

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 294/MP/2024

- Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreements dated 19.10.2020 between Avaada Sunrays Energy Pvt. Ltd. and NHPC Limited seeking declaration that (i) Change in Goods and Service Tax from 5% to 12% and 13.8%, respectively, w.e.f 1.10.2021 by way of GST Amendment Notifications dated 30.9.2021, and (ii) requirement of installation of bird diverters on overhead transmission lines in terms of the order dated 19.4.2021 issued by the Hon'ble Supreme Court W.P (C) No. 839 of 2019 qualifies as Change in Law events under Article 12 of the PPA and consequently, directions to NHPC Ltd. to compensate the Petitioner towards the additional expenditure incurred on account of the Change in Law events along with carrying cost.
- Petitioner : Avaada Sunrays Energy Private Limited (ASEPL)
- Respondents : NHPC Limited and Ors.
- Date of Hearing : **29.1.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Abhishek Kumar, Advocate, ASEPL
Ms. Shubham Mudgil, Advocate, ASEPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* declaration that (i) Change in Goods and Service Tax from 5% to 12% and 13.8%, respectively, w.e.f. 1.10.2021 by way of the GST Amendment Notifications dated 30.9.2021, and (ii) requirement of installation of bird diverters on overhead transmission lines in terms of the order dated 19.4.2021 issued by the Hon'ble Supreme Court W.P (C) No. 839 of 2019 qualify as Change in Law events under Article 12 of the Power Purchase Agreement dated 19.10.2020 and consequently, directions to NHPC Limited to compensate the Petitioner towards the additional expenditure incurred on account of the Change in Law events along with carrying cost.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

- (a) Admit and issue notice to the Respondents, subject to just exceptions.
- (b) The Respondents to file their respective replies to the Petition, if any, within six weeks with a copy to the Petitioner, who may also file its rejoinder, if any, within six weeks thereafter.

3. The Petition will be listed for the hearing on **29.5.2025**

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)