

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 22/RP/2017
in Petition No. 157/MP/2015**

Subject : Petition for review of the order dated 17.3.2017 in Petition No. 157/MP/2015 under Section 94 of the Electricity Act, 2003 read with Order 47 Rule 1 of the CPC.

Date of hearing : 18.7.2017

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Coastal Gujarat Power Limited and Others

Parties present : Shri M.G. Ramachandran, Advocate, GUVNL
Ms. Anushree Bardhan, Advocate, GUVNL
Shri Amit Kapur, Advocate, CGPL
Shri Apoorva Mishra, Advocate, CGPL
Shri Kunal Kaul, Advocate, CGPL
Ms. Swapna Seshadri, Advocate, PSPCL
Ms. Neha Garg, Advocate, PSPCL

Record of Proceedings

Learned counsel for the Review Petitioner submitted that the present Review Petition has been filed seeking review of the order dated 17.3.2017 in Petition No. 157/MP/2015 for rectification of errors with regard to allowing Service Tax as Change in Law and computation of quantum of Coal for considering the compensation for Clean Energy Cess.

2. Learned counsel for the Review Petitioner further submitted as under:

(a) The Commission vide order dated 17.3.2017 has allowed the Service Tax as Change in Law, on the basis that there was no service tax on Works Contract Service prior to the Notification No.32/2007-Service Tax dated 22.5.2007 and Notification No.7/2008-Service Tax dated 1.3.2008. However, CGPL in its rejoinder dated 14.10.2015 to the reply of MSEDCL, had clarified that the service tax was payable on works contract at the rate of 12% on service portion as on the cut-off date. Therefore, it is required to be reviewed.

(b) The Commission while allowing the imposition of Clean Energy Cess, has held that the quantum of coal to be considered as per the parameters decided in the para 82(d) in Petition No. 159/MP/2012. Reference to Para 82(d) was erroneous and

the reference should be to all the bid parameters as considered in para 84 of the order.

3. Learned counsel for CGPL accepted the notice to the Review Petition.
4. After hearing the learned counsels for the parties, the Commission admitted the Review Petition and directed to issue notice to the respondents.
5. The Commission directed the Petitioner to serve copy of the Review Petition to the Respondents immediately. The Respondents were directed to file their replies by 11.8.2017 with an advance copy to the Petitioner, who may file its rejoinder, if any, on or before 31.8.2017. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.
6. The Review Petition shall be listed for hearing on 6.9.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**