

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 75/MP/2019

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 Solar Energy Corporation of India Limited dated 31.10.2018 seeking relief on account of 'Change in Law' viz. the Notification Nos. 24 and 27 of 2018-Central Tax (Rate) and 25 and 28 of 2018 Integrated Tax (Rate) dated 31.12.2018 issued by the Ministry of Finance, Government of India, inter-alia effectively amending the Goods and Services Tax rates relating to setting up of solar power projects, resulting in additional non-recurring expenditure in the form of an additional tax burden to be borne by the Petitioner w.e.f 1.1.2019.

Petitioner : Azure Power Forty Three Private Limited (AP(43)PL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Date of Hearing : 30.5.2019

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

Parties present : Shri Sahil Kaul, Advocate, AP(43)PL
Shri Shourya Malhotra, Advocate, AP(43)PL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking relief on account of 'Change in Law' pursuant to issuance of Notifications by the Ministry of Finance, Government of India which resulted in additional non-recurring expenditure in the form of additional tax burden w.e.f 1.1.2019 under Article 12 of the PPA dated 31.10.2018. Learned counsel requested the Commission to issue notice to the Respondent.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondent.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately, if not served already. The Respondent was directed to file its reply by 20.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 4.7.2019. 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.

4. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**