

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.314/MP/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 for (i) approval of 'Change in Law'; and (ii) consequential relief to offset the financial/ commercial impact of the 'Change in Law' event i.e., increase in the rate of Goods and Services Tax from 5% to 12% by way of Notification No. 8/2021- Central Tax (Rate) dated 30.09.2021 issued by Ministry of Finance, Government of India, in terms of Article 12 of the Power Purchase Agreement dated 21.01.2019 between Netra Wind Private Limited and Solar Energy Corporation of India Limited.
- Date of Hearing : **14.7.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Netra Wind Private Limited (NWPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.
- Parties Present : Ms. Mazag Andrabi, Advocate, NWPL
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI
Shri Aditya Singh, Advocate, HPPC

Record of Proceedings

At the outset, learned counsel for the Respondent No.1, SECI submitted that while the Respondent has already served its reply on the Petitioner, it may be permitted to upload on the e-filing portal of the Commission.

2. Learned counsel for the Respondent No.2, HPPC sought liberty to file a reply in the matter.

3. In response to the observation of the Commission regarding the need for any further oral hearing in the matter, learned counsel for the Respondent, SECI pointed out that out of 300 MW of the Wind Power Project being developed by the Petitioner under the Power Purchase Agreement dated 21.1.2019, so far only 96.8 MW has achieved commercial operation, and the maximum permissible period for achieving commercial operation of the balance capacity, as per the PPA, also expires in August, 2023. Learned counsel further submitted that since the Petitioner has prayed for the Change in Law reliefs in respect of the entire Project capacity, the matter may be taken up for hearing after the month of August, 2023 to ascertain the actual Project capacity that comes up under the PPA. Learned counsel for the Respondent No.2 also prayed for one more opportunity of an oral hearing.



4. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents to file/upload their reply, if any, within two weeks with a copy to the Petitioner who may file their rejoinder, if any, within two weeks thereafter. Insofar as the request for another oral hearing in the matter, the Commission noted that despite having been given sufficient time to file their replies vide Record of Proceedings for the hearing dated 24.4.2023, the Respondents have failed to do so, and the Change in Law claim involved in the matter already stood covered by the earlier order(s) of the Commission.

5. The Petition shall be listed for hearing on **13.9.2023**.

By order of the Commission

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