

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 299/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 31.5.2017 executed between the Petitioner and Solar Energy Corporation of India Limited for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Sadipali Solar Private Limited (SSPL)

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

**Petition No. 360/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 8.2.2017, with effective date of 22.12.2016, executed between the Petitioner and Solar Energy Corporation of India Limited for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Jyoti Solar Solutions Private Limited (JSSPL)

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

Date of Hearing : 25.2.2020

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

Parties present : Shri Sourav Roy, Advocate, SSPL and JSSPL  
Shri Guarav Majumdar, Advocate, SSPL and JSSPL  
Shri Harsh Anand, Advocate, SSPL and JSSPL  
Shri Amit Saha, SSPL  
Shri Sandeep Saxena, SSPL  
Shri Saurav Bagchi, SSPL  
Ms. Poorva Saigal, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Shri Debasis, SECI

**Record of Proceedings**

Learned counsel for the Petitioners submitted that the present Petitions have been filed, *inter-alia*, seeking declaration that the imposition of Central Goods and Service Tax, 2017, Integrated Goods and Service Tax, 2017 and Odisha Goods and Service Tax Act, 2017 are Change in Law events under Article 12 of the Power Purchase Agreements and consequent compensation for the additional burden



incurred by the Petitioners along with carrying cost. Learned counsel for the Petitioners submitted that issues raised in the instant Petitions are already covered in the Commission's earlier orders regarding Change in Law arising out of enactment of GST Laws.

2. Learned counsel for the Respondent, Solar Energy Corporation of India Limited (SECI) submitted that the issues raised in the present Petitions are already covered in the earlier decisions of the Commission. Learned counsel further submitted that, with regard to the methodology of payment of compensation on account of GST laws, the Commission in its earlier orders have proposed two mechanisms, namely (i) one-time payment in a time bound manner, or (ii) payment on annuity basis spread over the duration of PPA as a percentage of tariff as mutually agreed between SPDs and SECI. Accordingly, SECI has proposed the methodology for payment of compensation on account of GST laws on annuity basis.

3. In response, the learned counsel for the Petitioners submitted that the Petitioners do not agree on annuity formula proposed by SECI. Learned counsel submitted that since the amount of compensation sought in the instant Petitions are only Rs. 7.55 crore and Rs 2.59 crore respectively, the Petitioners are insisting for one-time payment in line with the Commission's earlier orders on the subject matter.

4. After hearing the learned counsel for the Petitioners and the Respondent, SECI, the Commission reserved order in the Petitions.

**By order of the Commission**

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

