

**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 : **13.9.2023**
- 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 (RESPL) and 2 Ors.
- Respondents : NTPC Limited and 2 Ors.
- Parties Present : Shri Syed Jafar Alam, Advocate, RESPL
Shri Saahil Kaul, Advocate, RESPL
Shri B. S. Dandona, RESPL
Ms. Shraddha Deshmukh, Advocate, RUVNL
Shri R Birda, RUVNL
Shri Adarsh Tripathi, Advocate, NTPC
Shri Ajitesh Garg, Advocate, NTPC

Record of Proceedings

Due to a paucity of time, the matter could not be taken up for the hearing, and accordingly, the matter was adjourned. Learned counsel for the Respondent, RUVNL, however, pointed out that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 16.8.2023, approximately 95% of the Petitioners' Change in Law claims have been reconciled. Learned counsel for the Respondent, NTPC, also confirmed that except for an amount of Rs. 1.2 crore, all the balance claims of the Petitioners (approximately Rs 14.86 crore) have been reconciled. Learned counsel for the Respondent, NTPC, further submitted insofar as the payment of the reconciled amount is concerned, appropriate directions may be issued to the Respondent, RUVNL, to pay such amount to NTPC, which NTPC will in turn pay to the Petitioner after adjusting the amount already paid by NTPC to the Petitioner. Learned counsel for the Petitioners, however, objected to the said submission as advanced by the learned counsel for NTPC and submitted that NTPC cannot seek any prayers in the instant Petition filed by the Petitioners and NTPC be, accordingly, directed to release the payment towards the reconciled amounts.



2. After hearing the learned counsels for the parties, The Commission directed that the 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 will be listed for hearing on **9.10.2023**.

By order of the Commission

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