

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 45/MP/2019

Subject : Petition under Section 79 (1)(b) and (f) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 2.8.2016 executed between the Petitioner and Solar Energy Corporation of India Limited for seeking approval of Change in Law events due to enactment of GST Law.

Petitioner : Talettutayi Solar Projects One Private Limited (TSPOPL)

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

Date of Hearing : 4.6.2020

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

Parties present : Shri Sakya Chaudhari, Advocate, TSPOPL
Shri Nithya Balaji, Advocate, TSPOPL
Shri M. G. Ramachandran, Senior Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Ajay Kumar, SECI
Shri Abhinav Kumar, SECI

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking declaration that the introduction/enactment of GST Law is a Change in Law event and seeking consequential compensation for additional recurring/non-recurring expenditure incurred by the Petitioner.

3. Learned counsel further submitted that the issue involved in the Petition is already covered in the Commission's earlier orders relating to Change in Law arising out of enactment of GST Law. He further submitted that since there is no privity of contract between the Petitioner and the distribution licensees, Discoms are not a necessary party to the present Petition. However, the Petitioner will implead the Discoms as party to the Petition, if the Commission so directs. Learned counsel submitted that the Petitioner will submit complete component-wise details regarding impact of GST along with CA certificate to SECI. Learned counsel sought permission to file written submission in the matter.



4. Learned senior counsel for the Respondent, SECI, submitted that the distribution licensees of the State of Karnataka with whom Power Sale Agreements have been signed with the Petitioner, on back to back basis, should be impleaded as party to the Petition. Learned senior counsel further submitted that the Petitioner may also approach SECI along with computation of its claims with supporting documents. Accordingly, the parties will carry out the reconciliation of such claims including the mode of payment on annuity basis in terms of MNRE's letters dated 12.3.2020 and 23.3.2020 and the Commission's earlier orders on the subject matter.

5. After hearing the learned counsel for the Petitioner and learned senior counsel for the Respondent, SECI, the Commission directed the Respondent, SECI, to submit the list of distribution licensees to whom the power would be/is supplied by the Petitioner. The Commission directed the Petitioner to implead such distribution licensees as party to the Petition and to file revised memo of parties by 15.6.2020. The Petitioner is further directed to serve copy of the Petition on the impleaded distribution licensees immediately. The distribution licensees were directed to file their reply by 22.6.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 30.6.2020.

6. Based on the request of the learned counsel for the Petitioner, the Commission directed the Petitioner to file written submission on or before 22.6.2020.

7. The Commission directed the Petitioner and SECI to reconcile the claims arising out of Change in Law event, namely, introduction of GST Law as per the MNRE's letters dated 12.3.2020 and 23.3.2020. The parties were directed to place on record the settlement reached between the parties. The Petition shall be listed for hearing based on the outcome of the discussion or settlement reached, if any, amongst the parties.

By order of the Commission

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

