

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 70/MP/2019

- Subject : Petition seeking an appropriate mechanism for grant of an appropriate adjustment/compensation to offset financial/commercial impact of Change in Law events on account of imposition of Goods and Service Tax.
- Date of Hearing : 9.11.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Solar Edge Power and Energy Private Limited (SEPEPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Shri Sujit Ghosh, Advocate, SEPEPL
Ms. Mannat Waraich, Advocate, SEPEPL
Shri Toshin Bishnoi, Advocate, SEPEPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Neha Singh, SECI

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the Petitioner and SECI have reconciled the Petitioner's Change in Law claims relating to enactment of GST Laws. The learned counsel placed its reliance on the letter of SECI dated 6.9.2021 to indicate the admitted GST claims till Commercial Operation Date ('COD'), amount of monthly annuity payment and the upfront lump sum amount (i.e. monthly annuity payment from COD of the project till the date of payment) to be paid under annuity mode of payment assuming the date of payment to be 31.8.2021. It was further submitted that despite directions of Ministry of New & Renewable Energy dated 12.3.2020 and 23.3.2020 that there is no need to ask every developer to approach the Commission for seeking order individually, SECI is yet to disburse such amount.

3. The learned senior counsel for the Respondent, SECI submitted that the reconciliation of claims between the Petitioner and SECI has been completed and SECI had sent the reconciled claims to the buying entity, namely, MSEDCL, which has, however, neither commented upon nor objected to the said amount. The learned senior counsel requested to grant 60 days' time to SECI from the date of order for making the annuity payment in terms of the order dated 20.8.2021 in Petition No. 536/MP/2020 and Ors. He further added that certain documents in

relation to the claims are yet to be provided by the Petitioner. The learned senior counsel further sought liberty to file a short note of submissions in the matter.

4. In rebuttal, the learned counsel for the Petitioner submitted that since the Petitioner is facing severe financial difficulties, SECI's request for grant of 60 days' time to make payment may not be allowed as all the requisite details/ documents have already been furnished to SECI on 20.7.2021.

5. After hearing the learned senior counsel and learned counsel for the parties, the Respondent, SECI was directed to upload its note of submissions during the course of the day with copy to the Petitioner.

6. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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