

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 164/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 27.07.2016, executed between Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : National Thermal Power Corporation Limited and Others.

Petition No. 165/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 02.08.2016, executed between the Parampujya Solar Energy Pvt. Ltd. (PSEPL) and Solar Energy Corporation of India Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 206/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 26.12.2016, executed between Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : NTPC Limited and Others.

Petition No. 209/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 23.08.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : NTPC Limited and Others.



Petition No. 226/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 27.07.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : NTPC Limited and Others.

Petition No. 212/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 19.07.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and Solar Energy Corporation of India, for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd (PSEPL).

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 207/MP/2018

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Limited and Solar Energy Corporation of India Limited, for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 210/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 352/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 355/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 358/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 359/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 388/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 22.09.2016, executed between Wardha Solar (Maharashtra) Private Ltd. and

Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Wardha Solar (Maharashtra) Private Limited.

Respondents : Solar Energy Corporation of India Limited and Others.

Petition No. 395/MP/2018

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 04.08.2016, executed between the Parampujya Solar Energy Pvt. Ltd. and NTPC Ltd., for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Pvt. Ltd. (PSEPL).

Respondents : NTPC Limited and Others.

Petition No. 4/MP/2019

Subject : Petition under Section 79 the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 02.08.2016, executed between Parampujya Solar Energy Private Limited. and Solar Energy Corporation of India Ltd. for seeking approval of Change in Law events due to enactment of the GST Laws.

Petitioner : Parampujya Solar Energy Private Limited (PSEPL).

Respondents : National Thermal Power Corporation Ltd. (NTPC) and Others.

Petition No. 43/MP/2019

Subject : Petition under Sections 79 of the Electricity Act, 2003 read with Article 12 of the PPAs dated 16.09.2016 claiming Carrying Cost on Change in Law compensation granted by the Order of the Ld. Commission dated 19.9.2018 in Petition No 50/MP/2018.

Petitioner : Prayatna Developers Private Limited (PDPL).

Respondents : National Thermal Power Corporation Limited & Ors.

Date of Hearing : **14.2.2023**

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

Parties Present : Ms. Poonam Verma, Advocate, PSEPL
Ms. Sakshi Kapoor, Advocate, PSEPL
Shri Adarsh Tripathi, Advocate, NTPC
Shri Apoorv Kurup, Advocate, CSPDCL

Ms. Nidhi Mittal, Advocate, CSPDCL
Ms. Srishti Khindaria, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Shri Anand K Ganeshan, Advocate, Karnataka Discoms
Ms. Swapna Sweshani, Advocate, Karnataka Discoms
Ms. Ritu Apurva, Advocate, Karnataka Discoms

Record of Proceedings

At the outset, learned counsel for the Respondent, NTPC submitted that these matters have been re-listed pursuant to the judgment of the Appellate Tribunal for Electricity dated 15.9.2022 in Appeal No.256 of 2019 & Ors. and that the Respondent may be permitted to file an additional affidavit, *inter-alia*, indicating the status of payments made to the generators and the payments received by NTPC from the distribution licensees. Learned counsel further submitted that the Commission also fix a time bound mechanism for distribution licensees to make payments to the intermediaries such as the Respondents for all such payments as have been made by the intermediaries to the generators. Learned counsel for the Respondent, CSPDCL also made similar request. Learned counsel pointed out that CSPDCL has also challenged the aforesaid judgment of APTEL before the Hon'ble Supreme Court on the aspect of jurisdiction of this Commission in Petition No.165/MP/2018. However, there is no stay on the judgment of the APTEL on the above aspect.

2. The learned counsel for the Petitioners also sought liberty to file their rejoinder, if required.
3. After hearing the learned counsel for the parties, the Commission permitted the Respondents in these matters to file their respective additional affidavit, if any, within two weeks with copy to the Petitioners, who may file its response thereon, if any, within two weeks thereafter.
4. Subject to the above, the Commission reserved the matters for order.

By order of the Commission

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