

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.163/MP/2022**

- Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreements executed by the Petitioners and NTPC Limited dated 12.5.2016, inter alia, seeking relief on account of Change in Law viz. the introduction of Goods and Service Tax laws and seeking refund of amounts wrongfully sought to be deducted from the monthly tariff payable to the Petitioners putatively in lieu of Change in Law compensation paid earlier.
- Date of Hearing : **16.8.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Rising Sun Energy Private Limited (RSEPL) and 2 Ors.
- Respondents : NTPC Limited (NTPC) and 2 Ors.
- Parties Present : Shri Jafar Alam, Advocate, RSEPL  
Shri Adarsh Tripathi, Advocate, NTPC  
Shri Ajitesh Garg, Advocate, NTPC  
Ms. Shraddha Deshmukh, Advocate, RSEPL  
Shri B S Dandona, RSEPL  
Shri R. M. Birda, RSEPL

**Record of Proceedings**

During the course of the hearing, learned counsel for the Petitioners and the learned counsel for the Respondents, NTPC and RUVNL, made their respective submissions on the requirement of the various documents, including lorry receipts of all material indicating the receipt date, GSTR 1 & 3b of Rays Power Exports Pvt. Ltd., namely the Petitioner's contractor & module supplier, etc., for reconciliation of the Petitioners' Change in Law compensation claims.

2. Considering the submissions made by the parties and the request of the learned counsels for RUVNL and NTPC, the Commission permitted one last opportunity for the parties to jointly reconcile the Petitioner's Change in Law claims within two weeks. The Commission also clarified that while conducting the reconciliation, the Respondents shall duly consider the documents already made available by the Petitioners indicating the GST payments, and the requisition of any additional document(s) ought to be supported by just and reasonable grounds and ought not to be in the nature of a roving inquiry to fish out the details/ information that are not relevant & to delay the payment. The parties shall file the outcome of such joint reconciliation on an affidavit within a week after a joint meeting. In the meantime, interim direction issued by the Commission vide Record of Proceedings for the hearing dated 24.6.2022 will continue till the next date of hearing.



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

**By order of the Commission**

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