

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 268/MP/2021

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 12 of the long-term Power Purchase Agreement dated 17.10.2019 entered into between Powerica Limited and Solar Energy Corporation of India Limited for approval of Change in Law events and consequential compensation.

Date of Hearing : 22.8.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Powerica Limited

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Parties Present : Ms. Divya Chaturvedi, Advocate, Powerica
Shri Saransh Shaw, Advocate, Powerica
Shri Parveen Arora, Powerica
Ms. Suruchi Kotoky, Powerica
Shri Jayendra Rane, Powerica
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Shubham Mishra, SECI
Ms. Neha Singh, SECI
Ms. Aditee Nitnavare, 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*, for approval of Change in Law and consequential relief to compensate the Petitioner for increase in Project cost due to revision of GST applicable on renewable energy devices and manufacturing parts for wind mills and wind operated electricity generators, notified by the Ministry of Finance, Department of Revenue, vide its Notification No. 8/2021 dated 30.9.2021. Learned counsel submitted that initially the present Petition was disposed of by the Commission vide its order dated 14.2.2022 in view of the notification of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021. However, subsequently, in view of the judgment of the Appellate Tribunal for Electricity dated 5.4.2022 in OP No.1 of 2022 and Ors., the Commission vide its order dated 14.6.2022 in suo-motu Petition No. 8/SM/2022, *inter-alia*, restored the present Petition. Learned counsel added that the entire Project of the Petitioner has now achieved the commercial operation and the Petitioner has also kept SECI apprised of the Petitioner's Change in Law claim and the requisite details/documents in support thereof.



3. Learned counsel for the Respondent, SECI accepted the notice and sought time to file reply to the Petition. Learned counsel pointed out that the Petition is yet to be admitted by the Commission as pursuant to enactment of the Change in Law Rules, the Petition was disposed of at the admission stage.

4. After hearing the learned counsel for the parties, 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, if any, within two weeks after serving copy of the same to the Petitioner, who may file its rejoinder within a week thereafter.

(c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

5. The Petition shall be listed for hearing on 29.11.2022.

By order of the Commission

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