

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.113/MP/2023**

- Subject : Petition under section 79 (1) (a) of the Electricity Act, 2003 read with Article 10 of the Power Usage Agreements executed between NTPC Ltd. and Telangana State Distribution Companies Limited, seeking compensation due to increase in costs on account of change in rate of Goods & Services Tax amounting to a Change in Law event with respect to 20 MW Gandhar and 56 MW Kawas Solar PV Power Projects having Project capacity of totalling to 76 MW under CPSU scheme phase-II tranche II and the tariff was adopted by CERC vide order dated 13.12.2021 in Petition no 174/AT/2021.
- Date of Hearing : **16.8.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : NTPC Limited (NTPC)
- Respondents : Telangana State Southern Power Distribution Co. Ltd. and 2 Ors.
- Parties Present : Shri Adarsh Tripathi, Advocate, NTPC  
Shri Ajitesh Garg, Advocate, NTPC

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking declaration that change in applicable Goods and Services Tax rate brought about by the Ministry of Finance, Govt. of India's Notification No. 8/2021-Intergrated Tax (Rate) dated 30.9.2021 amounts to Change in Law events in terms of Power Usage Agreements (PUAs) entered into between the Petitioner and Telangana Discoms and for compensation to reconstitute the Petitioner to the same economic position as if the said Change in Law event had not taken place. Learned counsel submitted that pursuant to the occurrence of the aforesaid Change in Law event, the Petitioner had repeatedly written to the Respondents to compensate the Petitioner as per the PUAs. However, so far, no response has been received from them.

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

- (a) Admit. Issue notice to the Respondents.

(b) The Respondents to file their reply to the Petition, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder, within three weeks thereafter.

3. The Petition shall be listed for hearing on **8.11.2023**.

**By order of the Commission**

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