

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

DATE OF HEARING: 31.5.2018

Petition No. 188/MP/2017 alongwith I.A. No.30/2018

Petitioner : ACME Bhiwadi Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 14.10.2016.

Petition No. 189/MP/2017 alongwith I.A. No.31/2018

Petitioner : ACME Karnal Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 14.10.2016.

Petition No. 190/MP/2017 alongwith I.A. No.32/2018

Petitioner : ACME Hisar Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 14.10.2016.

Petition No. 201/MP/2017 alongwith I.A. No.33/2018

Petitioner : ACME Hisar Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 22.8.2016.

Petition No. 202/MP/2017 alongwith I.A. No.35/2018

Petitioner : ACME Koppal Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 22.8.2016.



Petition No. 203/MP/2017 alongwith I.A. No.36/2018

Petitioner : ACME Vijaypura Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 22.8.2016.

Petition No. 204/MP/2017 alongwith I.A. No.37/2018

Petitioner : ACME Babadham Solar Power Private Limited
Respondents : Solar Energy Corporation of India Limited and Others
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 22.8.2016.

Petition No. 230/MP/2017 alongwith I.A. No.34/2018

Petitioner : ACME Kurukshetra Solar Power Private Limited
Respondents : NTPC Limited and Another
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 24.6.2016.

Petition No. 231/MP/2017 alongwith I.A. No.38/2018

Petitioner : ACME Rewari Solar Power Private Limited
Respondents : NTPC Limited and Another
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 24.6.2016.

Petition No. 232/MP/2017 alongwith I.A. No.39/2018

Petitioner : ACME Mahbubnagar Solar Power Private Limited
Respondents : NTPC Limited and Another
Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 8.8.2016.

Petition No. 233/MP/2017 alongwith I.A. No.40/2018

Petitioner : ACME Yamunanagar Solar Power Private Limited
Respondents : NTPC Limited and Another



Subject : Petition under section 79 of the Electricity Act, 2003 for revision of tariff on account of increase in capital cost relating to the provisions of the Power Purchase Agreement (PPA) dated 9.8.2016.

Petition No. 27/MP/2018

Petitioner : Krishna Wind Farms Developers Pvt. Ltd. (KWFDPL)

Respondent : Solar Energy Corporation of India Ltd.

Subject : Petition under Section 79 (1) (f) read with Section 79 (1) (b) of the Electricity Act, 2003 in relation to the disputes arising out of the Power Purchase Agreement dated 3.8.2016 between the Petitioner herein i.e. Krishna Wind farms Developers Private Limited and Solar Energy Corporation of India Limited.

Petition No. 33/MP/2018

Petitioner : ACME Jaipur Solar Power Private Limited

Respondents : M.P. Power Management Company Limited and Others

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 seeking relief on account of 'Change in Law' and consequent revision in capital cost due to introduction of the Central Goods and Services Tax Act, 2017 promulgated by the Department of Revenue, Ministry of Finance notified by way of notification dated 28.6.2017.

Petition No. 34/MP/2018

Petitioner : Azure Power Jupiter Private Limited (APJPL)

Respondents : NTPC Limited and Another

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the PPA executed by the Petitioner and NTPC Limited dated 29.4.2016 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax Laws at the Central and State levels, resulting in additional recurring and non-recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the effective date of the PPAs.

Petition No. 47/MP/2018

Petitioner : Azure Power Thirty Six Private Limited (APTSPL)

Respondents : Solar Energy Corporation of India Limited and Others

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the PPA executed by the Petitioner and Solar Energy Corporation of India Limited dated 29.4.2016 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax Laws at the Central and State levels, resulting in additional recurring and non-recurring expenditure in the form of an

additional tax burden to be borne by the Petitioner after the effective date of the PPA.

- Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Parties present : Shri Hemant Sahai, Advocate, ACME
Shri Varun Kapur, Advocate, ACME
Ms. Mazag Andrabi, Advocate, ACME
Ms. Meghana Aggarwal, Advocate, ACME
Shri M.G. Ramachandran, Advocate, NTPC, SECI and MPPMCL
Ms. Poorva Saigal, Advocate, NTPC, SECI and MPPMCL
Shri S. Vallinayagam, Advocate, AP Discoms
Shri Vishal Binod, Advocate, Azure Power
Shri Ankur Gupta, Advocate, DMRC
Shri Puneet Singh Bindra, Advocate, KWFDPL
Shri Matrugupta Mishra, Advocate, KWFDPL
Shri Hemant Singh, Advocate, KWFDPL
Shri Nishant Kumar, Advocate, KWFDPL
Ms. Shikha Ohri, Advocate, KWFDPL
Ms. Ankita Bafna, Advocate, KWFDPL

Record of Proceedings

Learned counsel for the Petitioners submitted that the Petitioners have filed the Interlocutory Applications (IAs) in the respective petitions for amendment to the petitions for claiming carrying cost incurred by the Petitioners with respect to Change in Law events.

2. Learned counsel for respondents requested for time to file their replies on the IAs.
3. After hearing the learned counsels for the Petitioners and the respondents, the Commission admitted the IAs and issued notices to the respondents.
4. The Commission directed the Petitioners to serve copy of the IAs on the respondents immediately, if not served already. The Commission directed the respondents to file their replies by 22.6.2018, with an advance copy to the Petitioners, who may file their rejoinders, if any, by 6.7.2018. 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.
5. The Petitions and IAs shall be listed for hearing on 24.7.2018 alongwith Petition Nos. 27/MP/2018, 33/MP/2018, 34/MP/2018 and 47/MP/2018.

By order of the Commission

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