

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of hearing: 31.1.2019

Petition No.293/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioner and NTPC Limited dated 19.4.2016 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreements.

Petitioner : Azure Power India Private Limited

Respondents : NTPC Ltd. and Another

Petition No. 294/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement executed by the Petitioner and Solar Energy Corporation of India Limited dated 14.10.2015 seeking relief on account of a 'Change in Law' viz. the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the Petitioner after the Effective Date of the Power Purchase Agreement.

Petitioner : Azure Power India Private Limited

Respondent : Solar Energy Corporation of India Limited (SECI)

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

Parties present : Shri Saahil Kaul, Advocate, Azure Power
Shri M.G. Ramachandran, Advocate, NTPC & SECI
Ms. Ranjitha Ramachandran, Advocate, NTPC & SECI
Ms. Poorva Saigal, Advocate, NTPC & SECI
Shri Pulkit Agarwal, Advocate, NTPC & SECI
Shri Shubham Arya, Advocate, NTPC & SECI
Ms. Tanya Sareen, Advocate, NTPC & SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petitions have been filed for seeking relief on account of a 'Change in Law' namely, the introduction of Goods and Services Tax laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of additional tax burden to be borne by the Petitioner after the effective date.

2. Learned counsel for NTPC Limited and SECI accepted the notice and submitted that the distribution companies should be made parties to the Petitions.

3. After hearing the learned counsels for the Petitioner, NTPC and SECI, the Commission admitted the Petitions and directed to issue notices to the Respondents.

4. The Commission directed the Respondents to submit the list of distribution companies to whom power would be supplied by the Petitioner. The Commission directed the Petitioner to implead the distribution companies as parties to the petitions and to file revised memo of parties by 11.2.2019.

5. The Commission directed the Petitioner to serve the copies of the Petitions and the RoP on the Respondents and the distribution companies immediately. The Respondents including distribution companies were directed to file their replies by 21.2.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 7.3.2019. 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 Petitions shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

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