

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.267/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 between Azure Power Forty-One Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Forty-One Private Limited (APFOPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Petition No.268/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 31.10.2018 between Azure Power Forty Three Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Forty Three Private Limited (APFTPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Petition No.269/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 between Azure Power Maple Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Maple Private Limited (APMPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Date of Hearing : 13.6.2023



- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present : Ms. Mannat Waraich, Advocate, Azure Power
Shri Mridul Gupta, Advocate, Azure Power
Ms. Anushree Bardhan, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petitions have been filed seeking appropriate adjustment/compensation to offset financial/commercial impact of Change in Law events on account of increase in the rate of Goods and Services Tax from 5% to 12% by way of the Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreements dated 27.11.2019, 17.9.2019 & 31.10.2018 entered into between the Petitioners and SECI. Learned counsel further pointed out that the reply of SECI was received yesterday and the Petitioners, therefore, may be permitted to file their rejoinder(s) and the matters may be reserved for order.

2. Learned counsel for the Respondent, SECI submitted that SECI has already filed its reply in these matters which may be considered. Learned counsel also added that in the event, the Commission allows the Change in Law compensation to the Petitioners, the option of both the annuity and lump-sum mode of payment be allowed in the order.
3. None was present on behalf of other Respondents despite the notice.
4. Considering the request of the Petitioners, the Commission permitted the Petitioners to file their rejoinder(s), if any, within two weeks.
5. Subject to the above, the Commission reserved the matters for order.

By order of the Commission

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