

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 177/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 7.2.2017 executed between JBM Solar Power Maharashtra Private Limited and Solar Energy Corporation of India Limited for seeing approval of Change in Law events due to enactment of GST Laws.

Petitioner : JBM Solar Power Maharashtra Private Limited (JBMSPML)

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

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

Date of Hearing : 7.7.2020

Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Parties present : Ms. Poonam Verma, Advocate, JBMSPML and JBLSEML  
Ms. Aparajita Upadhyay, Advocate, JBMSPML and JBLSEML  
Dr. B. D. Sharma, JBMSPML and JBLSEML  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Poorva Saigal, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Shri Manoj Mathur, SECI  
Shri Ajay Kumar Sinha, SECI  
Shri Abhinav Kumar, SECI  
Shri Udaypavan Kumar Kruthiventi, SECI  
Ms. Pallavi Sharma, Advocate, MSEDCL



## **Record of Proceedings**

The matter was heard through video conferencing.

2. Learned counsel for the Petitioners submitted that the instant Petitions have been filed, *inter-alia*, seeking declaration that the imposition of Integrated Goods and Service Tax, 2017 is Change in Law event under Article 12 of the Power Purchase Agreements dated 7.2.2017 entered into with the Respondent, Solar Energy Corporation of India Limited (SECI). Learned counsel for the Petitioners submitted that issues involved in the present Petitions stands covered by the Commission's earlier orders relating to Change in Law event arising out of enactment of GST Laws.
3. Learned senior counsel for the Respondent, SECI, confirmed that the issues involved in the Petitions stand covered by the Commission's earlier orders relating to Change in Law event arising out of imposition of Safeguard Duty. Accordingly, the Commission may dispose of the present Petitions in line with its earlier orders. Learned senior counsel further submitted that SECI has also proposed the methodology for the payment of the claims on annuity basis, which is already under consideration of the Commission in certain Petitions as well as in Petition No. 536/MP/2020 filed by SECI in this regard, which is yet to be listed. Learned senior counsel submitted that as an interim measure, SECI will make the payment to the Project Developers as per the proposed methodology after reconciliation of their claims.
4. Based on the request for learned counsel for the Petitioners, the Commission permitted the Petitioner to file its written submissions, if any, by 15.7.2020.
5. Subject to the above, the Commission reserved order in the Petitions.

**By order of the Commission**

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

