

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 543/MP/2020

- Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 read with Article 12.2 of the Power Purchase Agreement dated 9.8.2016 executed between the Petitioner and NTPC for seeking approval of Change in Law event due to enactment of Telangana Tax on Entry of Goods into Local Areas Act, 2001 read with judgment dated 11.11.2016 titled 'Jindal Stainless Limited and Anr. v. State of Haryana & Ors. and Batch (Civil Appeal Nos. 3453 of 2002) read with Show Cause Notice dated 2.1.2020 issued by Commercial Taxes Department, Government of Telangana and Assessment Order dated 11.2.2020 pronounced by Commercial Tax Officer, Mahboobnager Circle, Nalgonda Division, Telangana read with Hon'ble Telangana High Court order dated 4.3.2020.
- 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 : ACME Yamunanagar Solar Power Private Limited (AYSPPL)
- Respondents : NTPC Limited (NTPC) and 2 Ors.
- Parties Present : Shri Hemant Sahai, Advocate, AYSPPPL
Shri Shreshth Sharma, Advocate, AYSPPPL
Ms. Jyotsna Khatri, Advocate, AYSPPPL
Shri Venkatesh, Advocate, NTPC
Shri Siddharth Joshi, Advocate, NTPC
Shri Amit Gupta, AYSPPPL
Ms. Meghna Chandra, AYSPPPL

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 imposition of entry tax for entry of goods in the State of Telangana through Telangana Tax on Entry of Goods into Local Areas Act, 2001 read with judgment dated 11.11.2016 in Civil Appeal No. 3453 of 2002 in the case of Jindal Stainless Limited & anr. v. State of Haryana & ors. and batch read with Show Cause Notice dated 2.1.2020 issued by Commercial Taxes Department, Government of Telangana and Assessment order dated 11.2.2020 pronounced by Commercial Tax Officer, Mahboobnager Circle, Nalgonda Division, Telangana read with Hon'ble Telangana High Court order dated 4.3.2020 constitutes

change in law event as per Article 12 of the Power Purchase Agreement and the consequent reimbursement for corresponding increase in the project cost.

3. Learned counsel for the Respondent No.1, NTPC accepted the notice and sought time to file reply to the Petition.

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

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply, if any, by 21.5.2021 with advance copy to the Petitioner, who may file its rejoinder, if any, by 14.6.2021. The due date of filing of reply and rejoinder should be strictly complied with.

6. 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)**