

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 52/MP/2019 along with IA No. 78/2021**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief to compensate for the increase in capital cost due to introduction of Central Goods and Services Tax Act 2017, the Integrated Goods and Services Tax Act, 2017 and the State Goods and Services Tax Acts enacted by respective States, in terms of Article 12 of the Power Purchase Agreement dated 2.8.2016 between Solitaire Powertech Private Limited and Solar Energy Corporation of India Limited.

Date of Hearing : 5.7.2022

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

Petitioner : Solitaire Powertech Private Limited (SPPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 5 Ors.

Parties Present : Shri Hemant Sahai, Advocate, SPPL  
Shri Nitish Gupta, Advocate, SPPL  
Shri Nishant Talwar, Advocate, SPPL  
Shri Utkarsh Singh, Advocate, SPPL  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Shri Vikas Bamrara, SPPL  
Ms. Neha Singh, SECI

**Record of Proceedings**

Case was called out for virtual hearing.

2. At the outset, learned senior counsel for the Respondent No.1, SECI submitted that the reconciliation process of the Petitioner's Change in Law claims relating to GST Laws has already completed and agreed upon between the parties and accordingly, the Commission may pass an appropriate order in terms thereof. Learned senior counsel sought liberty to place on record the details relating to the reconciliation process.

3. Learned counsel for the Petitioner confirmed that the amount for the Change in Law claims of the Petitioner has been reconciled with SECI. Learned counsel further submitted that under the annuity mode of payment, upfront lump sum amount has been calculated by assuming the date of payment to be 28<sup>th</sup> February, 2022. However, since four months have already elapsed from the said date, SECI may be directed to pay the monthly annuity amount for elapsed period as upfront lumpsum amount. Learned counsel added that while the Commission in its order dated 20.8.2021 in Petition No. 536/MP/2020 and Ors. has permitted SECI to make the payment of



upfront lumpsum amount within the period of 60 days from the order, keeping in view that the considerable period has already elapsed and the Petitioner is facing severe financial stress, SECI may be directed to make such payment in the reduced timeline.

4. After hearing the learned senior counsel for SECI and the learned counsel for the Petitioner, the Commission directed the parties to file their respective note of submissions within a week with copy to the other side.

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

**By order of the Commission**

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