

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.78/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 and Article 12 read with Article 16.3.1 of the Power Purchase Agreement dated 20.8.2021 executed by the Petitioner and Solar Energy Corporation of India, seeking relief on account of a Change in Law viz. increase in the rate of Goods and Services Tax.
- Date of Hearing : **20.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Thar Surya 1 Private Limited (TSPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.
- Parties Present : Shri Saahil Kaul, Advocate, TSPL
Ms. Sonica Hayaran, TSPL
Shri Arijit Maitra, Advocate, BRPL & BYPL
Ms. Tanya Sareen, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI

Record of Proceedings

At the outset, learned counsel for the Petitioner sought liberty to file a rejoinder to the Respondent, SECI's reply in the matter.

2. Learned counsel for Respondents 2 & 3 submitted that the present Change in Law petition is bereft of the requisite details such as (i) actual cost incurred by the Petitioner due to Change in Law event, (ii) actual payment invoices, and (iii) increase in the tariff as per the formula for Change in Law relief as incorporated in the Power Purchase Agreement. Learned counsel submitted that the Petitioner ought to be directed to furnish such details along with the Petition.

3. In response, learned counsel for the Petitioner submitted that in terms of the various orders passed by the Commission involving Change in Law cases, all the details relating to the actual payment(s) are shared with the Respondents at the reconciliation stage once the Commission allows such Change in Law claims. Nonetheless, the Respondents may raise their concerns, if any, in their respective replies and the Petitioner may, thereafter, be permitted to file its rejoinder thereon.

4. Considering the submissions made by the learned counsel for the parties, the Commission permitted Respondents 2 & 3 to file their reply in the matter, if any,



within three weeks and the Petitioner may file its rejoinder(s) within three weeks thereafter.

5. The Petition will be listed for hearing on **21.11.2023**.

By order of the Commission

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