

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 238/MP/2021**

- Subject : Petition under Section 79(1)(f) read with Section 142 of the Electricity Act, 2003 in terms of the orders dated 9.10.2018, 12.4.2019 and 18.4.2019 passed by the Commission in Petition No. 188/MP/2017 and Batch, Petition No. 206/MP/2018 and Batch and Petition No. 164/MP/2018 and Batch respectively seeking consequential recovery of the amount of Rs. 22.66 crores from Karnataka Discoms, paid by the Petitioner as an Intermediary Procurer to Solar Power Developers towards the claim of 'Change in Law' allowed by this Commission.
- Date of Hearing : 24.3.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : National Thermal Power Corporation Limited (NTPC)
- Respondents : Mangalore Electricity Supply Company Limited (MESCOM) and 6 Ors.
- Parties Present : Shri Venkatesh, Advocate, NTPC  
Shri Jatin Ghuliani, Advocate, NTPC  
Ms. Isnain Muzami, Advocate, NTPC  
Ms. Sumana Naganand, Advocate, MESCOM  
Ms. Medha M Puranik, Advocate, MESCOM  
Shri Ishpaul Uppal, NTPC  
Shri V. V Sivakumar, NTPC

**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 direction upon the Respondents No. 1 to 4, Karnataka Distribution Companies ('Discoms'), in term of orders dated 9.10.2018, 12.4.2019 and 18.4.2019 passed by the Commission in Petition No. 188/MP/2017 & batch, Petition No. 206/MP/2018 & batch and Petition No. 164/MP/2018 & batch respectively, wherein the Commission had upheld the promulgation of GST Laws as Change in Law event and consequent thereto the Karnataka Discoms were directed to pay the amount computed by the Solar Power Developers and paid by the Petitioner as an intermediary procurer towards the claims of Change in Law compensation, on back-to-back basis.

3. Learned counsel appearing on behalf of Respondents No.1, 2 & 4, submitted that the Respondents have already made the payment to the Petitioner and the Respondents may be permitted to file a compliance affidavit in this regard.

4. 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 immediately, if not already served and the Respondents to file their reply, if any, by 18.4.2022 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 29.4.2022.
- (c) The Respondents No. 1 to 4, Karnataka Discoms to include the status of payment to the Petitioner in their reply and the Petitioner to confirm the receipt of such payment in its rejoinder.
- (d) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

5. The Petition may 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)**