

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.65/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 before the Central Electricity Regulatory Commission for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events on account of increase in rate of goods and services tax from 5% to 12% by way of Notification No.8/2021 – Central Tax (Rate) dated 30.9.2021 and on account of increase in the rate of goods and services tax paid (impact) at the rate of 4.9% (70% of 7% GST increase) as per the Notification No. 24/2018 – Central Tax (Rate) dated 31.12.2018, in terms of Article 12 of the Power Purchase Agreement dated 11.02.2020 between GRT Jewellers (India) Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : 10.5.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : GRT Jewellers (India) Private Limited (GRTJIPL)
- Respondent : Solar Energy Corporation of India Limited (SECI)
- Parties Present : Shri Anand Ganesan, Advocate, GRTJIPL
Ms. Kriti Soni, Advocate, GRTJIPL
Ms. Aishwarya Subramani, Advocate, GRTJIPL
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking appropriate compensation to off-set the financial/ commercial impact of the Change in Law events, viz. (i) increase in rate of Goods and Services Tax from 5% to 12% by way of Notification No. 8/2021- Central Tax (Rate) dated 30.9.2021 and (ii) increase in the rate of Goods & Services Tax paid at the rate of 4.9% (i.e. 70% of 7% GST increase) as per the Notification No. 24/2018 – Central Tax (Rate) dated 31.12.2018 in terms of Article 12 of the Power Purchase Agreement (PPA) dated 11.2.2020 executed between the Petitioner and SECI.

2. Learned counsel for the Respondent, SECI accepted the notice and sought time to file reply to the Petition. Learned counsel further submitted that the Petitioner ought to be directed to implead the buying entities/end-procurers i.e. Bihar distribution licensees. In response, learned counsel for the Petitioner submitted that the Petitioner will implead the buying entities/distribution licensees as indicated by SECI.



3. In response to the specific query of the Commission regarding the Petitioner, *inter alia*, seeking declaration of Change in Law events under the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules'), learned counsel for the Petitioner clarified that keeping in view that Change in Law events claimed by the Petitioner predate the notification of Change in Law Rules, the Petitioner is only seeking declaration in terms of the PPA and will file an appropriate affidavit to the above effect.

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

(a) The Petitioner to implead the Bihar Distribution licensees as party to the Petition and to file a revised memo of parties within a week.

(b) Admit. Issue notice to the Respondents.

(c) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply, if any, within six weeks with copy to the Petitioner who may file its rejoinder, within six weeks thereafter.

(d) The Petitioner to file its affidavit, if any, in terms of para 3 above, within three weeks

(e) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 15.9.2023.

By order of the Commission

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