

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 157/MP/2018
With IA No. 2/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 18.05.2016 executed between Prayatna Developers Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws

Date of Hearing : 9.1.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Petitioner : Prayatna Developers Private Limited

Respondents : National Thermal Power Corporation Limited and Others

Parties present : Ms. Poonam Verma, PSEPL
Ms. Abiha Zaidi, PSEPL
Shri Tarul Sharma, PSEPL
Shri M.G. Ramachandran, Advocate, NTPC and SECI
Ms. Poorva Saigal, Advocate, NTPC and SECI

Record of Proceeding

At the outset, learned counsel for NTPC submitted that in the order dated 19.9.2018 in Petition No 50/MP/2018 and 52/MP/2018 (Prayatna Developers Private Limited v. NTPC Limited and Ors.), the Commission has held that change in law shall be applicable in all cases except in case of the generating company where "Scheduled date of Commissioning" or "the actual date of Commissioning" as per the respective PPA is prior to 1.7.2017. Learned counsel for NTPC further submitted that since the Petitioner's project was commissioned on 7.6.2017 i.e. before 1.7.2017, the relief for Change in Law in terms of introduction of GST is not applicable to the Petitioner. Therefore, the present petition is not maintainable.

2. Learned counsel for the Petitioner submitted that the issue regarding extension of date of commissioning is pending before the Commission. Learned counsel submitted that there are other expenses incurred in a period upto one month after the date of commissioning for which Change in Law is required to be approved.

3. After hearing the learned counsel for the parties, the Commission reserved the order on maintainability.

By order of the Commission

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