

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 179/MP/2020

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 19.7.2016, 21.10.2016, 21.10.2016 and 13.1.2017 executed between Tata Power Renewable Energy Limited and Solar Energy Corporation of India Limited for seeking compensation on account of Change in Law events due to enactment of GST laws.

Petitioner : Tata Power Renewable Energy Limited (TPREL)

Respondent : Solar Energy Corporation of India Limited (SECI)

Date of Hearing : 4.6.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Abhishek Munot, Advocate, TPREL
Shri Kunal Kaul, Advocate, TPREL
Shri M. G. Ramachandran, Senior Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Ajay Kumar, SECI
Shri Abhinav Kumar, SECI

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking declaration that the introduction/enactment of GST Laws is a Change in Law event and seeking consequential compensation for additional recurring/non-recurring expenditure incurred by the Petitioner. Learned counsel further submitted that Ministry of New and Renewable Energy (MNRE) vide its letter dated 12.3.2020 read with letter dated 23.3.2020, has clarified that since the Commission has already laid down the principles to be followed with regard to 'Change in Law' compensation on account of imposition/enhancement of effective rate of GST and levy of Safeguard Duty on import of Solar PV cells and modules in earlier cases, there is no need to ask every developer to approach the Commission for seeking order individually in similar cases. In terms of the said letters, the Petitioner has already started discussion with the Respondent, SECI in respect of its claims and the Petitioner has also submitted computation of its claims to SECI on 26.5.2020.



3. Learned senior counsel for the Respondent, SECI, submitted that the distribution licensees should be impleaded as party to the Petition. Learned senior counsel submitted that the issue involved in the Petition stands covered by the Commission's earlier orders relating to Change in Law arising out of imposition of GST/ Safeguard Duty. Learned senior counsel submitted that in terms of MNRE letters, the parties will carry out reconciliation of the Petitioner's claims in accordance with the Commission's earlier orders on the subject matter.

4. After hearing the learned counsels for the parties, the Commission admitted the Petition and directed to issue notice to the Respondent.

5. The Commission directed the Respondent, SECI to submit the list of distribution licensees to whom the power would be supplied by the Petitioner. The Commission directed the Petitioner to implead such distribution licensees as party to the Petition and to file revised memo of parties by 15.6.2020. The Petitioner was directed to serve copy of the Petition on the Respondents including the impleaded distribution licensees immediately. The Respondents including the distribution licensees were directed to file their reply by 26.6.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 10.7.2020.

6. The Commission observed that the Petitioner and SECI are already in discussion for reconciliation of the Petitioner's claims arising out of Change in Law event, namely, introduction of GST as per the MNRE's letters dated 12.3.2020 and 23.3.2020. Accordingly, the Commission directed the Petitioner to place on record the settlement reached between the parties. The Petition shall be listed for hearing based on the outcome of the discussion or settlement reached, if any, amongst the parties.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**

