

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 365/MP/2025**

Subject : Petition under Section 79(1)(a)&(f) of the Electricity Act, 2003 seeking acknowledgement and declaration of increase in rate of Goods and Service Tax and subsequent increase in Usage Charges for 1990 MW Solar Projects is a Change in Law event in terms of Article 10 of the Power Usage Agreements.

Petitioner : NTPC Limited ('NTPC') and Anr.

Respondent : Indian Renewable Energy Development Agency Limited and Ors.

Date of Hearing : **19.2.2026**

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

Parties Present : Shri S. Venkatesh, Advocate, NTPC  
Shri Vineet Kumar, Advocate, NTPC  
Shri D. Abhinav Rao, Advocate, Telangana Discoms  
Shri D Abhishek Das, Advocate, Telangana Discoms  
Shri Aditya Singh, Advocate, MPPMCL

**Record of Proceedings**

The learned counsel for the Petitioners submitted that the present Petition has been filed, *inter alia*, seeking acknowledgement and declaration that the change in the rate of Goods and Services Tax from 5% to 12% by way of Notification No.8/2012 - Central Tax (Rate) dated 30.9.2021, w.e.f. 1.1.2021 and the subsequent increase in usage charges from Rs.2.45/kWh to Rs. 2.57/kWh, for 1990 MW Solar PV Projects, is a Change in Law event in terms of Article 10 of the Power Usage Agreements. The learned counsel further submitted that the Petitioners had approached this Commission by way of Petition No. 119/AT/2024 seeking adoption of usage charges for the Project under Section 63 of the Electricity Act, 2003. He added that while adopting the usage charges at Rs. 2.45 per unit by way of order dated 22.1.2025, this Commission was pleased to dispose of the said Petition while granting liberty to the Petitioners to file a separate Petition in respect of the differential increase in usage charges. The learned counsel further submitted that, unlike the general tariff-based competitive bidding, bidding under the CPSU Scheme Phase II was based on Viability Gap Funding and the usage charges were kept fixed. However, in view of the change in GST rates from 5% to 12% on account of the GST Amendment Notification after the cut-off date, the MNRE, by its Notification dated 16.9.2022, itself revised the maximum ceiling for usage charge from Rs. 2.45 per unit to Rs. 2.57 per unit. He also submitted that of the 10 PUAs executed between the Petitioners and Respondents herein, 6 PUAs have been executed with usage charges of Rs. 2.57/unit. The remaining 4



PUAs, which initially were executed with usage charges of Rs. 2.45/unit, have subsequently been amended to incorporate usage charges of Rs. 2.57/unit. Thus, the Respondents have already agreed to the enhanced usage charges of Rs. 2.57/unit on account of the GST Amendment Notification.

2. The learned counsels for the Respondents, Telangana Discoms & MPPMCL, submitted that the Respondents have filed their respective replies in the matter. Learned counsel for the Telangana Discoms, however, requested that the Petitioner be directed to share the calculation relating to the enhanced usage charge from Rs. 2.45 per unit to Rs. 2.57 per unit with the Telangana Discoms.

3. In response, the learned counsel for the Petitioner submitted that the usage charges were enhanced by MNRE itself, and the Petitioner had no role in that fixation.

4. After hearing the learned counsels for the parties, the Commission deemed it appropriate to grant one more opportunity to the remaining beneficiaries/procurers, namely, DVC, J&K Power Corporation Limited, and MES, to file their replies and/or make oral submissions. Accordingly, the matter was adjourned, and these Respondents were permitted to file their respective replies, if any, within three weeks with a copy to the Petitioners, who may file their rejoinder, if any, within two weeks thereafter.

5. The matter remained part-heard and will be listed for further hearing on **12.5.2026**.

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