

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 541/MP/2020

- Subject : Clarification Petition under Section 79(1)(f) and Section 94 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Section 151 of Code of Civil Procedure seeking clarification of order dated 5.2.2019 passed by this Commission in Petition No. 192/MP/2018.
- Date of Hearing : 22.4.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Phelan Energy India RJ Private Limited (PEIRJPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and 4 Ors.
- Parties Present : Shri Suit Ghosh, Advocate, PEIRJPL
Ms. Mannat Waraich, Advocate, PEIRJPL
Ms. Pratiksha Chaturvedi, Advocate, PEIRJPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Shrishti Khindaria, Advocate, SECI
Ms. Neha Singh, SECI
Shri Ajay Kumar Sinha, SECI
Shri Uday Pavan Kumar Kruthiventi, SECI
Shri Abhinav Kumar, SECI

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 clarification of the Commission's order dated 5.2.2019 in Petition No. 192/MP/2018 and to allow compensation on account of introduction of GST Laws for goods and services which have been procured before and after commissioning of the project. Learned counsel submitted that SECI has refused to consider the Petitioner's IGST claims for certain modules on the ground that their invoicing on the Petitioner took place after the Commercial Operation Date ('CoD') regardless of the fact that they were effectively imported and liability to pay IGST thereon had accrued prior to CoD.

3. In response to the specific query of the Commission regarding necessary clarification having already been provided by the Commission in its order dated 24.1.2021 in Petition No. 157/MP/2018, order dated 28.1.2020 in 67/MP/2019 and



Anr., learned senior counsel for the Respondent, SECI replied in positive and submitted that the issues raised in the present Petition are squarely covered by the various orders of the Commission and the Petitioner's requests are in deviation to the aforesaid orders. Learned senior counsel further sought liberty to file his written submission incorporating the aforesaid decisions, which squarely covers the clarifications sought for by the Petitioner.

4. In response, the learned counsel for the Petitioner submitted that the Petitioner's requests are not in deviation to the orders of the Commission.

5. After hearing the learned counsel for the Petitioner and learned senior counsel for the Respondent, SECI, the Commission admitted the Petition and directed to issue notice to the Respondents.

6. The Commission further directed the Respondents to file their written submissions, by 14.5.2021 with advance copy to the Petitioner, who may file its response thereon by 28.5.2021.

7. 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)
Joint Chief (Law)**