

**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 : **10.11.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Rising Sun Energy Private Limited (RESPL) and 2 Ors.
- Respondents : NTPC Limited and 2 Ors.
- Parties Present : Shri Syed Jafar Alam, Advocate, RESPL  
Shri Arun Kumar Midha, RESPL  
Ms. Shraddha Deshmukh, Advocate, RUVNL  
Shri Utkarsh Kokcha, Advocate, RUVNL  
Shri Adarsh Tripathi, Advocate, NTPC  
Shri Ajitesh Garg, Advocate, NTPC

**Record of Proceedings**

At the outset, learned counsel for Petitioner submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 9.10.2023, the Respondent, NTPC has made the payment towards the reconciled amount of the Petitioner's Change in Law claims.

2. Learned counsel for the Respondent, NTPC submitted that the Respondent, RUVNL has also made payments to NTPC towards the reconciled amount of Change in Law claims and insofar as the balance un-reconciled claims (approx. 5% of the total claims) are concerned, the parties may be permitted to file their respective submissions on this aspect and the Commission may, thereafter, adjudicate upon the unresolved issue relating to such un-reconciled amount.

3. Learned counsel for the Petitioner added that apart from the un-reconciled amount, the Commission may also be required to decide upon certain principles such as post-COD liabilities, O&M liabilities, etc.

4. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Petitioner to file its submissions on remaining/ unresolved



issues involved in the Petition within three weeks with a copy to the Respondents, who may also file their respective submissions within three weeks thereafter.

5. The Petition will be listed for hearing on **16.2.2024**.

**By order of the Commission**

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