

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 67/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement executed between the Petitioner and the Respondent No. 1 for seeking declaration of and relief for 'Change in Law'.

Petitioner : Clean Sustainable Energy Private Limited

Respondents : Solar Energy Corporation of India Limited and Ors.

**Petition No. 68/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements executed between the Petitioner and the Respondent for seeking approval of GST laws as an event under 'Change in Law' and consequential relief.

Petitioner : Fermi Solarfarms Private Limited

Respondents : Solar Energy Corporation of India Limited and Anr.

Date of Hearing : 15.10.2019

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

Parties Present : Shri Ashish Bhardwaj, Advocate, CSEPL and FSPL  
Shri Amit Ojha, Advocate, CSEPL and FSPL  
Shri Ankur Sood, Advocate, CSEPL and FSPL  
Ms. Romila Mandal, Advocate, CSEPL and FSPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Poorva Saigal, Advocate, SECI  
Ms. Tanya Saigal, Advocate, SECI

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petitions have been filed seeking, *inter alia*, declaration that the enactment of GST Laws is Change in Law event and sought compensation on account of additional tax burden on construction as well as operation and maintenance expenses. Learned counsel further submitted that the issues raised in these Petitions are already covered by the earlier orders of the Commission.



2. Learned senior counsel for the Respondent, SECI also submitted the issues involved in the present matters are covered by the earlier orders of the Commission. Learned senior counsel further submitted that in these orders, for the purpose of determining 'weightage of the components of capital cost' and the percentage impact of the taxation due to the enactment of 'GST Laws' on the various components, the Commission has given a table in the orders. However, a clarification is required to the effect that the said table is merely indicative and the weightage of components of capital cost and rate of taxes should be at actuals.
3. Learned counsel for Respondents 2 to 4 submitted that since the effective date of PPA in the instant case is after the enactment of GST Laws, the claims of the Petitioners are not admissible as Change in Law event. In response, learned counsel submitted that though the PPAs were executed later, the bids were submitted and accepted on an earlier date.
4. Based on the request of the learned senior counsel and the learned counsel for the parties, the Commission permitted the Petitioner and the Respondents to file their respective written submissions, if any, by 31.10.2019 with copy to each other.
5. Subject to above, the Commission reserved order in the Petitions.

**By order of the Commission**

**Sd/-**

**(T.D. Pant)  
Deputy Chief (Law)**

