

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 232/MP/2021**

- Subject : Petition under Section 79(1)(f) read with Section 142 of the Electricity Act, 2003 in terms of the orders passed by this Commission vide order dated 9.10.2018 passed in Petition No. 232/MP/2017, Petition No. 233/MP/2017 & Petition No. 13/MP/2018, order dated 12.4.2019 passed in Petition No.209/MP/2018, order dated 27.3.2020 passed in Petition No. 395/MP/2018 and order dated 5.2.2019 passed in Petition No. 187/MP/2018, seeking recovery of the amount to the tune of Rs. 52 crore approximately from Distribution Companies of Telangana, paid by the Petitioner as an Intermediary Procurer to the various Solar Power Developers towards the claim on account of the 'Change in Law' allowed by this Commission.
- Date of Hearing : **28.6.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : NTPC Limited (NTPC)
- Respondent : Northern Power Distribution Company of Telangana Limited and 7 Ors.
- Parties Present : Shri Venkatesh, Advocate, NTPC  
Shri Jatin Ghuliani, Advocate, NTPC  
Ms. Nehal Jain, Advocate, NTPC

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking necessary direction upon the Respondents 1 & 2, Telangana Discoms, in terms of orders passed by the Commission in the various Petitions filed by the Respondents 4 to 8 ('GST Orders'), wherein the Commission had upheld the promulgation of GST w.e.f. 1.7.2017 as Change in Law event and consequent thereto Telangana Discoms are under mandatory legal obligations to reimburse to the Petitioner, the amount paid by the Petitioner as an intermediary procurer towards the claim of Change in Law compensation to the Solar Power Developers, on back-to-back basis.

2. Learned counsel for the Petitioner submitted that in compliance with the aforesaid GST Orders passed by this Commission, the Respondent SPDs raised bills pertaining to their GST claims for a cumulative amount of Rs. 52,20,26,159/- upon the Petitioner. Learned counsel added that the Petitioner has already paid the said amount, and in terms of the GST Order, the said amount is liable to be

recovered from the Telangana-Discoms on a back-to-back basis. Learned counsel submitted that, subsequent to the filing of the Petition, Telangana Discoms had made the payment of approximately Rs. 24.8 crore to the Petitioner and in this regard, reliance was placed on the letter of Telangana State Power Co-Ordination Committee (TSPCC) dated 27.6.2023. Learned counsel further submitted that the Respondents, Telangana Discoms be directed to file the details of payment made and the amount outstanding to the Petitioner on affidavit.

3. None was present on behalf of the Respondents, Telangana Discoms despite the notice.

4. Considering the submissions made by the learned counsel for the Petitioner, the Commission directed the Respondents, Telangana Discoms, to file on affidavit the details of payment made and outstanding dues to the Petitioner towards the GST compensation under GST Orders of the Commission within three weeks. The Commission also noted that under the letter dated 27.6.2023, TSPCC appears to have duly acknowledged the balance outstanding amount to be disbursed in EMIs under the LPSC Rule, 2022. Accordingly, the Commission observed that the Petitioner may also take up the issue of disbursement of the balance amount with the Respondents, Telangana Discoms.

5. The Petition shall be listed for hearing on 16.8.2023.

**By order of the Commission**

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