

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 453/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Transmission Service Agreement dated 24.6.2015 entered into between the Petitioner and the Respondents seeking Change in Law compensation.

Petitioner : Sipat Transmission Limited (STL)

Respondents : Maharashtra State Electricity Distribution Company Limited (MSEDCL) and Ors.

Date of Hearing : 26.5.2020

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

Parties present : Shri Gaurav Majumdar, Advocate, STL
Shri Bhavesh Kundalia, STL
Shri Shashwat Kumar, Advocate, MSEDCL
Shri Rahul Chouhan, Advocate, MSEDCL

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter- alia*, seeking compensation on account of various Change in Law events, namely, (i) imposition of additional taxes and levies in the form of Swaccha Bharat Cess & Krishi Kalyan Cess, Goods & Service Tax and increase in Maharashtra Value Added Tax, (ii) increase in effective customs duty on primary aluminium products, (iii) increase in compensation to be paid to the land owners in relation to Right of Way, and (iv) change in configuration of tower to 'D'- 'D' type at both sides of crossing. Learned counsel requested to issue notice to the Respondents.
3. Learned counsel for the Petitioner submitted that the Respondent No.1, MSEDCL, has already filed reply to the Petition and requested for three weeks' time to file rejoinder thereof.
4. Learned counsel appearing on behalf of MSEDCL accepted notice.
5. After hearing the learned counsels for the Petitioner and MSEDCL, the Commission admitted the Petition and directed to issue notice to the Respondents.
6. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to



file their reply by 17.6.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 30.6.2020.

7. The Commission directed the Petitioner to file the following information/clarification on affidavit, by 26.6.2020:

(a) Auditor's certificate containing item-wise details of taxes actually paid during construction period along with input tax credits;

(b) Whether any of the taxes applicable at the time of bidding have been subsumed/ abolished with GST. If yes, submit Auditor Certificate on savings of such taxes;

(c) Whether there is any reduction in the rate of other taxes which results into reduction in capital cost during construction period;

(d) Proof of sourcing aluminium conductor from abroad or audited details of invoices and customs duties actually paid at higher rate than before, if any, for claiming relief; and

(e) Reasons for not considering the DD type angle towers for power line and for not estimating such requirement by consulting the appropriate owners of lines at the time of bidding;

8. The Commission directed that due date of filing of reply, rejoinder and clarification/information should be strictly complied with.

9. 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)**

