



नई दिल्ली  
NEW DELHI

याचिका संख्या./ Petition No.179/MP/2020

कोरम/ Coram:

श्री आई. एस. झा, सदस्य/ Shri I. S. Jha, Member  
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member  
श्री पी. के. सिंह, सदस्य / Shri P. K. Singh, Member

आदेश दिनांक/ Date of Order: 24<sup>th</sup> of January, 2023

**IN THE MATTER OF:**

Petition under Section 79 of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreements dated 19.7.2016, 21.10.2016, 21.10.2016 and 13.1.2017 executed between Tata Power Renewable Energy Limited and Solar Energy Corporation of India Limited for seeking compensation on account of Change in Law events due to enactment of GST Laws.

**AND IN THE MATTER OF:**

**Tata Power Renewable Energy Limited**  
Corporate Centre A,  
34 Sant Tukaram Road,  
Carnac Bunder, Mumbai 400 009,  
Maharashtra, India

...Petitioner

**VERSUS**

- Solar Energy Corporation of India Ltd.,**  
1<sup>st</sup> Floor, A-Wing, 0-3,  
District Centre, Saket,  
New Delhi- 110017

2. **Maharashtra State Electricity Distribution Company Limited**  
Prakashgad, Plot No. G-9,  
Anant Kanekar Marg,  
Bandra East,  
Mumbai – 400 051
3. **Southern Power Distribution Company of Andhra Pradesh Limited**  
#19-13-65/A, Srinivasapuram Tiruchanoor Road,  
Tirupati – 517503, Chittoor District,  
Andhra Pradesh
4. **Eastern Power Distribution Company of Andhra Pradesh Limited**  
Corporate Office,  
P&T Colony, Seethammadhara,  
Visakhapatnam.
5. **Gujarat Urja Vikas Nigam Limited**  
Sardar Patel Vidyut Bhavan, Race Course,  
Vadodara – 390 007, Gujarat

...Respondents

#### **ADDENDUM ORDER**

It was observed by the Commission that the Order dated 09.01.2023 passed in Petition No. 179/MP/2020 needs a clarification, in view of the order of the Hon'ble Supreme Court passed in the Civil Appeal no 8880 of 2022. In order to clarify, the following paragraph shall be added after Para 35 of the Order dated 09.01.2023 in Petition No. 179/MP/2020:

“35 A. The Hon'ble Supreme Court vide Order dated 12.12.2022 in Civil Appeal No.8880 of 2022 in the case of *Telangana Northern Power Distribution Company Ltd. & Anr. v. Parampujya Solar Energy Pvt. Ltd. & Ors.* has held as under:

*“2. Pending further orders, the Central Electricity Regulatory Commission (CERC) shall comply with the directions issued in paragraph 109 of the impugned order dated 15 September 2022 of the Appellate Tribunal for Electricity. However, the final order of the CERC shall not be enforced pending further orders.”*

Thus, the directions with regard Carrying Cost in Para 32 of this order which were issued in the light of the principle decided by APTEL in judgement dated 15.9.2022 in Appeal No.256 of 2019 (Parampujya Solar Energy Ltd Vs. CERC) & batch appeals shall not be enforced and will be subject to further orders of the Hon'ble Supreme Court in Civil Appeal No. 8880 of

2022 in Telangana Northern Power Distribution Company Ltd. & Anr. V. Parampujya Solar Energy Pvt. Ltd. & Ors.”

2. Except for the above, all other terms and conditions in the Order dated 09.01.2023 shall remain unaltered.

Sd/-  
पी. के. सिंह  
(सदस्य)

Sd/-  
अरुण गोयल  
(सदस्य)

Sd/-  
आई. एस. झा  
(सदस्य)