

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 127/MP/2019

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 12.2.1 of the Power Purchase Agreement dated 2.8.2016 on behalf of Clean Solar Power (Gulbarga) Private Limited seeking acknowledge and approve promulgation of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Karnataka Goods and Services Tax Act, 2017 as events of 'Change in Law' w.e.f. 1.7.2017 and seeking relief for the nonrecurring additional expense incurred by the Petitioner on account of the said 'Change in Law' events amounting to INR 10,72,24,792.20/- as also the carrying costs associated therewith.
- Petitioner : Clean Solar Power Gulbarga Private Limited (CSPGPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Petition No. 129/MP/2019

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 12.2.1 of the Power Purchase Agreement dated 2.8.2016 on behalf of Clean Solar Power (Gulbarga) Private Limited seeking acknowledge and approve promulgation of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Karnataka Goods and Services Tax Act, 2017 as events of 'Change in Law' w.e.f. 1.7.2017 and seeking relief for the nonrecurring additional expense incurred by the Petitioner on account of the said 'Change in Law' events amounting to INR 4,54,46,778.78/- as also the carrying costs associated therewith.
- Petitioner : Clean Solar Power Gulbarga Private Limited (CSPGPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Petition No. 130/MP/2019

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 12.2.1 of the Power Purchase Agreement dated 2.8.2016 on behalf of Clean Solar Power (Gulbarga) Private Limited seeking



acknowledge and approve promulgation of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Karnataka Goods and Services Tax Act, 2017 as events of 'Change in Law' w.e.f. 1.7.2017 and seeking relief for the nonrecurring additional expense incurred by the Petitioner on account of the said 'Change in Law' events amounting to INR 18,19,37,667.74/- as also the carrying costs associated therewith.

Petitioner : Clean Solar Power Gulbarga Private Limited (CSPGPL)
Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Petition No. 134/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 12.2.1 of the Power Purchase Agreement dated 2.8.2016 on behalf of Clean Solar Power (Gulbarga) Private Limited seeking acknowledge and approve promulgation of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Karnataka Goods and Services Tax Act, 2017 as events of 'Change in Law' w.e.f. 1.7.2017 and seeking relief for the nonrecurring additional expense incurred by the Petitioner on account of the said 'Change in Law' events amounting to INR 7,09,35,542.34/- as also the carrying costs associated therewith.

Petitioner : Clean Solar Power Gulbarga Private Limited (CSPGPL)
Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Petition No. 135/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 12.2.1 of the Power Purchase Agreement dated 2.8.2016 on behalf of Clean Solar Power (Gulbarga) Private Limited seeking to acknowledge and approve promulgation of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, and the Karnataka Goods and Services Tax Act, 2017 as events of 'Change in Law' w.e.f. 1.7.2017 and seeking relief for the non-recurring additional expense incurred by the Petitioner on account of the said 'Change in Law' events amounting to INR



10,36,76,660.18/- as also the carrying costs associated therewith.

Petitioner : Clean Solar Power Gulbarga Private Limited (CSPGPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Date of Hearing : 25.2.2020

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

Parties present : Shri Sakya Singh Chaudhuri, Advocate, CSPGPL
Shri Avijeet Lala, Advocate, CSPGPL
Shri Shivam Sinha, Advocate, CSPGPL
Shri Arnav Vidyarthi, Advocate, CSPGPL
Ms. Nithya Balaji, Advocate, CSPGPL
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petitions have been filed, *inter-alia*, seeking approval that the GST laws are Change in Law events in terms of Article 12 of the Power Purchase Agreements and prayed for consequent compensation on account of non-recurring additional expenses incurred by the Petitioners along with carrying cost. Learned counsel for the Petitioners submitted that there is no restitution provision in Article 12 of the Power Purchase Agreements. However, the said Article provides for the Commission to not only acknowledge the Change in Law event but also to decide the date from which it will become effective. Learned counsel submitted that even in the absence of restitution provisions in the PPA, the Court/Commission is empowered to grant the carrying cost outside the PPA and this principle has been recognized by the Appellate Tribunal for Electricity. Learned counsel for the Petitioners sought liberty to file written submission on this aspect.

2. Learned counsel for the Respondent, Solar Energy Corporation of India Limited (SECI) submitted that the issues raised in the Petitions are already covered in the earlier decisions of the Commission. Learned counsel sought permission to file written submission in response to the submissions to be filed by the Petitioners.

3. Based on the request by the learned counsels of the Petitioners and the Respondent, SECI, the Commission directed the Petitioners to file their written submissions on or before 5.3.2020 with copy to the Respondents who may file their responses thereon within seven days thereafter. The Commission directed that due date of filing of written submissions should be strictly complied with.



4. Subject to the above, the Commission reserved order in the Petitions.

By order of the Commission

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

