 5th of November, 2018

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements executed between the Petitioners and Respondents, for seeking approval of 'Change in Law' events due to enactment of the 'GST Laws'.

And in the matter of

1. Petition No.188/MP/2017 alongwith I.A. No.30/2018

ACME Bhiwadi Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram -122002, Haryana.

...Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3, District Centre,
Saket, New Delhi – 110 017
2. Eastern Power Distribution Company of Andhra Pradesh Ltd.
P & T Colony, Seetamma Dhara,
Vishakhapatnam-503 013
3. Southern Power Distribution Company of Andhra Pradesh Ltd.
Kesavayanagunta, Tiruchanoor Road, Tirupati,
Andhra Pradesh- 517 501

...Respondents

2. Petition No. 189/MP/2017 alongwith I.A. No. 31/2018

ACME Karnal Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002,
Haryana.

... Petitioner

Vs.

1. Solar Energy Corporation of India Limited



1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017

2. Eastern Power Distribution Company of Andhra Pradesh Ltd
P & T Colony, Seetamma Dhara
Vishakhapatnam-503 013
3. Southern Power Distribution Company of Andhra Pradesh Ltd
Kesavayanagunta, Tiruchanoor Road,
Tirupati,
Andhra Pradesh- 517 501

... Respondents

3. Petition No. 190/MP/2017 alongwith I.A. No. 32/2018

ACME Hisar Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017
2. Eastern Power Distribution Company of Andhra Pradesh Ltd
P & T Colony, Seetamma Dhara
Vishakhapatnam-503 013
3. Southern Power Distribution Company of Andhra Pradesh Ltd
Kesavayanagunta, Tiruchanoor Road,
Tirupati,
Andhra Pradesh- 517 501

... Respondents

4. Petition No. 201/MP/2017 alongwith I.A. No. 33/2018

ACME Kaithal Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.



1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017
2. Bangalore Electricity Company Limited
Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001
3. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001
4. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017
5. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga - 585102
6. Hubli Electricity Supply Company Ltd
PB Road. Navanagar Hubballi,
Hubli,
Karnataka – 580 025

... Respondents

5. Petition No. 202/MP/2017 alongwith I.A. No. 35/2018

ACME Koppal Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017
2. Bangalore Electricity Company Limited
Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001
3. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001



4. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017

5. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga - 585102

6. Hubli Electricity Supply Company Ltd
PB Road. Navanagar Hubballi,
Hubli,
Karnataka – 580 025

... Respondents

6. Petition No. 203/MP/2017 alongwith I.A. No. 36/2018

ACME Vijaypura Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017

2. Bangalore Electricity Company Limited
Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001

3. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001

4. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017

5. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga - 585102

6. Hubli Electricity Supply Company Ltd
PB Road. Navanagar Hubballi,



Hubli,
Karnataka – 580 025

... Respondents

7. Petition No. 204/MP/2017 alongwith I.A. No. 37/2018

ACME Babadham Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017
2. Bangalore Electricity Company Limited
Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001
3. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001
4. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017
5. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga – 585102

... Respondents

8. Petition No. 230/MP/2017 alongwith I.A. No. 34/2018

ACME Kurukshetra Solar Energy Private Limited
Plot No. 152, Sector - 44,
Gurugram - 122002,
Haryana.

... Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.



2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.
3. Bangalore Electricity Company Limited
Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001
4. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001
5. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017
6. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga - 585102
7. Hubli Electricity Supply Company Ltd
PB Road. Navanagar Hubballi,
Hubli,
Karnataka – 580 025

... Respondents

9. Petition No. 231/MP/2017 alongwith I.A. No. 38/2018

ACME Rewari Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodhi Road, New Delhi – 110 003.
2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodhi Road, New Delhi – 110 003.
3. Bangalore Electricity Company Limited



Pardigm Plaza, A.B. Shetty Circle,
Pandeshwar, Mangalore- 575 001

4. Mangalore Electricity Supply Company Limited
Corporate Office, Krishna Rajendra Nagar,
Bangalore- 560 001
5. Chamundeshwari Electricity Supply Corporation Limited
No. 29, CESC Corporate Office,
Hinkal, Vijaynagar,
2nd Stage, Mysuru- 570 017
6. Gulbarga Electricity Supply Company Limited
Main Road Gulbarga - 585102
7. Hubli Electricity Supply Company Ltd
PB Road. Navanagar Hubballi,
Hubli, Karnataka – 580 025

... Respondents

10. Petition No. 232/MP/2017 alongwith I.A. No. 39/2018

ACME Mahabubnagar Solar Energy Private Limited
Plot No. 152, Sector - 44,
Gurugram - 122002,
Haryana.

... Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi - 110003.
2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi - 110003.
3. Southern Power Distribution Company of Telangana Limited
6-1-50, Corporate Office, Mint Compound,
Hyderabad 500063,
Telangana – 500063
4. Northern Power Distribution Company of Telangana Limited
H. No. 2-5-31/2, Corporate Office,
Vidyut Bhavan,
Nakkalgutta, Hanamkonda,



11. Petition No. 233/MP/2017 alongwith I.A. No. 40/2018

ACME Yamunanagar Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002,
Haryana.

... Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.
2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.
3. Southern Power Distribution Company of Telangana Limited
6-1-50, Corporate Office, Mint Compound,
Hyderabad 500063,
Telangana – 500063
4. Northern Power Distribution Company of Telangana Limited
H. No. 2-5-31/2, Corporate Office,
Vidyut Bhavan,
Nakkalgutta, Hanamkonda,
Warangal-506001

... Respondents

12. Petition No. 13/MP/2018

ACME Yamunanagar Solar Power Private Limited
Plot No. 152, Sector - 44,
Gurugram – 122 002
Haryana.

... Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.

2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodi Road, New Delhi – 110 003.
3. Southern Power Distribution Company of Telangana Limited
6-1-50, Corporate Office, Mint Compound,
Hyderabad
Telangana – 500 063
4. Northern Power Distribution Company of Telangana Limited
H. No. 2-5-31/2, Corporate Office,
Vidyut Bhavan,
Nakkalgutta, Hanamkonda,
Warangal-506 001

... Respondents

13. Petition No. 33/MP/2018 alongwith I.A. No. 50/2018

ACME Jaipur Solar Power Private Limited
Plot No. 152, Sector – 44,
Gurugram,
Haryana 122 002

... Petitioner

Vs.

1. M.P. Power Management Co. Ltd. (MPPMCL)
Block No. 11, 1st Floor,
Shakti Bhawan, Rampur,
Jabalpur,
Madhya Pradesh – 482 008
2. Delhi Metro Rail Corporation
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi – 110 001
3. Madhya Pradesh Poorv Kshetra Vidyut Vitran Company Limited
Registered Office: Block No. 7, Shakti Bhavan,
Rampur, Jabalpur (M.P.) - 482 008
4. Madhya Pradesh Poorv Kshetra Vidyut Vitran Company Limited
Registered Office: Nisbtha Parisar Bijli Nagar Colony,
Govindpura, Bhopal (M.P.) - 462 023
5. Madhya Pradesh Poorv Kshetra Vidyut Vitran Company Limited
Registered Office: G.P.H. Compound,
Polo Ground,



Indore (M.P.) - 452 015

... Respondents

14. Petition No. 34/MP/2018

Azure Power Jupiter Private Limited
Asset No.301-4,
World Mark 3, Aerocity
New Delhi -110 017

...Petitioner

Vs.

1. NTPC Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodhi Road, New Delhi – 110 003.
2. NTPC Vidyut Vyapar Nigam Limited
Core - 7, SCOPE Complex,
7, Institutional Area,
Lodhi Road, New Delhi – 110 003.

... Respondents

15. Petition No. 47/MP/2018

Azure Power Thirty Six Private Limited
Asset No.301-4
World Mark 3
Aerocity, New Delhi - 110 017

...Petitioner

Vs.

1. Solar Energy Corporation of India Limited
1st Floor, A - Wing, D-3,
District Centre, Saket,
New Delhi – 110 017
2. Eastern Power Distribution Company of Andhra Pradesh Ltd
P & T Colony, Seetamma Dhara
Vishakhapatnam-503 013
3. Southern Power Distribution Company of Andhra Pradesh Ltd
Kesavayanagunta, Tiruchanoor Road,
Tirupati,
Andhra Pradesh- 517 501

... Respondents



CORRIGENDUM

In order dated 9.10.2018 in Petition No.188/MP/2017 and other related matters, the following inadvertent typographical errors are hereby rectified:

1. The name of the Petitioner in Petition No. 13/MP/2018 at Serial No. 12 shall be read as “Azure Power Thirty Seven Private Limited” instead of “ACME Yamunanagar Solar Power Private Limited”.

2. On Page 13, “Parties Present” shall be read as under:

Parties Present:

Shri Hemant Sahai, Advocate, ACME
Shri Abhishek Kumar, Advocate, ACME
Ms. Meghana Aggarwal, Advocate, ACME
Ms. Mazag Andrabi, Advocate, ACME
Shri Varun Kapur, Advocate, ACME
Shri Sitesh Mukherjee, Advocate, Azure Power
Shri Vishal Binod, Advocate, Azure Power
Shri Manish Singh, Azure Power
Ms. Ranjitha Ramachandran, Advocate, NTPC, SECI and MPPMCL
Ms. Poorva Saigal, Advocate, NTPC, SECI and MPPMCL
Shri Shubham Arya, Advocate, NTPC, SECI and MPPMCL
Shri Nishant Gupta, NTPC
Shri V. Bharadwaj, MPPMCL
Shri Basav Prabhu S. Patil, Senior Advocate, Telangana Discoms
Shri Ashish Tiwari, Advocate, Telangana Discoms
Shri Sriharsha Peechara, Advocate, Telangana Discoms
Shri Geet Ahuja, Advocate, Telangana Discoms
Shri S. Vallinayagam, Advocate, AP Discoms
Shri Tarun Johri, Advocate, DMRC
Shri Ankur Gupta, Advocate, DMRC

3. The table in Paragraph No.341 shall be rectified as under:

“341. The Commission observes that the Petitioners have claimed increase in total Cost due to increase in tax incidence as below:



(Amount in Crores)

	Petition No.	Total Cost Post GST Laws (inclusive of all taxes)	Total Cost Pre GST Laws (inclusive of all taxes)	Increase in Tax Incidence
1	188/MP/2017	341.76	327.75	14.01
2	189/MP/2017	345.38	331.28	14.10
3	190/MP/2017	345.22	331.13	14.09
4	201/MP/2017	290.06	278.64	11.42
5	202/MP/2017	294.93	283.76	11.17
6	203/MP/2017	287.28	276.42	10.86
7	204/MP/2017	286.58	275.30	11.28
8	230/MP/2017	343.76	329.32	14.44
9	231/MP/2017	185.52	177.90	7.62
10	232/MP/2017	185.52	177.90	7.62
11	233/MP/2017	123.68	188.10	5.59
12	13/MP/2018	NA	NA	21.65
13	33/MP/2018	1301.96	1249.52	52.44
14	34/MP/2018	NA	NA	4.70
15	47/MP/2018	NA	NA	14.40

4. All other terms of the order dated 9.10.2018 in Petition No.188/MP/2017 and other related matters remain unaltered.

Sd/-
(Dr. M. K. Iyer)
Member

Sd/-
(P.K. Pujari)
Chairperson

