

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 468/MP/2019

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief to compensate for the increase in capital cost due to introduction of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017 and the State Goods and Services Tax Acts enacted by the respective States, in terms of Article 17 of the Power Purchase Agreement dated 17.4.2017 between the Mahindra Renewables Private Limited and M.P. Power Management Company Limited and Power Purchase Agreement dated 17.4.2017 between Mahindra Renewables Private Limited and Delhi Metro Rail Corporation.
- Date of Hearing : 30.7.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Mahindra Renewables Private Limited (MRPL)
- Respondents : M. P Power Management Company Limited (MPPMCL) and Anr.
- Parties Present : Shri Hemant Sahai, Advocate, MRPL
Shri Nitish Gupta, Advocate, MRPL
Ms. Jyotsna Khatri, Advocate, MRPL
Shri G. Umapathy, Advocate, MPPMCL
Shri Tarun Johri, Advocate, DMRC
Shri Sanjay V Kute, Advocate, DMRC
Shri Devjeet Ghosh, MRPL
Shri V. Bharadwaj, MPPMCL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking declaration that introduction of GST Laws qualify as Change in Law event in terms of Article 17 of the Power Purchase Agreements executed between the Petitioner and the Respondents and claimed consequential relief for increase in capital cost due the aforesaid Change in Law. Learned counsel mainly submitted as under:

(a) Issues involved in the present Petition are already covered by the Commission's earlier orders relating to Change in Law arising out of enactment of GST Laws. Also, the Petitioner's Project being located in Rewa

Solar Park, the facts and issues involved in the present case are identical to those involved in Petition No. 33/MP/2018 (ACME Jaipur Solar Power Pvt. Ltd. v. MPPMCL), which have been decided by the Commission vide its order dated 9.10.2018.

(b) The Petitioner has also made the claims towards GST impact on O&M expenses and carrying cost, which have also been dealt with by the Commission in its earlier orders.

(c) In respect to other 2 Projects located in Rewa Solar Park, the beneficiaries, MPPMCL and DMRC, have paid GST Law compensation on one time basis and since the amount in question is very small, similar dispensation may also be adopted in the Petitioner's case.

3. Learned counsel for the Respondent No.2, Delhi Metro Rail Corporation reiterated that the issues involved in the present case have already been dealt with by the Commission in its earlier decisions and the Commission has disallowed the claims in respect of impact of GST Laws on O&M expenses and carrying cost.

4. Learned counsel for the Respondent No.1, MPPMCL submitted that the Respondent has already filed its reply to the Petition, which may be taken into the consideration.

5. After hearing the learned counsel for the parties, the Commission reserved the matter for order.

By order of the Commission

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