

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.163/MP/2022**

- Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioners and NTPC Limited dated 12.5.2016, inter alia, seeking relief on account of Change in Law viz. the introduction of Goods and Service Tax laws and seeking refund of amounts wrongfully sought to be deducted from the monthly tariff payable to the Petitioners putatively in lieu of Change in Law compensation paid earlier.
- Date of Hearing : **3.8.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Rising Sun Energy Private Limited (RSEPL) and 2 Ors.
- Respondents : NTPC Limited (NTPC) and 2 Ors.
- Parties Present : Shri Jafar Alam, Advocate, RSEPL  
Shri Sahil Kaul, Advocate, RSEPL  
Shri Adarsh Tripathi, Advocate, NTPC  
Shri Ajitesh Garg, Advocate, NTPC  
Ms. Shraddha Deshmukh, Advocate, RUVNL  
Shri Utkarsh, Advocate, RUVNL

**Record of Proceedings**

At the outset, learned counsel for the Respondent No.1, NTPC submitted that despite the entire arrangement of generation and supply of power under the Power Purchase Agreements dated 12.5.2016 (between Petitioners & NTPC) and the Power Supply Agreement dated 26.2.2016 (between NTPC & RUVNL) being back-to-back in nature, NTPC had proceeded with making payment to the Petitioner for its Change in Law claims without having received such payment from RUVNL. Learned counsel further submitted that part-payment has already been made by NTPC to the Petitioners and since RUVNL is also a party to the present case, time bound directions may also be issued to RUVNL to make the corresponding payment to NTPC. Learned counsel indicated that there is no difficulty at NTPC's end insofar as the reconciliation of the Petitioners' Change in Law claims is concerned. However, certain additional documents / details were requisitioned by RUVNL in its letter which was duly informed to the Petitioners herein. Learned counsel added that while RUVNL has already filed its reply, it may also be heard prior to issuing any order in the matter.

2. Learned counsel for the Petitioners submitted that the Petitioners have already provided all the requisite details/ information in support of their Change in Law claims.
3. None was present on behalf of the Respondent, RUVNL, when the matter was called out.
4. Considering the submissions made by the learned counsel for the Petitioners and the Respondent, NTPC, the Commission deemed it appropriate to adjourn the matter to give one last opportunity of oral hearing to the Respondent, RUVNL.
5. The Petition shall be listed for hearing **on 16.8.2023**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**