

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 70/MP/2019

Subject : Petition seeking an appropriate mechanism for grant of an appropriate compensation to offset financial/commercial impact of change in law events on account of imposition of Goods and Service Tax.

Petitioner : Solar Edge Power and Energy Private Limited (SEPEPL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Date of Hearing : 4.6.2020

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

Parties present : Shri Sujit Gosh, Advocate, SEPEPL
Ms. Mannat Waraich, Advocate, SEPEPL
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/enactment of GST is a Change in Law event and seeking consequential compensation for additional recurring/non-recurring expenditure incurred by the Petitioner. Learned counsel further submitted that as far as the issue of back-to-back nature of the agreement and liability of payment on account of impact of GST on procurement of Solar PV panels and associated equipments till the commercial operation date is concerned, the Petitioner relies upon the Commission's order dated 28.1.2020 in Petition No. 67/MP/2019 and batch matters and sought permission to file written submission on these aspects.

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 further submitted that the Petitioner may approach SECI along with computation of its claims. 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.



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, introduction of GST as per MNRE's letters dated 12.3.2020 and 23.3.2020. Accordingly, the Commission adjourned the matter. The Petition shall be listed for hearing based on the outcome of the discussions and/or settlement reached, if any, amongst the parties.

5. Based on the request of the learned counsel for the Petitioner, the Commission directed the Petitioner to file its written submission on or before 26.6.2020.

By order of the Commission

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

