

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.78/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement dated 20.8.2021 executed by the Petitioner and Solar Energy Corporation of India, seeking relief on account of a Change in Law viz. increase in the rate of Goods and Services Tax.

Petitioner : Thar Surya 1 Private Limited (TSPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Date of Hearing : 12.2.2024

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Syed Jafar Alam, Advocate, TSPL
Shri Ashwin Ramanathan, Advocate, TSPL
Shri Parth Parik, Advocate, TSPL
Ms. Pallavi Maitra, Advocate, BRPL & BYPL
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Ms. Jaya, BSES

Record of Proceedings

At the outset, the learned proxy counsel appearing on behalf of Respondent No.2, BRPL and Respondent No.3, BYPL, prayed for an adjournment on the ground of arguing counsel being pre-occupied in a part-heard matter before another forum. Learned counsel further stated that while Respondent No.2, BRPL, has already filed a reply in the matter, additional time may be allowed for Respondent No.3, BYPL, to file its reply.

2. In response, the learned counsel for the Petitioner submitted that the present Petition seeking a relief on account of a Change in Law viz. increase in the rate of GST, is squarely covered by the earlier orders of the Commission. Learned counsel pointed out that despite granting a number of opportunities to Respondent No. 3 to file its reply no reply has been filed by it so far.

3. Considering the submissions made by the learned counsel for the parties, the Commission observed that notice in the matter was issued way back on 16.5.2023, permitting the Respondents to file their replies, if any, within four weeks thereafter. Subsequently, vide Record of Proceedings for the hearing dated 20.9.2023, Respondents 2 & 3 were again permitted three weeks' time to file their replies. Thereafter, on 28.11.2023, the learned counsel for Respondents 2 & 3 again sought permission to upload their reply on the e-filing portal of the Commission, pursuant to which Respondent No.2, i.e. BRPL appears to have filed/uploaded its reply on the e-

filing portal, Respondent No. 3, BYPL has again sought liberty / additional time to file its reply. Thus, despite having been given ample opportunities to file the reply in the matter, Respondent No. 3, BYPL, has failed to adhere to the timelines and file its reply in the matter and deliberately did not upload its reply after seeking permission to upload it on 28.11.2023. The Commission took a strong exception to such casual approach of Respondent No. 3 and allowed the prayer to upload its reply within a week of this Record of Proceedings at a cost of Rs. Ten Thousand. The Petitioner may file its rejoinder, if any, within two weeks thereafter.

4. The Petition will be listed for hearing on **26.3.2024**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)