

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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 Service 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 (APIPL)
- Respondents : NTPC Limited (NTPC) and Ors.

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 Agreements 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 Service 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 (APIPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Date of Hearing : 11.11.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties present : Shri Vishal Binod, Advocate, APIPL
Shri Rajiv Yadav, Advocate, NTPC
Shri Sidhant Kumar, Advocate, AP Discom
Ms. Manyaa Chandok, Advocate, AP Discom
Ms. Poorva Saigal, Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Shubham Arya, Advocate, SECI
Ms. Neha Singh, SECI



Record of Proceedings

Cases were called out for virtual hearing.

2. At the outset, the learned counsel appearing on behalf of the Respondent, NTPC in Petition No. 293/MP/2018 submitted that pursuant to the previous counsel for NTPC having sought discharge, he has been appointed in the matter very recently and accordingly, requested for two weeks' time to examine the matter and to file his vakalatnama.
3. The learned counsel appearing on behalf of the Petitioner also sought liberty to file fresh vakalatnama in both the matters.
4. The learned counsel for the Respondents, AP Discoms submitted that the Respondent has been impleaded in the Petition No. 293/MP/2018 vide Record of Proceedings for the hearing dated 31.1.2019. However, the Petitioner has not served copy of the Petition on the AP Discoms and, therefore, the Petitioner may be directed to provide a copy of the Petition. Accordingly, the Respondent may be permitted to file its reply/ objections. The learned counsel also sought liberty to file her vakalatnama.
5. Considering the submissions of the learned counsels for the Petitioner and the Respondents, the Commission permitted the parties to file their respective vakalatnama within a week. The Commission directed the Petitioner to ensure that the copy of the Petition has been served on the AP Discoms pursuant to the directions of the Commission vide Record of Proceedings for the hearing dated 31.1.2019. The Commission permitted the Respondents including AP Discoms to file their reply, if any, by 22.11.2021 with copy to the Petitioner, who may file its rejoinder, if any, by 30.11.2021.
6. The Petitions will be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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