

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.209/MP/2022**

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Electricity (Timely Recovery of Cost due to Change in Law) Rules, 2021 for seeking an appropriate adjustment/compensation to offset financial/commercial impact of change in law events on account of increase in the rate of goods and service tax from 5% to 12% by way of Notification No.8/2021-Central Tax (Rate) dated 30.9.2021 in terms of the Article 21 of the Power Purchase Agreement dated 25.10.2019 between Ostro Energy Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : 13.12.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Ostro Energy Private Limited (OEPL)
- Respondents : Solar Energy Corporation of India Limited and Anr.
- Parties Present : Shri Mridul Gupta, Advocate, OEPL  
Ms. Mannat Waraich, Advocate, OEPL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that present Petition has been filed seeking appropriate adjustment/compensation to offset financial/commercial impact of Change in Law event, namely, introduction of Notification NJo.8/2021-Central Tax (Rate) dated 30.9.2021 which has resulted in increase in rate of Goods and Services Tax (GST) on renewable energy devices and parts, specifically Windmills, Wind Operated Electricity Generator from 5% to 12%. Learned counsel further submitted the Petitioner's entire project capacity of 50 MW has now achieved the commercial operation and accordingly, sought liberty to file an auditor certificate indicating the financial impact of the aforesaid Change in Law event.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition within three weeks after serving copy of the same to the Petitioner, who may file its rejoinder within three weeks thereafter.
- (c) The Petitioner is permitted to file an auditor certificate along with its rejoinder.

(d) Parties to comply with the above directions within the above timelines and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 14.3.2023.

**By order of the Commission**

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