

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 52/MP/2019

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief(s) to compensate for the increase in capital cost due to introduction of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Service Tax Act, 2017 and the State Goods and Services Acts enacted by respective States, in terms of Article 12 read with Article 16.3.1 of the Power Purchase Agreements dated 2.8.2016 between Solitaire Powertech Private Limited and Solar Energy Corporation of India Limited.
- Petitioner : Solitaire Powertech Private Limited (SPPL)
- Respondent : Solar Energy Corporation of India Limited (SECI) and Ors.
- Date of Hearing : 4.6.2020
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
- Parties present : Shri Hemant Sahai, Advocate, SPPL
Shri Nitish Gupta, Advocate, SPPL
Ms. Parichita Chowdhury, Advocate, SPPL
Shri Vikas Bamrara, SPPL
Shri M. G. Ramachandran, Sr. 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 present Petition has been filed, *inter-alia*, seeking declaration that the introduction of GST Law is a Change in Law event and seeking consequential compensation for additional recurring/non-recurring capital cost incurred by the Petitioner. Learned counsel submitted that in terms of the Ministry of New and Renewable Energy's letters dated 12.3.2020 and 23.3.2020, Petitioner will approach SECI for reconciliation of its claims.



3. Learned senior counsel for the Respondent, SECI submitted that the issue involved in the Petition stands covered by the Commission's earlier orders relating to Change in Law arising out of enactment of GST Law. Learned senior counsel submitted that in terms of MNRE letters, the Petitioner is required to submit computation of its claims and the parties will carry out reconciliation of such claims including mode of payment on annuity basis in terms of the Commission's earlier orders on the subject matter.

4. After hearing the learned counsel for the Petitioner and learned senior counsel for the Respondent SECI, the Commission observed that the Petitioner and SECI have sought liberty to engage in discussion for reconciliation of the Petitioner's claims arising out of Change in Law event, namely, enactment of GST Law as per the MNRE's letters dated 12.3.2020 and 23.3.2020. Accordingly, the Commission adjourned the matter. The Petitioner may get the Petition revived 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)**

