

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.262/MP/2022**

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement dated 30.3.2021 executed by the Petitioner and NTPC Limited, seeking relief on account of Changes in Law increasing the rate of Goods and Services Tax and imposing Basic Customs Duty.

Date of Hearing : **13.12.2023**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Petitioner : Rising Sun Energy (K) Private Limited (RSEKPL).

Respondents : NTPC Limited and Anr.

Parties Present : Shri Jafar Alam, Advocate, RSEKPL  
Shri Ashwin Ramanathan  
Shri Parth, Advocate, RSEKPL  
Shri B. S. Dandona, RSEKPL  
Shri A. K. Midha, RSEKPL  
Shri Akshat Shrivastava, Advocate, CSPDCL  
Shri Satvik Mathur, Advocate, CSPDCL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking relief of account of Change in Law events towards Basic Customs Duty (BCD) and incremental GST. Learned counsel submitted that in terms of the directions of the Commission, the Petitioner has placed on record the commissioning details of the project and has also furnished the net impact due to the Change in Law events as calculated in terms of the formula provided in the Power Purchase Agreement dated 30.3.2021. Learned counsel added that insofar as the merit of the Petitioner's Change in Law claims is concerned, the same had already been allowed by this Commission in its earlier orders and, as such, there is no dispute between the parties on this aspect.

2. Learned counsel for the Respondent, CSPDCL, pointed out that in terms of the Record of Proceeding for the hearing dated 10.10.2023, NTPC was given the liberty to file an additional affidavit. However, NTPC has yet to file any such additional affidavit. Learned counsel also sought liberty to file its written submissions in the matter.

3. In response, the learned counsel for the Petitioner submitted that NTPC had sought liberty to file an affidavit in response to certain objections raised by CSPDCL with regard to the extension of the Petitioner's SCD, delay in approaching the Commission for adoption of tariff, etc. NTPC has already filed its additional affidavit. However, the submissions made by the NTPC, as such, do not concern the subject

matter of the present Petition and in case of any grievance, CSPDCL may approach the Commission by way of a separate Petition. Learned counsel submitted that keeping in view the pleadings are already complete, the Commission may reserve the matter for order.

4. None was present on behalf of Respondent No.1, NTPC, despite notice.
5. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents to file their written submissions, if any, within two weeks with a copy to the Petitioner, who may file its written submissions, within two weeks thereafter.
6. Subject to the above, the Commission reserved the matter for order.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**