

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 01/SM/2018

Coram:

**Shri P.K. Pujari, Chairperson
Dr. M. K. Iyer, Member**

Date of Order: 17.12.2018

In the matter of

Additional tax burden on transmission licensees on introduction of Goods and Service Tax compensation cess

And

In the matter of

The Commission on its own motion

Vs

1. Western Region Transmission (Maharashtra) Private Limited, 'H' Block, 1st Floor, Dhirubhai Ambani Knowledge City, Navi Mumbai – 400410.
2. Western Region Transmission (Gujarat) Private Limited, 'H' Block, 1st Floor, Dhirubhai Ambani Knowledge City, Navi Mumbai – 400410.
3. East-North Inter-Connection Company Limited, F-1, The Mira Corporate Suite, Ishwar Nagar, Mathura Road, New Delhi – 110065.
4. Talcher-II Transmission Company Limited, ECE House, 3rd Floor, Annexe-II, 28-A, KG Marg, New Delhi-110001.
5. North Karanpura Transmission Company ECE House, 3rd Floor, Annexe-II, 28-A, KG Marg, New Delhi-110001.



Raichur Sholapur Transmission Company Limited,
ECE House, 3rd Floor, Annexe-II, 28-A, KG Marg,
New Delhi-110001.

6. Jabalpur Transmission Company Limited,
F-1, The Mira Corporate Suite,
Ishwar Nagar, Mathura
Road, New Delhi – 110065.
7. Bhopal Dhule Transmission Company Limited,
F-1, The Mira Corporate Suite,
Ishwar Nagar, Mathura
Road, New Delhi - 110065
8. Powergrid NM Transmission
Limited,
Saudamini Plot No.2, Sector 29,
Gurgaon-122001.
9. Kudgi Transmission Limited,
Building No.3, Second Floor, Sudeep
Plaza, MLU Sector -11, Pocket 4,
Dwarka, Delhi-110075.
10. Powergrid Vizag Transmission Limited,
"SAUDAMINI", Plot No.-2, Sector-29,
Gurgaon-122001.
11. Darbhanga - Motihari Transmission Company Limited,
Essel House, B-10, Lawrence Road, New Delhi-110 035.
12. Purulia & Kharagpur Transmission Company Limited,
F-1, The Mira Corporate Suites,
1 & 2 Ishwar Nagar,
Mathura Road, New Delhi – 110065.
13. Patran Transmission Company Limited,
409, 4th Floor, Skipper Corner, 88 Nehru Place,
New Delhi- 110 019.
14. Powergrid Unchahar Transmission
Limited, "SAUDAMINI", Plot No. – 2,
Sector – 29, Gurgaon-122001.
15. RAPP Transmission Company Limited,
F-1, The Mira Corporate Suites,
1 & 2 Ishwar Nagar,
Mathura Road, New Delhi – 110065.
16. NRSS XXXI (B) Transmission Limited,
Essel House, B-10, Lawrence Road,
Industrial Area, New Delhi-110 035



17. Powergrid Kala Amb Transmission Limited, "SAUDAMINI", Plot No. – 2, Sector – 29, Gurgaon – 122001.
18. NRSS XXIX Transmission Limited
F-1, Mira Corporate Suits
1 & 2, Mathura Road, Ishwar Nagar,
New Delhi-110 065,
19. DGEN Transmission Company Limited,
301, 3rd Floor, Rectangle One,
D – 4, District Centre,
Saket, New Delhi – 110017.
20. Powergrid Parli Transmission Limited, Saudamini, Plot No. 2,
Sector- 29,
Gurgaon-122 001.
21. Powergrid Warora Transmission Limited,
"Saudamini", Plot No. – 2, Sector – 29,
Gurgaon – 122001.
22. Maheshwaram Transmission Limited,
F-1, "The Mira Corporate Suites",
1 & 2 Ishwar Nagar, Okhla Crossing,
Mathura Road, New Delhi – 110065.
23. Raipur-Rajandgaon-Warora Transmission
Limited, Adani House, C–105, Anand Niketan,
New Delhi – 110021.
24. Chhattisgarh-WR Transmission
Limited, Adani House, C-105, Anand
Niketan,
New Delhi-110021.
25. Sipat Transmission Limited,
Adani House, C–105,
Anand Niketan, New Delhi -
110021
26. Powergrid Southern Interconnector Transmission System Limited,
"Saudamini", Plot No. 2, Sector 29,
Gurgaon - 122001
27. Alipurduar Transmission Limited,
Plot No.101, Part-III, GIDC Estate, Sector-28,
Gandhinagar, Gujarat-382028.



28. Odisha Generation Phase-II Transmission Limited,
F – 1, The Mira Corporate Suites, 1 & 2 Ishwar
Nagar, Okhla Crossing, Mathura Road,
New Delhi – 110065.
29. Gurgaon Palwal Transmission Limited,
F-1, "The Mira Corporate Suites",
1 & 2 Ishwar Nagar, Okhla Crossing,
Mathura Road, New Delhi – 110065.
30. Warora-Kurnool Transmission
Limited, 5th Floor, 18, Ramnath
House, Community Centre, Yusuf
Sarai, New Delhi-110 049
31. North Karanpura Transco Limited,
Adani House, C-105, Anand Niketan,
New Delhi - 110021
32. Khargone Transmission Limited,
F - 1, The Mira Corporate Suites 1 & 2 Ishwar
Nagar, Okhla Crossing, Mathura Road,
New Delhi – 110065.
33. NRSS XXXVI Transmission Limited,
A-26/3, Mohan Cooperative Industrial Estate,
Mathura Road, New Delhi 110044.
34. NER-II Transmission Limited,
F - 1, The Mira Corporate Suites 1 & 2 Ishwar
Nagar, Okhla Crossing, Mathura Road,
New Delhi – 110065.
35. Powergrid Medinipur Jeerat Transmission Limited,
"Saudamini", Plot No. 2, Sector 29,
Gurgaon - 122 001
36. Kohima-Mariani Transmission,
101, Part-III, GIDC Estate, Sector-28,
Gandhinagar-382028 (Gujarat)
37. Rajasthan Rajya Vidyut Prasan Nigam
Limited Vidyut Bhawan, Vidyut Marg,
Jaipur – 302005 (Rajasthan)
38. Ajmer Vidyut Vitran Nigam Limited,
132 kV GSS RVPNL Sub-station
Building, Caligiri Road, Malviya
Nagar, Jaipur-302017 (Rajasthan)



39. Jaipur Vidyut Vitran Nigam Limited
Vidyut Bhawan, Janpath,
Jaipur - 302 005 (Rajasthan)
- Also at:
- 132 kV GSS RVPNL Sub-station
Building, Caligiri Road, Malviya
Nagar, Jaipur-302017 (Rajasthan)
40. Jodhpur Vidyut Vitran Nigam Limited
New Power House, Industrial Area,
Jodhpur - 342 003
- Also at:
- 132 kV GSS RVPNL Sub-station
Building, Caligiri Road, Malviya
Nagar, Jaipur-302017 (Rajasthan)
41. Himachal Pradesh State Electricity Board
Vidyut Bhawan,
Kumar House Complex Building II,
Shimla-171 004 (HP)
42. Punjab State Electricity Board
Limited, Near Kali Badi Mandir, The
Mall Patiala-147001 (Punjab)
43. Haryana Power Purchase Centre
Shakti Bhawan, Sector-6
Panchkula (Haryana) 134 109
44. Power Development Department,
Government of Jammu & Kashmir,
Lottery Building Behind Civil
Secretariat, Srinagar-190009.
- Also at:
- Power Development Department,
Government of Jammu & Kashmir,
Grid Sub-station Complex, Janipur,
Jammu Tawi-180007.
45. Uttar Pradesh Power Corporation Limited
(Formerly Uttar Pradesh State Electricity Board)
Shakti Bhawan Extn., 14, Ashok Marg,
Lucknow - 226 001 (UP)



46. Delhi Transco Ltd.
33 kv Sub-station Building,
I.P. Estate, ITO New Delhi-110002.
47. BSES Yamuna Power Ltd.
2nd Floor, Shakti Kiran Bldg.,
Karkardooma, Delhi – 110092.
48. BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place,
New Delhi - 110 019.
49. Tata Power Delhi Distribution Limited,
NDPL House, Hudson Lines, Kingsway
Camp, Delhi - 110 009
50. Chandigarh Administration
Sector -9 D, 4th Floor, UT
Secretariat, Chandigarh-
160009.
51. Uttarakhand Power Corporation Ltd.
Urja Bhawan, Kanwali Road, Near
Balli Wala Chowk, Dehradun-248001
(Uttarakhand)
52. North Central Railway,
Subedar Ganj, Head Office Babi Pur,
Dhumanganj,
Allahabad-211001
(UP).
53. New Delhi Municipal Council
Palika Kendra, Sansad Marg,
New Delhi-110002.
54. NTPC Ltd.,
NTPC Bhawan, Core-7, Scope Complex 7,
Institutional Area, Lodhi Road
New Delhi – 110003.
55. Madhya Pradesh Power Management Company Limited,
Block No.11, 1st Floor, Shakti Bhawan, Vidyut Nagar,
Rampur,
Jabalpur-482 008. (MP)
56. Maharashtra State Electricity Distribution Company Limited,
Plot No. G-9, A.K. Marg, Bandra (East),
Mumbai-400051.
57. Gujarat Urja Vikas Nigam Limited,
Commerce Department, 2nd Floor,



Sardar Patel Vidyut Bhawan, Race
Course Road, Vadodara-390 007.
(Gujarat)

58. Electricity Department,
Government of Goa,
Vidyut Bhawan, 3rd Floor
(Near Mandvi Hotel),
Panaji, Goa -403 001.
59. Electricity Department, UT of
Daman and Diu, Sachivalaya Moti
Daman, Navi Daman, Daman and
Diu, near Satyanarayan Temple,
Daman-396 210.

Also at:

Administration of Daman and Diu,
OIDC Corporate Office, Plot No.
35, OIDC Complex, Near Fire
Station, Somnath, Daman-396210.

60. Electricity Department, Dadra Nagar
Haveli, Opp. Secretariat, 66 kV Amli
Road, Dadra and Nagar Haveli, U.T.
Silvassa via Vapi-396230.
61. Chhattisgarh State Electricity Board,
P.O. Sunder Nagar, Vidyut Seva
Bhawan, Parisar Dangania, Raipur
Chhattisgarh-492013.
62. Madhya Pradesh Audyogik Kendra
Vikas Nigam (Indore) Limited,
3/54, Press Complex, Agra-Bombay Road
Indore-452 008 (MP)
63. Gati Infrastructure Chuzachen Limited,
1-7-293, MG Road, 268, Udyog Vihar, Phase-IV,
Secunderabad, Andhra Pradesh - 500003
64. Gati Infrastructure Bhasmay Power Ltd,
1-7-293, MG Road, 268, Udyog Vihar, Phase-IV,
Secunderabad, Andhra Pradesh - 500003
65. PTC India Limited,
2nd Floor, NBCC Tower,
15, Bhikaji Cama Place, New Delhi-110066.



66. Lanco Energy Pvt. Ltd.
Plot No. 397, 2nd Floor,
Udyog Vihar, Phase III,
Gurgaon, Haryana- 122016.
67. Dans Energy Private Ltd.
5th Floor, DLF Building No. 8, Tower C,
DLF Cyber City Phase- II
Gurgaon, Haryana- 122002.
68. Jal Power Corporation Ltd,
A-102, Sector-65, Noida-201307
(UP)
69. Madhya Bharat Power Corporation Ltd.
Gouma Devi's Building, 2nd Floor,
Golitar, Singtam, East Sikkim.
70. Bihar State Power (Holding) Company Ltd 4th
Floor, Vidyut Bhawan, JLN Road, Patna – 800
001.
71. West Bengal State Electricity Distribution Company
Bidyut Bhawan, Bidhan Nagar
Block DJ, Sector-II, Salt Lake City,
Kolkata -700 091
72. Grid Corporation of Orissa Ltd.
Shahid Nagar, Janpath, Bhubaneswar - 751 007
(Odisha)
73. Damodar Valley Corporation
DVC Tower, Maniktala
Civic Tower, VIP Road, Kolkata - 700 054
74. Energy & Power Department
Government of Sikkim, Kazi
Road, Gangtok - 737 101
(Sikkim)
75. Jharkhand State Electricity Board
Engg. Building HEC, Dhurva
Doranda, Ranchi – 834004
(Jharkhand)
76. Jharkhand Bijli Vitran Nigam Limited,
Engg. Building
Dhurva, Ranchi
(Jharkhand)
77. Teesta Valley Power Transmission Ltd.
2nd Floor, Vijaya Building,



Barakhamba Road, CP, New Delhi - 110001

78. Teesta Urja Limited
02nd Floor, Vijaya Building
17 Barakhamba Road, Connaught Place
New Delhi 110001.
79. Karnataka Power Transmission Corporation Ltd.
Kaveri Bhawan, K. G. Road
Bangalore-560 009.
80. Transmission Corporation of Andhra Pradesh Ltd.
Vidyut Soudha, Gunadala, Eluru Road,
Vijayawada, Andhra Pradesh 520004.
81. Kerala State Electricity Board Ltd.,
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram- 695004,
82. Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO)
NPKRR Malligai, 144 Anna Salai,
Chennai-600002
83. Electricity Department, Government of Pondicherry,
Beach Road, Pondicherry- 605001.

Also at:-

Government of Pondicherry,
137, NSC Bose Salai,
Pondicherry-605001.

84. Eastern Power Distribution Company of Andhra Pradesh Limited (APEPDCL)
APEPDCL, P&T Colony,
Seethmmadhara, 3rd Floor, Vishakhapatnam-
530 017
(Andhra Pradesh)
85. Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL)
Srinivasapuram, Tiruchanoor Road,
Tirupati, Chittoor District Tirupati
5171 (Andhra Pradesh).
86. Central Power Distribution Company of Andhra Pradesh Limited (APCPDCL),
Corporate Office, Mint Compound, 6-1-50,
Near Secretariat
Hyderabad-500004.
87. Northern Power Distribution Company of Andhra Pradesh Limited (APNPDCL)
NIT Petrol Pump,
Chaitanyapuri, Kazipet, Warangal – 506 004
Andhra Pradesh.



88. Bangalore Electricity Supply Company Ltd. (BESCOM)
KR Circle, Banglore, 2nd Floor, Second Block,
Bengaluru- 560001.
89. Gulbarga Electricity Supply Company Ltd. (GESCOM)
Station Main Road, Kalaburagi,
Gulbarga-585 102, Karnataka.
90. Hubli Electricity Supply Company Ltd. (HESCOM),
P.B. Road, Nava Nagar
Hubli-580 025, Karnataka
91. Mangalore Electricity Supply Company Ltd. (MESCOM)
Paradingm Plaza, A.B. Shetty Circle, Mangalore-575 001
92. Chamundeshwari Electricity Supply Corp. Ltd. (CESCOM),
Corporate Office, 927, L. J. Avenue, Ground Floor
New Kantharaj Urs Road, Saraswathi
Puram, Mysore-570 009.
93. Transmission Corporation of Telangana Limited,
Vidhyut Sudha, Khairatabad,
Hyderabad-500082
94. North Eastern Electric Power Corporation Limited,
NEEPCO Limited,
15, NBCC Tower, Bhikaji Cama Place
New Delhi-110066.
95. National Hydro Power Corporation (NHPC) Limited,
NHPC office complex,
Sector 33, Faridabad -121003.
96. ONGC Tripura Power Company Limited,
6th floor, A-wing, IFCI tower, 61, Nehru Place,
New Delhi- 110019
97. North East Transmission Company Limited
Dhaleshwar Road No.3, House No.051358, Post
Dhaulesar Agartala, West Tripura-799007.
98. Department of Power, Government
of Arunachal Pradesh Vidyut
Bhawan, Itanagar, Arunachal
Pradesh-791 111
99. Assam Power Distribution Company Limited (APDCL),
4th Floor, Bijuli Bhavan,
Paltan Bazar,
Guwahati- 781001



100. Assam Electricity Grid Corporation Ltd.
1th Floor, Bijuli Bhavan,
Paltan Bazar,
Guwahati- 781001
101. Manipur State Power Distribution Company Limited
Electricity Complex, Patta No. 1293 under 87(2),
Khwai Bazar, Keishampat,
District-Imphal West,
Manipur-795 001
102. Meghalaya State Power Distribution Company Limited
Lum Jingshai, Sort Round Road,
Shillong, Meghalaya-793 001
103. Power and Electricity Department
Khatla Electric Van, Aizwal,
Mizoram-796001.
104. Department of Power Government
of Nagaland, A.G. Colony, Kohima,
Nagaland-797 005
105. Tripura State Electricity Corporation Limited
Bidyut Bhawan, North Banamalipur,
Agartala, Tripura West-799001.
106. Chhattisgarh State Power Distribution Company Limited,
Sundar Nagar Danganiya, Vidyut Sewa Bhawan,
Parisar Dangania, Raipur-492013.
107. Jindal Power Limited, Jindal Centre,
12, Bhikaiji Cama Place, New Delhi 110066
108. Torrent Power Limited,
Torrent House,
Off. Ashram Road,
Navrangpura
Ahmedabad-380009.
109. Heavy Water Board,
Deptt. Of Atomic Energy,
5th Floor, Vikram Sarabhai Bhavan,
Anushakti Nagar,
Mumbai - 400094.
110. Power Company of Karnataka Limited,
5th Floor, KPTCL Building, Kaveri Bhawan,
Bangalore-560009.



111. Lanco Kondapali Power Limited,
Lanco House, Plot No.4, Software Units Layout, Hi
Tech City, Madhapur (Hyderabad)
-500081.
112. Adhunik Power and Natural Resources Limited,
9B, 9th Floor, Hansalaya Building,
15 Barakhamba Road, Connaught Place,
New Delhi-110 001
113. Corporate Power Limited,
6th Floor, Landmark Building,
Wardha Road, Nagpur-440010.
114. Essar Power (Jharkhand) Limited,
Essar House, 11th Floor, 11 KK Marg,
Opposite Racecourse, Mahalaxmi,
Mumbai - 400 034
115. GMR Kamalanga Energy Limited,
New Udaan Bhawan
Opposite Terminal 3, IGI Airport
New Delhi-110037
116. Navbharat Power Private Limited,
Essar House, 11, K.K. Marg, Mahalaxmi,
Mumbai- 400034
117. Monnet Power Company Limited,
Monnet House, 11, Masjid Moth,
Greater Kailash Part – II,
New Delhi-110048
118. Ind Bharat Energy (Utkal) Limited,
Plot No. 30-A, Road No. 1,
Film Nagar, Jubilee Hills,
Hyderabad-500 096,
Andhra Pradesh
119. Jindal (India) Thermal Power Limited,
Plot No 12, Sector B-1,
Local Shopping Complex, Vasant Kunj
New Delhi-110070.
120. M.B. Power (Madhya Pradesh) Limited,
235, Okhla Industrial Estate, Phase-III,
New Delhi- 110020.
121. RKM Powergen Pvt. Limited,
Giriappa Road, Drivers Colony, T Nagar,
Chennai-600017
Tamil Nadu



122. Athena Chhattisgarh Power Limited,
7-1-24/1/RT,G-1, B Block, Roxana Towers
Green Lands, Begumpet
Hyderabad - 500016
Telangana
123. DB Power Limited,
3rd Floor, Naman Corporate Link,
Opposite Dena Bank, C-31, Block G,
Bandra Kurla Complex
Bandra (E), Mumbai-400 051
124. SKS Powergen (Chhattisgarh) Limited,
501-B, Elegant Business Park, Andheri
Kurla Road,
J.B.Nagar, Andheri (East),
Mumbai-400 059
125. Korba West Power Company Limited,
Chotte Bhandar, Post Bande Bhandar,
Tehsil Pussore, Distt. Raigarh
Chhattisgarh – 496100.
126. Visa Power Limited,
VISA House, 8/10 Alipore Road,
Kolkata, West Bengal
127. KSK Mahanadi Power Company Limited,
8-2-293/82/A/431/A
Road No: 22, Jubilee Hills,
Hyderabad 500 033
128. Bharat Aluminium Company limited, (BALCO)
Aluminium Sadan
Core - 6, Scope Office Complex, Lodi Road,
New Delhi-110 003
129. Vandana Vidyut Limited, Vandana Bhawan,
M.G.Road, Raipur-492001
Chhattisgarh
130. Lanco Amarkantak Power Limited,
Plot No. 397, Phase-III,
Udyog Vihar, Gurgaon-122016.
131. Chhattisgarh State Power Trading Company Limited, Raipur
Daganiya, Raipur,
Chhattisgarh-492 013
132. REC Transmission Projects Company limited,
ECE House, 3rd Floor,



Annexe-II, 28A, KG Marg
New Delhi-110001

133. New Delhi Municipal Council,
Shantipath Road, Moti Bagh,
Near National Railway Museum,
New Delhi-110023
134. Paschimachal Vidyut Vitran Nigam Ltd,
Urja Bhawan, Victoria Park,
Meerut-250001
Uttar Pradesh
135. Poorvanchal Vidyut Vitran Nigam
Ltd,
DLW Bhikharipur, Varanasi –
221004 (UP)
136. Dakshinanchal Vidyut Vitran Nigam Ltd,
Urja Bhavan, Agra - Delhi Bypass Road,
Sikandra, Agra-282007,
Uttar Pradesh
137. Madhyanchal Vidyut Vitran Nigam Ltd.,
Head Office 4-A,
Gokhale Marg,
Lucknow- 226001
(UP)
138. Kanpur Electricity Supply Company Ltd.,
14/71, Civil Lines,
Kanpur-208001
139. Maithan Power Limited
MA-5, Gogna Colony,
Maithan Dam Post Office,
District: Dhanbad, Jharkhand-828207
140. Adani Power Ltd., Mundra Achalraj,
Opp. Mayor Bungalow, Law Garden,
Ahmedabad-380006
141. AD Hydro Power Limited
Bhilwara Towers, A-12,
Sector-1, Noida-201301
142. Electricity Wing of Engineering Department
Union Territory of Chandigarh, Electricity OP
Circle, 5th Floor, New Deluxe Building,
Sector 9, Chandigarh (UT)



143. PFC Consulting Limited,
First Floor, "Ürjanidhi", 1,
Barakhamba Lane,
Connaught Place
New Delhi-110001
144. IL &FS Tamil Nadu Power
Company Limited, 4th
Floor, 1st Street, Subba
Rao Avenue,
College Road, Chennai,
Tamil Nadu-600006
145. Rajasthan Discoms Power Procurement Centre,
Shed No 5/5, Vidyut Bhawan,
Jaipur, Rajasthan (India)
146. Northern Power Distribution Company of Telangana Limited,
House No. 1-1-504, Opp. NIT Petrol Pump, Chetanpuri
Colony, Hanmkonda
Warangal-506004
Telangana
147. Southern Power Distribution Company of Telengana Limited,
2nd Floor, 6-1-50, Mint Compound, Hyderabad-500063,
Telangana
148. South Bihar Power Distribution Company Limited,
2nd Floor, Vidyut Bhawan, Bailey Road, Patna-
800 001
149. North Bihar Power Distribution Company Limited,
2 nd Floor, Vidyut Bhawan, Bailey Road, Patna-
800 001
150. Himachal Sorang Power Private Limited, B-
7, Sector -1, Ashirvad Building, Lane -1,
Second Floor, New Shimla-171009.
151. Lanco Anpara Power limited,
Plot no. 397, Udyog Vihar, Phase 3,
Gurgaon – 122 016
152. Lanco Budhil Hydro Power Pvt. Ltd.
Plot no. 397, Udyog Vihar, Phase 3,
Gurgaon – 122 016
153. Power Grid Corporation of India Limited
"Saudamini", Plot No. 2, Sector 29,
Gurgaon - 122 001



154. Jaiprakash Power Ventures Limited,
Sector -128, A-Block, Distt. G.B. Nagar,
Noida – 201304 (UP)
155. Central Transmission Utility (CTU),
Saudamini, Plot No.2, Sector 29, Gurgaon.
156. RAAP Transmission Company Limited,
F-1, The Mira Corporate Suites,
1st and 2nd Ishwar Nagar,
Okhla Crossing, Mathura Road,
New Delhi-110065
157. Punjab State Power Corporation Limited,
Shed D-3, Shakti Vihar, Patiala
Patiala-147001.
158. ERSS XXI Transmission Limited,
Saudamini, Plot No.2, Sector 29,
Gurgaon.
159. Goa Tamnar Transmission Project Limited,
F-1, The Mira Corporate Suites 1 and 2 Ishwar Nagar,
Okhla Crossing, Mathura Road,
New Delhi-110065.
160. WR-NR Power Transmission Limited,
Saudamini, Plot No.2, Sector 29,
Gurgaon.
161. Adani Renewable Energy Park Rajasthan Limited,
Achalraj Building, Opp. Mayor Bungalow,
Law Garden, Ahmedabad (Gujarat) -380006.
162. Rajasthan Urja Vikas Nigam Limited,
Vidyut Bhawan, Jyoti Nagar, Janpath,
Jaipur-302005.
163. Unchahar Transmission Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122001.

....Respondents

Parties Present:- Shri Raunak Jain, Advocate, TPDDL
Shri Vishvendra Tomar, Advocate, TPDDL
Shri Deep Rao and Shri Shri Divyanshu Bhatt, Advocates, JTCL,
BDTCL, PKTCL, RAPP TCL, NRSS XXIX, ATL, OGP-II, GPTL,
KTL and NER-II
Shri Alok Shankar, Advocate
Shri T. A. N. Reddy, ENICL, JTCL, BDTCL, PKTCL, RAPP TCL,
NRSSXXIX TL, MTL, OGP-II, GPTL, KTL and NER-II



ORDER

The Central Commission has been entrusted with the function to regulate inter-State transmission of electricity in terms of Section 79(1)(c) and (d) of the Electricity Act, 2003 (“the 2003 Act”). The Commission has also been determining tariff of inter-State transmission of electricity in exercise of its power under Section 79(1)(d) read with Section 62(1)(b) of the 2003 Act in accordance with the terms and conditions regulations of tariff notified by the Central Commission under Section 178 of the 2003 Act. The tariff of the inter-State transmission system discovered through a Tariff Based Competitive Bidding (TBCB) is adopted by the Central Commission under Section 63 of the 2003 Act. In exercise of the powers vested under Section 63 of the 2003 Act, Central Government has notified the “Tariff Based Competitive Bidding Guidelines for Transmission Services” vide notification dated 17.4.2006 which have been amended from time to time (hereinafter referred to as “Guidelines”). In terms of the said Guidelines, the Transmission Service Providers (TSPs), identified through Tariff Based Competitive Bidding (TBCB) process, have to enter into “Transmission Service Agreement” (TSA) with the Long Term Transmission Customers (LTTCs). Article 12 of the Model TSA notified by the Ministry of Power provides for grant of relief in the form of adjustment of tariff to the TSPs or to the LTTCs on account of “Change in Law”. Article 12 of the Model TSA notified by the Ministry of Power provides as under:-

“12.1 Change in Law

12.1.1 Chang in Law means the occurrence of any of the following after the date, which is seven (7) days prior to the Bid Deadline resulting into any additional recurring/non-recurring expenditure by the TSP or any income to the TSP:

- the enactment, coming into effect, adoption, promulgation, amendment, modification or repeal (without re-enactment or consolidation) in India, of any Law, including rules and regulations framed pursuant to such Law;



- a change in the interpretation or application of any Law by any Indian Governmental Instrumentality having the legal power to interpret or apply such Law, or any Competent Court of Law;
- the imposition of a requirement for obtaining any Consents, Clearances and Permits which was not required earlier;
- a change in the terms and conditions prescribed for obtaining any Consents, Clearances and Permits or the inclusion of any new terms or conditions for obtaining such Consents, Clearances and Permits;
- any change in the licensing regulations of the Appropriate Commission, under which the Transmission License for the Project was granted if made applicable by such Appropriate Commission to the TSP; any change in the Acquisition Price; or
- any change in tax or introduction of any tax made applicable for providing Transmission Service by the TSP as per the terms of this Agreement.”

3. The Model TSA has been adopted in all cases of the inter-State transmission system whose tariff has been discovered through competitive bidding. In terms of the TSAs, the Commission is required to determine the impact of various events of “Change in Law” on tariff and grant appropriate relief. Further, in terms of Section 79(1)(f) of the 2003 Act and Article 16 of the TSA, the Commission has the power to adjudicate any dispute between the TSPs and the LTTCs with regard to “Change in Law”. The Commission in exercise of its power under Section 79(1)(f) of the 2003 Act read with the relevant provisions of the TSAs has allowed expenditures incurred by the TSPs in certain cases which fulfil the requirement of “Change in Law” events under the TSAs.

4. The Parliament has enacted the following Acts to introduce a unified indirect tax structure in the form of Goods and Services Tax (GST) which has replaced various Central and State level taxes:

- (a) Central Goods and Services Tax, Act, 2017
- (b) Integrated Goods and Services Tax Act, 2017
- (c) Union Territories Goods and Services Act, 2017
- (d) Goods and Services Tax (Compensation to States) Act, 2017



The respective State Legislatures have enacted the States Goods and Services Act, 2017.

5. These Acts have come into effect from 1.7.2017. Certain existing taxes have been abolished and certain new taxes have been introduced leading to variation in the taxes and duties that are required to be paid by the TSPs.

6. In terms of the above Acts, the following taxes have been merged either in Central GST or State GST:

(A) Central GST

- (a) Central Excise Duty
- (b) Additional Duties of Customs (commonly known as CVD)
- (c) Special Additional Duty of Customs (SAD)
- (d) Service Tax
- (e) Central Surcharges and Cesses so far as they relate to supply of goods and services

(B) State GST

- (a) State VAT
- (b) Central Sales Tax
- (c) State Surcharges and Cesses so far as they relate to supply of goods and services

7. Further, as per the Press Release of Ministry of Finance, Government of India dated 7.6.2017, certain taxes have been abolished through the Taxation Laws Amendment, Act, 2017. The taxes which are relevant for the electricity sector, particularly related to transmission are enumerated below:-

- (a) Education Cess on Excisable Goods introduced through the Finance (2) Act, 2004.



- (b) Secondary and Higher Education Cess on Excisable Goods introduced through the Finance Act, 2007.
- (c) Swachh Bharat Cess introduced through the Finance Act, 2015.
- (d) Infrastructure Cess and Krishi Kalyan Cess introduced through the Finance Act, 2016.

8. In respect of the projects where “cut-off date” which is seven (7) days prior to the Bid Deadline, fall on or before 30.6.2017, the Acts mentioned in para 4 above may be considered as “change in law” in terms of the TSA, if they result in any additional recurring/non-recurring expenditure or income from the business of transmission of electricity of the concerned TSP. In order to facilitate the settlement of the dues arising on account of “Change in Law”, the Commission has initiated this *suo-motu* proceedings with regard to the principles to be adopted for allowing “Change in Law” occurring on or after 1.7.2017.

9. The Commission vide order dated 10.1.2018 directed all the TSPs in the country to furnish the following information in respect of each TSA for ISTA through TBCB on affidavit:-

Srl. No.	Nature of taxes/duties	Rate of tax/duty on the respective cut-off date	Changes in rate of taxes/duties from cut-off date till 30.6.2017 (pre-GST)	Rate of taxes/duties as on 1.7.2017 (GST)	Changes, if any, in taxes/duties since 1.7.2017

10. In response, some of the TSPs have submitted their reply. The reply received from the TSPs is dealt in the subsequent paragraphs.

11. Sipat Transmission Limited (STL), North Karanpura Transco Limited (NKTL), Raipur-Rajandgaon Warora Transmission Limited (RRWTL) and Chhattisgarh-WR Transmission Limited (CWRTL) vide their affidavits dated 20.1.2018 have



submitted that they entered into TSAs on different dates. The TSAs entered into by them with the LTTCs are in line with model TSA prescribed by Ministry of Power, Government of India for Tariff Based Competitive Bidding Guidelines for Transmission Services notified vide Notification 17.4.2006. It is submitted that in terms of Article 12 of the TSA, the respondents are liable for restitution of any additional tax burden imposed after 7 days prior to bid deadline. The bid deadlines in their cases fall before 30.6.2017. The respondents submitted that they have informed their lead LTTCs about change in law events with respect to GST and also sent them notices in terms of the TSAs. They submitted that the information qua GST furnished in response to Commission's order dated 10.1.2018 be taken on record and the same be allowed on "in principle basis".

12. Western Transmission (Gujarat) Limited (WTGL) and Western Transco Power Limited (WTPL) vide their affidavits dated 20.1.2018 submitted that Article 11 of the PTA entered into by it with the beneficiaries is in essence similar to Article 15 of the Model TSA prescribed by Ministry of Power vide notification dated 17.4.2006. They further submitted that the cut-off date which is 7 days prior to the bid deadline falls much before 30.6.2017. The enactment of various statutes and abolition of various taxes has led to variation in the taxes and duties that are required to be paid by the TSPs as a result of change in law as provided for in the TSA. WTGL and WTPL have submitted that based on the information submitted, the "change in law" events occurred on account of GST be allowed on "in principle basis".

13. Powergrid Kala Amb Transmission Limited (PKATL) vide affidavit dated 22.1.2018, Powergrid Unchar Transmission Limited (PUTL) vide affidavit dated 23.1.2018 and Powergrid Medinipur Jeerat Transmission Limited (PMJTL) vide



affidavit dated 24.1.2018 have submitted the information in response to the Commission's order dated 10.1.2018.

14. Darbhanga-Motihari Transmission Company Limited (DMTCL) vide affidavit dated 24.1.2018 has submitted that it entered into TSA dated 6.8.2013 with LTTCs. Implementation of GST is an event of "Change in Law" as it is resulting in additional expenditure and is covered under Article 12 of the said TSA. DMTCL has submitted that "Change in Law" in terms of TSA be allowed.

15. NRSS XXXI B Transmission Limited, vide affidavit dated 24.1.2018, has submitted that in terms of Article 12 of the TSA entered into by it with LTTCs, it is liable to be compensated on account of additional tax burden imposed 7 days prior to bid deadline. In terms of Article 12 of the TSA, the unified tax structure in the form of Goods and Services Tax (GST) fall under "Change in Law" and is resulting in additional expenditure.

16. Warora-Kurnool Transmission Limited (WKTL) has submitted vide affidavit dated 24.1.2018 that it entered into TSA dated 6.1.2016 with the LTTCs. Unified tax structure in the form of Goods and Service Tax (GST) has come into force w.e.f. 1.7.2017 replacing the earlier taxes and duties. Some of the existing taxes have been abolished and certain new taxes have been introduced leading to variation in the taxes and duties. They are required to be paid by the TSPs as the same are within the ambit of Article 12 of the TSA.

17. NRSS XXXVI vide affidavit dated 24.1.2018 submitted that it entered into TSA dated 13.1.2016 with LTTCs. In terms of Article 12 of the said TSA, NRSS is liable for compensation of additional tax burden owing to implementation of GST.



18. Powergrid Warora Transmission Limited, Powergrid Vizag Transmission Limited, Powergrid Jabalpur Transmission Limited, Powergrid Parli Transmission Limited vide their affidavits dated 23.1.2018, Powergrid NM Transmission Limited vide affidavit dated 24.1.2018 and Powergrid Southern Interconnector Transmission System Limited vide affidavit dated 25.1.2018 submitted the information in response to Commission's order dated 10.1.2018.

19. Respondents, viz- East North Interconnection Company Limited, Jabalpur Transmission Company Limited, Bhopal Dhule Transmission Company Limited, Purulia and Kharagpur Transmission Company Limited, RAPP Transmission Company Limited, NRSS XXIX Transmission Limited, Maheshwaram Transmission Limited, Odisha Generation Phase-II Transmission Limited, Gurgaon Palwal Transmission Limited, Khargone Transmission Limited and NER-II Transmission Limited vide their respective affidavits dated 25.1.2018 submitted that they executed TSAs on different dates in accordance with TBCB process wherein the cut-off date under the TSA was prior to 30.6.2017. The respondents deposed that promulgation of the GST laws constitute a change in law under the TSAs as it results in additional recurring and non-recurring expenditure to be incurred by them. They furnished the information in response to the Commission's order dated 10.1.2018.

20. Alipurduar Transmission Limited (ATL) vide affidavit dated 25.1.2018 submitted that it entered into TSA dated 22.9.2015 with LTTCs. ATL is liable for restitution of any additional tax burden imposed after 7 days prior to bid deadline under Article 12 of the said TSA. The bid deadline fall before 30.6.2017 and as such enactment of GST fall under "Change in Law" in terms of the TSA which is resulting in additional recurring/non-recurring expenditure.



21. Kohima Mariani Transmission Limited (KMTL) vide affidavit dated 25.1.2018 submitted that enactment of GST fall under “Change in Law” in terms of the TSA as they are resulting in additional recurring/non-recurring expenditure.

22. M.P. Power Management Company Limited (MPPMCL) vide affidavit dated 6.2.2018 referring to the submissions of the respondents viz- Western Region Transmission (Maharashtra) Pvt. Ltd., Raipur-Rajnandgaon Warora Transmission Limited, Sipat Transmission Limited, Chhattisgarh-WR Transmission Limited and Powergrid Jabalpur Transmission Limited submitted that there is a cost reduction in items like cement fly ash bricks etc. which have become cheaper due to introduction of new regime. However, the details of these items have not been incorporated in the submissions made by the TSPs. It has been further submitted that the Government is constantly reviewing and effecting reduction in GST where it is higher. As a result of this, applicable rates under GST on some of the products which are much higher may be reduced soon. As such any calculations based on the present tax rates will lead to unnecessary financial burden on transmission licensees and finally on the end users of the State. MPPMCL has prayed that the liability of additional tax burden on transmission licensees on introduction of GST may be deferred till stability in the rate of GST is arrived at.

23. The submissions made by the respondents regarding the GST on various heads are summarised hereunder:-

(a) Goods and Service Tax on payment of ROW

Sipat Transmission Limited (STL), North Karanpura Transco Limited (NKTL), Raipur-Rajandgaon Warora Transmission Limited (RRWTL), Chhattisgarh-WR Transmission Limited (CWRTL), Western Transmission (Gujarat) Limited (WTGL), Western Transco Power Limited (WTPL), Darbhanga-Motihari Transmission Company Limited (DMTCL),



NRSS XXXI (B) Transmission Limited, Warora Kurnool Transmission Limited, NRSS XXXVI Transmission Limited, East North Interconnection Company Limited, Bhopal Dhule Transmission Company Limited (BDTCL), Purulia and Kharagpur Transmission Company Limited, RAPP Transmission Company Limited, NRSS XXIX Transmission Limited, Maheshwaram Transmission Limited, Odisha Generation Phase-II Transmission Limited, Gurgaon Palwal Transmission Limited, Khargone Transmission Limited, NER-II Transmission Limited, Alipurduar Transmission Limited and Kohima Mariani Transmission Limited have submitted that tax on payment of ROW was nil as on cut-off date and as on 30.6.2017. However, with effect from 1.7.2017, it is taxed at 18%.

(b) Tax on Import Duty on aluminium products

STL, NKTL, RRWTL and CWRTL have submitted that import duty on aluminium products as on 30.6.2017 (pre-GST) was 26.69% and on account of GST is now at 27.40% w.e.f. 1.7.2017.

(c) Tax on Import Duty on Polymer Long Rod Insulators

STL, NKTL, RRWTL, CWRTL, DMTCL, NRSS XXXI (B) Transmission Limited, WKTL and NRSS XXXVI Transmission Limited have submitted that import duty on polymer long rod insulators as on 30.6.2017 (pre-GST) was 26.69% and on introduction of GST it is now at 27.40%.

(d) Tax on Work Contract

STL, NKTL, RRWTL, CWRTL, Western Transmission (Gujarat) Limited and Western Transco Power Limited submitted that work contract tax as on 30.6.2017 (pre-GST) was 6.% and on account promulgation of GST it is at 18%.



(e) Tax on Miscellaneous Support Services for Electricity Transmission

STL, NKTL, RRWTL, CWRTL, DMTCL, WTGL, WTPL, NRSS XXXI (B) Transmission Limited, Warora Kurnool Transmission Limited, NRSS XXXVI Transmission Limited, Powergrid Kala Amb Transmission Limited and Powergrid Unchar Transmission Limited submitted that tax on miscellaneous support services for electricity transmission as on 30.6.2017 (pre-GST) was 15% and on account of GST, the same is now at 18%.

(f) Tax on Transportation of Goods by Road

STL, NKTL, RRWTL, CWRTL, DMTCL, NRSS XXXI (B) Transmission Limited, Warora Kurnool Transmission Limited and NRSS XXXVI Transmission Limited submitted that there was no tax on transportation of goods by road on supplies by the suppliers till 30.6.2017 but the same is now taxed @ 18% on account of GST.

(g) Levy on Finished Transmission Line and Sub-Station Material Equipment

STL, NKTL, RRWTL, CWRTL, DMTCL, NRSS XXXI (B) Transmission Limited, Warora Kurnool Transmission Limited and NRSS XXXVI Transmission Limited have submitted that tax on finished transmission line and sub-station material /equipment as on 30.6.2017 (pre-GST) was 14.75% and on account of GST, the same is now at 18%.

(h) Levy on Conductors

STL, NKTL, RRWTL, CWRTL, have submitted that levy on conductors on conversion basis and on outright basis as on 30.6.2017 (pre-GST) was 12.50% and the same is now at 18% after introduction of GST.

(i) Excise Duty, CST/VAT, Customs Duty and Entry Tax



Powergrid Kala Amb Transmission Limited, Powergrid Unchar Transmission Limited, Powergrid Medinipur Jeerat Transmission Limited, Powergrid Warora Transmission Limited, Powergrid Vizag Transmission Limited, Powergrid Jabalpur Transmission Limited, Powergrid Parli Transmission Limited, Powergrid NM Transmission Limited and Powergrid Southern Interconnector Transmission System Limited have submitted that excise duty on the respective cut-off date varied. However, as on 30.6.2017 (pre-GST) it ranged between 12.36% and 12.50%. CST @ 2% against Form C VAT as on respective cut-off ranged @ 4% to 14.5% depending upon the material and State and it remained upto 14.5% as on 30.6.2017 depending upon material and State. The entry tax as on respective cut-off date ranged from 0% to 12% and as on 30.6.2017 it ranged between 0% and 12%. Regarding customs duty it is submitted that as on respective cut-off date it varied from 10.30% to 29.44% and as on 30.6.2017 it remained at 29.44%. Service tax on the respective cut-off date varied and as on 30.6.2017 it remained at 15%. It is submitted that excise duty, CST/VAT and entry tax have been subsumed in GST ranging from 18% to 28% as on 1.7.2017. Customs duty is ranging at 18% to 41.18% and service tax is subsumed in GST @ 18%. DMTCL has submitted that entry tax (Bihar) as on cut-off date was 8% and as on 30.6.2017 it was 12%. With effect from 1.7.2017 it is 18%. East North Interconnection Company Limited, Jabalpur Transmission Company Limited, BDTCL, Purulia and Kharagpur Transmission Company Limited, RAPP Transmission Company Limited, NRSS XXIX Transmission Limited, Maheshwaram Transmission Limited, Odisha Generation Phase-II Transmission Limited, Gurgaon Palwal Transmission Limited, Khargone Transmission Limited and NER-II Transmission Limited have submitted that Central Excise Duty from the respective cut-off date varied from 8% to 12.5% and it remained at 12.5% as on 30.6.2017. VAT and CST from the



respective cut-off varied from 12.5% to 15% and as on 30.6.2017 it was 15%. Entry tax in some States was from 1% to 5% from the respective cut-off date and as on 30.6.2017 it was from 1% to 5% in some States. Alipurduar Transmission Limited and Kohima Mariani Transmission Limited have submitted that excise duty as on respective cut-off date was 12.5%, CST @ 2% and VAT ranging from 4% to 14.5% and as on 30.6.2017 it was 12.5%, VAT ranging @ 4% to 15% and entry tax in Bihar, West Bengal, Manipur, Nagaland and Assam ranged from 18% as on respective cut-off date and as on 30.6.2017 it was upto 12%. It has been submitted that the above said taxes and duties on account of implementation of GST w.e.f. 1.7.2017 range from 18% to 28%. Regarding customs duty including CVD, SAD and cesses it is submitted that on the respective cut-off date they were ranging from 21.57% to 26.63% and as on 30.6.2017 they were ranging at 21.57% to 29.44%. It is submitted that customs duty including CVD, SAD and cesses as on 1.7.2017 stood at 27.12% to 41.18%. It is submitted that VAT on material from the respective cut-off date ranged @ 5% to 15% and as on 30.6.2017 it ranged @ 5% to 15%. However, on account of GST w.e.f. 1.7.2017 it ranged from 18% to 28%.

Analysis and decision

24. This suo motu petition was initiated to assess and determine the principles to be adopted for allowing “change in law” in respect of the projects where “cut-off date” which is seven days prior to the bid deadline, occur on or before 30.6.2017. Accordingly, the Commission had directed the TSPs to submit the rate of tax/duty on the cut-off date, from cut-off date till 30.6.2017 and after the introduction of GST from 1.7.2017. Some of the TSPs have submitted the details of the change in the rate of taxes/duties at the time of cut-off, from the date of cut-off to 30.6.2017 and after 1.7.2017.



25. The Commission in the past, prior to introduction of GST, in cases covered under Section 63 of the 2003 Act has allowed/disallowed impact of various events of “change in law” on tariff. These were decided in terms of provisions of PPA and keeping in mind the “cut-off date” of each individual case. The events which constitute “change in law” on account of introduction of Goods and Service Tax have been considered in this order.

26. We have considered the submissions of the TSPs on the impact of introduction of GST on the TSPs. Based on the submissions of the parties as discussed hereinabove in this order, we are of the view that enactment of various legislations as indicated in para 4, 5, 6 and 7 of this order, which has led to increase or decrease of the existing rate of taxes/duties, etc or introduction of new taxes/duties, etc or abolition of existing taxes/duties, etc. as “change in law” events as a result as per the provisions of the Model TSA notified by the Ministry of Power.

27. From the forgoing, it is observed that due to varied nature of such taxes, duties and cess etc. that have been subsumed/abolished on introduction of GST, it is not possible to quantify the resulting impact in a generic manner for all the TSPs. The abolition of taxes, duties, cess, etc. on the introduction of GST are “change in law” events and the savings arising out of such “change in law” should be passed to the beneficiaries of the TSPs. Similarly, the introduction of GST has also resulted in imposition of new or increase in existing taxes, duties, cess etc. which constitute “change in law” events and accordingly the additional impact due to introduction of GST shall be borne by the beneficiaries. The details of the increase or decrease in the taxes, duties, cess etc. shall be worked out by the TSPs and the beneficiaries. The TSPs should provide the details of increase or decrease in the taxes, duties, cess etc. supported by Auditor Certificate and relevant documents to the beneficiaries and



refund or recover the amount from the TSPs due to the decrease or increase in the taxes, duties, cess etc. as the case may be. Since the GST liveable on the transmission licensees pertain to the construction period, the impact of GST shall be disbursed by the beneficiaries to the transmission licensees in accordance with the provisions in the TSA regarding relief for change in law during construction period. In case of any dispute on any of the taxes, duties, cess etc., the beneficiaries may approach the Commission.

Summary

28. Summary of our decision in the order is as under:-

- (a) Introduction of GST with effect from 1.7.2017 shall constitute a change in law event if the cut-off date (7 days prior to the bid deadline) as per the relevant TSA falls on or after 1.7.2017.
- (b) The differential between the taxes subsumed in GST and the rates of GST on various items shall be admissible under change in law.
- (c) The TSPs shall work out and provide the details of increase or decrease in the tax liability in respect of introduction of GST to the beneficiaries/Long Term Transmission Customers duly supported by Auditor's Certificate.
- (d) The additional expenditure on account of GST shall be reimbursed by the beneficiaries/Long Term Transmission Customers as per the relevant provisions of the TSA regarding change in law during the construction period or operating period, as the case may be.



(e) In case of dispute, either party is at liberty to approach the Commission in accordance with law.

29. This order disposes of Petition No.1/SM/2018.

Sd/-
(Dr. M. K. Iyer)
Member

Sd/-
(P. K. Pujari)
Chairperson

