

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 189/MP/2024

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Chapter IV of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 and Article 17 of the Power Purchase Agreements dated 25.11.2021 seeking an appropriate adjustment / compensation to offset financial /commercial impact of Change in Law events on account of increase in the Rate of Goods and Services Tax from 5% to 12%/18% by way of Notification No. 8/2021- Central Tax (Rate) dated 30.9.2021 and grant of consequential relief thereto.

Petitioner : Beempower Energy Private Limited (BEPL)

Respondents : Madhya Pradesh Power Management Co. Ltd. and Ors.

Date of Hearing : **28.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Ms. Mannat Waraich, Advocate, BEPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking an appropriate adjustment/compensation to offset the financial/commercial impact of the Change in Law event on account of an increase in the rate of Goods and Service Tax from 5% to 12%/18% by way of Notification No.8/2021-Central Tax (Rate) and Notification No.8/2021-Intergrated Tax (Rate) dated 30.9.2021 and consequently, devise an appropriate mechanisms for compensation to the Petitioner along with carrying cost and interest thereon. Learned counsel further submitted that the issue involved in the matter is squarely covered by the earlier order(s) of this Commission wherein the Commission has already recognized the above event as a Change in Law and has granted an appropriate relief(s) to the generators. Learned counsel also added that vide Record of Proceedings for hearing dated 19.9.2024, a notice was issued to the Respondents, permitting them to file their reply, if any, within two weeks. However, none of the Respondents have filed any reply and if the Commission deemed fit, a final opportunity may be accorded to the Respondents to file their reply, if any.

2. None was present on behalf of the Respondents despite the notice.
3. Considering the submissions made by the learned counsel for the Petitioner, the Commission deemed it appropriate to permit the Respondents a last opportunity

to file their reply, if any, within two weeks with a copy to the Petitioner, who may file its rejoinder(s), within a week thereafter.

4. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)