

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 204/MP/2024

- Subject : Petition under Section 79 of the Electricity Act, 2003 and the Power Purchase Agreement dated 12.4.2022 between AMP Energy Green Five Pvt. Ltd and Solar Energy Corporation of India Ltd. seeking compensation and relief on account of allowed change in law events being increase in Goods and Service Tax on Solar Modules and renewable energy equipment from 5% to 12% pursuant to the Ministry of Finance Notification No. 08/2021 - Integrated Tax (Rate) and Notification No. 8/2021 - Central Tax (Rate) dated 30.9.2021 and the Order dated 19.4.2021 passed by the Supreme Court in WP(C) No. 838 of 2019 pursuant to this Commission's Order dated 8.3.2023 in Petition No. 245/AT/2022
- Petitioners : AMP Energy Green Private Limited and Anr.
- Respondents : Solar Energy Corporation of India Limited (SECI) and Ors.
- Date of Hearing : **19.9.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Sujit Ghosh, Sr. Advocate, AMP Energy
Ms. Mannat Waraich Advocate, AMP Energy
Ms. Ananya Goswami, Advocate, AMP Energy
Ms. Shikha Ohri, Advocate, SECI
Shri Kartik Sharma, Advocate, SECI
Ms. Ritika Singh, Advocate, SECI

Record of Proceedings

Learned senior counsel for the Petitioners submitted that the instant Petition has been filed *inter alia* seeking compensation on account of Change in Law events viz. (i) increase in rate of Goods and Service Tax on Solar Modules and renewable energy equipment from 5% to 12% pursuant to the GST notification dated 30.9.2021, and (ii) GIB Order dated 19.4.2021 passed by the Hon'ble Supreme Court in WP(C) No. 838 of 2019. Learned counsel further submitted that by an additional affidavit dated 14.6.2024, the Petitioners have also placed on record a copy of the CA certificates certifying the additional expenditure incurred by the Petitioner No.2 (SPV of Petition No.1) on account of (i) increase in GST rates to the tune of Rs., 19,61,12,748/- and (ii) installation of Bird Diverters amounting to Rs. 7,52,232/-.

2. In response to the specific query of the Commission regarding the commercial operation of its Project, learned senior counsel for the Petitioners submitted that the Project of the Petitioner No.2 achieved the commercial operation on 7.6.2024 as against the extended Scheduled Commercial Operate Date of September 2024.

3. Learned counsel for the Respondent, SECI accepted the notice and sought time to file a reply.
4. Considering the submissions made by the learned senior counsel for the Petitioners, the Commission ordered as under:
 - (a) Admit and issue notice to the Respondents subject to just exceptions;
 - (b) The Respondents to file their reply, if any, within three weeks with a copy to the Petitioners, who may file their rejoinder, if any, within three weeks thereafter; and
 - (c) The Petitioners to also clarify the status of commissioning of their Project(s) and reasons for extension in SCOD of the Project(s), on an affidavit, within two weeks.
5. The Petition will be listed for hearing on **26.11.2024**.

By order of the Commission

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