

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 471/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 28.6.2016 and 4.1.2017 executed between Tata Power Renewable Energy Limited and NTPC Limited for seeking compensation on account of Change in Law events viz. introduction/enactment of Central and State Specific Laws for implementing Goods and Service Tax.

Petitioner : Tata Power Renewable Energy Limited (TPREL)

Respondent : National Thermal Power Corporation Limited (NTPC).

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 Venkatesh, Advocate, NTPC
Shri Ashutosh Kumar Srivastava, Advocate, NTPC
Shri Ispaul Uppal, NTPC

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 of GST Law is a Change in Law event and seeking the consequential compensation for additional recurring/non-recurring expenditure incurred by the Petitioner along with carrying cost. Learned counsel further submitted that Ministry of New and Renewable Energy (MNRE) vide its letter dated 12.3.2020 read with 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 rates 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 orders individually in similar cases. In terms of the said letters, the Petitioner has written to the Respondent, NTPC along with the computation of its claims. However, no reply has been received from NTPC.

4. Learned counsel for the Respondent, NTPC submitted that the distribution licensees of the State of Karnataka should be impleaded as party to the Petition. Learned counsel further submitted that NTPC is only a intermediary between the



generating company and the beneficiaries and the ultimate liability of payment lies on the end beneficiaries/procurers. Learned counsel sought permission to seek instruction from the Respondent, NTPC on MNRE's letters dated 12.3.2020 and 23.3.2020.

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

6 The Commission directed the Respondent, NTPC to submit the list of distribution licensees to whom the power would be/is 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 further 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 20.6.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 30.6.2020. The Commission directed that due date of filing of reply and rejoinder should be strictly complied with.

7. The Commission directed the Respondent, NTPC to submit its views/comments on MNRE's letter dated 12.3.2020 read with letter dated 23.3.2020 along with its reply.

8. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

